

Morality Play

**A COMPARATIVE STUDY OF THE USE OF EVIDENCE IN DRUG AND
PROSTITUTION POLICY IN AUSTRALIA AND THE UK**

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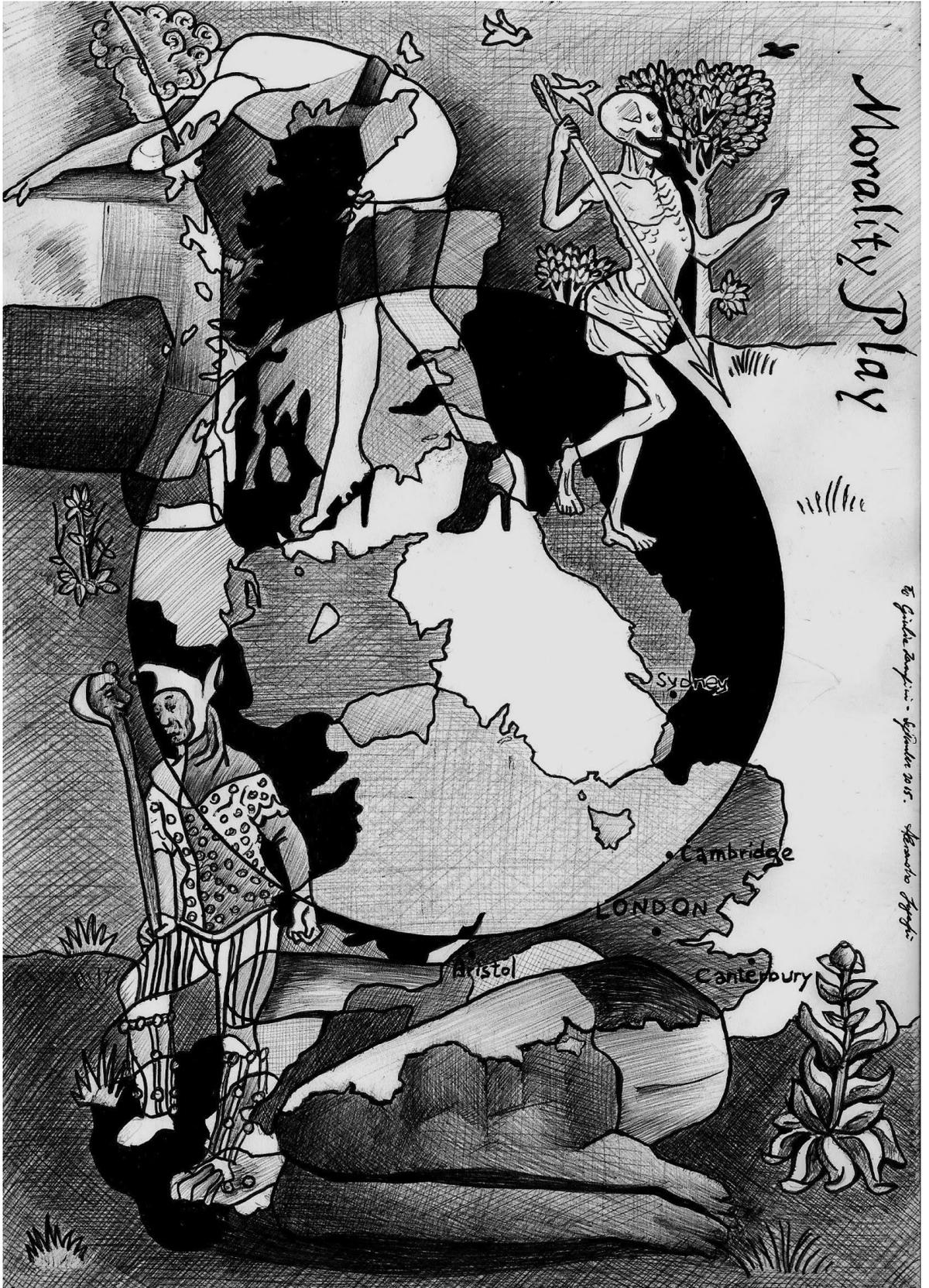


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Abstract

The idea of evidence-based policy has gained increasing prominence. Much research exists on the subject, particularly tackling the evidence-based policy turn and, subsequently, its critique. A plethora of studies have identified the shortcomings of the evidence-based policy ideal and challenged its supposed linearity. This project aims to provide an understanding of the way in which evidence is utilized in policy, and contribute to this debate by enacting an innovative research design. I am proposing a 2x2 comparative approach, which looks at the use of evidence across two domains, drug and prostitution policy, across two countries, Australia and the UK. A case-based qualitative comparative approach has the potential to offer a certain depth while at the same time providing the opportunity for analytic generalisation. I argue that evidence can be a prime focus for analysis of the policy process, and that through its lenses one can appraise deeper theoretical and epistemological questions about the state in late modern capitalism, the relationship between knowledge and ideology, science and politics, science and values, reason and emotion. The labelling of prostitution and drug policy as morality policies exposes the nature of these domains as morally and politically antagonistic, whilst providing opportunity to reflect on the role of morality in filtering understandings of evidence and shaping policy positions.

List of Abbreviations

ACF	Advocacy Coalition Framework
AIVL	Australian Injecting & Illicit Drug Users League
APPG	All Party Parliamentary Group
BBV	Blood Borne Virus
DCRs	Drug Consumption Rooms
DPMP	Drug Policy Modelling Programme
EBP	Evidence-Based Policy
ECP	English Collective of Prostitutes
HASC	Home Affairs Select Committee
HIV	Human Immunodeficiency Virus
IDU	Injecting Drug Users
INPUD	International Network of People who Use Drugs
KU	Knowledge Utilisation
LEC	Land and Environment Court
MSIC	Medically Supervised Injecting Centre
NICE	National Institute of Clinical Excellence
NHMRC	National Health and Medical Research Council
NSW	New South Wales
NTE	Night Time Economy
NUAA	New South Wales Users & Aids Association
PCC	Policing and Crime Commissioner
PLA	Prostitution Licensing Authority
QCA	Qualitative Comparative Analysis
RCTs	Randomised Controlled Trials
SWOP	Sex Workers Outreach Project
STS	Science and Technology Studies
UKNSWP	UK Network of Sex Work Projects
WHO	World Health Organisation

Chapter 1

Introduction

1.1 The purpose of the project

The purpose of this project is to study the use of evidence in the policy process, via a comparative study of two policy interventions (drug consumption rooms and brothels' regulation) in two regions (England, UK and New South Wales, Australia) and two areas of policy (drugs and prostitution). The project started because of an increased interest in the idea and value of using evidence to inform policy. Whilst there was always implicit value in this ideal, it has become increasingly made explicit in policy and scientific circles, which has led to an interest in, and pursuit of, the systematization of research knowledge for the purposes of policy-making. Academics approached this apparent shift in rhetoric and practice with some ambivalence; on the one hand, this was positively welcomed by sections of the academic community, in the hope that academic research's practical use could be further extended into policy (Nutley et al, 2007; Young et al, 2002; Leigh, 2009). On the other hand, this sparked a growing debate in regards to both the limits of this approach to policy-making, which was often seen as merely rhetorical in character, and the underlying political changes that contributed to this shift (Davies, 2004; Sanderson, 2002; Packwood, 2002; Parsons, 2002; Byrne, 2011; Monaghan, 2011; Smith, 2013; Stevens, 2007a).

A whole body of literature has proposed a number of competing models of the policy process and of the use of evidence within it. These models provide quite contrasting accounts, depending on their epistemological assumptions as well as on those aspects they choose to emphasise. Models have been extensively used as heuristics in the literature. Some have been criticized for putting forward new models (i.e. Stevens, 2007a; Monaghan, 2011). By focusing on the use of evidence in policy-making, I reflect on models' assumptions in relation to multiple case studies and assess similarities and differences between different policy domains, political and institutional frameworks. Most comparative studies focus on the same area of policy in two countries (e.g. Hajer, 1995), or two areas of policy within the same country (e.g. Kingdon, 2003). Not many studies focus on morality policy issues, so there is a need for a comparative design that

looks at different countries and different areas of policy, especially those that have been neglected in the evidence-policy literature, like prostitution. This particular comparative design is appropriate given the aims and theoretical approach adopted because it examines the similarities and differences in the way evidence is used, understood, and applied to inform policy interventions cross countries and cross sectors.

Sociological theories on the nature of the state have emphasised changes toward a New Managerialism in public policy and administration, characterised by post-ideological politics. Evidence has been identified as an essential tool in the process of neutralising political debates and ridding them from their ideological taint. Late modern capitalism exhibits certain distinguishing features, where consumption-based economies rely on the expansion of leisure, which has serious implications for developments in both these policy domains. The incongruence between the glorification of leisure and pleasure on the one hand, and the moralisation and prohibition of drugs and prostitution through the criminal law on the other, calls for an investigation of the relationship between ideology, politics, and morality.

1.2 Research Question

The main research question is: **How is evidence used in policy?**

Being a “how” question, its utility is two-fold: on the one hand, it opens up the possibility to assess existing explanations on the use of evidence in policy; on the other hand, it is open enough to re-define and reassess these on the basis of new data garnered from the case studies. There are a number of related questions, each of which are relevant to the development of the research design, initial hypotheses and the process of analysis. The following questions will guide the research focus:

- What counts as evidence?
- How is evidence deployed in policy arguments?
- Which of the existing models of the use of evidence in policy best explains this process?
- Is it necessary and/or possible to test existing models and or create new models?

- What are the similarities and differences in the use of evidence between government departments, stakeholder culture and policy areas?
What are the similarities and differences in the use of evidence between the UK and Australia?
- How does the use of evidence in policy relate to sociological theories on the nature of the state in late modern capitalism??

Specifically in relation to evidence and morality I ask:

Can evidence neutralise morality?

- How does morality affect understandings and uses of evidence?
- How are the values and beliefs of stakeholders operating to filter policy actors' understandings and uses of evidence?
- Can classic political cleavages aid understandings of evidence use in policy?
- How do these relate to consumption-based economies on the one hand, and moral and legal prohibitions on the other?

1.3 Evidence in Drug and Prostitution Policy in the UK and Australia

Drug and prostitution policy are regarded as complex policy issues. They may be variously characterised as morality policies (Euchner et al, 2013; Meier, 1994), as unstructured problems (Hoppe, 2011), as wicked problems (Rittel and Webber, 1973), and as highly politicised (Monaghan, 2011). All areas of policy are necessarily politicized, and the greater or lesser presence of evidence does not automatically translate into more or less politicization. However, there is some indication that both drug and prostitution policies are, at the very least, difficult political subjects. They explicitly enter the realm of morality. Thus, it becomes relevant to question the extent to which these areas are in fact more inherently politicized, and how morality, politics and evidence interact in these domains. The assumption that the greater or lesser presence of evidence determines whether an area of policy is more or less politicized is simplistic, purporting that evidence is non-political, neutral and value-free, and that its prominence implies a less politicised policy area. I will argue that there is a misconception in the belief that politics and policy-making and evidence-making are fundamentally different in nature, or that evidence-making happens in a political

vacuum. Maintaining the assumption that evidence is value-free and policy/politics is value-laden risks painting a skewed picture.

Drug and prostitution policy are interesting fields of study, and comparison, precisely because of their value-laden nature, whereby it is difficult to disentangle the moral from the political and the scientific. I will argue that there is significant analytic potential in comparing drug and prostitution policy, by outlining their contrasts and similarities. There has been no study to date that explicitly looks at the role of evidence in prostitution policy, which warrants interest to study this particular topic. In addition, both these policy fields present the legality/illegality conundrum. Drugs and prostitution can be seen to be, in many ways, similarly regulated. In the UK, and in all Australian states until recently,¹ they have been subject to control from similar agencies, and they are often entwined with issues of poverty, inequality, social exclusion, addiction, illicit trade/trafficking, and public nuisance (Home Office, 2008: 8, Home Office, 2010: 2; Rogan Report, 1986). They are subject to high levels of moralisation and stigmatisation, and their role in society is often misunderstood and misrepresented.

In the UK and Australia, many of the activities associated with drugs and prostitution are illicit. The type of regulation that has been built around them has so far been primarily moved by a prohibitionist sentiment. Tackling these issues and the perceived problems associated with them involves similar agencies in both countries, including police, health authorities, legal and political authorities, local and national administrations and organized constituents' groups. There are similarities between these two fields across countries, but there are also significant contrasts. The laws on prostitution in Australia differ quite considerably from state to state, whereas in England, these tend to be harmonized across regions even if different interventions are pursued at the local and regional levels (Home Office; 2010: 16, 21). In the UK, the extent to which health authorities are involved in the regulation of prostitution is minimal when compared to their role in drug regulation. In Australia, the role of health and local authorities in regulating prostitution in those states that have decriminalised or legalised it is paramount. In this respect, it is relevant to question whether the lesser presence of health authorities results in the exclusion or quasi-exclusion of the EBP discourse from policy debates. This is especially important because the evidence-based policy discourse originated in medicine (Chapters 2 and 4). Stakeholder group culture

¹ Some Australian states have decriminalised or legalised prostitution

matters in the way they understand evidence and this is represented and institutionalised in policy sectors, departments and disciplines. This has been previously discussed in the literature (e.g. Nutley et al, 2007). What appears to be missing is a discussion on the extent to which the dominance of a “health research culture”, which tends to be naturally married to some policy sectors more than others because of the level of health agency involvement, will determine the type of “evidence culture”, and therefore understandings of evidence informing stakeholders as well as policy practice. The comparison across policy domains allows exploration of whether this is the case.

There is a significant difference in the way prostitution is regulated in different Australian states. New South Wales, for instance, has adopted a decriminalised model, which allows for all sex-work related industry to operate like any other business. The regulating authority has passed from police and criminal justice to the department of planning and local councils. New South Wales has also passed legislation which decriminalised the possession and self-administration of controlled substances within the confines of the Sydney Medically Supervised Injecting Centre (Drug Misuse and Trafficking Act 1985 amendment, part 2A). This might indicate that the logic of decriminalisation has penetrated more strongly in New South Wales, and calls for an assessment of the extent of policy diffusion across different policy sectors. However, this could also be seen as political expediency, in that this intervention, now in place for over ten years, was not followed by a political and legal pursuit of decriminalising drug possession, or indeed its adoption in other parts of New South Wales or Australia. Although it will not be feasible to look at each individual Australian state, their differences, as well as differences between the two countries, are taken into account and help generate greater understanding about the impact of institutional political structures on the relationship between evidence and policy.

Being an ex-British colony which has retained relatively close ties with the UK up to this day, there is a shared cultural heritage between these two nations, including the key elements of language and the similarities in their legal system, which Australia inherited from the UK. However, what attract attention are the potential contrasts which may emerge from the diversity in the structure of their respective political systems. Australian federalism is well rooted in the country's political structure; similarly, the centralism of UK politics, despite more recent steps toward devolution and localism, is still predominant. Australia is characterized by a 'Westminster-inspired' model that

shares with the UK what Lijphart terms the 'executives-parties dimension', but differs on the 'federal-unitary dimension' (1999: 314). This essentially means that the degree of majoritarianism is higher in the UK than in Australia, where the level of consensual power-sharing is higher. The federalist structure of Australian democracy may be an important factor influencing the processes of policy-making. At this time, with the UK undergoing structural changes, with increasingly devolved powers to its constituent parts, this discussion becomes even more relevant. This entails the possibility of assessing propositions around the relative independence of localities to pursue policies which deviate from national and international directives or for the possibility of “bottom-up” initiatives to become established.

The next section details key concepts and provides brief definitions that will be used in the thesis (which are dealt with more fully in the extended glossary of working concept in appendix 1).

1.4 Key Concepts

Evidence is differently categorised as scientific, jurisprudential, anecdotal and experiential. Policy is variously used to refer to a subsystem (i.e. drug and prostitution policy) or an intervention (i.e. drug consumption rooms). Policy is also distinguished through Hall's terminology of paradigm and instrument, whereby a paradigm is regarded as defining the boundaries of views, understandings, and possibilities within a particular system and instruments operate within and respond to the given paradigm. Prohibitionism, abolitionism, and legalisation are regarded as relevant policy paradigms. Prohibitionism implies the use of criminal penalties with the aim to prohibit a particular activity; in drug and prostitution policy, it may target the whole trade, or it may only target either supply or demand. Abolitionism is a normative position which calls for the abolishment of activities considered wrong in principle; related with prostitution in particular, but also drugs (abstinence), abolitionism is about ridding society of such practices. Legalisation implies legal reform with the aim to make licit the supply and demand for drugs and prostitution. Arguments for (and practices of) legalisation take on different, politically diverse forms, which range from extreme commercialisation to strict state regulation. Criminalisation and decriminalisation (legal short hands related to the above paradigms) are regarded as relevant policy ideas. Criminalisation involves a punitive approach toward the sale and/or purchase of drugs and prostitution.

Decriminalisation entails the end of criminal sanctions for the possession and consumption of drugs and for the sale of sex.

Values are broadly defined as abstract, goal-oriented, deliberative and evaluative tools. Beliefs are broadly defined as concrete, action-oriented, practice-led evaluative and deliberative tools. Affect is defined as an emotional response. Ideology is used in three separate yet interconnected ways in this thesis: in the critical Marxist sense, it is understood as a dominant set of values, beliefs and ideas; in a political/motivational sense, it is understood as a necessary system for organising positions; in a morphological sense, it is understood as a loose and contradictory construct of concepts which are both logically and culturally adjacent (Freedon, 1994). Morality is understood as the rules that enable to distinguish right from wrong, which are founded upon values, beliefs, ideas, group belonging, culture, politics, and social ordering (Fisher, 2004; Douglas, 1966). Liberal morality and conservative morality are observed as distinct types (Haidt, 2012), as each is made up of different affective, cognitive and ideational components (Williams, 1979). Instrumental rationality is distinguished from bounded rationality, where the former is regarded as empirical problem solving grounded in positivism and the latter is regarded as time, space, group, culture and belief bound reasoning (Sanderson, 2009; Baumgartner and Jones, 2009). Boundary work (Gieryn, 1983) is defined as the process of demarcation of science from non-science, which entails the definition of science's identity and the organisation of science as an ideology in the critical Marxist sense. By extension, this impacts on the construction of scientists' identity and their understanding of science. Epistemic cultures (Knorr Cetina, 2007) imply the diversity of knowledge and knowledge generation within science that is bound to discipline, ontology, epistemology, terminology and methodology.

The next section provides an outline of the thesis structure, briefly summarising each chapters' content.

1.5 Thesis Structure

In Chapter Two I review the literature dealing with the relationship between evidence and policy, identifying certain trends that range from positivist, to normative, to critical, to interpretive approaches. I distinguish between three frames of reference: knowledge utilisation, evidence-based policy, and science/policy studies, which are associated with different countries, traditions and epistemologies. I discuss the evidence hierarchy, its

origin and purpose. I outline principal models of the use of evidence in policy and provide an alternative reading of models informed by Hoppe's (2005) critique. I then consider the contribution of the concept of boundary work in the making of science's identity, concluding with a reflection on the relationship between researchers, evidence and advocacy.

In Chapter Three I review the literature on theories of the policy process, providing brief outlines of the theories and frameworks regarded as foundational to the field (incrementalism, punctuated equilibriums, the advocacy coalition framework, policy paradigm and learning, multiple streams, and discourse coalitions). I discuss the latest trend toward complexity, which entails using multiple insights from different theories to inform analysis, as formalised by Cairney (2013). I discuss examples of work which use insights from multiple theories with a focus on ideas (Beland, 2005; Smith, 2013). I argue that the role of values in the policy process is under-theorised, and propose a synthesis, making use of tools and insights from Hall's (1993) policy paradigm and Sabatier's (1988) advocacy coalition framework to inform analysis. This follows Surel's (2000) contention that these approaches are unique in placing emphasis on what he terms 'normative and cognitive frames', which provide conceptual space for assessing the role of values, beliefs and affect in the policy process.

In Chapter Four, I identify and critique the epistemological foundation of the concept of evidence-based policy. I begin with critical realism (Archer et al, 1998), moving through critical theory (Habermas, 1976) and science and technology studies (Knorr Cetina, 2007) to expose the limitations of positivist notions of evidence, embedding epistemological discussions in focused critiques through the work of Pawson (2002), Sanderson (2009) and Majone (1989). I then discuss the contribution of feminist philosophy of science (Longino, 1990) and critical realism (Sayer, 2011) on the relationship between science and values. I conclude by discussing the contribution that a study of the interplay of values and beliefs, defined with the aid of classic literature in social psychology (Rokeach, 1979) can bring to the project.

In Chapter Five, I argue that values and beliefs are foundational to morality, and that morality is useful as a working concept. Starting from the premise that drug and prostitution policies have been characterised as morality policies, I critically review the literature on morality policy and outline both its strengths and shortcomings. I argue that an important contribution from this literature is the emphasis placed on framing,

and particularly the distinction made between latent and manifest moral framing. In order to move beyond a notion of morality as singular, present in the morality policy literature, I review relevant literature in moral and cognitive psychology which stresses classic political cleavages as influential in moral politics. I adopt the liberal/conservative typology (which have a differential *affective* basis where the first is primarily moved by empathy whereas the latter more strongly relies on fear) to understand morality as plural and competitive. I also consider the contribution of political science literature studying long term shifts in societal level values from authoritarian to libertarian as tied with economic, social and cultural changes (Inglehart, 1997; Flanagan and Lee, 2003). I then move on to classic sociological accounts, and particularly Habermas' (1986) insight on the relationship between law and morality and Douglas' (1966) argument on the necessity of purity and danger categories for social ordering practices and their reliance on affective reactions, such as disgust. The relationship between law, morality and ideology, and particularly the extent to which the law produces and reproduces a dominant morality that is ideologically supported, calls for a more nuanced understanding of ideology, which is provided in the conclusive discussion on three traditions in the study of ideology (critical Marxist; psychology/motivational; ideological morphology). I propose an explanatory model which takes into account the interplay between moralities, ideology and affect.

In Chapter Six, I outline the advantages of a comparative case-based qualitative approach. These include the possibility for analytic generalisation. I trace the development of thinking about case study research, and particularly systematic multiple-case design, focusing on the principle of *relational embeddedness* as central for this project. I outline the reasoning behind case selection, beginning from issues of comparability fundamentally understood as contrast and similarity, and provide some information about the process of case-selection and the case studies under scrutiny. The principal data collection strategy, semi-structured interviews, involved the purposive sampling of 38 stakeholders with varied professional and disciplinary backgrounds and relevant experience in both policy areas and case studies in both countries. I describe the principles of adaptive theory (Layder, 1998) to provide the rationale for the analytical approach, which followed adaptive coding. A list of provisional codes (derived from existing theories and literature) is provided, but the main focus is placed on morality, values and beliefs as emerging categories and the way these have been analysed. Starting from considerations on the sample of participants, I reflect on ways to systematically

bring together participants' attributes and narratives. I propose an analytical approach that joins the logic of qualitative comparative analysis with the instruments of network analysis to visualise connections between values and beliefs for each of the design's comparative dimensions.

In Chapter Seven, I begin analysing participants' narratives. I outline the gap between theory and practice of evidence use by comparing answers to abstract questions (i.e. what do you think counts as evidence) with narratives about evidence use in real life policy examples. I reflect on the differences between countries, policy areas and stakeholder background. I find that participants in drug policy, and particularly those who have a scientific background, are altogether more likely to acknowledge and respect hierarchical notions of evidence compared to those in prostitution policy. I also find that the evidence hierarchy produces hierarchies of stakeholders in such a way as to lessen the credibility of certain stakeholders (primarily those who advocate for affected communities) whose evidence is mostly anecdotal and experiential, rather than scientific.

In Chapter Eight, I analyse the interplay between professional background, predominant values and belief commitments in the sample of participants. I establish relevant values and beliefs inductively and use network analysis software to visualise values and beliefs constellations in the sample of participants, by country and by policy domain. This allows establishing which values and beliefs are more likely to occur concurrently and prompts reflection on the manner in which they may influence policy positions. Differences are found predominantly between policy areas, with different values and beliefs being more strongly present and connected in either domain and within prostitution policy in particular, where different advocacy coalitions (radical and liberal feminists) are seen as supported by different sets of values and beliefs.

In Chapter Nine, I discuss the decriminalisation paradigm in relation to each of the comparative dimensions (Australia, UK, drugs and prostitution) and the two case studies (drug consumption rooms and brothels' regulation). I build on findings from previous chapters and turn the focus to the interplay between morality, evidence, and policy change. I construct ideal types of relevant advocacy coalitions and discuss their foundational moralities. Making use of the liberal/conservative typologies outlined in the literature, I analyse a sample of debates in the public domain to make manifest the interaction between conservative/liberal moralities and evidence. I concentrate on the

incommensurability of views that stems from the selection and filtering of the evidence through pre-held moral and political positions.

In Chapter Ten, I reflect on the implications of the findings by relating them to more general considerations about current political, economic and ideological positions of advanced liberal states and their effects on these policy domains. I focus on the impact of the politics of austerity and the dismantling of welfare states and its effects on the rights-based politics of solidarity which characterise advocacy for change in these policy domains. I argue that any demand for change based on labour rights (prostitution) or the right to pleasure (drugs) and self-determination is unlikely to receive support or generate consensus given the contentious nature of drug use and sex work and their ambiguous moral standing as well as their potential to threaten the moral order, and particularly gender and class hierarchies. It is in fact those who sit at the bottom of the social, economic and moral hierarchies, the most visible and most disadvantaged, such as homeless drug users and street sex workers, who are more often the objects of moralising and regulatory efforts. I also reflect on the issue of framing, and particularly on which frames are more likely to compete, or coalesce and succeed in supporting or resisting policy change. I then discuss the contradictions inherent in neo-liberal ideology which allow competing advocacy coalitions to find supportive elements within it. Finally, I outline how opportunities for change are both supported and curtailed by the interaction between ideology, morality, coalitions and evidence.

In Chapter Eleven, I conclude by addressing each of the research questions in turn, joining together the insights from key findings and discussion.

Chapter 2

The use of evidence in policy

2.1 Introduction

The purpose of this chapter is to provide a comprehensive yet targeted review of the literature on the use of evidence in policy. In order to tackle an extensive and complex field, this literature is broken down into distinctive literatures relating to three main frames of reference: knowledge utilisation (KU), science and policy studies, and evidence-based policy (EBP). These frames of reference are often indicative of the countries in which they were produced. Knowledge utilisation in policy – dates back to 1960s, and is associated with the US (Weiss; 1979; Havelock, 1969; Caplan, 1979; Rich, 1991; Dunn, 1982). This relies upon a broad definition of knowledge which encompasses information that lies outside the scientific realm. In continental Europe, terms of reference tend to gravitate toward the notions of science/policy or science/politics. Studies which utilise this binary notion are influenced by epistemological and theoretical underpinnings originating from poststructuralism and science and technology studies (STS) (Hoppe, 1999; 2005; Gieryn, 1983). In the UK, studies more often include the word evidence, or explicitly refer to the notion of evidence-based policy, principally because this notion became part and parcel of the New Labour government strategy at the turn of the century (Cabinet Office, 1999). Crucially, most UK studies have taken Weiss' (1979) typology, from the KU tradition, as a starting point. It is important throughout to note that commentators might use frames of reference interchangeably, and apply these terms to contexts which lie outside their original sources. In Australia, for instance, commentators have used evidence-based policy (Leigh, 2009b; Head, 2008); feminist STS (Valentine, 2009) and research utilisation (Ritter, 2009) as terms of reference, implying different epistemological bases, and different kinds of analyses.

The purpose of these categorisations – other than to organise and make amenable what is an otherwise vast and complex literature – is to highlight how scholarly context and the adoption of different epistemological positions might influence the way knowledge and evidence are viewed, and subsequently operationalized, in studies of the policy

process. There is a clear nexus between epistemology, theorising and modelling, on the one hand, and the type of normative, positive and empirical work produced by scholars in the field, on the other.

2.2 Knowledge Utilisation

The literature grouped under the label ‘knowledge utilisation’ marks the beginning of explicit scholarly interest in the use of evidence for policy. Formally theorising the use/knowledge nexus in the context of public policy, many ideas emerging in this field were subsequently picked up by commentators outside the US as a point of departure. Specifically, models of knowledge utilisation, previously reserved to organisational theories in compartmentalised fields were linked specifically to policy-making by commentators such as Havelock and Weiss, among others. This tradition has spread to a variety of fields of specialisation, and is now labelled K* to include different forms of knowledge utilisation (translation, mediation, brokering, management, mobilisation, transfer, exchange).¹ The KU tradition is broad, spanning six decades and prefiguring much of the work carried out in both the EBP literature and the science/policy tradition. In an article reflecting on the contributions made by scholars in the field of knowledge utilisation since the 1960s, Rich argued that this field remained marginal in academia and beyond, and that there is little recognition of its historical roots and its embeddedness in other mainstream social scientific and organisational theories (1991: 320). Despite the fact that mainstream social science theories, such as rational choice, explicitly deal with information, it was argued that the nature of this “information”, its production and uses, remained under-theorised (1991: 322). It appears that a linear or problem solving model of information use was assumed in mainstream theories that did not critically focus on knowledge utilisation.

Certain dated studies in the classic KU tradition remain of relevance up to this day. Havelock’s paper (1974) – focusing on innovation in US schools – details three models of knowledge utilisation for innovation in practice: the problem-solving model, the research, development and diffusion model and the social interaction model. Based on factor analysis of survey data from a national sample of US school districts, alongside a review of the theoretical contributions to innovation processes, Havelock argues that each of these models highlights potentially significant aspects of the innovation process

¹ http://inweh.unu.edu/wp-content/uploads/2013/05/KStar_ConceptPaper_FINAL_Oct29_WEBsmaller.pdf

and that no model should be discounted, making the case for complexity and underlying the futility of seeking a single model which universally applies. He writes that ‘competing ideologies of change should each be seen as elucidating equally important but distinct aspects of a total reality’ (1974: 17). Weiss’ (1979) paper details six models of research utilisation: the knowledge-driven model, the problem solving model, the interactive model, the tactical model, the political model, and the enlightenment model. Like Havelock, Weiss argues that these models are as imperfect as they are useful because each may apply to different contexts and circumstances; ‘probably all of them are applicable in some situations’ and ‘certainly none of them represents a fully satisfactory answer to the question of how a polity best mobilizes its research resources to inform public action’ (1979: 430). Weiss’ concludes with a call for social scientists to pay more attention to policy-making so as to consciously make a contribution to social/public policy through research (*ibid*). Weiss ultimately believes that research is the most important intellectual pursuit of society, firmly placing social science in context, alongside policy. Weiss’ reflections still resonate in the context of the rise of the evidence-based policy discourse. This paper prefigured increasing scholarly interest in this area; the models outlined in it functioned as a basis for scholars to engage with decades later. Yet, some scholars appear to have adopted these models almost prescriptively, without systematic comparative testing. The question remains as to whether we have moved much further in developing more complex and sophisticated modes for studying knowledge, and research, utilisation in policy.

A widely used concept in current literature on the relationship between evidence and policy is the idea of the ‘two-communities’. Caplan’s (1979) work aimed to investigate the validity of the ‘two-communities’ theory, which provides an explanation of the incommensurability between science and policy. This theory is founded upon the conviction ‘that social scientists and policy makers live in separate worlds with different and often conflicting values, different reward systems, and different languages’ (1979: 459). Whereas some put more emphasis on diverging values and the cultural gap between these worlds, others stress diverging interests in their explanation. Rich (1991) summarises the findings of this literature by identifying five principal aspects of this gap: antagonism and distrust; competing reward systems; different languages; conceptions of time; diverging needs and researchers’ lack of concern or understanding of the needs of government (1991: 323-4). In Rich’s view, Snow’s (1960) classic account of the ‘two cultures’, which inspired work in this area, has been misinterpreted to the

extent that any structural hindrance to collaboration is underemphasised in favour of stressing cultural divergence. Recently, Jewell and Bero (2008) found that systemic and institutional hindrances, including lack of training, accessibility, lack of resources and funding, and the competition of powerful interest groups, all acted against opportunities for collaboration. Dunn (1980), albeit acknowledging the power of the two communities' theory, disputes the usefulness of such metaphor given its broadness and simplification, which borders reductionism. Yet, this powerful idea is still very much present in contemporary accounts of the relationship between researchers and policy-makers (section 2.4).

Dunn's (1982) work on knowledge utilisation is interesting in that it entirely departs from a conceptualisation of knowledge as separate from the social and political world, embedding knowledge into social, cultural, rhetorical and symbolic structures. His arguments walk the line between instrumental and symbolic understanding. By referring to the scientific community, he notes how this homogenous ideal type does not reflect the practices of diverse stakeholders. He notes how 'diverse standards of appraisal' exist to mediate knowledge, and how these standards are 'unevenly distributed' (Dunn, 1982: 299). He notes the tension between the values of science and the ultimate inability to accept results 'that run counter to [...] preferences' (1982: 300):

'Social theories, unlike physical ones, are difficult to falsify with experimental data because the interpretation of such data is mediated by the assumptions, frames of reference, and ideologies of social scientists and other stakeholders in reform.' (ibid)

In this way, he anticipates much of the subsequent literature which critiques the direct transfer of the scientific method from natural onto social science, and from EBM onto EBP, as well as highlighting the nexus between epistemological and theoretical underpinnings, political and world views, and favoured policy positions (Chapter 4). Interestingly, he uses jurisprudence as a metaphor to justify his view of evidence as both 'valuative and factual' in its exposition, particularly when directed at policy-making, or 'reforms' (Dunn, 1982: 302). He embeds evidence into 'reasoned arguments' by positing that:

'arguments are like lawsuits, while conclusions are similar to claims put forth in court. Conflicts among stakeholders are analogous to cases in law where

disputes are settled by invoking standards appropriate to different contexts’ (1982: 303)

Through this analogy, he recognises the rhetorical and competitive aspect of political debate, and even one imbued by evidence, as well as the relative place of evidence as part of a political argument. He notes how, in order to make a successful claim in a jurisprudential setting, the ‘standards of appraisal employed to interpret data’ are ‘a fundamental part of the negotiating and understanding process’. In his view, applied social science does not provide conclusive answers but rather ‘inconclusive evidence and argument’ because ‘argumentation is [...] a social process where all data or evidence is symbolically mediated’ (1982: 303). He concludes by emphasising the argumentative, competitive process of advocacy which evidence is embedded in (1982: 304).

This adversarial model (Hoppe, 2005, section 2.6) is relevant here and, in a sense, ahead of its time because it openly admits that ‘knowledge is not “exchanged”, “translated” or “transferred”’, ‘but transacted by negotiating the truth, relevance, and cogency of knowledge claims’ (Dunn, 1982: 306). This transaction happens within pre-existing institutional structures already shaped by historically dominant and competing conceptions of truth and knowledge that shift over time. Dunn’s work anticipates some of the work carried out by those in the science/policy tradition. His jurisprudential metaphor highlights how a legal *modus operandi* was embedded in and extended by the state’s existing decision-making structures (Chapter 7).

2.3 Turning a critical eye onto science: science/policy and boundary work

The main issue with much of the work outside of the science/policy tradition is that it is sharper in its analysis of the policy/politics side of the binary, but not dedicated to pursuing a self-critical stance towards academic practices. The “friction” between the two communities is unlikely to subside unless the scientific community is able to turn a critical eye onto its own practices of knowledge construction. In their article on visual evidence, based on ethnography of a study in molecular genetics, Amann and Knorr Cetina (1988) discuss the difference between data and evidence. They describe the process by which scientists create data, subsequently translate data into evidence, which is only turned into data again when it becomes subject to external questioning, by an audience for instance. We find a familiar pattern whereby:

‘what counts as appropriate evidence in a theoretical controversy is itself negotiated during the controversy, hence evidence cannot serve as an independent arbiter of scientific belief’ (Amann and Knorr Cetina, 1988: 134)

Furthermore, ‘the notion of evidence is built upon the difference between what one can see and what one may think, or have heard, or believe’ (ibid). They begin from Kuhn’s (1962) analysis, which highlights commitment to different research traditions and epistemologies as the principal definer of scientific consensus and disagreement within competing paradigms. Yet, they go further in arguing that,

‘just as scientific facts are the end product of complex processes of belief fixation, so visual “sense data” – just what it is that scientists see when they look at the outcome of an experiment – are the end product of socially organised procedures of evidence fixation’ (1988: 134).

The process of translation from data into evidence they describe is interesting because, given that evidence implies a decision-making process of inclusion and exclusion, for Ammann and Knorr Cetina, evidence is

‘the data actually included in scientific papers or shown in oral presentations. Data become evidence only after they have undergone elaborate processes of selection and transformation’ (1988: 136)

Additionally, what the authors note is that ‘nearly all published images are carefully edited montages’; figures that are self-evident are hard to come by, and if they are it is usually because they have already undergone a process of translation from data into evidence. This account resonates with later work which emphasised the narrative aspect of evidence-making in a further selection process, after the data is turned into evidence, as the evidence is further selected and simplified for consumption and made politically palatable (Majone, 1989). Stevens’ (2011) ethnographic analysis highlights this very process of inclusion/exclusion. He describes the manufacturing of certainty through the use of ‘killer charts’, a visual instrument which can speak for itself through the apparent clarity given by the elimination of caveats and hiding the ‘process of construction’ that lies beneath.

Gieryn’s use of the concept of boundary work provides a useful metaphor for problematizing the relationship between science and policy. He begins from the premise

that science defines itself against its opposite by engaging in a process of distinction to separate itself away from non-science. He argues that the

‘construction of a boundary between science and varieties of non-science is useful for scientists' pursuit of professional goals: acquisition of intellectual authority and career opportunities; denial of these resources to "pseudoscientists"; and protection of the autonomy of scientific research from political interference. "Boundary-work" describes an ideological style found in scientists' attempts to create a public image for science by contrasting it favorably to non-scientific intellectual or technical activities’ (1983: 781).

He identifies a series of criteria which have been put forward by scientists in order to demarcate science from non-science, which include Comte’s reasoning and observation, Popper’s falsifiability, and Merton’s certified knowledge through institutionalisation of norms, or organised scepticism. Scientists therefore make efforts to distinguish their work from non-science, engaging in boundary work to defend both their authoritativeness and the resources granted to them. Gieryn goes on to equate science with ideology, by using ideas garnered from critical theory.

‘for Habermas the form of scientific knowledge embodies its own values of prediction and control, and thus may substitute for "the demolished bourgeois ideology" in legitimating structures of domination and repression’ (1983: 783)

Gieryn argues that, by relying on ‘cultural repertoires’, scientists may lay ‘claims to the utility of science for advancing technology, winning wars, or deciding policy in an impartial way’ (1983: 783). In order to illustrate these claims, Gieryn uses the example of Victorian England. He refers to John Tyndall’s boundary work, which entailed efforts to distinguish science from both religion and engineering. In doing so, he places positivism in its cultural and historical context by noting the reasons why some of its stubborn precepts became common currency in understandings of science. He argues that it was by this very process that ‘science won authority and resources over other competing non-scientific intellectual activities’ (1983: 784). By attributing particular characteristics to science, Tyndall successfully distinguished it from non-science, winning over authority, validation and funding.

Interestingly, the need for science to distinguish itself from religion was identified as the principal reason why science antagonised emotion and called for value freedom in its

approach. The legitimation of science through boundary work is a culturally-bound process which supported the creation of myths underpinning positivism. Since these opposing forces to science have not currently been defeated, there is perhaps still a need to validate science in relation to its others, including politics, which further supports a positivist epistemology. In Gieryn's conclusion,

‘Demarcation is as much a practical problem for scientists as an analytical problem for sociologists and philosophers. Descriptions of science as distinctively truthful, useful, objective or rational may best be analysed as ideologies: incomplete and ambiguous images of science are nevertheless useful for scientists' pursuit of authority and material resources.’ (1983: 793)

Hoppe's work refers to a mutually forming ‘scientification of politics/policy’ and ‘politicisation of science’ (1999: 202), which exposes a level of complexity in attempting to deconstruct the science/politics binary. In the Anglo literature on evidence and policy, policy is often portrayed as a neutral entity, whereas politics is used in a loaded and often negative manner (section 2.3). Conversely, in Hoppe's work, policy is seen as part of a *political* process, as is science. For Hoppe, at least rhetorically, ‘reference to scientific ‘validation’ does provide politicians, public officials and citizens alike with some sort of compass in an ideological universe in disarray’ (1999: 202). It was the claims of academics, and specifically their neo-positivist convictions, which led to the establishment of a discipline specifically targeted at policy-making in the US:

‘Better knowledge of causation, and know-how about the application of scientific logic in decision-making were the dominant claims on which the schools of public policy were erected in one after another American university, and later in many European countries.’ (Hoppe, 1999: 204)

Although by no means homogenous, the discipline of public policy was established with the dual, and potentially conflicting, aim of critical detachment and interventionism. Indeed, some contextual distinction is also necessary, because the history and politics which surrounded the birth of public policy as a discipline in the US are different from the UK and broader European context, where social policy is strongly and inextricably linked with the welfare state (Esping-Andersen, 1996).

Hoppe distinguishes between three separate “traditions” in public policy through the following typologies: analycentrism, neo-positivism, and critical rationalism.

- *'Analycentric policy analysis'* includes practices such as 'cost-effectiveness analysis, cost-benefit analysis, statistical decision theory, and planning-programming-budgeting.' (1999: 204) It aims at neutral appraisal and technical judgement and is unable to understand itself as a political undertaking.
- *'Neo-positivist policy analysis'* centres on causality, through a conviction that 'knowledge of scientific laws, in technical-instrumental fashion, may be applied to the explanation of the emergence of policy problems and the prediction of impacts of certain policy interventions.' (ibid)
- *'Critical-rationalist policy analysis'* also centres on causality, or at least a superior knowledge claim to it; 'however, it strongly differs in how to acquire it in the real world. In this respect, critical-rational policy analysis means an enormous step towards a fallibilist and learning concept of rationality.' (ibid)

The literature on evidence in policy discussed in the next section could be arranged by these categories. In science and in policy-making, these positions are likely to compete, yet they are also unlikely to exist in their pure form when confronted with complex realities (Hoppe, 1999: 204-5).

The presence of diverse and competing:

'thinking styles, diverging interpretative frames, competing policy belief systems, various ideologies, alternative professional paradigms, different world views, contrasting images of man and nature, multiple perspectives' (1999: 207),

is a normal feature of any endeavour, including the field of public policy. It is crucial to recognise this diversity in order to gauge the underlying values and beliefs, the cognitive frames and experiential biases that form 'the languages and cultures of "tribes of experts"' (ibid). By playing with the binary science/politics, using the concept of boundary work, Hoppe (1999: 208) exposes a key problem: does 'policy science' serve democracy and the interests of the public, or does it serve the 'policy-making elite of the administrative state', or both? In his line of argument, the realisation of existing incommensurability of views, underpinned by competing value and belief systems and cognitive frames is a point of departure for any research in the field.

2.4 The rise of evidence-based policy and its critics

Politically, there has been an interest in espousing the idea of evidence-based policy in advanced liberal states. This is seen as part of a broader trend which followed a desire to de-politicize politics and policy-making by pursuing apparently neutral, scientific answers to policy questions. The idea of evidence-based policy appears related to other trends in contemporary forms of government including a move towards ‘Third Way’ or post-ideological politics (Freeden, 2006; Byrne, 2011); the rise of New Public Management (Barzeley, 2001); the tension between democratic and technocratic policy practices (Radaelli, 1999), and the formalisation of long-standing governmental practices of classification, (ac)counting, and resource optimisation – alongside theoretical and methodological developments in science and medicine (Foucault, 2002; Rose and Miller, 2008).

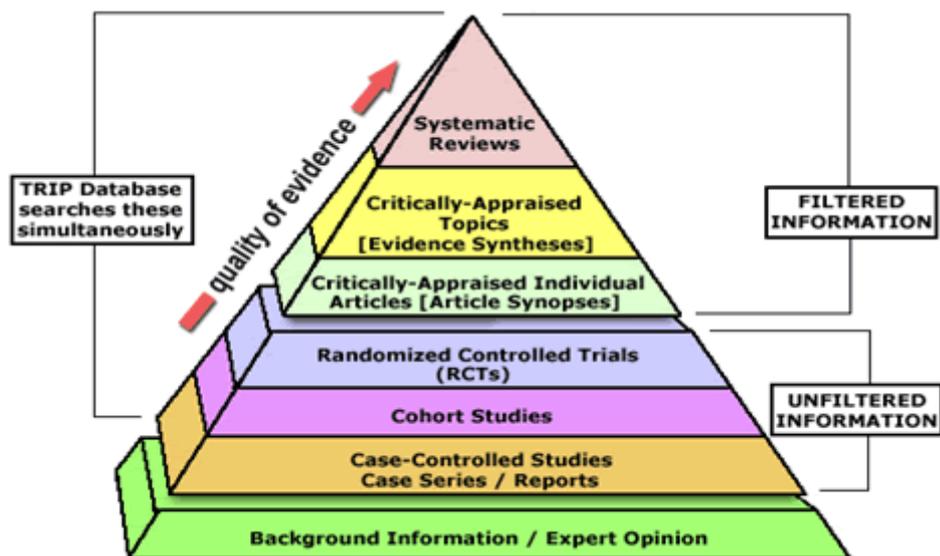
The issue of evidence in social and public policy has taken a more prominent role in both political and academic debates. In the UK, the New Labour government committed itself to the use of evidence in policy-making (Cabinet Office, 1999), famously championing the centrality of sound scientific evidence to the Economic and Social Research Council in 2000, directly addressing the Social Science community (Naughton; 2005: 51). Although the Australian federal government made no explicit or coordinated commitment to evidence-based policy, there are indications that both federal and state-level governments increasingly address politics in the terms established by the evidence-based policy discourse (Marston and Watts, 2003: 149; Productivity Commission, 2009).

The Evidence-based Medicine paradigm has established a *hierarchy of evidence* enshrined in the Cochrane collaboration to inform practice (see <http://www.cochrane.org/>). The latter serves as an exchange platform, gathering evidence on best practice and providing access to a large database that privileges meta-analyses and systematic reviews of randomized controlled trials. This approach was adapted to social policy through the Campbell collaboration (see <http://www.campbellcollaboration.org/>). In the 1960s, American experimental psychologist Campbell called for “true” experimentation to be applied to social problems; rather than experimentation in a broad sense, he was referring to the adoption of randomised controlled experiments for the evaluation of social interventions, as was already becoming common practice in medicine (Dehue, 2001). This particular view of experimentation currently appears to dominate the

imagery of evidence-based interventions. In medicine, the type of research conducted is often characterised by precepts and circumstances that do not necessarily recognise the mutability of the social. This is because it tends to be confined to physical changes that can be monitored and assessed within closed, experimental settings where external factors are assumed to have little or no bearing (Black, 2001; Chapter 4).

2.4.1 The Evidence Hierarchy: one size fits all?

Figure 1: The evidence hierarchy²



The idea of a hierarchy of evidence originated in the medical field and subsequently spread to other fields as providing a basis for informing decision-making (Black, 2001; Greenhalgh and Russell, 2006; Borgerson, 2009). The ideal of a single hierarchy is powerful because it proposes a universal standard. Evans (2003) suggests that evidence hierarchies have mostly been constructed through an exclusive focus on effectiveness of an intervention. Most hierarchies tend to converge by placing systematic reviews of Randomized Controlled Trials at the top of the pyramid. However, Cartwright and Munro (2010), Byrne (2011) and others, have argued that RCTs have serious limitations even in demonstrating efficacy of an intervention, and that an evidence-base has to be much richer and varied in order to sustain a claim to its validity. Despite the fact that a variety of research methodologies can – or might – provide valid information, and that the choice of research methodologies should depend on the types of questions asked,

² (source: DSS Australia <http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/evaluation-framework-for-new-income-management-nim?HTML>)

RCTs have come to dominate the imagery of evidence-based interventions. In fact, it is systematic reviews that figure at the top of the evidence hierarchy, yet RCTs are advocated as the most desirable means of policy evaluation (Goldacre, 2013; Roberts et al, 2012; Leigh, 2009a).

With an exponentially growing body of research, ranking is perhaps a necessary tool for making sense of the quality of the research available. Nonetheless, the act of relying on a single set of selection criteria that applies across a range of fields fails to take into account the variety of existing methodologies that respond to field-specific and question-specific requirements (Greenhalgh, 1999; Byrne, 2011). Different hierarchies have been produced to suit specific fields. For example, in the field of crime and crime prevention, the Maryland Scale was to set the standard for research ranking. Yet in the Maryland Scale, RCTs still figure at the top of the pyramid (Farrington et al, 2002). Leigh (2009a) argues that policy-makers should seek to carry out more randomised controlled trials because they can provide a much higher level of certainty when compared to other methods of evaluation. Though he acknowledges the importance of other methods, he claims that randomised policy trials are worth pursuing in spite of their limitations. He highlights the problem of scaling (i.e. 'scaling up', generalisability, and transferability of findings), and 'spill over', acknowledging that both context and scales pose significant limitations in terms of external validity (Leigh, 2009a: 36; Evans, 2003: 80). The recommended alternatives are often found slightly lower down the hierarchy, with both experiments and before-after studies ranked above other methods of evaluation – and especially above qualitative methods. The first assumption is that the higher in the hierarchy, the least biased the evidence might be. The second assumption is that gold standard methods provide an internally valid proof of causality (Borgerson, 2014). Thus, internal validity is privileged over external validity.

The concept of evidence-based policy is tied to the evidence hierarchy by its epistemological and practical assumptions. EBP assumes a direct transfer of evidence from research to policy application. It is possible to identify certain trends in the literature which define the evidence-policy relationship. First, there are those studies that champion the use of certain types of evidence in policy-making, whose producers often belong to a research institute or departments, either inside government or within government-funded organisations. These usually imply that the more rigorous the evidence, the better the policy outcome. Thus, they uphold the hierarchical evidence

paradigm and their accounts are rather prescriptive. Hoppe (2005) would term this *analytic* and/or *neopositivist*. Second, there is the critical/theoretical approach, which is often also normative and prescriptive in character but recognizes the more contested nature of evidence and its relation with policy (*critical rationalism*) (i.e. Stevens, 2007a; Monaghan, 2011; Sanderson, 2009). Third, there are few studies which offer a significant level of empirical insight into the processes, the reasoning, the politics and the mechanisms of policy-making work. They do this without proposing a rigorous theoretical model, instead providing a view “behind the curtains” (i.e. Stevens, 2011 and Ritter, 2009; Valentine, 2009).

2.4.2 Positivist/prescriptive, Critical/normative and Empirical/interpretive perspectives on the use of evidence in policy

An increasing number of studies deal with proposing and critiquing different models of evidence-based policy (see, for example, Monaghan: 2011, Stevens: 2007a, Black: 2001, Valentine: 2009). The current dominant models of evidence-based policy are, at best, limiting, because they often assume that good (i.e. systematically reviewed) evidence almost automatically produces good policy outcomes (Leigh, 2009a; Young et al, 2002, Packwood, 2002). Although these studies never explicitly argue for a linear relationship, by focusing almost exclusively on the production of good evidence, rather than on the way it is understood and utilised in policy-making, they run the risk of implanting this underlying assumption into their argument. For instance, when discussing the need to avoid the practice of 'cherry-picking' among policy-makers, Leigh (2009a: 28) argues for the established evidence hierarchy as the only means to produce 'higher quality studies' and therefore provide acceptable evidence. Young et al argue literature reviews are incomplete narratives, lacking 'selection criteria', whilst making the case that systematic reviews constitute the 'proper' scientific way to select good evidence (2002: 219-20). Packwood (2002: 269) uncomplicatedly claims that, in order to implement EBP, research evidence should be made more widely available to professionals.

If a linear relationship is assumed between evidence and policy production, then much of what actually happens in the policy arena is taken out of the picture (including politics itself). This notwithstanding the fact that evidence, even when systematically reviewed, is always contested (Burnett and Duncan, 2008; Glasby and Beresford, 2006). Ritter reminds us that 'policy makers are not just reviewing the evidence when making decisions but also the political viability, degree of community support and other non-

evidentiary aspects of decision-making' (2009: 72). Most critical studies on the nature of the evidence-policy relationship acknowledge this. Therefore, it does not necessarily follow that the argument for “better” quality of evidence equates with the linear argument of “better evidence, better policy”. It appears as if questions of validity and rigour in the production of evidence can obscure the more vital questions of good practice in policy-making and 'service provision' (Glasby and Beresford; 2006:278). This is addressed by critical/normative and empirical/interpretive studies. The former are focused on producing normative accounts of the use of evidence in policy-making – or rather, how evidence should be made and used – in a specific field of interest (Sanderson; 2002, Macintyre; 2003, Valentine; 2009, Glasby and Beresford; 2006). For instance, Sanderson (2002), adopting a realist perspective, calls for a more 'theory-based' policy, and increased use of tools such as pilot studies and impact assessment for testing and monitoring long-term policy implementation.

One of the hurdles which academics point to in dealing with policy-makers is the frustration of not being heard or taken seriously during the policy-making process. For example, Naughton (2005) describes the poor consultation process prior to the 2003 Criminal Justice Act with disillusionment, arguing that the promises that evidence-based policy entails have not been delivered. On the other hand, Duncan (2008) – a chief government social researcher at the time – argued there is a tendency for academics to entrench themselves away from the public eye for fear of being 'misquoted' or misunderstood, hindering collaboration between government and academia. It is often recognized that the agenda setting and time frames of policy-makers does not correspond to that of academic research (Burnett and Duncan, 2008; Ritter, 2009; Stevens, 2011). As highlighted in the ‘two communities’ metaphor (2.1) commentators note the gap between researchers and policy-makers (Ritter, 2009; Stevens, 2011). This should be viewed in the context of increasing pressure on academics to deliver impactful research (Bastow, Dunleavy and Tinkler, 2014).

Despite some disagreement between academic and non-academic researchers on the surface, an emerging shared commitment toward increased understanding and cooperation between researchers, academics and policy-makers is consolidating (Barnett and Duncan, 2008; Stevens, 2007a; Black, 2001). There is a perceived need for more empirical research designs, which address policy-makers directly in order to gain an inside view of their decision-making. Yet, evidence is at times defined in a narrow way,

both by academics and politicians, because despite claims to the contrary, it is often intended as a synonym for research evidence, which, according to both Duncan (2008) and Ritter (2009), is a misconception. Stevens reminds us that 'what counts as evidence is in itself a politically loaded discussion' (2011: 2). When evidence is called upon, it may be misleading to understand it as a monolithic concept: its boundaries will depend on the range of positions taken by individual stakeholders, as well as the institutions they belong to (6 et al, 2007). For instance, both Duncan and Davies, the UK government's chief social research officers in 2008 and 2004 respectively, believe that government understands evidence in much broader terms than academics' narrower view (Davies, 2004; Duncan, 2008). However, there are models produced by academics which accommodate factors other than research evidence, which suggests that academic views are not always narrow in scope (Ritter, 2009: 71).

Monaghan argued that 'established models of evidence-based policy operate at a high level of abstraction and pay scant attention to [...] the "content of the negotiations"' (2010: 8). This does not mean that such models fail to provide valid critiques and reflections, but it does mean that they cannot fully account for the processes by which evidence is understood, chosen, presented, and used. There appears to be a move toward more qualitative, ethnographic studies on the mechanisms, actors and agencies involved in the making of policy. Although some empirical work involving a degree of 'insider's knowledge' has been carried out (Stevens; 2011, Ritter, 2009; Valentine, 2009; Pearce, Wesselink and Colebatch (eds.), 2014), these studies tend to be country specific and/or field specific. According to Black, cultural specificity and locales can be determining factors in the interpreting of evidence by policy-makers (2001: 276). Thus, it becomes necessary to note any significant changes in the way different governments over time and across borders deal with evidence and the evidence-policy nexus.

2.5 The interpretive turn: broadening the evidence

Williams and Glasby's (2010) paper eloquently summarises many of the issues highlighted in the evidence/policy literature and proposes solutions to overcome the dominance of narrow conceptualisations of evidence stressing the need for a broader, more inclusive conceptualisation (Williams and Glasby, 2010: 95). In Hoppe's terms (2005), critical researchers' consensus seems to be moving away from serving the elitist/administrative policy-making machine towards more democratic and

participatory decision-making. A three-tiered typology of evidence which goes beyond the empirical to include theoretical and experiential dimensions, aims to replace narrower definitions. Empirical evidence, which is more closely associated with medical research, is appealing because it offers ‘the promise of simpler decision-making marked by clearly defined rules and boundaries’ (Williams and Glasby, 2010: 96). Disciplinary and epistemological diversity entail a broad range of approaches that potentially lend themselves to a variety of issues and furnish case appropriate evidence:

‘with significant contributions made by content analysis, Bayesian thinking, cross-design synthesis, grounded theory, meta-ethnography, comparative case study, realist synthesis, narrative synthesis and many more approaches besides’ (ibid).

The most useful reflection provided by Williams and Glasby centres on identifying the lack of frameworks to combine diverse knowledge-bases, and in particular the difficulty in validating and formalising tacit knowledge (or experiential evidence). Since experiential evidence exists in practice yet lacks formalisation and codification, it ‘can only be passed on through processes such as mentoring, shared experience and storytelling’ (2010: 97). Furthermore, the context-dependent nature of experiential evidence makes it hard to access, grasp and penetrate by those who live outside that context. However, the same could be said for theoretical and empirical evidence, since the lack of academic or analytical skills might make these types of knowledge impenetrable for generalist policy-makers. Consequently, one could argue that any form of evidence is context-dependent, whilst understanding it depends on relevant training and skills.

2.5.1 Evidence and meaning

Some of the latest empirically focused studies emphasise the importance of meaning-making, by recognising that evidence is always contested. They also highlight that a hierarchical structure that places value on certain types of evidence to the detriment of other evidence endows power asymmetries that risk undermining certain valid knowledge (i.e. situated, local, lay, experiential, anecdotal and qualitative). This capitalises on the shift away from positivism and critical rationalism toward standpoint epistemologies more influenced by feminism, STS, and Foucauldian readings.

In a special issue of *Evidence & Policy*, 'Evidence and Meaning in Policy Making' (2014), various commentators argue for an 'interpretive turn' in the study of evidence use in policy. The authors recognise that 'actors may contest what is meant by 'evidence' as a factor in the policy process' (Pearce et al, 2014: 161). The contested nature of evidence, and its meaning for actors, is the main focus of all papers in this issue. Lennon (2014) notes how the 'prevailing order' of the evidence hierarchy is influenced by actors' relations and power relations. Looking at environmental infrastructure policy in Ireland, the author notes how qualitative and local knowledges are often marginalised in favour of quantitative universal standards, resulting in a general lack of attention to local context. He argues that actors can use diverse strategies to legitimise their knowledge claims and espouse a particular language to increase the persuasiveness and legitimacy of their positions.

In a similar vein, Blomkamp (2014) explores local governments' struggles to accept qualitative data as legitimate. She argues quantitative evidence allows standard accountability mechanisms to be established, ensuring that accountability exercises are repeated at regular intervals. Yet, these do not necessarily result in policy learning. Instances of successful use of qualitative data do not result in extended trust in such methods as it appears that officials continue seeking quantitative support for their programmes. Focusing on Paraguayan forest governance, Elgert (2014) argues that the dominant ontology, which supports the separation of nature and society, results in the implementation of conservation schemes which ignore local cultural, social, political and economic dimensions. She shows that quantitative data propels universal environmental standards, and values, leaving out local knowledge. In response to this general marginalisation of local knowledge, Epstein et al (2014) argue for opening up the narrow view of evidence to the opportunities of increasingly digitised communication, which can increase potential for democratic decision-making. Focusing on 'Regulation Room' – a programme which supports the move toward open government and participatory democracy – they argue that the use of narrative evidence garnered from civic engagement can increase the legitimacy of situated knowledge.

Pearce (2014) argues that policy proposals in the field of carbon emissions gain traction only if they are in tune with both the EBP paradigm and the global discourse on emissions. This has prompted local authorities to treat emissions data as evidence, and utilise national data on emissions, excluding 'local knowledge about both the contexts

for such emissions and the ability of local authorities to exercise control over the sources of such emissions' (2014: 197). Strassheim and Kettunen (2014) contrast EBP with policy-based evidence, questioning the neutral status of EBP from a science and technology studies' perspective. They argue that inclusion-exclusion criteria make EBP inherently contested, rather than a neutral instrument. They also argue that "regulatory science" makes science and politics further intertwined.

One cross-cutting theme in this literature is the dominance of quantitative data to the detriment of "local knowledge":

'EBP primarily demands technical, quantitative data which is perceived to fulfil demands for democratic accountability through managerial modes of governance. Such evidence is typically based on standardised methodologies which, while they ostensibly help to aid policy benchmarking, downplay the importance of local knowledge' (Pearce et al, 2014: 164).

The main issues which this literature raises are, firstly, concerned with meaning, or how different actors conceive of evidence. Actors' understanding of evidence will, to a large extent, influence the way they use it. Power relations, such as the relationship between central and local authorities, or that between authorities and citizens also appear to influence the manner in which evidence is utilised. This in turn is shaped by dominant discourses that legitimise certain evidence at the expense of other evidence. The evidence-based policy paradigm and its evidence hierarchy collide with certain authorities, disciplines and practices.

Hierarchical notions of evidence obscure the fact that there is no simple answer or solution to policy problems, and that the best approach, and the best evidence, is context dependent and is tied to the types of questions asked as well as the general ethos which underpins policy and scientific practices. Thus, it is important 'to identify the key areas of disagreement and to make sure that voices and contributions from less powerful groups are also included in debates about policy change' (Williams and Glasby, 2010: 100). Efforts to synthesise, formalise and codify evidence are only useful to the extent that thorough consideration is given to the contested and contradictory nature of the evidence in context. This should reflect a diverse political process where disagreement is part of healthy politics and where groups who sit at the bottom of social, cultural and scientific hierarchies are able to participate in policy debates,

particularly when they are the very targets of policy interventions, as in drug and prostitution policy. The potential tensions between local knowledge and local policy implementation and national directives and top-down policy prescription need to be acknowledged and dealt with. This entails a normative quest for reducing power asymmetries whilst acknowledging the complex and contested nature of both evidence and the political process of policy-making.

2.6 Models of the use of evidence in policy

Here, a summary is provided of the features and limitations of different models of the use of evidence in policy. The table below focuses on a representation of models that are popular in the UK, taken from Monaghan's (2011) work but present in other studies (see Young et al, 2002; John, 2003) which take Weiss' (1979) categorisation as a point of departure.

Table 1: Models of the use of evidence in policy

<p>Linear Model (knowledge-driven + problem-solving)</p>	<p>Features:</p> <ul style="list-style-type: none"> • Positivist • Evidence as research (research utilization) • Direct transfer from evidence production to policy application • Derived from hard science and medicine • Research is either sought/commissioned to fill knowledge gaps or used when it pre-exists the emergence of a policy problem • Typical, instrumental rational understanding of the relationship between evidence and policy <p>Problems:</p> <ul style="list-style-type: none"> • Instrumentally rational • It is static and hyper-rational, one-size fits all • Does not take into account factors that hinder the linear transference, i.e. politics • Does not take into account that evidence is contested • Does not take into account that policy-making and evidence production have different, sometimes contrasting, requirements
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<p>Enlightenment Model</p>	<p>Features:</p> <ul style="list-style-type: none"> • Pluralist • Research utilization • Evidence is produced largely independently of the requirements of policy-makers • Knowledge for knowledge's sake. Does not only serve a practical purpose, but is cumulative of information which will sensitize policy-makers and the public. Two-way process, raise awareness and can change political agenda. • Evidence eventually "percolates", not only into policy, but also through to the public <p>Problems:</p> <ul style="list-style-type: none"> • Indirect diffusion can be negative (i.e. unintended, unplanned, thus can distort picture) • Long, unpredictable policy cycles, takes too long for evidence to reach policy, risk of becoming obsolete • Hard to distinguish between good and bad evidence as there is no selection process (i.e. junk science)
<p>Political-Tactical Model</p>	<p>Features:</p> <ul style="list-style-type: none"> • Critical • Research Utilization • Selection of evidence out of political/strategic interest • Positions are pre-determined by short-term needs and ideology • Research evidence can be ignored or disregarded if it does not fit the needs of policy-makers. • Policy-makers use evidence as "ammunition" to detract attention or to justify inaction, procrastinating without appearing to. • Strategic use of research findings, i.e. blaming the evidence or those who produce it rather than taking responsibility <p>Problems:</p> <ul style="list-style-type: none"> • Instrumentally rational • No consideration of contested nature of evidence • Short-term • Offers a deterministic account of the evidence-policy connection

Interactive Model	<p>Features:</p> <ul style="list-style-type: none"> • Pluralist • Research is not the only evidence • Many actors have an impact on policy, through “mutual consultations”. • Takes into consideration the contested nature of research evidence • Room for “knowledge-brokers” to promote their research <p>Problems:</p> <ul style="list-style-type: none"> • No consideration of policy-makers interests or selection criteria • No discussion on the nature of research or other types of evidence that may be used/selected
Evolutionary Model	<p>Features:</p> <ul style="list-style-type: none"> • Critical • Evidence=Ideas, more than research • Attempts to explain the selection of evidence through the survival of the fittest • Identifies both structural conditions and the role of agency • Ideas go through a “mechanism of selection”, fishing for evidence, repetition (to justify the validity of the policy in which it is used); cherry-picking or farming, commissioning research and selecting the findings that support the policy; flak, or managing information that enters the public arena, the role of the media in shaping consensus or ridiculing a policy; strain, or cornering organizations that produce evidence seen as unhelpful to policy-makers, i.e. through funding • Allows for participation of “weaker” groups who may turn these mechanisms in their favour. i.e. advocacy • Recognition that evidence needs a sponsor • Takes into consideration issues of power and power asymmetries <p>Problems:</p> <ul style="list-style-type: none"> • More needs to be said on what constitutes evidence as it is not equated with research • Assumes a direct, causal link between evidence that survives filtering and policy • Too little attention paid to process

Dialogical Model	<p>Features:</p> <ul style="list-style-type: none"> • Critical/Habermasian • Recognizes contested nature of research, i.e. research does not necessarily readily apply to policy and therefore cannot always be used • Dialogue is the main avenue through which research and policy may come to find fruitful collaboration • Research seen as part of society's normal intellectual pursuit • Research cannot be directly applied, it is constructed and mediated, and reconstructed to be applied in policy practice <p>Problems:</p> <ul style="list-style-type: none"> • Does not provide a way other than dialogue for evidence to enter into policy • No consideration on policy evaluation, but only focused on decision-making process • Little consideration of how political interests may shape the possibility for dialogue
Processual Model	<p>Features:</p> <ul style="list-style-type: none"> • Evidence is part of the policy process • The filtering of evidence into policy is open but also 'unequal' and 'unpredictable' • No direct transference, no 'straight line' • Evolution is incomplete as an account, needs to be seen in its social/political context, i.e. instabilities and power shifts • Policies are 'potentially reversible' • Sees evidence and policy as 'in a constant state of flux' • Acknowledges the influence of 'deeply held views', ideology? <p>Problems:</p> <ul style="list-style-type: none"> • Joining together enlightenment and evolutionary • If the relationship between evidence and policy is simply characterized as 'uncertain', 'unstable' and 'unpredictable', then the model is inconclusive? How can it be applied in practice?

2.6.1 A different reading of models

Inspired by the concept of boundary work, Hoppe (2005) details the characteristics of eight models by explicitly focusing on the relationship between science and politics assumed in each. The main advantage of these is that they encourage a dialectical view of the science/politics binary. The eight models are grouped into four categories: those that highlight the primacy of science, those that stress the dominance of politics over science, those that favour dialogue and those that champion learning.

- 'Enlightenment' and 'technocracy' models: primacy of science

The Enlightenment model separates science from politics. Science is endowed with positive connotations, i.e. it is innovative, curiosity-driven, and independent. This view of science is both normative and aspirational. The concept of *percolation* is used to represent science's entry into policy via a process which could be named the "accidental triumph of truth" (Weiss, 1979). In this model, scientists take no direct responsibility for advocating or implementing their findings; it is entirely the politicians' responsibility to use or ignore science. Conversely, in the technocratic model, scientists virtually replace politicians in guiding society toward betterment; politics is depoliticised and science is apolitical, or at least science exists to clean-up politics and provide better answers to policy problems (Hoppe, 2005: 209).

- 'Bureaucratic' and 'engineering' models: primacy of politics

The bureaucratic model subjects scientific knowledge to strategizing and administrative tasks in such a way as to control and direct scientific effort; in this model, scientists are not free thinkers but public servants, and science exists in its administrative guise as a branch of government for instrumental purposes. Similarly to the bureaucratic model, in the engineering model knowledge is mobilised to serve the state, without the need to recruit and embed 'knowledge workers' into the arms and apparatus of the state itself. As such, 'knowledge engineers' (2005: 210) follow specific and localised tasks, contrary to the generalised interests and pursuits of scientists, even if they exist outside the political bureaucratic elite. In this model, science exists to serve politics.

- Advocacy models, favouring dialogue:

The 'adversarial' model is based upon a pluralist epistemology. It recognises that political pluralism, competition, and open contestation are foundational of a given polity. Science is used to legitimise arguments and pre-existing positions, through 'research-as-ammunition'. This model assumes equal and distributed access to expertise, which means that the debate is open and controversy is an inherent part of healthy political debate. The 'dispositional' model focuses on discursive struggles; more than the adversarial model, it acknowledges the asymmetric distribution of power through the concept of 'struggle over discursive hegemony' (i.e. Hajer, 1995). It takes discourse as competing stories or narratives of problem definition, stressing rhetorical style (Hoppe, 2005: 211). 'Discursive bridges' across epistemic and interest groups are possible, and 'discourse coalitions' may arise. For this model, science is necessary to provide the

bridging concepts that may unite ‘originally separate fields of knowledge and practice’. However, in these models, science is but one competing voice ‘among multiple political voices that enable political debate’ (ibid).

- Learning models: ‘pure learning’ and ‘coping’

The model of ‘pure learning’ treats the policy process as one of research and enquiry where policy-makers look for causal relationships and link hypotheses with objectives. It also sees policy-making as experimental in that, through trial and error, the ultimate elimination of errors is a possibility. Pure learning presupposes that instrumental learning and cooperation occurs in the same ‘advocacy coalition’ whereas learning across opposing coalitions is almost impossible (see Chapter 3). In the coping model, learning is not central: rather it is problem-coping which takes centre stage. Problem definition relies on common-sense, local and contingent knowledge bases. Trial and error occurs but, differently from the emphasis on experimental policy-making in the pure learning model, change here is incremental, and easily threatened by a potential political inability to learn. This model stresses both ‘serial adjustment through time’ and ‘political and social adjustments’ to which policy-makers are subjected due to sharing of scarce resources (Hoppe, 2005: 212).

Hoppe stresses that these models are not mutually exclusive, arguing that these ‘should certainly not be interpreted as static images [...] It is likely that a particular model will evolve into another one, and the resulting model may even evolve further into yet another one’ (ibid). He concludes by calling for more research on the conditions which facilitate or impede the dominance of a particular model, or combination thereof, which are likely to depend on both policy domain and country. He also highlights how particular institutions, their functioning, their rules and beliefs, might favour particular models; however, there might be an element of deception involved, in that latent practices which correspond more closely to one model might be disguised in the rhetoric of another. Hoppe concludes by calling for more research into the mechanisms by which these models interact:

‘We should try to discover the conditions under which some of these models, or sequences and configurations of models, may claim greater verisimilitude. As a by-product, this may allow us to rethink the role of scientific expertise in policymaking and generate a contingency model that guides experts and

policymakers (and perhaps other stakeholders as well) in their day-to-day boundary work' (2005: 212)

Ultimately, and similarly to the conclusions drawn in previous sections, the purpose of this exercise has been to highlight how any given model both illuminates and obscures, in the sense that it may emphasise particular aspects at the expense of others. No model is likely to apply in its pure form. It is probable that models operate in conjunction and differently in different settings, and vary according to context and domain as well as the beliefs, values, ideas, interests and understandings of the actors involved and the organisations and institutions they work for.

2.7 Evidence, advocacy and values

It becomes necessary at this point to discuss the attitudes of social scientists in relation to the way they perceive their role in policy-making. Are social scientists aware of their boundary work? Do they see themselves as advocates, offering better answers to policy questions, or do they see themselves as neutral arbiters, believing in the objective nature of scientific practice, or both? The answer to this question may depend on scientists' epistemological positions, their interests, their values and beliefs. Weiss (1991) paper focuses on the relationship between ideas, arguments, advocacy and evidence. It was this line of work that contributed to a shift in focus from evidence to ideas which has inspired some recent work (i.e. Beland, 2005; Smith, 2013 and Pearce, 2014). Starting from the premise that 'a review of the available evidence suggests that in some settings research has greater impact when it becomes part of an advocacy for a preferred position' (1991: 37), Weiss asks whether researchers can be advocates whilst retaining the largest possible degree of objectivity and fairness given complexity, uncertainty, and bias in science. She discusses the possibility that advocacy is in fact an honest admission by researchers of their own limitations, and can potentially become a strength.

'If researchers are more apt to have an influence on policy when they go beyond their traditional role of supplying empirical evidence [...] if they use research to advance policy values; will they forfeit their ticket of admission, which is based on the assumptions of objective and compelling knowledge?' (1991: 38)

Weiss presents objectivity as a double-edged sword: on the one hand, objectivity may be seen as the very idea that allows researchers to participate in policy-making while, on the other hand, it may be seen as what stops researchers from advocating particular

positions that are necessarily political. Going back to Gieryn's discussion (2.3), it appears that some of the arguments that were necessary to distinguish science from non-science had the adverse effect of creating a science that makes unrealistic promises. Whereas Weiss recognises that policy-makers are moved by ideologies and interests, she does not fully acknowledge their impact on scientists (1991: 38). What is missing from her account is how values and belief systems might interact with ideologies and interests. Policy issues clearly stretch across ideological and interest-based motivations through complex interactions which encompass values and emotional responses. Her critique mainly addresses a neo-positivist understanding of evidence, and therefore does not take into account different epistemological positions which explore subjectivity and advocacy in research practices.

Sophisticated political actors are aware of social science's limitations in relation to objectivity, yet 'governments continue to invest sizeable sums of money in policy research conducted by outside research organisations' (Weiss, 1991: 44). So if delivering objective science is not its principal aim, what is the role of policy research? Weiss argues that it becomes necessary to take into consideration the aims of policy researchers working in different settings with different institutional affiliations. In her survey, Weiss (1991: 45-46) found 'four basic motivations' among researchers:

- 1) 'to be reputable social scientists', to hold high standards of practice, both theoretically and methodologically, so that their value can be acknowledged
- 2) 'to make a difference', for their research to be utilised
- 3) 'to advance the cause of analytically based decision-making', which would increase the efficiency and rationality of policies
- 4) 'to advocate a political position', meaning advocacy of particular political views that are in line with researchers' ideas and their belief system

The first aim is the most popular, whereas the fourth is the least popular, and only scientists within academia mention it in her sample. Weiss argues that advocacy might not necessarily be a conscious goal for most. Whilst acknowledging their limitations in being value-driven, researchers also want to be regarded as striving toward objectivity (1991: 46). Rather than positivism being long gone, it seems as though there remains a fundamental contradiction, which affects most researchers, between objectivity and subjectivity, a struggle which involves credibility, legitimation, and the quest for human betterment.

Weiss (1991) proposes three frames: research as data; research as argument and research as ideas. She argues that policy researchers who work in advocacy are more likely to use research as argument; although they remain true to the principles of scientific research, i.e. by not deliberately distorting their findings, they accept that the research is produced in support of the advocacy. Conversely, policy researchers in government are more likely to emphasise objectivity as a cornerstone of their work (research as data). Those in research organisations that are nominally independent but funded by government will act in the interest of appearing neutral, though this may be dependent on the terms of their contract. University seems to be the place where researchers enjoy most freedom, particularly as Weiss' survey found that University-based researchers felt more comfortable saying they aimed to advance particular political positions (pp. 47-48). The validity of this finding should be reviewed against the current climate, where academics' freedom is contingent upon funding directives, and successive governments' impact agenda demand policy-relevant research that should be packaged in such a way as to serve established priorities (Bastow, Dunleavy and Tinkler, 2014). This brings up a second, more general point about Weiss' argument, namely its inherent pluralism. Although ideology, values and interests are all given credit in building the complex web of policy-making, and the role of research in it, there is very little reflection on the power differentials and asymmetries that characterise their complex interplay, both outside and within science itself. Furthermore, to say that positivism is a thing of the past and that social science as a discipline enjoys a post-positivist consensus is overstating the case.

Many commentators have stressed the determinant role of values as an obvious fact of life. Yet the role of values has not yet been explored in a detailed, systematic manner in this field, despite the fact that:

‘by the late twentieth century there was widespread recognition of the inevitable intrusion of values into even the most objective, dispassionate research. Social scientists came to accept the fact that the political and philosophical stance of their work was influenced by their restricted theoretical vision, initial assumptions, methodological preferences, incomplete explanatory models, and other inevitable obstacles to true objectivity’ (Weiss, 1991, p. 43).

Perhaps, with the renewed emphasis on the potential contribution of science to politics, exemplified by the evidence-based policy paradigm, some scientists have temporarily forgotten the impact of values on science, yet still remember that values affect politics.

2.8 Conclusion

The range of studies that have produced models to explain the use of evidence in policy are often rather instrumental, possibly because their main focus is on the *use*, rather than understanding and interpretation, of evidence (Young et al, 2002; Stevens, 2007a; Monaghan, 2010; Weiss, 1979; Leigh, 2009; Black, 2001). Ritter (2009), Stevens (2011) and others identify many different types of information which stakeholders refer to as evidence which often lacks the usual “scientific basis” for what is regarded as evidence. Most studies fall short of acknowledging the role of values, particularly on the science side of the spectrum. The studies presented in the special issue of *Evidence & Policy* (2014) go some way in addressing the manner in which evidence, and particularly its ascribed meaning within the evidence-based policy narrative, reinforces existing power structures and asymmetries through inclusion and exclusion criteria, by providing legitimacy and credibility to certain actors at the expense of local, situated knowledge, anecdotal and experiential evidence. Hoppe (1999) referred to this shift in thinking as going from ‘speaking truth to power’ to ‘making sense together’. Hence, more recent studies stress the need for shifting the focus from evidence to meaning, or the meaning that is ascribed to evidence by different stakeholders that participate in policy-making and, by extension, meaning-making, in a variety of contexts.

There are two principal shortcomings in mainstream understandings of what evidence is or indeed should be, and its relationship with policy. Firstly, evidence is so closely tied to science that some scientists fall short of imagining other ways of conceptualising and operationalising it, failing to understand other contextual conceptions of it. This is identified in some literature, particularly the literature that emphasises the ‘interpretive’ or ‘argumentative’ turn (Fischer and Forester, 2003) and the recent shift in focus from evidence to ideas (Smith, 2013). Related to this is the notion that evidence should be classified through a hierarchy that is absolute; that is, a hierarchy that applies regardless of the context. This supports a universal standard to judge evidence by, placing scientific evidence of a particular kind over and above qualitative, anecdotal and experiential evidence. This is underpinned by conceptions of evidence, and science, as

liberating public policy from any ideological taint. In other words, it fosters a dualistic conception by countering policy-making (dirty) with science (clean). It also fails to acknowledge that science is a political endeavour that is both value-laden and interest-driven, and should not be divorced from its origin and history (Gieryn, 1983), the role its practitioners ascribe to it (Weiss, 1991) and the values and beliefs that guide it. Seeing evidence as embedded in the policy-making process, and understanding theories and frameworks that have attempted to explain this very process, will help elucidate the relative role of evidence in this context. The following chapters will place these discussions in a broader theoretical context in order to further unpack these debates, proposing further analytical tools to inform later discussion.

Chapter 3

The policy process: heuristics, synthesis, normative and cognitive frames, and missing values

3.1 Introduction

This Chapter situates the literature discussed in Chapter Two within a wider theoretical context. A relationship between models of the use of evidence in policy and theories of the policy process is made explicit. A short overview of current theories of the policy process will be used to identify certain under-theorised areas. Theories are identified in relation to the intellectual fashion that was dominant at the time they were advanced. The cultural and case specificity of theories are noted according to country of origin (mostly US), dominant epistemologies and theories of power and the state (i.e. positivism, institutionalism, pluralism, post-structuralism). In summary, early positivist, institutionalist, and rationalist accounts of the policy process were followed by pluralist, critical and increasingly complex accounts between the 1950s and the 1980s as the discipline of public policy became well established. Since the late 1990s, more argumentative and discursive approaches to policy analysis have emerged stemming from a post-structuralist epistemology (Hajer, 1995; Fisher and Forrester, 1993; Fisher, 2003; Hoppe, 1999).

This review suggests the latest intellectual fashion appears to be adopting a ‘multiple theories’ approach, whereby elements of existing theories of policy change are synthesised, often in conjunction with theories from other literatures, and applied to cases in order to provide a richer explanation of the policy process. There are advantages and disadvantages to this approach (see Cairney, 2013 for further discussion): however, synthesis remains popular. The main issue with a synthesis approach is overcoming the epistemological and ontological differences between theories, as well as the potential pitfalls of combining approaches which, although similar in appearance, might use different units of analysis, different levels of generality, or use similar concepts to mean different things. Despite their limitations, synthetic approaches have produced some compelling accounts of the policy process. Some examples include Beland’s and Smith’s work (2005; 2013).

In this chapter I argue that a combination of synthetic and contradictory logic (Cairney, 2013), might allow the identification of useful theoretical instruments. I mostly focus on two theories which remain unique in placing sufficient emphasis on values by stressing the role of what Sorel (2000) calls ‘cognitive and normative frames’: Hall’s policy paradigm and Sabatier’s Advocacy Coalition Framework (ACF). The similarities and differences between these models are discussed in detail. Although cognitive and normative frames are essential in understanding the policy process, these frames need to be extended to systematically encompass the role of values in shaping beliefs and constructing paradigms.

The emphasis on the role of ideas, ideology, interest and values in shaping policy has been a feature in theories of the policy process. Yet, whereas the formers have received further attention and analysis, becoming well integrated into existing contributions (see Weiss, 1991; John, 2003; Hall, 1993; Smith, 2013; Cairney, 2007; Beland, 2005), the role of the latter, though always acknowledged, is lesser developed. How do values affect policy? How do they facilitate or help resist policy change? What is the interplay of ideas and emotions in shaping values? How are dominant values sustained and challenged? It is important to question the distinction between values and ideas, because the boundaries between them are fuzzy. Ideas are often presented and understood in cognitive, ideological and/or discursive terms, to the detriment of their affective components. According to Williams, ‘values merge affect and concept’ (1979: 16); the role of affect and emotions, which partly shapes particular allegiances to ideas according to predominant values, is not sufficiently addressed in the literature. The interplay between values and ideas, and the role of affect in shaping individuals’ allegiances should be subject to analysis. This thesis addresses such questions.

3.2 Theories of the policy process: key approaches

Smith and Katikireddi (2012: 2) have helpfully categorised theories of the policy process in a glossary. They distinguish between three types of theories: those based on the idea of policy inertia (*historical institutionalism, path dependency*); those focusing on incremental policy change (*policy learning*); and those emphasising significant policy shifts (*punctuated equilibriums, policy windows and policy paradigms*). There is value in each of these, because emphasis is placed on different, and at times contrasting, aspects of the policy process. Broadly speaking, accounts of policy inertia focus on resistance to change and

emphasise historical and institutional aspects which may cause inertia. Such accounts give considerable weight to the determining role of pre-existing structures and institutions. In contrast, models of incremental policy change stress the incremental learning that takes place through the policy process, whereby individual policy actors are able to build on knowledge and generate consensus through dialogue, placing emphasis on the ability of an agency to change the course of action based on learning and experience. Those accounts that focus on significant policy shifts are a direct outcome of the latter and highlight that, although policy change is incremental by nature, shifts may take place very quickly, often outside and beyond the incremental learning process, and may even be aided by contextual, circumstantial, ideological, and value-based factors. Any modelling of inertia, slow or rapid change in the policy process is limited to the extent that it entails a degree of simplification by determining which factors and which conditions are necessary or should be emphasised for a particular outcome to occur. These theories provide varied accounts of the policy process, dependant on their assumptions as well as the aspects they choose to emphasise. For example, most models that have been produced in the US usually present a pluralist understanding of the way the state operates (see Kingdon, 2003, Sabatier and Jenkins Smith, 1993). Conversely, models produced in the UK usually have a tendency to present a more critical understanding of the state in a Marxist tradition (see John, 2003). There is a clear trajectory in the development of these models that mirrors developments in social science in terms of context, shifting epistemologies and traditions (i.e. public policy and administration versus social policy).

In his important work evaluating the concept of social learning in analysis of the policy process, Peter Hall (1993: 277) asks a series of important questions:

‘how should we understand the relationship between ideas and policymaking? How do the ideas behind policy change course? Is the process of social learning relatively incremental [...] or marked by upheaval and the kind of “punctuated equilibrium” that often applies more generally to political change? Are bureaucrats the principal actors in social learning, or do politicians and societal organisations also play a role?’

These questions have largely been addressed by the existing literature. Several theories have been put forward, reviewed and adapted, stressing disparate elements as they seek

to explain change and continuity in policy-making. Below is a table detailing some of the principal theories of the policy process.

Table 2: Principal frameworks and theories of the policy process

Name of Model/Author/First Publication	Main Concepts	Shortcomings
Incrementalism Lindblom (1959)	Bounded rationality Muddling through Evolutionary change	Does not account for rapid change
Policy Streams and Policy Windows Kingdon (1984)	Politics Policy Problems Windows Policy entrepreneurs	US specific Lacks engagement with social and cultural pressure for change
Advocacy Coalition Framework Sabatier (1988)	Beliefs Coalitions External shocks Competition Policy brokers Devil shift	Places too much emphasis on exogenous factors Does not account for core belief changes
Punctuated Equilibrium Baumgartner and Jones (1993)	Bounded rationality frames policy community policy monopoly agenda setting venues and venue shopping	US specific Interest-focused Pluralist
Paradigm And Learning Hall (1993)	paradigm shift social learning	Lacks repeated systematic application Lacks engagement with values
Discourse Coalitions Hajer (1993)	discourse structuration discourse institutionalisation	Adversarial position, underplays role of values and beliefs

The following sections briefly summarise certain aspects of each of these approaches, particularly focusing on their strengths and shortcomings and how they deal with values and ideas.

3.2.1 Incrementalism

Lindblom posits that any view of policy change that stresses revolution rather than evolution is misconceived, and that commentators who claim otherwise are confusing idealism with realism. He argues that, ‘neither revolution, nor drastic policy change, nor even carefully planned big steps are ordinarily possible’ (1979: 517). There are problems with this view: firstly, how can incrementalism explain relatively short term, revolutionary policy change? Lindblom acknowledges the complex nature of policy making, yet his analytical tools to tackle it appear rather linear. He proposes the method of disjointed incrementalism as a superior analytical tool, stressing a more reasonable objective that is not directly targeting abstract-ideal goals. In other words, Lindblom argues that when dealing with policy problems and instrumental policy objective, the concern with abstract ideals is remote:

‘they are often only distantly and loosely operative in the specific analysis of policy problems. At best they can only be incompletely analysed – held in the mind loosely where they are beset by internal contradictions. They do not represent, as has been suggested, a distant synoptic guidance of incremental analysis, for synopsis on values remains impossible. Perhaps they enter into our thinking most significantly through posing trade-off problems, in which incremental gains on one front are traded against decrements on others’ (1979: 519)

This statement implies that, in policy analysis, it is possible, and indeed desirable, to methodologically separate day-to-day policy problems and deliberations on them (i.e. cost benefit), from more abstract level, value-oriented thinking about policy objectives, though values analysis might occur in the trade-off process.

If politics moves incrementally, Lindblom argues, this does not necessarily mean that it is reactionary or slow; instead, ‘a fast-moving sequence of small changes can more speedily accomplish a drastic alteration of the status quo than can an only infrequent major policy change’ (1979: 520). Whilst this is a sound line of reasoning, the question remains as to whether incrementalism is able to offer useful theoretical and conceptual tools to understand and analyse the complex system to which it refers. As a general idea, incrementalism is easily validated. Although one should not necessarily abandon incrementalist logic, there is an important difference between the latter and a systematic

framework for policy analysis. Furthermore, incrementalism tacitly implies both a certain degree of linearity, which runs counter to the acknowledgement of dealing with a complex system, and a more subtle separation between instruments and objectives, which implies the misconceived possibility of separating facts from values.

3.2.2 Punctuated Equilibriums

Contrary to Lindblom, Baumgartner and Jones' (2009) central premise is that the policy process is characterised by 'long periods of stability [...] interrupted by bursts of frenetic policy activity' (2009: xvii). The idea of punctuated equilibrium is useful because it acknowledges continuity as well as sudden change. It also stresses the relative independence of policy subsystems, albeit without relating it to long-term societal level value shifts. Contrary to institutionalist approaches, which would stress the determining role of institutions in leading change and continuity, Baumgartner and Jones argue that 'institutions are embedded in broad social and political environments, and they operate within the limits induced by human cognitive capacity' (2009: xx). Institutional and societal change should thus be regarded as mutually reinforcing rather than as led by institutions. Baumgartner and Jones place considerable emphasis on agenda setting and framing as central mechanisms through which issues are brought to the forefront of formal policy debates; adopting framing and agenda setting as lenses has certain implications. Significantly, it stresses competition above asymmetrical resource distribution.

Baumgartner and Jones recognise the tension that exists between the 'bounded rationality' of institutionalist approaches and long-term change:

'scholars recognised the role of bounded rationality in imposing stability on a potentially chaotic process. What they missed are the implications for longer-run change: these systems were too stable, and were not capable of responding to changing social and economic realities by admitting emergent interests into the process' (2009: xxiv).

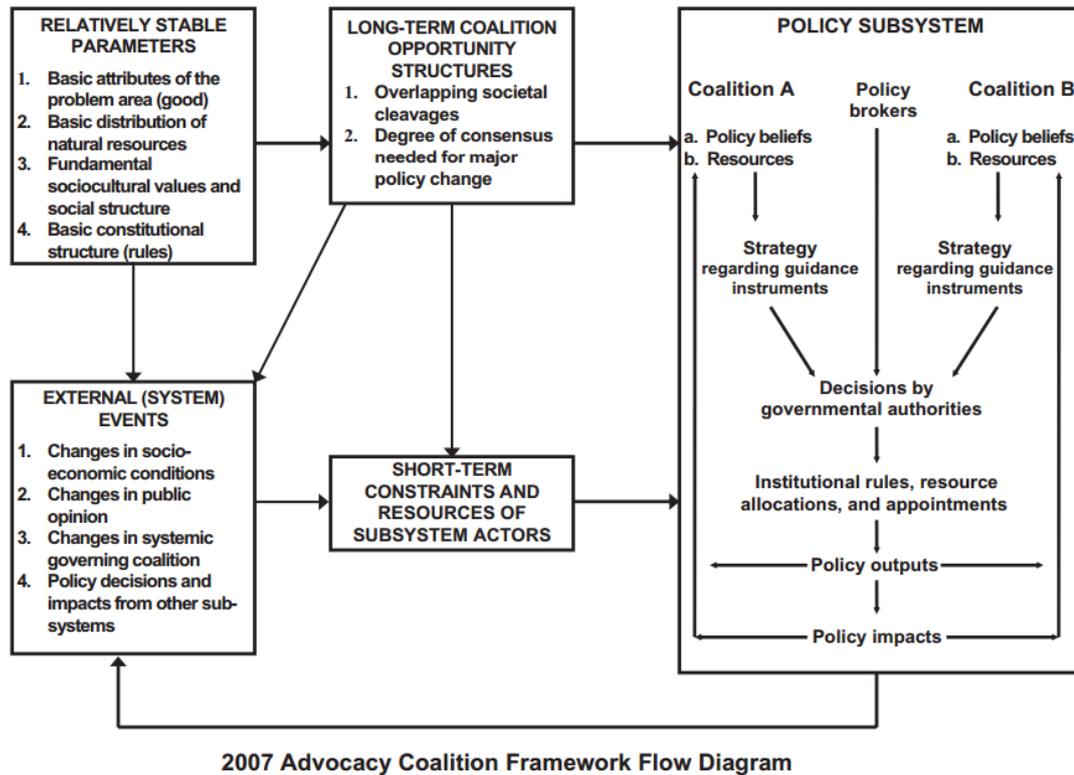
However, they do not deal with the manner in which stability is maintained within a system over the long term in sufficient detail, perhaps because this was the central focus of prior competing approaches. A typical self-perpetuating policy cycle is identified through agenda setting and concentration of resources, whereby:

‘after an initial period of increased media attention to a given issue official attention begins to rise. Policymakers hoping for greater governmental activity in the area take advantage of the momentary burst of public or media concern with the issue and push for new legislation. Generally speaking, this new legislation commits funds and creates new institutions’ (2009: 169).

Agenda setting takes precedence over other factors, which results in an analysis that is useful in identifying the self-perpetuating nature of institutions created to tackle identified problems alongside the creation of new ones. It identifies the manner in which problems are responded to and perpetuated, yet it lacks attention on how problems are created and responses legitimised, underplaying the fact that the solutions proposed by actors are themselves created out of dominant interests, ideas, values and existing social, economic and cultural power asymmetries. This approach’s pluralist underpinning, and the emphasis on interests, rather than ideas and values, and framing, rather than narratives, is perhaps a limitation. Issue framing is a useful theoretical tool; however the problem with issue framing is that it too rigidly relies on interest and competition, which entails the substitution of one frame with another. This does not acknowledge that frames can accidentally cooperate, or one frame can nominally represent one view but latently disguise another (see Hajer, 1993; Chapter 5).

3.2.3 The Advocacy Coalition Framework

The Advocacy Coalition Framework emerged in direct response to previous models of policy change (i.e. *stages heuristic* models) that took little account of factors outside of top-down institutional, ‘legalistic’ policy-making process (i.e. Lindblom and Heclo’s work) (Jenkins-Smith and Sabatier, 1994: 177). The ACF was first developed in 1988 and based on a single case study, that of air pollution policy in the US, which limits the generalizability of the framework; however, it has been reviewed and revised since (Sabatier, 2011) and it has been used in a significant number of studies (Weible et al, 2009). The primary assumptions of the framework are heavily based on Heclo's work (Sabatier, 1988: 130) and provide a complex model built on five premises, in which technical information (which can be used as a synonym for evidence) figures prominently.

Figure 2: Visual representation of the ACF (source: adapted from Weible et al, 2009)

The principal elements under scrutiny are the identification of a problem, its causes, and estimated impact of proposed solutions, with a 'policy subsystem' as the main unit of analysis (Sabatier, 2011: 99). As John points out, 'there can be no "stages" model of the political process to provide a simple map because of the multiple sources of causation, feedback, and the sheer complexity of what is going on' (2003: 483). One of the main advances of the ACF was to create a framework which acknowledges the influence of 'belief systems' (Jenkins-Smith and Sabatier, 1994: 178). The idea of conceptualizing policy systems as belief systems recognizes that empirical/instrumental elements may well enter and shape policy, but that there are also core/normative elements, beliefs, that play a major role (1994: 181). In the ACF, beliefs are divided into three levels: *deep core beliefs*, which refer to a person's values and philosophy; *policy core beliefs*, which refer to one's political and policy positions; *secondary aspects*, which relate to resources and policy implementation, as well as information supporting the process (Cairney, 2012: 205). The deeper the level of belief, the harder it is to alter that belief: 'core beliefs span most policy areas and are the least susceptible to change' (ibid).

The ACF allows for changes to the policy core, but states these only seem to come about because of external forces such as 'macro-economic conditions or the rise of a

new systemic governing coalition' (Sabatier, 1988: 134). Change principally takes place at the level of secondary aspects, when 'specific policies are refined according to new information gathered during the policy cycle' (Cairney, 2012: 206). According to John's interpretation of the ACF, shifts in policy, and coalitions, are adaptive: 'change comes from the ability of these ideas to adapt – in their noncore aspect – ranging around a whole series of operational questions and “what works” in any one time or place' (2003: 490). One of the strengths of this approach is in acknowledging the political, value-laden arena in which policy-making takes place; in this context, coalitions are seen as dynamic and changeable. The sharing of policy core-beliefs is crucial for the coalition to exist and to last (Sabatier, 2011: 105). Interestingly, the only factor that is given the potential to radically alter policy, other than a major political shift, or an 'external shock', which entails change in the policy core belief, is 'solid empirical evidence' (ibid). However, it is recognized that 'such evidence is more likely to be developed and accepted in fields where accepted quantitative data and consensual theories are available, in the natural sciences more than the social sciences' (p. 105). Sabatier posits that coalitions are primarily interest-driven, and that they use evidence in support of their existing beliefs:

'The framework assumes [...] that members of various coalitions seek to better understand the world in order to further their policy objectives. They will resist information suggesting that their basic beliefs may be invalid and/or unattainable, and they will use formal policy analyses primarily to buttress and elaborate those beliefs (or attack their opponents)' (Sabatier, 1988: 133).

The ACF attempts to strike a balance between rational choice theory, where 'actors are instrumentally rational', and more psycho-social and social constructivist approaches. It should be noted here that beliefs are understood in both normative and cognitive terms:

'the ACF assumes that goals are usually complex and that an individual's ability to perceive the world and to process that information is affected by cognitive biases and constraints' (Sabatier, 2011: 108).

Sabatier (2011: 115-16) recognised, in contrast to his early account of coalitions, that actors do not necessarily act 'in concert'. He makes a distinction between 'material groups', motivated by self-interest, and 'purposive groups', motivated by belief and collective welfare. This division, however, does not recognise overlap between the two

groups. Though the ACF recognises that a wide variety of actors participate in policy-making, it leaves responsibility almost entirely with the actors themselves; in other words, it does not pay sufficient attention to systemic impediments that may hinder participation. As such, 'the political resources (or lack thereof) of many interest groups are slowly changing 'facts of life' which actors within a subsystem must take into account in formulating their strategies in the short or moderate term' (Sabatier, 1988: 135). This essentially pluralist understanding of resources' distribution glosses over the fact that certain coalitions are likely to remain better off because they are sustained by dominant interests and belief systems.

The complex process which shapes human agents' beliefs, values, opinions and strategies is recognized, and it is assumed that this 'should be ascertained empirically' (2011: 109). There is no indication of any methodological reflection on how this could be best established, other than the systematic gathering of data 'on the belief and behaviour of actors' through 'surveys' and the development of 'techniques for systematically coding testimony at legislative and administrative hearings' (2011: 107-8). The process of belief formation and the interplay of values, beliefs, politics and ideology remain under-theorised in the framework. Qualitative research can address this, but this is not necessarily advocated by the ACF.

3.2.4 Multiple streams

Kingdon uses the idea of streams to give a sense of dynamism and flow to the policy process, rejecting a 'stages' model (2003: 205). He identifies three streams – 'problems, policy proposals and politics' – which emerge from the 'policy primeval soup' (2003: 19). This 'soup' stands for the combination and confrontation of ideas within a 'policy community' (2003: 117). He argues that the encounter of any two of these three streams in conjunction with the opening of 'policy windows', or occasional windows of opportunity for change, may allow for a shift in policy to occur (2003: 20). Accordingly, 'separate streams come together at critical times' (2003: 88). Although he recognizes that a variety of actors play an important role within the policy process, including those outside of government, he grants a more prominent role to government officials; 'no one set of actors dominates the process, but elected politicians and their appointees come closer than any other' (2003: 44). He provides a detailed analysis backed by two empirical cases, health and transportation. For Kingdon, the focal question is why some issues are neglected while others are taken on board, setting the policy agenda. He

argues that issues that are alive at the level of specialised agendas can be virtually non-existent in general agendas (2003: 196).

A policy problem is defined through indicators coming from various governmental and non-governmental sources and techniques, including monitoring, data collection and statistics (2003: 91). Kingdon argues that in order for indicators to become evident, a 'focusing event' is needed, which is a symbolic embodiment of the problem itself, like a crisis (2003: 94). Crises and disasters may be a more common occurrence in some fields of policy than others, and what determines the scope of the crisis is often dependent on many factors, including the role of the media and the level of 'aggregation' of the crisis (2003: 95). Focusing events act merely as reinforcing factors to a pre-existing and already identified problem. This way of viewing problems leaves room for the relative nature of problem definition, whereby one stakeholder may define a problem in such a way that the responsibility for its resolution falls outside of their remit. This is where the political comes in, entailing the question of values: 'problem definition and struggles over definition turn out to have important consequences' (2003: 110). Hence, depending on one's political belief or party allegiance, poverty may or may not be identified as a problem to be tackled by government intervention. When considering the role of values, Kingdon posits that specialists in the same policy fields often share similar values, with only classic political divisions, liberals versus conservatives, presenting significant differences (2003: 133).

Kingdon states that 'the forces that drive the political stream and the forces that drive the policy stream are quite different: each has a life of its own, independent of the other.' (2003: 118) For a heuristic, it is useful to make categorical differentiations, but the extent to which these streams, policy, politics and problems, should be seen as separate and independent from one another is questionable. For instance, how is it possible for the problem stream and the political stream to be artificially separated if it is the very process of problem identification that leads a policy entrepreneur to advocate? (2003: 123). Specialists seem to be mainly responsible for the generation and exchange of ideas, but ideas remain vaguely defined (2003: 200). Kingdon recognizes that power distribution is uneven and favours certain groups over others; yet, he takes issue with the over-reliance of political science on concepts such as 'power, influence, pressure and strategy' (2003: 125); he argues that ideas and content should be the key focus of policy analysis. However, he seems not to pay enough attention to the

possibility that these factors contribute to the shaping of those very ideas. As John points out, 'one problem is that it is not clear exactly what ideas are' (2003: 487). Kingdon grants special powers to 'policy entrepreneurs' as agents of change; accordingly, they are almost single-handedly responsible for the 'coupling' of streams, and consequently for policy change opportunities (2003: 179). There is a fundamental problem with the idea that entrepreneurship alone is enough to create a successful advocate, namely that not all advocates or entrepreneurs will have success (and sufficient resources) to either couple streams or take advantage of open policy windows if there is a strong ideological consensus which holds policies still or against them. One advantage of Kingdon's model is that it takes into account the unintended ways in which certain ideas come to the fore: 'we still encounter considerable doses of messiness, accident, fortuitous coupling, and dumb luck', which essentially makes for unpredictable elements (p. 206).

There are significant similarities between the streams model and the ACF, which partly stem from their pluralist understanding of power and knowledge distribution in the state. For instance, what Sabatier calls 'major socio-economic changes, such as economic dislocation or the rise of social movements' (2011: 103), is not far off from Kingdon's idea of problem recognition through 'focusing events', like a crisis or disaster (2003: 94). Although Kingdon recognises that power is unevenly spread, he only grants a passive voice to public opinion. The two frameworks seem to share an overwhelming level of optimism when it comes to the use of evidence in policy. The ACF stresses the idea of 'policy-oriented learning'. According to Sabatier, it is possible for coalitions to 'gradually alter their belief systems over time, partially as a result of formal policy analyses and trial and error learning' (1988: 130). This leads one to assume that policy-makers in all fields grant a vital role to processes of analysis, evaluation, and monitoring; however, the ACF does not necessarily provide the tools to respond to the fundamental question: to what extent is this actually the case? Similarly, the central mechanism for evaluation of existing programmes is identified by Kingdon as formal and informal feedback, but there is no analysis of the extent to which the structures in place, both deep and institutional, actually aid feedback mechanisms (2003: 101,102).

3.2.5 Hall's Policy paradigm

In his article discussing the paradigm shift from Keynesianism to monetarism in the British context, Hall (1993: 278) explains the policy-making process as one that involves

‘three central variables: the overarching goals that guide policy in a particular field, the techniques or policy instruments used to attain those goals, and the precise setting of these instruments’. Hall uses the Kuhnian model of scientific paradigm shifts (1962) and adapts it to the study of public policy. He explains how policy actors operate within the confines of a set paradigm, which establishes meaning as well as the boundaries of possible practices:

Politicians, officials, the spokesmen for social interests, and policy experts all operate within the terms of the political discourse that are current in the nation at a given time, and the terms of political discourse generally have a specific configuration that lends representative legitimacy to some social interests more than others, delineates the accepted boundaries of state action, associates contemporary political developments with particular interpretations of national history, and defines the context in which many issues will be understood (1993: 289).

Hall details a set of factors which influence the policy-making process: political and material resources, positional advantages within institutional framework, arguments of competing factions, exogenous factors. The level of authoritativeness of one set of actors over another, or of one science over another, is considered to be important. Hall’s account likens scientific to policy paradigms in their tendency to present anomalies which accumulate overtime, eventually undermining the cohesiveness of the paradigm itself, resulting in a visible failure. Crucially, this failure is thought to strengthen competing paradigms, or at least open up the field to competition.

Hall recognises that the power structure, both discursive and institutional, establishes policy boundaries: in other words, it acknowledges that power is unequally distributed, and certain ideas, and beliefs, are more likely to enjoy broader consensus. This is largely due to the fact that

‘paradigms are by definition never fully commensurable in scientific or technical terms. Because each paradigm contains its own account of how the world facing policy-makers operates and each account is different, it is often impossible for the advocates of different paradigms to agree on a common body of data against which a technical judgement in favour of one paradigm over another might be made’ (1993: 280).

This also means that what counts as evidence for some will be different from others. In Hall's depiction, the boundaries of given actions, practices and interventions are set by a dominant paradigm, because:

'every paradigm contains a view of human nature, a definition of basic and proper forms of social relations among equals and among those in relationships of hierarchy, and a specification of relations among institutions as well as a stipulation of the role of such institutions. Thus, a societal paradigm is a meaning system as well as a set of practices.' (Jenson, cited in Surel, 2000: 499)

The espousal of a certain paradigm shapes the actors' boundaries and their imagination to the point that opposing views are fundamentally incommensurable. There is significant overlap between Hall's notion of paradigm and Hajer's conception of discourse, discussed below.

3.2.6 Hajer's Discourse coalitions

In a volume that stresses the 'argumentative turn' in policy analysis (Fisher and Forrester, 1993) Marteen Hajer outlines the importance of focusing on *discourse* to study the policy process. He argues that 'whether or not a situation is perceived as a political problem depends on the narrative in which it is discussed' (1993: 44). In a post-structuralist tradition, language loses its neutral status and becomes instead the principal conveyor of meaning, a medium through which actors construct the world around them. Hence, 'the study of discourse opens new possibilities to study the political process as *mobilization of bias*' (1993: 45). He highlights the necessity to move beyond technical differences of opinion to discuss the 'discursive production of reality' in relation to social and historical practices; this very relation is encapsulated in the concept of a 'discourse coalition', or 'a group of actors who share a social construct' (1993: 45). This approach emphasises the centrality of the framing process, whereby certain actors push their views forward through mechanisms of debate, persuasion, manipulation and power. What is missing from existing accounts according to Hajer is the meaning-making function of discourse in defining problems through a re-organisation of existing knowledge coupled with emerging ideas, concepts and categories. These discourses can vary from normative to analytic and can contain both 'historical references' and 'myths'. Hajer terms the process of solidification of a discourse as 'structuration', whereby a discourse becomes dominant and subsequently

‘institutionalised’ (1993: 46). Hajer’s case study – acid rain – provides grounds for reflection in relation to the interplay between scientific discourses and the formation of the discourse on acid rain; the primacy of scientific knowledge and ways of knowing is given by the dominance of science in this setting. Yet due to competing discourses, which span beyond the scientific to include economic, engineering, political and other discursive frames, there is no single dominant explanation of a given phenomenon (1993: 46). But can a discourse be considered as a synonym for a frame? To some extent, the idea of competing frames as discussed by Baumgartner and Jones (2009) already encompasses some of the reflections put forward by Hajer. However, there is a fundamental difference in the power ascribed to discourse delivered narratively and linguistically, as opposed to a more interest-driven and rationalised framing process. Contrary to a concept of frames that is often pluralistic because viewed on a competitive and interest-led basis, frames may come together, even unintentionally, through their potential affinities and therefore might not necessarily compete. For instance, in Hajer’s chosen case study, moral, scientific, and economic arguments share significant affinities which end up supporting an overall discourse on sustainable development (1993: 47).

Narratives are then the principal element of discourse sustenance. The power of narratives, or storylines, in supporting dominant discourses is dependent on specific conditions: firstly, it must be accepted by key actors (structuration) and, secondly, it must be ‘institutionalised’ by becoming embedded in existing institutions (1993: 48).

‘the politics of discourse is best seen as a continuous process of giving meaning to the vague and ambiguous social world by means of story lines and the subsequent structuration of experience through the various social practices that can be found in a given field’ (1993: 48).

Advantages of this approach include moving beyond interest-based explanations; tying subsystems to their broader socio-historical discursive contexts; and moving beyond instrumental/rational explanations. According to Hajer, this approach:

‘illuminates how different actors and organisational practices help to reproduce or fight a given bias without necessarily *orchestrating* or *coordinating* their actions or without necessarily *sharing deep values*’ (1993: 48, emphasis added)

This process will become evident in Chapters Eight and Ten. Hajer's approach speaks directly to instrumental rational models of the policy process as well as those models that stress the centrality of belief systems in determining policy coalitions (Hall, 1993; Sabatier and Jenkins-Smith, 1993).

The question remains as to whether these different approaches are as discordant as they may appear. Indeed, when putting forward a competing theory, one tends to focus on aspects that had been previously neglected to understand whether they may offer a better reading. Furthermore, there is an attempt to justify new readings by highlighting their superior explanatory power, targeting previously neglected aspects, compared to other theories' shortcomings. Following Cairney's argument (2012), the inclination of theoreticians to invalidate competing theories in order to justify their own is part of academic practice; yet, no theory starts in a vacuum.

3.3 Using Multiple Lenses

Theories are seldom systematically tested as encompassing frameworks (Cairney, 2013; Weible et al, 2009). Aside from a few exceptions (John et al, 2013; Weible et al, 2009), concepts and ideas have been borrowed from these theories with little concern for their ontological and epistemological assumptions or their claims to replicability. Thus these theories are more often utilised as lenses to construct a dominant narrative of change (Cairney, 2013), rather than being systematically and/or deductively tested as applying to multiple cases. In order to overcome the limitations which might stem from relying on a single dominant narrative of change, Cairney (2007) proposes to use 'multiple lenses' to enrich analysis by combining insights from different theories and multiple narratives of change. In his later work (2013), he notes this may pose significant hindrances and identifies three ways of combining approaches, alongside noting their potential limitations:

- **Synthesis and super-synthesis:** the production of a single theory 'based on the insights of multiple theories' (p. 1). Despite offering the possibility for more powerful explanations, this approach is limited by the fact that 'theories and concepts [...] draw on different intellectual traditions and give different meanings to the same terms' (p. 14).
- **Complementary:** the production of a range of explanations using a range of theories. This approach would be the most advantageous because it allows for

the use of models in full rather than the cherry-picking of elements that better suit the particular case, as is most likely to happen with a synthetic approach. However, the possibility of a complementary application is severely limited by the available resources of individual researchers. Most approaches have to make compromises between ‘theoretical coverage and empirical depth, producing multiple “lenses” but singular research designs’ (p. 14).

- **Contradictory:** the comparison of different theories to select one with the most explanatory potential. This approach potentially offers the same advantages as the complementary approach, yet is less resource-intensive as it does not require devoting ‘considerable resources to the research methods associated with each theory’. However, it ‘does not provide a universally accepted way to combine their merits’ (p. 15).

Cairney (2013: 17) concludes it is possible to resolve the limitations of each of the above by creating competing narratives of policy change, which ‘may be used to support competing theories’. His argument rests on the assumption that multiple lenses have further explanatory potential if combined with competing narratives. If a dominant narrative of change is selected, this needs to be justified satisfactorily. A synthetic approach must seek some epistemological and conceptual common ground in order to function in a non-contradictory manner. It is possible to pursue a multiple lenses approach which engages in some level of synthesis providing that the researcher is both transparent and reflexive in their practice.

In Cairney’s and others analysis (Weible et al, 2009), the majority of studies in the field make use of a synthetic approach. This is significant and it suggests that, despite its potential shortcomings, synthesis is central to theory generation. Without synthesis, studies would merely replicate and test existing theories and notions, rather than generating new ideas, concepts and frameworks that are both creative and responsive to the features of individual cases. As such, it can be concluded that the purpose of synthesis, contrary to complementary and contradictory approaches, is not simply to test existing theories, but to make new theories.

3.4 Multiple lenses and Ideas

I now turn to the work of Beland (2005) and Smith (2013) to acknowledge the significant insights which a focus on ideas has brought to policy analysis. Both these

works concentrate on the contributions that an explicit focus on ideas may bring, whilst also representing instances of using multiple lenses. Beland's work exemplifies the borrowing of concepts from the variety of frameworks that offer theoretical tools to understand the policy process. He uses the notion of paradigms, yet his contentions go further than Hall's in placing emphasis on the pragmatic nature of a paradigm, as well as the existence of sectoral paradigms alongside generic ones.

'Far from being purely cognitive, paradigms are inherently normative and *programmatic*: they help policymakers decide how to reform existing programmes, or to create new ones. If "general paradigms" concerning gender roles or economic regulation impact on political decisions across policy areas, "sectoral paradigms" belong to a specific policy area.' (2005: 7)

Beland stresses the role of political and institutional structures in reinforcing the boundaries of a given paradigm:

'Policy ideas and political institutions interact within and outside of state boundaries, and paradigms are institutionalised through policy implementation and formal social learning processes like commissions and expert panels. At a deeper level, a country's political institutions (for example, the level of territorial decentralization) can also shape the way policy-makers construct, perceive and select debated policy alternatives' (2005: 8)

Not only does he give credit to political and institutional structures, he also notes the significance of international networks and coalitions which either reinforce or challenge given nation-bound paradigms, because

'policy networks transcend national boundaries, which allow specific alternatives and paradigms to spread at the international level. In order to understand the policy stream better, scholars should then take into account the international circulation of policy ideas' (2005: 9).

Here, he uses Kingdon's concept of streams, and places it alongside existing literature on policy networks, policy transfer and multi-level governance (Dolowitz and Marsh, 1996; 2000; Rhodes, 1997; Bache and Flinders, 2004). Another aspect that is further emphasised by Beland is that policy frames are distinct from ideas (2005: 11). Beland argues that the importance of framing for the purposes of communication and

legitimation should not be underestimated. This is reminiscent of Baumgartner and Jones, and different from Hajer, because founded upon an interest-based and instrumental type of framing. Framing, according to Beland, remains underdeveloped in both the ACF and Hall's paradigm models:

'Policy-makers can also frame policy alternatives in a manner that hides their actual departure from a well-accepted paradigm. Scholars have shown that "third-order change" can occur if a paradigm shift takes place [...] if the accumulation of incremental reforms slowly alters the institutional logic of existing policies [...] and/or if power-holders are successful in constructing the need to reform that would legitimize path departing reforms.' (2005: 11-14)

Yet ultimately, third order or profound change needs to be supported by a set of values and beliefs consonant with the direction of change. Beland calls for more comparative research as a way to validate the importance of ideas across boundaries:

'Considering significant ideational and institutional variations from one country to another, comparative analysis is especially useful to showing how and when ideas matter in politics' (2005: 15)

This focus on the interaction between ideas, interests and institutions appears necessary in order to understand the policy process.

Smith's work on the 'interplay of ideas' (2013) is another example of successful integration of existing theoretical tools from a variety of approaches which emphasises the role of ideas. It provides a rich and nuanced typology of ideas in relation to research. It

'draws attention to the fact policy informs research, as well as the other way around, and to the fact that both research and policy tend to be shaped by broad, overarching ideas that may, in some contexts, be taken for granted (discourses, frames, paradigms or, [...] 'institutionalised ideas')' (2013: 213).

She compares two case studies in the UK: health inequalities (where significant policy change has been unsuccessful thus far) and tobacco policy (often considered a public health success).

Smith argues that existing definitions of ideas are vague at best. She puts forward a three-tiered categorisation of ideas to advance some theoretical clarity:

1. 'organised principles and causal beliefs' i.e. neo-liberalism, socialism, Marxism, Keynesianism

She notes that 'this way of thinking about ideas, which helps highlight the importance of values and causal beliefs, is similar to Hall's concept of 'policy paradigms' and Jobert and Muller's notion of 'the referential' (Smith, 2013: 73). She makes two important points: firstly, that at this level there is interplay between ideas, values and causal beliefs. Secondly, that this way of conceptualising ideas is akin to both the notion of paradigm and that of the referential, as noted by Surel (2000).

2. 'policy frames', which 'play a crucial role in shaping policy processes and outcomes'. These are seen as similar to Weiss' (1991) 'weapons of advocacy' (Smith, 2013: 73).

These types of ideas appear more purposive and instrumental in character, and indeed influenced by ideas of the first type.

3. Pragmatic ideas as 'specific policy initiatives or solutions, which range from ideas for incremental ways to improve existing policies to ideas involving a completely new approach to a particular policy issue' (ibid)

This reflects both the ACF three tier divisions (core beliefs; policy core; secondary aspects) and Hall's distinction between paradigm and instrument, together with the direct adoption of frames. In Smith's view then, 'particular policy solutions are embedded within particular policy paradigms and are also framed by the policy actors' (2013: 73).

She then proposes a four-genre typology of ideas, (institutionalised; chameleonic; charismatic; critical) explaining that

'Research-informed ideas within public health are often able to move into policy either because they already fit within the boundaries of institutionalised ideas [...] or because they have chameleonic qualities which facilitate their translation in ways which limit the challenge they pose for institutionalised ideas' (2013: 214).

Ideas with ‘charismatic’ qualities advance new ways of thinking about issues, they ‘offer alternative future scenarios, have the potential to significantly change policy responses to a particular issue (at least when combined with public health advocacy)’ (2013: 214). The recycling of ideas, the re-ordering of importance of ideas is a natural process in policy ideation within a cognitive/normative frame perspective (Surel, 2000).

Smith posits a bridging role for ideas, in that ideas are able to balance both actors’ material interests and beliefs. She argues that actors are fundamentally knowledge deficient in that they often do not necessarily know which options are better suited to their interests or objectives and therefore struggle to make a rational choice. Hence,

‘an analytical framework prioritising the role of ideas usefully replaces a focus on *actual* material interests with a focus on exploring what actors *believe* to be in their interests (and why).’ (2013: 71)

She also argues that a focus on ideas does not exclude theoretical eclecticism, because it is not in itself incompatible with other approaches, and as such it lends itself to an institutionalist focus, because ideational and institutionalist approaches do not need be mutually exclusive (and discursive institutionalism proves this point).

Her central tenet is that, rather than a focus on evidence-based policy, which is an ideal-type that is neither realistic nor necessarily desirable, one should concentrate on the analysis of the way research based ideas might travel into policy and thus debate the prevalence, or absence, of research-informed ideas in policy. This is because evidence can help form an idea, but it is not its exclusive content. In fact, ‘researchers are often viewed by policy-makers as one of several sources of ideas, not necessarily of evidence’ (2013: 108). The relationship between evidence and ideas is better explained through interplay, because:

‘evidence can play an important role in helping policymakers to ‘sell’ particular ideas to others’ and ‘evidence can also inform the emergence of new ideas while ideas, in turn, inform how actors perceive and interpret evidence’ (2013: 109).

Ideational accounts discussed so far grant significant weight to the role of ideas, and observe the process by which certain ideas become dominant. As Hall reminds us,

‘even where the *leitmotiv* of policy is simply an overarching metaphor, such as the “war on drugs” [...] the metaphor and its attendant elaborations can structure

many aspects of what is to be done. Policy-making in virtually all fields takes place within the context of a particular set of ideas that recognise some social interests as more legitimate than others and privilege some lines of policy over others' (Hall, 1993: 292).

In order to move forward theoretically, the interplay between ideas, values and affect needs to be further developed.

3.5 A synthesis for analysis using Normative and Cognitive Frames

In his review comparing Hall's concept of policy paradigm with Sabatier's Advocacy Coalition Framework, Surel (2000) argues that these approaches primarily emphasise

'the influence of ideas, general precepts and representations, over and above social evolution and state action [...] based on the belief that cognitive and normative elements play an important role in how actors understand and explain the world' (2000: 495).

These approaches share 'recognition of the importance of values, ideas and representations in the study of public policy' (ibid). Surel's coupling of Hall's policy paradigm with the ACF acknowledges that normative and cognitive frames establish boundaries and meaning in such a way as to delimit 'the scope of the necessary and potential instruments and the relative importance of each of them' (2000: 499).

Table 3: Levels of depth in normative and cognitive frame theories
(source: adapted from Surel, 2000)

	<i>Paradigm</i>	<i>Advocacy coalition framework</i>	Référentiel
Metaphysical principles	Policy paradigm	Deep core	Values, images
Specific principles		Policy core	Norms
Forms of action	Choice of instruments		
Instruments	Specifications of instruments	Secondary aspects	Algorithms

Surel groups policy paradigm and deep core beliefs under the category 'metaphysical principles'. A deep core is defined by Sabatier as an 'ontological and normative beliefs,

such as the relative valuation of individual freedom versus social equality, which operates across virtually all policy domains' (1993: 103). A deep core belief thus involves value judgement. It is interesting how a deep core belief contains within it a potential value conflict and resolution. Thus, it contains an ordering of values as part of a normative/deliberative practice. This is similar to a paradigm, which theoretically represents an entire world-view and its boundaries, and is informed by values. Deep core belief and paradigm seem to share some important commonalities.

A dominant paradigm puts one value above another to make sense of the world, and some paradigms place more emphasis on certain values rather than others (e.g. social equality is stronger in Keynesianism, whereas individual freedom is stronger in neo-liberal monetarism). A paradigm, although bounded, is by no means exclusive: the non-exclusivity of a paradigm is a crucial aspect to enhance its explanatory power: 'the paradigm [...] acts more as a bounded space for conflict, between the subsystem and the global community, as inside the subsystem itself' (Surel, 2000: 502). According to Surel, whereas Hall's conceptualisation 'rests on a hierarchy of degrees of abstraction' (i.e. a more abstract paradigm and more concrete instrument), Sabatier makes a clear distinction between deep core and policy core based on magnitude: 'the deep core affects the whole of society [...] whereas the policy core refers only to a subsystem of public policy' (2000: 498). For Hall, differences in objectives (at the macro level) define the scope of policy prescription; thus, a paradigm – to a great extent – determines instruments. There are some problems with the sort of determinism existing in both models that Surel identifies. Normative and cognitive frames are a 'source of boundaries'; however, there is a risk of overstating a system's 'internal coherence' and 'hierarchical ordering' to the point of emphasising the 'normative elements' over the cognitive ones (2000: 500).

Although Sabatier recognises power relations and agency, he does not make an explicit link between dominant deep core beliefs, power distribution, and the dominance of certain actors, given the framework's pluralism. However, as Surel notes, Sabatier's position comes from an opposition to a rationalist view of power, where power is generally equated with interest; this results in emphasis of cognitive and normative frames over interests (2000: 501). Sabatier places interest below belief, at the level of instrument (or secondary aspects), because 'actors always perceive the world through a lens consisting of their pre-existing beliefs' (1998: 109). Surel argues that subordinating

interests to values might obscure some important questions, such as the way in which interest structures influence the production of normative and cognitive frames, and how resources asymmetry favours certain actors over others in surfacing as policy-brokers or mediators (2000: 501). Both Sabatier and Hall explain the process by which an:

‘Ensemble of general principles and values defining the relations and the identities of actors, in particular through forms of thought which delimit, hierarchically rank and legitimate social distinctions, all the while setting priorities for action in a given community [...] to legitimate some groups rather than others’ (Surel, 2000: 499)

There are two main areas which remain under-theorised in both these approaches: the interplay of values and beliefs as distinct from ideas, and the effects of ideological, institutional political structures and existing power asymmetries in shaping policy core beliefs.

3.5.1 Limitations of normative and cognitive frames

Surel’s contention is that normative and cognitive frames better explain extraordinary changes in policy than opposing theories do, but notes that these changes are triggered by exogenous factors, or external shocks, such as ‘transformations of economic conditions, and/or a serious crisis affecting the subsystem under consideration’ (2000: 503). According to Kubler (2001), who uses the advocacy coalition framework to explain change in Swiss drug policy, HIV was the necessary external shock which promoted a significant policy shift from prohibitionism to harm reduction approaches. The idea that external shocks are a necessary condition of policy change is shared by most commentators in the field (Kingdon, 2003; Sabatier and Jenkins-Smith, 1993; Baumgartner and Jones, 2009; Nohrstedt, 2005). However, there is lack of emphasis of potential multiple causal pathways, as well as the degree of impact of external shocks over other factors such as agents, institutional structures, evidence, and their interplay. The place of incremental change in cognitive and normative frame models also remains under-theorised. There is acceptance of incrementalism and slow change in the ACF because change in deep core beliefs is hard to achieve. Learning is possible, and change is possible at the deep core level, but extremely rare (Surel, 2000: 504-5). However, the manner in which change at the deep core level happens remains unclear. The articulation of what exactly counts as a deep core belief versus a policy core belief will

be dependent on the investigator, which entails individual qualitative assignment and categorisation, rather than standard set categories.

In a review of applications of the ACF, Weible et al (2009) argue that most applications do not systematically test the complete framework, but rather borrow concepts and translate them for the purpose of the specific study. For example, Kubler's categorisation of deep core belief, policy core beliefs and secondary aspects was both case-specific and interpretive. He provides a breakdown of both the prohibitionist and the harm reduction positions according to their deep core, policy core and secondary aspects (2001: 630-1) noting that descriptions and features of these positions may vary depending on which aspects one emphasises. In Kubler's typology, the deep core belief of harm reduction is founded on notions of individual autonomy and integrity over and above respect for social norms. However, this could be looked at from a different angle, whereby the deep core belief is founded on the principles of public health, and as such individual autonomy is side-lined in favour of minimising social and health risks associated with drugs, or at least the two core beliefs may be able to operate in tandem on issues on which they both agree, without explicitly revealing their underlying conflicts.

Surel's contention is that although these models are useful to explain extraordinary change (2000: 506) there remain some key empirical questions to be addressed. The first of these concerns how cognitive and normative frames are to be identified. Surel posits that the identification and definition of macro frames is a difficult task, which entails the risk of misrepresentation and inaccuracy. The process of identification is down to the investigator's categorisation, which gives way to interpretive explanations that are difficult to test or replicate. In order to address this, Surel recommends the pursuit of comparative research by arguing that 'spatial, temporal and even intersectoral comparisons' are needed to overcome limitations (2000: 506). Paradigms may not take hold in the same way across different countries or policy domains; they are culturally, geographically and politically specific. A 'paradigm crisis', whereby

'dominant representations no longer succeed in interpreting the development of a social field in a way that satisfies the actors concerned, and can therefore no longer successfully structure and legitimate the action of the State',

produces change (Muller and Surel, cited in Surel, 2000: 505). This can be likened to Kuhn's notion of anomaly, which denotes the beginning of a paradigm crisis, when the paradigm no longer manages tensions, losing legitimacy. Here, Hall uses the example of failing Keynesian strategy of boosting demand, which came under pressure from growing unemployment and inflation, allowing the neo-liberal paradigm to gain a foothold by identifying the failure of Keynesian policy. But contrary to the structure of 'scientific revolutions', in policy-making:

'the spread of new ideas, principles of action and forms of action does not come about in a 'revolutionary' way from scientific development, but rather from a more or less radical re-evaluation of ways of legitimizing groups and social exchanges' (Surel, 2000: 507).

Rather than developing through revolutionary discoveries, new paradigms emerge from the rearranging of pre-existing hierarchies of values, beliefs, and ideas. Variation depends on two main factors: 'the extent and the nature of the previous paradigm', and 'the institutional configurations specific to each country which act as filters to the dominant paradigm' (ibid). These can be addressed within this project given its comparative nature.

A synthesis of the two approaches, making use of their insights and conceptual tools, is appropriate for this project. It appears that neither of these approaches provides sufficient reflection on the manner in which values and beliefs come together to support a given paradigm in a specific policy subsystem, how deep core beliefs can and do change, and how the role of affect contributes to support a given paradigm, which this thesis proposes to address. However, the tools afforded by these two approaches combined appear promising to address issues around the interaction of values and beliefs in the making of policy positions and outcomes.

3.6 Conclusion

In this chapter, I have provided a brief overview of some of the principal theories and frameworks that explain change in the policy process, noting their main contributions and shortcomings. I have discussed the usefulness of a 'multiple lenses' approach, combining insights from different theories, and of synthesis in particular. This is important because in later chapters, I use tools and concepts derived from these theories, and Hall's and Sabatier's in particular, to analyse case studies, welcoming

commentators' call to adopt a comparative approach that is both cross country and cross sectoral. I discussed the overlaps of existing theories that further stress the role of normative and cognitive frames, and acknowledged their potential contributions as tools for analysis. I acknowledged scholars' contributions in combining insights from existing theories and constructing nuanced accounts of the policy process, particularly focusing on the role of ideas. I contend that further analysis of the role of values, together with disambiguation between values, beliefs, and ideas, is necessary in order to move forward.

Despite many commentators' efforts at conceptual disambiguation, the clarity of distinction between metaphors, narratives, discourse, ideas, frames, values, core beliefs and paradigms remains fuzzy. After engaging in some necessary conceptual disambiguation, I will argue that ideas and interests become dominant in accordance with dominant sets of values and beliefs, which shift over time (Chapter 5). Ideas should be observed in terms of their interplay with values and beliefs; ideas and values have a symbiotic relationship to the extent that values need to be expressed through ideas and internalised, and ideas need to be congruent with one's values and beliefs. It is only with the inclusion of values and beliefs into existing frameworks and explanatory models that one can move past an overly rationalistic understanding of policy and consider instead the role of values and beliefs, which have an affective component (Williams, 1979), in shaping policy landscapes and achieve a better understanding of the evidence/policy process.

A focus on values and beliefs may provide a fuller explanation of dominant policy ideas and challenging policy alternatives, how they come about, on what basis they are constructed, and how evidence comes into play. Ultimately, policy alternatives are unlikely to become dominant unless they are supported by underlying dominant values and beliefs, alongside existing structures and interests. In the following chapter, I will engage in further reflection on the epistemological basis supporting a synthetic approach to analysis, discussing the limits of positivism and the advantages of disciplined eclecticism alongside a focus on values by deconstructing the fact/value dichotomy through a critical approach.

Chapter 4

Epistemology, science and values

4.1 Introduction

This chapter reflects on the epistemological issues which a discussion of evidence in policy inevitably requires. It begins by posing a problem: namely, that mainstream understandings of the use of evidence in policy are underpinned by a positivist epistemology despite the fact that positivism has been the subject of mounting critiques from competing epistemological positions (Potter, 2013; Bhaskar, 2014). A growing scholarly consensus appears to accept and embrace *complexity* in an attempt to move beyond analysis that is seen to be tied down by specific epistemological positions (Keating and Della Porta, 2010). By acknowledging the complex, multi-layered and messy nature of the social world as given, complexity is often utilised as a buzzword and a catch-all phrase (Byrne, 2011; Monaghan, 2011; Smith and Joyce, 2012). The term complexity is present in much of the literature on the relationship between evidence and policy and drug policy in particular (Stevens and Ritter, 2013; Tieberghien and Decorte, 2013; Monaghan, 2011). Complexity approaches often combine multiple tools, models and theories generated by competing epistemological traditions (Geyer and Cairney, 2015).

In what follows, I propose a critical epistemology that combines insights from different thought-styles and traditions, primarily influenced by critical realism and critical theory. I discuss different traditions in order to tease out their similarities and differences, and outline their application in relevant literature. Critical realism, critical theory and science and technology studies (STS) put forward cogent critiques of positivism whilst developing theories, tools and methodologies specifically targeted at understanding knowledge, the process of its production and communication, starting from the premise that this very process is not separate and external to its social and cultural context. By targeting stiff dualistic notions such as subjectivism/objectivism, positivism/hermeneutics, science/politics, reason/emotion, fact/value and so on, these critical epistemologies investigate what underpins these binaries and expose the limitations of polarised conceptions.

Existing accounts have recognised the importance of values but have failed to systematically investigate their role (Chapters 2 and 3). I argue that an analysis of values – and the beliefs which constitute and reinforce them through action – may enrich existing ideational, institutionalist, cultural relativist, critical Marxist and argumentative approaches of the relationship between evidence and policy and of the policy process.

4.2 The epistemology of evidence-based policy: current limitations and ways forward

There are several reasons why positivism is particularly prevalent in approaches to evidence and policy. The necessity to impose order and linearity onto an inherently complex and uncertain process is politically convenient for both scientists and policy-makers. In this context, the credibility granted to certain scientific disciplines that are more naturally attuned to positivist logic becomes a useful political ally. Many, both in academia and in policy circles, equate evidence with scientific evidence, which often privileges the findings that originate in the type of research that follows the standards set by natural science. A linear model is implied by the very notion of evidence-based policy (Black; 2001). This linear thinking originates in the natural sciences and aims to pursue research that will feed directly into policy application (Weiss; 1979: 427). This approach only tolerates certain types of evidence and specific methods to assess its validity. It mostly excludes any type of “narrativized” evidence and says little of the contested nature of evidence both in science and within the policy-making arena and its underlying power structures. Its aim is to build an apparent consensus on the best evidence generating the best policy (Young et al; 2002: 220). The evidence-based policy rhetoric is supported by a certainty that science can resolve policy problems, if only it was applied according to the standards set by the evidence hierarchy (Chapter 2).

‘I’ve spent a lot of time arguing that government should be more evidence-based [...] we should do randomised trials to find out which policy intervention works best. We often have no idea whether the things we do in government actually work or not [...] This is a disaster’ (Ben Goldacre, June 20th, 2012).

Byrne (2011), heavily influenced by a realist epistemology, has discussed the gap that exists between the gathering of evidence in a laboratory, an artificially closed experimental setting, as opposed to a complex social context. Byrne critiques the conventional ranking of evidence as set by the standard encouraged by government

departments and the Cochrane and Campbell collaborations for their endorsement of the evidence hierarchy (2011: 45). He argues that quasi-experiments and randomised controlled trials are inappropriate for investigating complex causation. By recognising changes in forms of management of the state, describing them as ‘post-democratic’ and ‘post-ideological’ (2011: 80), Byrne acknowledges the shift to a new managerialist state, one that is ‘mediated through systems and institutions of technical expertise – in which policy rooted in evidence is central to its strategic practices, and thus to political discourse’ (May, cited in Byrne, 2011: 4). The main problem identified by Byrne is that the ‘ontological fallacy underpinning the privileging of randomised controlled trials has penetrated into the mindset of those who control the funding and resource base for the evaluation of complex social interventions’ (2011: 49). This means that, given their purported authoritativeness and validity, RCTs dominate the imagery of evidence-based policy as the best method to get to proper policy evaluation. Byrne outlines the difference between the probabilistic (positivist) and the relational (realist) approach in terms of identifying causality by arguing that:

‘conventional linear statistical techniques are very poor at illustrating the character and significance of interaction, which in any event should be understood not in terms of reified variables but rather as representing real complex causation in complex systems’ (2011: 47).

What we should keep in mind when approaching epistemological discussions is the difference between positive normativity, equating natural and social science in theory and method, and critical normativity, which is endowed with a reflexive component that allows it to extract the social as a unique and complex field of analysis. Byrne asks two important questions: ‘in a complex social world, should we accord any sort of privilege to knowledge generated by procedures which require that world to be intrinsically simple?’ And ‘is knowledge ever disinterested and separate both from the social context and understandings of those who produce it and the social contexts of those who would use – or ignore – it?’ (2011: 47). The latter implies that knowledge cannot be value-free, to the extent that it remains intrinsically embedded in its social and cultural context. In realist epistemology, it is the relational aspect which should be the object of social scientific inquiry. Thus, it is the emergent relationship between action and context, groups and individuals, policy-makers and evidence production, which should be the object of social scientific scrutiny.

4.3 Critical realism: beyond positivism

Given the determining role of positivism in sustaining the EBP discourse, it is relevant to discuss and critically assess it through the lenses of theories which point to some of its limitations. A critical realist assessment of positivism through the writings of Archer, Bhaskar and Outhwaite, is supplemented by consideration of the role of science in policy. Critical realism is a philosophy of science borne out of a necessity to assess the limitations of positivism, and to a lesser extent, hermeneutic methodology. Critical realists are partly concerned with evaluating the role of science, in an attempt to move away from certain dichotomies which limit social sciences' explanatory and exploratory potential. Critical realism draws a clear line of development from positivism to hermeneutics and identifies their limitations, finding both the former's universality and the latter's quasi-absolute relativism as ontologically misconceived and ultimately rife with dualisms which limit their scope for formulating useful theories and models for social science (Archer et al, 1998). Whilst for positivists there is no difference between open and closed systems, and thus experiments in closed systems will hold in open systems, for critical realists this is not the case. They identify positivism's epistemic fallacy in its failure to acknowledge the difference between real or 'deep' ontology, and surface empiricism (Archer et al, 1998: xiii). Critical realism claims to have found reconciliation between 'ontological realism, epistemological relativism and judgemental rationality' (Archer et al, 1998: xi). This is because it claims that, in identifying generative mechanisms (section 4.3.1), one is able to generate causal explanations despite open-systems' susceptibility to change.

Archer states that 'critical realism accepts the challenge of ontological difference between physical and social reality', and therefore, 'it is *not* advocating the unity of method *if* this is taken to be synonymous with a 'unity of methodology' in the positivist tradition' (1998: 190). This means that critical realism rejects the application of the scientific method to the social world, because it recognizes that a social context is fundamentally different from a physical setting. But in what way is it different? Outhwaite posits the following differences:

- 'social structures, unlike natural structures, do not exist independently of the activities they govern'
- 'social structures, unlike natural structures, do not exist independently of the agents' conceptions of what they are doing in their activity'

- 'social structures, unlike natural structures, may be only relatively enduring' (Outhwaite, 1998: 289).

These statements recognise defining features of social structures, namely *interdependence*, *consciousness* and a *higher degree of mutability*, which may allow us to move beyond a positivist epistemology.

Critical realism proposes 'a qualified, *critical* and non-reductionist *naturalism*, based upon a transcendental realist account of science and, as such, necessarily respecting the specificity and *emergent* properties of the social realm' (Archer et al, 1998: xiv, emphasis added). In recognizing the complexity which the social adds to a system which is to be investigated, critical realism allows for its own limitations in that it 'can allow that conceptuality is distinctive, without supposing that it is exhaustive of social life' (Archer et al, 1998: xv). In so doing, it justifies and extends the role of theories and models for explanation in social science without claiming that these are exhaustive or all encompassing, or that they can fully account for the complexity of open systems. Critical realism recognises that any modelling and experimentation is always necessarily simpler than reality. However, it remains essential to advance causal explanations (Archer et al, 1998: xi). It is through experimentation, modelling and other means and devices that reality can be appraised, keeping in mind the principles of *transfactuality*, which entails that laws of nature exist beyond systems and models, *intransitivity*, which entails that 'the domain of the real is distinct from and greater than the domain of the empirical', and *stratification*, which entails the multiplicity, the plurality, of nature as of science, of which recognition is paramount (Archer et al, 1998: xii, xiii).

A realist approach invites the construction and use of 'mid-range theory' (Pawson, 2002: 349) as advocated by Merton in 1949. The idea of middle-range theory is both useful and desirable at the practical level, to strike a balance between 'working hypotheses' and 'unified theory' (Merton, cited in Pawson, 2002). This entails a framework that, although guided by underlying assumptions, is also open to contestation and change through what evidence may be generated by the empirical findings. The realist approach encourages a research design that is methodologically balanced between theoretical assumptions and the testing and re-testing of these without closing off further theoretical development. It is a form of intellectual pragmatism, which allows to 'move beyond the territory of instrumental rationality' (Sanderson, 2009: 699). Being a

pragmatic theoretical approach, realism is not necessarily opposed to a certain level of methodological pragmatism, triangulation, and disciplined eclecticism.

4.3.1 Generative Mechanisms and the limits of reviews as solutions to policy problems

Pawson's (2002) discussion about methods of evaluation and his original methodological framework – *realist synthesis* – can help bridge the gap between an abstract discussion of critical realist principles and their practical application in the context of evidence use in policy. Pawson applies the concept of *generative mechanisms* garnered from critical realism to an evidence-based policy context. For Pawson, there is a 'basic logic of the EBP process' which he investigates by assessing the standard methods in use: systematic reviews, meta-analyses and narrative reviews (2002: 341). Pawson posits that:

- 'Meta-analysis performs calculations to reveal 'best buys'
 - 'Narrative review delivers text to understand 'exemplary cases'
- (Pawson, 2002: 346)

An EBP logic calls for an understanding of three elements: causation, or what type of programme works; ontology, how programmes work; generalization, or how this will translate onto other programmes (ibid). Pawson argues that mainstream approaches to reviews tend to miss the point because they focus exclusively on one individual programme, and not on the communal generative mechanisms of programmes which share the same underlying logic. Pawson argues that 'it is not 'programmes' that work: rather it is the underlying reasons or resources that they offer subjects that generate change' (2002: 342). For instance, instead of concentrating on systematically evaluating 'payment by result' as a single policy programme, he shifts the focus on the idea of incentives in general and sets out to evaluate different policy programmes that make use of this technique (2002: 342). The assumption here 'is that the same programme theories repeat themselves from initiative to initiative and jump from domain to domain' (2002: 357).

In Boaz and Pawson's work on 'mentoring' programmes in policy, 'counselling', 'coaching', and 'peer education' are all identified as 'cousins' of mentoring (2005: 176). By undertaking the task of reviewing reviews in this field, they come to an important set of conclusions. They argue that 'reviews are non-definitive' and not necessarily fit to

provide answers to policy questions. Furthermore, the choice of a reviewing method should not be founded on an evidence hierarchy, but more accurately, on the types of questions asked and the types of problems investigated (Boaz and Pawson, 2005: 177). Their conclusion is that reviews should be grouped in portfolios to further explore questions, rather than be relied upon to provide incontestable answers (2005: 192). This demonstrates a commitment to reviews as a tool for exploration and explanation, rather than a more misguided quest for certitude and a search for quick resolutions to policy problems distinguishable in positivistic interpretations of EBP.

Wong et al (2012) extend the realist critique of reviews to other methods that currently rest on top of the evidence hierarchy, including RCTs. They find that realist evaluations and realist reviews are useful to address the relationship between context and mechanisms which shape a particular outcome (C-M-O), by asking ‘what works, for whom, in what circumstances and why?’ (2012: 93). This does not entirely depart from EBP logic; it implies a normative commitment to making it better. However, it does depart from a positivist notion of unity of method, and from a strict hierarchical notion of evidence. Wong et al argue that a realist approach can aid in tackling some of the theoretical and practical shortcomings of positivist methods via a different set of epistemological assumptions and through less narrow and less resource intensive evaluations. Thus, it allows for a more horizontal and context-dependent notion of what these may be.

4.3.2 Experimentation and Intellectual Pragmatism

Ian Sanderson's position applies principles derived from pragmatism to develop a normative position on the use of evidence in policy. His ideas are discussed in order to demonstrate that disciplined eclecticism, combining insights from different theories and epistemological positions in regards to evidence-based policy, is feasible. It is noted that his normative position and his strong commitment to the idea of evidence-based policy is a limitation to his critique. Sanderson posits that:

‘policy-making involves much more than reference to evidence of 'what works'; the process of formulating and delivering policy takes place in a political context and is subject to many legitimate influences from a range of stakeholders and interests’ (2009: 699).

A self-endowed realist pragmatist, Sanderson argues that we must resolve the apparent dichotomy between instrumental rationality and social complexity (2009: 700). Taking up the development of knowledge of 'complex adaptive systems', Sanderson stresses the centrality of the principle of *experimentation*. He uses Dewey's ideas to argue for the need of 'philosophy to engage in practical affairs' (2009: 700).

According to Sanderson, instrumental rationality is embedded in the technocratic discourse of government agencies, such as the National Audit Office. For the latter, the resolution of complex policy problems is 'to apply more powerful tools and draw upon more specialist knowledge to enhance capacity to design and implement successful policies' (cited in Sanderson, 2009: 701). Sanderson's normative emphasis is placed on experimentation and evaluation. He finds an intellectual basis to support this in philosophical pragmatism; 'the key proposition of pragmatism is that the 'validity' of a belief or concept is defined in terms of its practical consequences' (2009: 708). The focus on experimentation demonstrates Sanderson's normative position and commitment to an ideal-type EBP, one which strives for constant reflection and improvement on the basis of 'trial and error', but also one that acknowledges the important exchange between theory and practice. For Sanderson, 'policy making is not a 'technical' exercise in instrumental rationality but rather a domain of 'practical reason' (2009: 711). Here, Sanderson is relying on a Habermasian/Deweyan notion. There are apparent similarities between Dewey's pragmatism and Habermas' approach. In order to defend his theory from relativism, while at the same time taking an anti-foundationalist stance, Dewey, similarly to Habermas (Bernstein, 2010), advocated use of the term 'warranted assertability' instead of 'truth', and argued that we are warranted in asserting the validity of knowledge on the basis of principles, rules and procedures of inquiry that produce successful experimentation, i.e. knowledge that informs successful problem solving' (2009: 709).

The dialogue and influence between pragmatism, critical realism and critical theory is evident. Realism, pragmatism and critical theory share certain important assumptions about the nature of theory in relation to social research, but most importantly, they share some epistemological and ontological foundations. However, whereas for Habermas warranted assertability should be applied to discursive argumentation, in pragmatism and realism warranted assertability is about verifiable proof (Braaten, 1991:

23). Sanderson (2009) successfully brings together the normative dimensions of pragmatism and critical theory against positivist instrumental rationality.

4.4 Critical theory: Knowledge, interest, ideology

Realism alone is not sufficient to offer reflection on the social, political and cultural environments in which these debates come to life, because realism is a philosophy primarily concerned with that which is internal to science, rather than what is external to it. The principle of disciplined eclecticism (Geelan, 2001) allows for the combination of insights originating in different theoretical and methodological approaches. This is in line with accounts that stress complexity and combine multiple theories discussed in Chapter Three. A discussion of Habermas' contribution is useful in order to contextualise the realist/positivist epistemological debate within a political context that sustains itself through the formal exercise of power (expressed through law) and ideology (legitimising world views).

Habermas's core normative precept is the need for reasoned debate. For Habermas, in an ideal situation, any political debate, including policy-making, should be 'a privileged forum of rational, critical debate' (Thompson; 1990: 112). In Habermas' view, rational communication as a criterion to establish truth, and a strong rationale to judge the validity of truth claims is a necessary feature of successful democracies, with 'dialogue and discourse' as principal instruments to achieve understanding (McCarthy; 1994: 239). Habermas' perspective is useful because, whilst espousing a critical epistemology, it advances a necessary focus on the processes of communication, legitimation and justification which characterise democratic politics and policy-making. According to McCarthy,

'Habermas's discourse theory of validity is not meant to define either truth or moral rightness but to offer an account of what is involved in "redeeming" or justifying truth and rightness claims [...] it attempts to elucidate the pragmatic presuppositions of the critical-reflective discourses in which such claims are debated' (1994: 239).

This has some important implications in terms of the construction of evidence as an argumentative and communicative process (Dunn, 1982; Majone, 1989).

In his early work on the public sphere, Habermas sees the public as ‘depoliticized’ and ‘effectively excluded from public discussion and decision-making processes’ (Thompson; 1990: 113). Hence, he recognizes the systematic exclusion from public debate as a condition of the asymmetric distribution of power and resources in supposedly democratic polities. This is relevant in relation to which stakeholders, which disciplines, which institutions and which actors are considered credible and are given a voice in policy-making. This in turn presupposes awareness of the manner in which discourses are dominant and legitimised through ideology. It is through ideology that opposition can be kept latent. Habermas (1976: 19) describes how legitimating ideologies, in a Marxist sense, can control and integrate opposition:

‘within the framework of a legitimate order of authority, the opposition of interests can be kept latent and integrated for a certain time. This is the achievement of legitimating world-views or ideologies. They remove the counterfactual validity claims of normative structures from the sphere of public thematization and testing’.

Habermas recognises ‘the asymmetrical distribution of legitimate chances’ (1976: 96). Using the concept of legitimacy and legitimation, he explains acceptance of systematic and structural exclusion and constraints. This process of legitimation applies in all spheres, including the scientific. Certain disciplines, and their preferred epistemologies, have more political currency and are less contestable.

Habermas posits an ideal-type, which he labels ‘discourse theory of validity’, that he uses as a tool to understand under which conditions democratic communication might be achieved (1996: 298). Habermas notes that discourse, in the sense of speech, is an exercise of language, and therefore it relies on argument and rationality to get to truth. His formal analysis of language and speech leads him to conclude that ‘when for all participants there is a symmetrical distribution of chances to select and employ speech acts’, then the dialogue is free from structural constraints, and thus truly democratic (McCarthy, 1994: xvii). This ‘ideal speech situation’ is a direct evolution of Habermas’ considerations on the public sphere. It is important to note that an ideal speech situation is not necessarily intended as an achievable goal, but more as an ideal-type as well as a tool for critique.

Focusing on communicative rationality, Habermas attempts to posit a theory of real democracy in opposition to liberal pluralism, alongside a normative theory of science based on some 'central theses: the inseparability of truth and goodness, of facts and values, of theory and practice' (McCarthy, 1994: xviii). Habermas proposes a dialogic conception of dualisms. According to Agger,

'Habermas opposes the positivist dichotomy of knowledge and interest, arguing that the most valid science recognizes its own guiding in interest, hence controlling for the sully effect of context on one's scientific text' (1991: 119).

This stance against value-freedom in science places Habermas against positivism. Although Habermas moves beyond the knowledge/interest, fact/value dualisms, he still maintains that rationality is the principal arbiter. Thus, the space for evaluating the role of values and their interaction with facts and interests is confined to reason and rationality, and does not include sufficient reflection on the role of beliefs and affect.

4.4.1 Evidence, Communication and Argument

Majone's work brings attention to the construction of evidence as part and parcel of argumentation, and as such as a form of narrative. Majone's work is testament to the gap between purported instrumental rationality of evidence use in policy-making, and the actuality of this process. In *Evidence, Argument and Persuasion* (1989), he places significant emphasis on the process of communication of evidence, underlining its contentious nature. This work, together with Dunn's, is significant as a starting point, prefiguring subsequent work that developed an argumentative model of policy decision-making (Van der Knaap, 1995; Dickinson, 1998; Fisher and Forrester, 1993). Majone argues that 'evidence, [...] is not the same as data or information. It is, rather, information selected from the available stock and introduced at a specific point in an argument "to persuade the mind that a given factual proposition is true or false"' (1989: 48). Like Dunn (1982) and Amann and Knorr Cetina (1988) Majone emphasises the communicative process over origin, purpose and outcome. He argues that

'the acceptability of evidence depends on a number of features peculiar to a given situation, such as the nature of the case, the type of audience, the prevailing "rules of evidence", and even the persuasiveness of the analyst' (1989: 48).

Evidence, as opposed to data or fact, already comprises argument. It follows that 'the assessment of the strength and fit of the evidence is considerably more complicated than judgements about the validity and reliability of data' (1989: 48). Considering commonsensical notions about communication, Majone highlights one of its most basic "rule": two people may witness the same event, but their stories about that event will differ. Thus, 'policy actors will often give different accounts of some crucial event – so different, in fact, that it is almost inconceivable that everyone was perceiving the same event' (1989: 49). Majone argues that all evidence has a narrative basis to the extent that it is relative to actors' understanding as well as the way in which it is communicated, accepting the premise that policy actors will receive, interpret and "tell" evidence differently.

Majone attempts to address this by placing previously neglected communicative craftsmanship at the heart of the process of evidence use in policy. In his view, instrumental rationality and positivism are to blame for this neglect:

'This bias is related to the positivistic tradition in the philosophy of science. Being mainly concerned with the logical and epistemological problems of achieved knowledge, this school has paid very little attention to the actual processes of the production of scientific knowledge (1989: 50).'

This goes back to the discussion about selection and presentation, and the process of transformation of data into evidence put forward in Chapter Two (Amann and Knorr Cetina, 1988; Stevens, 2011). There are techniques utilized to "dress-up" evidence when it is presented. One is 'using mathematical formalizations on every possible occasion', which entails complex and not necessarily intelligible language to dress up fairly simple notions (Majone, 1989: 64). This is often accompanied by the use of 'an overtly formalized style of presentation' which 'induces a tendency to accept statistical information or the results of mathematical calculations as facts rather than as evidence' (ibid). This brings us back to the implications of the dominance of the positivist paradigm, which leads to the general structuring of the language around evidence in the direction of linearity, clarity, simplification and certainty in order to construct more persuasive narratives (Stevens, 2011). There is a tendency to view certain evidence, especially one derived from the disciplines of mathematics, statistics and economics, as more accurate, more realistic, and generally more credible than that derived from other

disciplines. To use Habermas' logic, these disciplines are ideologically legitimated as more certain, more scientific, more accurate than others.

The approaches discussed so far share a critical dimension which allows them to address the shortcomings of positivism, and of dominant modes and conceptualisations of evidence use in policy. Yet, these approaches provide better critical assessment and reflection of that which is external to them, i.e. politics but not science, or a positivist epistemology but not a critical one. Moreover, these approaches share a strong normative position, which can limit the scope for critique. It becomes relevant to discuss work which specifically targets the relationship between knowledge(s) and culture(s) as mutually constitutive, making science itself the object of scrutiny.

4.5 Knowledge cultures and epistemic cultures

It was the “cultural turn” (Jameson, 1992) and post structuralism which prompted scientists to move from an external perspective on science which saw culture as *surrounding it*, to an internal observation of science itself which acknowledged interaction and mutuality, and saw cultures as *being produced by it*. Scholars began engaging in direct observation of the processes of knowledge formation in the sciences (i.e. Latour, 1987; Ziman, 1987; Jasanoff, 2004; Hackett et al, 2008), stressing that these ‘processes were invariably social and symbolic as well as technical’ (Knorr Cetina, 2007: 363). Social scientists thus began to combine philosophical insight and ethnographic methods to make science and the production of knowledge itself as objects of scientific inquiry. This provided the opportunity for critically assessing a conception of scientific knowledge as universally valid, endowing a conception of knowledge as intrinsically tied into culture. This stands ‘in contrast to philosophers of science, who reflected normatively on scientific procedure’ (Knorr Cetina, 2007: 363). Thus, as in Kuhnian logic:

‘truth and objectivity [...] were themselves in need of empirical investigation; they became historically and culturally specific ‘effects’ of ongoing practices and of criteria and beliefs that varied between groups and periods.’ (Knorr Cetina, 2007: 363)

Social scientists began to move beyond Kuhn by stressing the determinant role of cultures (plural), becoming increasingly aware of the range and diversity of contexts of knowledge production, alongside the distribution of resources and opportunities which

directly impacted upon sciences and research. In this way, Knorr Cetina (2007: 369), argues, one may observe 'how cultural and political differences are reflected in the way research is set up and conducted' which entails differences and asymmetries in the way sciences are organised, placed into hierarchies, supported and validated.

Whereas knowledge appears as a unified concept, and as such 'knowledge cultures' still implies unity, the term 'epistemic cultures' is useful here because it implies both diversity and relativity. Defined as 'cultures of creating and *warranting* knowledge' (Knorr Cetina, 2007: 363, emphasis added), the focus is placed on the creative aspect of knowledge production and the warranting aspect of knowledge claims. The idea of warranted assertability (aforementioned) is used in a normative fashion by pragmatism and critical theory, whereas here the focus is on the process of 'warranting knowledge' itself, which entails knowledge justification, asserting the validity of knowledge by relying on externally, internally and ideologically validated cultural practices. If, following Knorr Cetina, we begin by assuming 'epistemic diversity' as given, we can then accept that the world of science is fragmented and characterised by 'cultural divisions', where 'specialists [are] separated off from other specialists by long training periods, intense division of labour, distinctive technological tools, particular financing sources' (2007: 364). This entails a different understanding of knowledge, one that observes process and practice over results and representations. Hence:

'the distinction [...] is not simply between the knowledge processes and their referential cultural context [...] It is rather between the interiorised description and conceptualisation of knowledge processes opened up through empirical inquiry (the epistemic cultures) and the description of society in knowledge terms' (Knorr Cetina, 2007: 370)

According to Knorr Cetina, 'knowledge terms' are embedded in practices and already institutionalised, so institutions already practice by these terms. She cites the example of 'national science-policy-making bodies' who 'contextualise actual knowledge production by being directly relevant to this production', exemplifying 'the knowledge culture of a country' (2007: 370). In this line of reading, evidence-based policy is a knowledge term that is institutionalised and epitomises a specific knowledge culture. Knowledge terms are linked with 'macro-epistemics', which means that institutional arrangements are linked with broader knowledge cultures, embedded in 'national and international

regulations [...] the media and their observation strategies and policies of validating evidence' (Knorr Cetina, 2007: 370).

This critique is useful in this context because it warns against a unitary view of knowledge and of science. Taken together, these critical epistemological approaches complement each other in advancing a discussion which is useful and necessary for the purpose of analysis, following the principle of disciplined eclecticism. However, these approaches do not provide sufficient tools to assess the formation, role and interplay of values internal to science (constitutive) and those external to it (contextual) outside a materialist, rationalist or normative fashion. The role of values has been identified as crucial in addressing the research question; but what constitutes values? How are values defined? How and why do people embrace certain values? How do people reconcile the values internal to science, or any other/competing system or activity, with those external to them? How does this affect understandings of evidence in policy-making?

4.6 Values and Science in philosophy and critical realism

The idea that science is both immune to, and separate from, politics, values, ideology and discourse has permeated much scientific literature; this is true of both drug policy and evidence-based policy literatures (Nutley et al, 2007; Monaghan, 2011). Some commentators have acknowledged that evidence is 'subject to its own discourse' (Ritter and Lancaster, 2013), often presented as a discourse that is separate from society's politics, ideologies and values and located in the realm of science. Commentators have stressed the contested and politicised nature of evidence (i.e. Head, 2008; Monaghan; 2011; Nutley et al, 2007; Stevens, 2007a; Naughton, 2005; Marston and Watts, 2003; Marmot, 2004; Packwood, 2002). However, their focus is usually on the way in which politics affects and taints evidence, and their view remains rather instrumental. No systematic attempt is made to turn the critical eye towards science itself outside of the STS tradition (i.e. Knorr Cetina, 1991; Latour, 1987; Hoppe, 1999; 2005; Gieryn, 1983). Yet even in STS literature on the relationship between evidence and policy, the impact of values and beliefs onto knowledge claims is not fully addressed. With some notable exceptions (Valentine, 2009; de Melo-Martín and Intemann, 2012) values are acknowledged, yet their source and impact is under-theorised.

‘Simply assuming that science should be autonomous, because that is the supposed source of authority, generates many of the difficulties in understanding the relationship between science and society’ (Douglas, 2011: 8).

The view of science as autonomous is ideologically driven¹, and it goes back to positivism and the value-free ideal that science was to aspire to (Douglas, 2011; Longino, 1990; Gieryn, 1983). This ideal was upheld by positivist philosophers of science, fostering an ‘idealised image of the isolated scientific community’ (Douglas, 2011: 65). This ideal is powerful because it allows scientists to see themselves as separate from the social and political world around them. Scientists can thus see themselves as external agents “ordering the chaos”. Indeed, scientists generally wish to be granted an active role in society (Weiss, 1991). The evidence-based policy discourse and movement, despite its critique, has generated increased optimism in this respect. It has also given scientists a more overt and prominent role in policy-making, which is currently reinforced by research councils’ focus on impact.² Scientists have been adamant about retaining the separation between science and politics intact by relying on a purported objectivity.

‘Conflating facts and values allows scientists to use their authority inappropriately—that is, to cloak their effort to make society live by their values as a disinterested, objective, and unassailable stance. This may lead the public to defer to scientists on the assumption that they know better, but in a democracy there can be no experts on value’ (Humphreys and Piot, 2012).

This statement goes some way in criticising scientists for maintaining the fact/value dualism by promoting a positivist view of scientific objectivity. However, it still maintains that, in a democracy, values are entirely subjective. Although values are culturally relative, they have an objective foundation (Sayer, 2011). Several works from realist sociology (Sayer, 2011), to moral philosophy and ethics (Gewirth, 1981), to feminist philosophy of science (Longino, 1990) would support that values have an objective foundation and should be the focus of analysis.

¹ Ideology here intended as a coherent system of concepts, norms, values and beliefs that serves to organise and justify a world-view

² <http://www.esrc.ac.uk/funding-and-guidance/impact-toolkit/>

<http://www.arc.gov.au/research-impact-principles-and-framework>

4.6.1 Contextual and Constitutive Values

Longino's work (1983; 1990) on values in philosophy of science is interesting because it engages directly with the science/values dualism. She proposes an inverse dialectical relationship whereby values constitute the boundaries of scientific practice. She argues that it is 'nonsense to assert the autonomy of scientific practice from values' and that 'science is governed by quite real values and normative constraints that are generated by the goals of scientific activity' (1983: 7). She identifies contextual and constitutive values to distinguish between those values that arise from social and cultural context and those that serve as rules and standards within scientific practice itself. She posits that judgement of science resides in values, to the extent that a good scientific explanation will be validated through a combination of constitutive and contextual values. In the cases she discusses, Longino finds that 'particular [scientific] practices have been influenced by cultural and social pressures as much as or more than they have been by constitutive, epistemological values' (1983: 13). Using this separation between constitutive and contextual values is useful in dismissing claims of scientific autonomy and independence from social and cultural values and establishing the degree of interaction between the two ideal-types.

Elsewhere, Longino (1990) goes further in arguing that any form of 'evidential reasoning', from the lay to the scientific, 'is context dependent'. Similarly to Knorr Cetina, yet stressing the relationship between values and scientific practice, Longino posits that:

'the result is a picture of scientific enquiry as a group endeavour in which models and theories are adopted/legitimated through critical processes involving the dynamic interplay of observational and experimental data and background assumptions. Since contextually located background assumption play a role in confirmation as well as in discovery, scientific inquiry is, thus, at least in principle, permeable by values and interests superficially external to it' (1990: 13).

Longino analyses several cases to substantiate this argument, including the influence of gender ideologies on research on sex differences. She compares the logical positivism of Hempel with the wholism of Kuhn in order to underline an important difference: whereas positivism was concerned almost exclusively with the relationship between

evidence and hypothesis (probabilistic), a conception supported by a reasoning abstracted from its social context, wholism was concerned with what counts as evidence in what context (realist/relational) (1990: 26). This shift in thinking which took place from the 1970s was significant as a step away from rationally or objectively determined evidence and science to a non-rational, value and ideology-laden, contextual scientific practice. Longino does not find satisfactory closure in either wholist relativism or positivist reasoning, and criticises realism for its failed attempt to provide a middle ground that was thus far unable to include any serious reflection on the role of values (1990: 32). Since then, Sayer's work (2011), which stems from a critical realist epistemology, has drawn attention to the underlying role of values in making and understanding the social world, and more specifically, on the need to undermine the dualisms which still plague social scientific explanations.

4.6.2 The objective foundation of values

Sayer (2011) posits that there is a general reluctance to engage in normative, rather than positive/empirical social science practice. Consequently, 'social scientists lack training in normative thought, and tend to be dismissive of it, regarding it as groundless and inferior, a threat to objectivity and unnecessary for understanding social life' (2011: 29). This view of social life and social agents as interest-driven individuals is supported by an underlying liberal ideology. Values thus become a subjective realm of individual judgement. In this landscape, individual value-judgements cannot be subjected to scrutiny inasmuch as the realm of values is subjective. The fact/value dualism, where fact is objective and value is subjective, is too often implied, while scientists continue to be encouraged to aspire to the role of a value-neutral, fact-driven, politics-free group.

The idea that values are entirely subjective is a fallacy because, although 'values are [...] culturally variable, [...] they are not completely arbitrary; they have something to do with well-being and ill-being' (2011: 33). Social scientists are not immune from social life, they are culture-bound beings and subject to both ideological and institutionalised pressures, all of which affect their ability to think about the social world. Sayer argues that the polarisation of dualisms, such as fact/value and reason/emotion, is driven by a misunderstanding of universalism stemming from both the enlightenment project and its postmodern critique. Universalism was bound with the belief of western European cultural superiority, and the extreme relativism and emphasis on difference of the postmodernists arose in direct reaction to this. Taking dualisms too far entails an

epistemic fallacy. According to Sayer, ‘difference itself presupposes similarity [...] our interest in difference and similarity, or particularism and universalism, are dialectically related’ (2011: 99-100).

We need dualisms to make sense of things, but there is a risk of polarisation leading to misconceptions, such as the compartmentalising of emotions away from reason, and of science away from values (Sayer, 2011: 28-29). According to Sayer, the expulsion of morality from scientific debates is one instance of the attempt to separate science and values (2011: 109). This position could contribute to supporting the belief that evidence is value-free, perpetrating the idea that science is *separate* and *above* other, “less pure” pursuits such as politics. This fails to acknowledge that human beings are fundamentally moral beings who engage in evaluative, emotional and deliberative reasoning supported by values, beliefs, and value-orientations.

4.6.3 Moral foundations, values and evidence

It appears that, because evidence belongs in the realm of science, there is little analysis of the contextual and constitutive values that may shape different stakeholders’ understanding and positioning of evidence. Indeed, values permeate throughout the process of evidence use, from its production, through to its uses and understandings. In Haidt’s work in moral psychology (2012), in Majone’s work on policy analysis (1989), and in much of the work discussed in Chapter Two, evidence use by individuals is often seen in instrumental terms. Accordingly, evidence is seen as cherry-picked in order to support an opinion or an instrumental policy goal. What Haidt posits is a process of cherry-picking supported by existing *moral* foundations (Chapter 5). In other words, what moral psychology adds to existing discursive, ideational and argumentative contributions is the moral and affective basis which influence individuals’ understanding and positioning.

An explicit moral commitment to the values of science is likely to depend on stakeholders’ background, culture and allegiances (Chapters 8 and 9). One’s moral commitment to evidence use in policy, alongside one’s epistemological position, contributes to shaping one’s political and policy positions. Existing variations among policy stakeholders need to be investigated through an understanding of their values and their beliefs as part constitutive of their existing moral positions. An understanding of relevant and context-specific values, the beliefs which relate to those values and the

manner in which they can be achieved in practice is appropriate for the purpose of enriching institutionalist, ideational, argumentative and interest-based accounts of the policy process, and of the use of evidence in it. The mention of evidence, presupposing science, continues to instigate false dichotomies and polarisation. There is a need to move away from rationalist and normative explanations, and open up discussions about the role of values and beliefs in contributing to form moral, scientific, political and policy positions.

4.7 Values and Beliefs in social psychology: constructing working concepts

In the literature discussed in Chapters Two and Three, there is a general recognition that values are influential, yet there is no explicit attempt to turn them into objects of inquiry as well as working concepts in their own right. As will be discussed in Chapter Five, social and moral psychology and political science literatures find evidence of correlation between values, beliefs and attitudes which make up individuals' morality and their political positions. These arguments are acknowledged and further explored.

I define values as abstract, goal oriented, deliberative and evaluative tools.

‘values serve as standards that we learn to employ transcendently across objects and situations in various ways: to guide action; to guide us to the positions that we take on various social, ideological, political, and religious issues; to guide self-presentations and impression management; to evaluate and judge ourselves and others by; to compare ourselves with others not only with respect to competence, but also with respect to morality’ (Rokeach, 1979: 48).

‘All values have cognitive, affective and directional aspects. Values serve as criteria for selection in action. When most explicit and fully conceptualised, values become criteria for judgement, preference, and choice. When implicit and unreflective, values nevertheless perform “as if” they constituted grounds for decisions in behaviour’ (Williams, 1979: 17).

I define beliefs as concrete, action-oriented, practice-led evaluative and deliberative tools:

‘any simple proposition, conscious or unconscious, inferred from what a person says or does, capable of being preceded by the phrase “I believe that...”. The content of a belief may describe the object of belief as true or false, correct or

incorrect; evaluate it as good or bad; or advocate a certain course of action or a certain state of existence as desirable or undesirable.’ (Rokeach, 1968: 113).

4.7.1 Values

Starting with the work of Milton Rokeach, whose pioneering research proposed a theory of human values grounded in socio-psychological notions, we can begin to disentangle values from beliefs, and arrive at a conceptualisation of beliefs as constitutive of valuative considerations and deliberations, and a relationship of values and beliefs that is mutually reinforcing. An exercise in distinction is necessary, because ‘values cannot be assimilated to either existential beliefs or to concrete evaluations (such as ideologies)’ (Williams, 1979: 17). In Williams’ view,

‘the term “values” has been used variously to refer to interests, pleasures, likes, preferences, duties, moral obligations, desires, wants, goals, needs, aversions and attractions, and many other kinds of selective orientations.’ (1979: 16)

Williams suggests that, ‘to avoid such excessive looseness, we have insisted that the core phenomenon is the presence of *criteria or standards of preference*’ (ibid). The purpose of values seems to be to guide, evaluate and judge situations on the basis of underlying morality and available knowledge (Rokeach, 1968: 160). Crucially for Williams, ‘values merge *affect* and *concept*’, and as such they already contain within them a dialogue between reason and emotion (1979: 16, emphasis added). Recognising the role of affect and its relation to cognition has implications for the way individuals engage in evaluative and deliberative practices.

Although similar values are generally present in the make-up of individuals’ value systems, differences can be found in ‘the arrangement of values, their hierarchies or priorities’ (Williams, 1979: 17). Value systems are organised hierarchically, and characterised by conflicting values placed in different orderings. According to Rokeach, ‘a person’s value system may thus be said to represent a learned organisation of rules for making choices and for resolving conflicts’ (1968: 161). In his view:

‘similarities of culture, social system, caste and class, sex, occupation, education, religious upbringing, and political orientation are major variables that are likely to shape in more or less similar ways the value systems of large numbers of people’ (ibid)

Patterns of predominant values differ across societies and across cultures. This line of reasoning can be extended to the micro-cultural/epistemic level, such as a specialised policy area and/or a particular occupation.

Understanding the difference between value systems, belief systems and ideologies is crucial. Williams argues that values and beliefs are organised into constellations, yet rarely are they sufficiently organised and cohesive to support an ideology; only ‘when we can identify interconnected sets of values and beliefs which describe a preferred or “obligatory” state of a social system, we speak of an *ideology*’ (1979: 21). Similarly to Rokeach, Kilburn emphasises the deep, underlying character of values ‘as abstract, motivational beliefs about the desirable, the “general and enduring standards” that are central to citizens’ belief systems’ (2009: 868). He argues that values support mass beliefs (2009: 882). Haidt (2012) discusses the moral foundations of opposing political positions on the basis of competing values which make up individuals’ morality (Chapter 5). He argues that political and moral positions are connected to the extent that certain values appear to be consistently associated with political leanings. Thorisdottir et al (2007), find that there is a strong link between right political leaning and support for inequality, security and tradition in both eastern and western Europe. Similarly, Jost et al (2003) demonstrate that support for inequality is tied with political conservatism. The research discussed in Chapter five shows consistent correlations between certain values and certain political positions.

4.7.2 Beliefs

Whereas much scholarship exists on beliefs in philosophy, and particularly in certain schools of thought (Bayesian evidentialism; epistemologism; metaphysics), scholarship on belief in social science is often more closely associated with sociology of religion and psychology. Theories of beliefs have been advanced in social psychology and, more timidly, in political science. Some classic political science literature focuses on belief systems and its relationship with ideology (Converse, 1964; Sartori, 1969). According to Sartori (1969: 401),

‘a belief is neither an opinion nor an idea’; rather, ‘beliefs are idea-clusters that routinize the cost of decisions precisely because they are taken for granted. Beliefs are believed – not explored, tested and held under the searchlight of consciousness.’

The assumption that beliefs should be believed rather than explored might have influenced social sciences' lack of systematic engagement with beliefs.

Rokeach distinguishes between three types of beliefs: existential, evaluative and prescriptive; however, 'whether or not the content of a belief is to describe, evaluate, or exhort, all beliefs are predispositions to action' (1968: 113). Each belief has 'a cognitive component' which represents an individual's knowledge and certitude founded upon distinction of right from wrong; 'an affective component', because the belief necessarily gives rise to an affective reaction, particularly 'when its validity is seriously questioned, as in argument'. Lastly, the belief has a 'behavioural component' because, 'being a response predisposition of varying threshold', it necessarily precedes action (Rokeach, 1968: 113-4). Furthermore, 'the kind of action it leads to is dictated strictly by the content of the belief'; as such, individuals attempt to maintain coherence across the cognitive, affective and behavioural components within a single belief, across beliefs, and among all beliefs that make up their belief system (Rokeach, 1968: 114). This has significant implications in terms of the formation of particular positions. Beliefs are regarded as generative in the sense that they contribute to the formation and sustenance of a particular position. The creation of epistemic cultures through scientific practice is supported by certain beliefs, i.e. a belief in science as the bearer of truth, and a belief in certain kind of evidence to produce better, truer accounts.

Rokeach tackles the relationship between cognition and affect in belief sustenance, and the manner in which beliefs may alter. He reaches three conclusions:

- 'not all beliefs are equally important to the individual'
- 'the more central the belief, the more it will resist change'
- 'the more central the belief changed, the more widespread the repercussions in the rest of the belief system' (1968: 3)

The first conclusion indicates a hierarchical ordering in the belief system, akin to that of a value system. The other conclusions echo discussions found in other literatures, particularly the Advocacy Coalition Framework (Chapter 3). There are different ways to establish the importance or centrality of a belief. Some have linked it to the self (self-concept) (e.g. Eagly, 1967), others have tied it to membership or non-membership of a social group; others still with its ability to further or hinder particular values (e.g. Rosenberg, 1960) (Rokeach, 1968: 4). This is relevant in conjunction with the manner in

which stakeholders might adopt particular beliefs because of their group membership or their sense of purpose.

Rokeach posits that ‘beliefs – like motives, genes and neutrons – cannot be directly observed but must be inferred as best one can’ (1968: 2). Hence, inferring about one’s beliefs is a feasible method of investigation. Beliefs can be observed as emergent properties, which is consonant with a realist approach to analysis.³ Rokeach also argues that, ‘if we know that a person believes in a particular authority, we should be able to deduce many of his other beliefs, those which emanate or derive from the authorities he identifies with’ (1968: 10-11). As for values, similarities in experiences, belonging, and social structures are more likely to produce shared beliefs:

‘the particular authorities relied on for information differ from one person to the next and would depend on learning experiences within the context of the person’s social structure – family, class, peer group, ethnic group, religious or political groups, and country’ (Rokeach, 1968: 10)

This is relevant in the context of competing knowledge authorities and competing group allegiances. Contact with authorities expands through life. As the number of (potentially conflicting) authorities grows, so does the number of (potentially conflicting) beliefs. Acceptance of an authority, such as science, implies negotiating beliefs that sustain that authority, yet at the same time it implies negotiating beliefs that may conflict with that authority both internal to it (different sciences, epistemologies, practices) and external to it (i.e. law, religion).

4.7.3 Difference between values and beliefs

Values should be regarded as underlying normative preferences about end-states of existence, whereas beliefs should be regarded as more concrete ideas that directly address empirical reality (Rokeach, 1968: 160). Beliefs are informed and part-guided by values, but are also and crucially affected by exposure to experience and information. According to Searing, ‘values are more general than other sorts of beliefs, and they shape the individual’s evaluative experience’ (1979: 155). Beliefs and values are seen as interdependent:

³ Beliefs are indicative of what actors perceive as causal mechanisms. Relevant beliefs can emerge from analysis and operationalised as both context relevant and emergent

‘Criteria of evaluation are always interdependent with beliefs, which orient actors to the putative realities of their existence. Such beliefs about existential realities are not always “arbitrary”, but they are surely open to a wide range of variation’ (ibid).

A value reaches deeper and wider than a belief, but beliefs are necessary to enact values.

4.8 Conclusion

In this chapter, I argued that evidence-based policy rests on an overly simplistic positivist epistemology that has been the subject of mounting critique. Critical realism and critical theory provide a more satisfactory epistemological basis for the use of evidence; they can be combined as they share some presuppositions. The analytical tools provided by critical realism are promising because they deal with relational aspects and emergent properties of open (social) systems. Critical theory is useful in acknowledging the process of legitimation of certain knowledge, supported by ideology and power asymmetries, encouraging the shift in focus toward knowledge communication. It is also important to take into account the socially embedded nature of knowledge production: the concept of epistemic cultures is useful in highlighting that knowledge production and modes of operation from within the sciences are constitutive of a diverse range of practices and understandings of knowledge. Too little attention has been paid to the role of values in the use of evidence. The interplay between contextual and constitutive values and their objective and moral foundation is recognised as a starting point to advance understanding of the use of evidence in policy. I propose a systematic and targeted analysis of values and their relationship with beliefs.

In the following chapter, I will go further in discussing how values and beliefs are part constitutive of individuals’ moral positions. To do this, I will review different arguments derived from various disciplinary perspectives to construct a model that acknowledges the role of morality and affect and their interaction with ideology and interests, in the making of moral, political and policy positions.

Chapter 5

Morality (and) policy

5.1 Introduction

This chapter reflects on the moral dimension of drug and prostitution policy as significant in shaping opportunities within these policy domains. Combining insight from the literature on morality policy with classic accounts that focus on morality as an instrument of social order (Douglas, 1966) and as a force on which the law rests (Habermas, 1986), it brings attention to the manner in which a dominant morality that is ideologically supported becomes enshrined in the law. Thus, rather than an instrument of neutral moral force, the law is regarded as supporting dominant interests. However, rather than a simple, linear relationship tying a dominant morality into law in support of a dominant ideology, the existence of competing moralities that challenge the dominant moral-legal status quo is seen as supported in turn by contradictory principles found within ideological constructs (Freeden, 1994).

The concept of morality policy can offer some insight in studying prostitution and drug policy. Both drug and prostitution policies have been labelled as morality policies in relevant literature (Meier, 1994; Schmitt, Euchner and Preidel, 2013). The characteristics of morality policy are outlined and considered for both their validity and their limitations. Particular attention will be given to the question of whether morality policy as a distinct category presents further difficulty when examining the policy process and how change happens within it. Scholars in this field note that the presence of morality affects opportunities for policy change. They utilise elements of existing theories of the policy process and combine them with the morality policy typology in order to explain change in morality policy subsystems. Although much of the American literature presents single case, single country studies, some of the European literature has conducted comparative studies across countries and across different areas of morality policy.¹ Interestingly, although morality policy refers to value conflicts as one of its

¹There are some clear advantages to cross country, cross policy area research. Most significantly, it provides scope for validating typologies and for generalisation. There are some caveats: the lack of in-depth expertise on a single country and/or a single policy area, together with the lack of in-depth qualitative studies, might negatively

foundational characteristics, very few studies have attempted to explore the relationship between values and morality in this field (or at least not in a systematic manner).

Presenting evidence from political science literature on societal-level values shifting from authoritarian to libertarian (Flanagan and Lee, 2003), underpinned by long-term economic change (Inglehart, 1990), this chapter investigates the place of values in morality policy, specifically addressing the question of competing conservative and liberal moralities. Evidence from moral psychology (Haidt, 2012) and cognitive linguistics (Lakoff, 1996) demonstrates that there is no one single morality, but rather competing moralities which align with conservative and liberal positions sustained through affective, cognitive and normative elements.

Starting from the assumption that morality and law are inevitably married – because morality sets the standards of right and wrong which are then sustained by the law – I discuss the implications through some of Habermas' (1986) ideas on the subject. I problematize the idea that the law's principal function is symbolic, in terms of its hoped deterrence effect, by arguing that its instrumental and rational function is increasingly regarded as fundamental, particularly in the context of an evidence-based policy discourse.

Douglas' (1966) argument about the categorisation of purity and danger for social ordering is discussed and then related to the creation of social mores that sustain hierarchies and shape views and attitudes toward present dangerous categories. The moral psychology argument about the origin of morality in responses to disgust is discussed in connection with examples about prostitution. It becomes clear that morality serves a socio-political and organisational function and as such cannot be exclusively tied to individuals' attitudes.

The chapter proposes a framework which allows exploration of the interplay between moralities, ideology, values and affect in the construction of complex policy positions. Ideology is used in its critical Marxist sense, alongside considerations of its motivational character in cognitive and affective terms and considerations on its morphology. Morality is variously conceptualised as conservative, liberal, manifest and latent; each of

impact on investigators' understanding of specific issues. This thesis proposes to strike a balance between the two.

these are recognised as more or less present in the criminal law and science as social ordering practices.

5.2 Defining Morality Policy

A morality policy is defined as a field of policy that is characterised by a lack of consensus based on conflicting values (Mooney, 1999). Conflict is sustained through disagreement on first principles². Conflict is endemic to debates, arguments and opinions in policy fields where morality is in play. In the United States, there is a literature on morality policy which mainly surfaced in the mid to late 1990s (Mooney, 1999; Meier 1994, 1999, Mooney and Lee, 2000; Haider-Markel, 1999; Click and Hutchinson, 1999; Pierce and Miller, 1999). This literature has largely been ignored in Europe until very recently, when a number of scholars begun applying the concept (i.e. Wagenaar and Altink, 2012; Knill, 2013; Engeli et al, 2013; Heichel et al, 2013).

The etymology of morality appears to trace back to the Latin word *moralis*, or ‘proper behaviour of a person in society’³; however the root Latin word ‘*mos, moris*’ actually means ‘habit, custom, manner’.⁴ For Fisher:

‘morality is a term used to cover those practices and activities that are considered right and wrong; the rules that govern those activities; and the values that are embedded, fostered, or pursued by those activities and practices. The morality of a society is related to its mores, or the customs that a society or group accepts as being right and wrong, as well as those laws of a society that add legal prohibitions and sanctions to many activities considered to be immoral’ (2004: 397).

Morality involves individual practices, but it is not separate and independent from societal practices and the public consideration of certain rules and behaviours as right or wrong which are embedded in ‘legal prohibitions and sanctions’ (ibid). Thus, it seems fair to argue that morality is not singular but indeed plural, inasmuch as contrasting views and practices exist within the social body. It follows that, at any given time, there may be a dominant morality and alternative moralities that challenge it.

²Right and wrong

³<http://www.etymonline.com/index.php?term=moral>

⁴<http://latindictionary.wikidot.com/noun:mos>

According to Mooney:

‘the debate’ in morality policy ‘is about first principles and not instrumental policy impact, almost anyone legitimately can claim to be well informed. Banning the death penalty, for example, validates a certain value regarding the sanctity of human life [...] Other values also may be affected by such a policy, but this will lead only to clashes of first principle, not to technical debate about whether the policy will “work” or not’ (1999: 676).

The morality policy literature opposes morality to instrumental rationality, implying that morality is reactionary and unreasoned. The way morality is intended seems closer to the idea of moralism. A morality policy is thus characterised by a debate that privileges irrational, value-driven, first-principled positions at the expense of instrumental reason, evaluative, and impact-driven considerations. This is relevant in the context of the evidence-based policy discourse, where policy is supposedly judged on the basis of what works. Evidence-based policy allegedly escapes morality because it is regarded as technical/rational. Morality is relevant in relation to drug or prostitution policy, where drug taking or sex selling behaviours could be judged simply on first principles.

It has been argued that the American literature on morality policy, being mostly based on US case studies, cannot easily be extended to the European context because US politics is often characterised by overtly confessional political parties, rather than secular ones as is more often the case in Europe (Engeli et al, 2013). In their study of policy moral permissiveness across four European countries, Engeli *et al* found that countries that underwent earlier secularisation might pass more permissive legislation earlier in time on issues like abortion. However, that is not the case for other morality policy issues such as euthanasia (2013: 336). Accordingly, there is no set path of policy change for any morality policy to follow; for example, abortion struggles are unique and have not necessarily created a precedent for other issues in all countries considered (p. 340; Mooney and Lee, 1995; Luker, 1984). It would appear that understanding why certain policy debates are overtly moralised or not requires cross-country, cross-issue comparisons. For instance, it might be that Protestantism, particularly in its Puritan form, has a much stronger effect on certain morality policy issues than Catholicism, particularly when Catholicism is combined with historically strong secularism alongside other case-specific characteristics (Engeli et al, 2013).

Furthermore, one morality policy issue might be underpinned by strong advocacy and interest groups, such as women or LGBT in the case of abortion and same-sex marriage; however, the same cannot be said to the same extent for euthanasia, and indeed drugs. In spite of the presence of drug users' and sex workers' unions (i.e. INPUD, AVIL, ECP, Scarlett Alliance) and the right to die movement (i.e. Dignity in Dying), these groups have not received as much support and reached as high numbers compared to their abortion and LGBT rights counterparts. Groups such as drug users do not necessarily have a strong or legitimised voice, because of their lower numbers, their marginalisation and stigmatisation; it is harder for these groups to contribute to agenda setting or policy-framing because they often lack legitimacy, resources and representation given social stigma (Lancaster et al, 2014; Ahern et al, 2007). Incidentally, those drug users and sex workers who appear to be most stigmatised are those who sit at the bottom of the social and economic hierarchy. Street sex workers and injecting drug users, compared to other drug using and sex working groups, tend to be the primary objects of moralisation, stigmatisation, judgement and exclusion (Cusick, 2006; Lancaster et al, 2014). Their behaviours and associated choices might be regarded as immoral, and given existing asymmetries, they may not be in a position to effectively challenge the moral status quo.

5.3 Change in morality policy

Morality policy literature makes extensive use of established concepts and ideas derived from the policy process literature (Chapter 3). Heichel et al (2013) directly address the nature of change in morality policy by asking whether the very characteristics of morality policy affect the manner in which policy change might occur. They identify Hall's typology (1993) as a good starting point in assessing the mechanism of change in morality policy. Hall uses a three tiered structure featuring: 'policy paradigms'; 'policy instruments'; and 'the precise setting or calibration of those instruments' (Chapter 3). For Heichel et al a drastic legislative change, from the total prohibition to the decriminalisation or legal regulation of an activity would fit the bill of paradigm change. On a more moderate level, instrumental change 'refer[s] to changes in the means undertaken to achieve existing morality policy objectives' (2013: 322). Here, they use the example of the introduction of new interventions in harm reduction in the context of drug policy. On the level of instrument-setting, minor adjustments to policy would entail issues of calibration. In this scenario, Heichel et al use the example of threshold

quantities of cannabis that are ‘tolerated for personal consumption’ (2013: 322). They argue that morality policy might present a more complex picture in terms of trajectories of policy change as well as degrees of change. They also stress that this might depend on the policy area and the extent to which value conflicts are dominant in that area. Yet, there is a possibility that even small adjustments (i.e. calibrations) ‘might be associated with fundamental paradigmatic value decisions’ (ibid).

The legality/illegality of activities connected with morality policy presents a further conundrum: policy change might only punitively tackle supply and not demand, as is the case for decriminalisation of drug consumption. The reverse might also be true, as in the case of the criminalisation of the purchase of sex. This might create a system rife with internal contradictions, which does not follow the linear logic of a single paradigm. Using abortion as an example, Heichel et al argue that, in many jurisdictions, there is a distinction ‘between women seeking an abortion and the physicians providing the service [...] many jurisdictions have abolished the criminality of abortion for the pregnant women, while abortion as such remained illegal’ (2013: 323). Furthermore, and beyond the legal/illegal dichotomy, there is also the targeting of behaviours and activities through sanctioning and regulation, and without criminal prosecution, which maintains that those activities are wrong or immoral.

Much less is written about the relationship between values and morality policy change. Heichel et al state that, ‘based on existing research, we argue that morality politics are more sensitive to social and personal values than other – regulatory or (re)distributive – policies.’ (2013: 327). They continue, ‘there is broad consensus that, by definition, morality policies respond to clashes of incompatible ‘core values’ between subgroups of society’, yet the relationship between said values and morality policy has not been systematically observed (2013: 326). The only relevant research within this literature looking at the nexus between values and morality policy is US-based, with some comparison across American states (Mooney and Lee, 2000).

5.4 Morality/Non-morality and competing frames

Euchner et al (2013) analysed four European nations’ regulation strategies towards ‘vice policies’ (such as gambling and drugs) through official documents; vice is presented as a subset of morality in the morality policy typology. Euchner et al find that the framing of an issue is crucial when it comes to distinguishing between morality and non-

morality policy. Knill's (2013) categorisation is interesting in this respect because it overcomes the morality/non-morality binary by identifying both manifest and latent morality policies and the possible slippage between these. Manifestly moral policies include 'issues of life and death [...] in which value conflicts constitute the standard mode of political decision-making': issues such as abortion, euthanasia, and other issues concerned with the sanctity of life strongly affected by 'religious orientations' figure in this category (2013: 312). In latent morality policies, value conflicts are not as apparent, yet they might surface (albeit most likely framed in instrumental terms). Both drug policy and prostitution policy are seen to belong to this type of morality policy, although they might, in some cases, be considered manifest (Knill, 2013: 314). Euchner et al argue that,

'owing to secularization and value shifts in the society, policy-makers have decreasingly conceived of drug consumption and gambling as sinful behaviour and have therefore ceased relying on moral reasoning to justify the regulation of those activities.' (2013: 384-5)

As a consequence of increasing liberalisation, new policy actors, ideas and evidence will enter and shape the policy arena away from morality, which will result in more permissive regulation, framed in non-moral terms (Euchner et al, 2013: 373). Given the shift in societal level values from authoritarian to libertarian (Flanagan and Lee, 2003), prefigured by Inglehart's work (1990) linking societal values shift to underlying economic change (section 5.5), Euchner et al assume that there has been an overall decrease in the number of people who consider both gambling and drug consumption as sinful or immoral; thus, value-based moralistic arguments will no longer appeal to a large proportion of the population but only a minority, which has led traditionally conservative parties to opt for alternative framing of the issue (2013: 375). The emergence of competing frames of reference in morality policy allows for frames to shift from morality to non-morality (2013: 376).

Framing is regarded as essential because it invokes different policy solutions as well as inviting in a different set of actors and understandings of the issue. However, by arguing that the 'distinction between morality and non-morality framing is based on the involvement of core values or 'first principles' in the arguments' (2013: 377), Euchner et al do not take into account that not all arguments are explicitly made on the basis of principles, yet principles may still be present, albeit hidden. Rather than a dichotomous

definition of morality policy – i.e. morality/non-morality – based on a negative and univocal conception of morality akin to moralism, it might be more useful to think of competing moralities, and latent and manifest moralities, as in Knill's (2013) typology. For instance, a scientist arguing for an evidence-based approach to a particular intervention in drug policy, such as an argument in favour of drug consumption rooms, might do so on the basis of several principles including, but not exclusively, scientific evidence. Other values and principles on which to base the argument might centre on tolerance, compassion, care, and so on. The argument might have strong affective components, such as empathy. However, these values, albeit present, might not be made explicit in the argument because the scientist wishes to preserve a neutral posture rather than be accused of political partisanship, following the logic of boundary work. As discussed in previous chapters, the evidence-based policy discourse supports a focus on technical/instrumental features at the expense of moral and political considerations in order to purport value neutrality; however, the practice of policy necessarily entails value judgements, political and moral considerations.

Euchner et al distinguish between four types of frames that appear in varying combinations or alone in the documents they analyse: 'the morality frame; the health and social frame; the security and public order frame; and the economic and fiscal frame' (2013: 377). They argue that, 'in contrast to the morality frame, the other three frames identified are less value-based' (ibid). The matter of hidden principles and latent morality problematizes this typology. The security and public order frame is a morality frame inasmuch as it originates from a moral dilemma of what is right and wrong behaviour; considerations about public nuisance and who deserves punishment for which types of actions are moral in nature. Similarly, a public health frame might be underpinned by considerations about deservingness and balancing the distribution of resources so that the largest number of people might benefit. These frames are fundamentally moral, yet their morality is latent rather than overt.

The next sections attempt to elucidate the connection between studies in morality policy and those studies in political science concerned with analysing long-term patterns of change in societal-level values, beliefs and attitudes and their relationship with traditional political affiliations.

5.5 Shift in Societal-level values

The shift from conservative toward liberal values in western society is well documented (Inglehart, 1990; Flanagan and Lee, 2003; Smith and Tatalovich, 2003). Literature looking at value and attitude change in political science identifies increasing secularisation in advanced liberal states enacting a long-term shift in societal level values, beliefs and attitudes from conservative to liberal, or from authoritarian to libertarian. Using the World Value Survey (1992), Flanagan and Lee (2003) describe the shift from authoritarian to libertarian values, predominant in western society, as punctuated by three anchoring points: theism, modernism (mid-point) and postmodernism. Flanagan and Lee (2003: 237-8) characterise the three positions as follows:

- *Theist*: authority is external and transcendental; ‘truth and morality’ are ‘based on absolute principles’ and ‘the role of the self is to serve God and others’.
- *Modernist*: authority is external but located in ‘secular society’; ‘truth is universal’ and intelligible through ‘reason alone’, whereas morality ‘must be discovered through reason and experience in each culture and stage of human development’. The ‘self is central’, and ‘mankind must live in relationships of mutual benefit’.
- *Postmodernist*: authority is ‘internal and individual’; truth is relative, morality is replaced by ‘personal preferences and feelings’; the self is ‘fully autonomous and views others primarily for the self to use in achieving maximum self-actualisation’.

These three categories are viewed as unfolding historically; they can be regarded as tied to the changes in socio-economic systems from feudalism (theism) to modern capitalism (modernist) to advanced capitalism (postmodernism). In *Modernization and Postmodernization*, Inglehart (1997) argues for the congruence between social, cultural and economic change. In his later work, he argues that economic development entails societies that are increasingly ‘rational, tolerant, trusting and participatory’, but there are cultural distinctions across societies that come from religious values, political history, and differences between national cultures (Inglehart and Becker, 2000: 19). In his longitudinal analysis of values shift among western publics, Inglehart (2008) argues that cultural changes are evident given relatively fast paced ‘intergenerational change’ that is underpinned by greater levels of ‘existential security’. The process of change from production to consumption orientated economies results in increased overall affluence,

longer life-span, increased spatial and social mobility, and intensified social and cultural exchanges, particularly in densely populated urban settings. Fast-paced change, affluence, security and expansionary economies on the one hand and the maintenance of social, cultural and economic structures on the other, with their pre-existing hierarchies and boundaries, might give way to value conflicts.

The dichotomy authoritarian/libertarian is used by Flanagan and Lee (2003) to explain value conflicts, with the authoritarian type more closely associated with the theist/modernist categories and the libertarian type more closely associated with the modernist/postmodernist categories described above. The modernist category is the mid-point, both theoretically and temporally speaking, and contains both elements of authoritarian and libertarian values. The defining characteristics of authoritarian versus libertarian are summarised thus:

‘Authoritarians stress values of self-denial, strong group loyalties, serving others, and putting group interests ahead of one’s own, finding fulfilment in work and doing what is right, and adherence to strict moral codes. Libertarians stress self-indulgence, pleasure seeking, maximum personal development and self-realization, using work as a means to other ends, weak group loyalties, and putting one’s own interests ahead of others’ (Flanagan and Lee, 2003: 238).

When investigating the relationship between authoritarian and libertarian values and their association with traditional right/left political leanings, they argue that, traditionally, this relationship was linear because economic issues were at the centre of political debate, with the right and the left proposing fundamentally different political and economic models (i.e. capitalism versus socialism/communism). According to Flanagan and Lee, economic issues later became side-lined due to a general increase in affluence and a lessening of differences between the right and the left. These resulted in swinging electorates one way or another chiefly depending on economic cycles, i.e. growth (left) and recession (right). However crucially, increasing affluence and the narrowing of the left-right gap on economic issues favoured an increased focus on social issues as more politically contentious, establishing a stronger link between social issues and political leanings. This contributes to explaining why morality policies have become amongst the most politically contentious areas of debate in advanced capitalist states. Consequently, ‘we find that authoritarians and libertarians are sharply divided on

the issues of abortion, euthanasia and suicide, drug use, prostitution, homosexuality, and alternative family values' (Flanagan and Lee, 2003: 253).

The next section delves deeper into authoritarian and libertarian values as tied to conservative and liberal typologies, making use of research from moral and cognitive psychology.

5.6 Morality or Moralities? Or why what is considered moral by some is immoral for others

Lakoff (1996) makes an explicit connection between moral politics and conservative/liberal typologies. He associates the conservative typology with a 'strict father' morality, characterised by the following (1996: 163):

- 'Self-discipline, responsibility and self-reliance'
- 'preventing interference with the pursuit of self-interest by self-disciplined, self-reliant people'
- 'promoting punishment as a means of upholding authority'
- 'ensuring punishment for lack of self-discipline'
- 'protecting moral people from external evils'
- 'upholding the moral order'

Interestingly, a conservative morality as conceptualised by Lakoff is founded upon the mechanism of rewards and punishment. He argues that 'rewards for obedience and punishments for disobedience are crucial to maintaining moral authority; as such, they lie at the heart of this moral system and are thus moral.' (1996: 164). If punishment is the principal instrument to uphold moral authority and maintain order in the system, then we can make an explicit connection between the security and public order frame, (i.e. criminal justice and law enforcement), with strict father/conservative morality. By extension, those who believe that a reward/punishment mechanism is moral are more likely to support punitive measures against immoral behaviour. There is a clear connection between conservative morality and the use of punishment to preserve existing authority and order.

On the other hand, according to Lakoff (1996: 165) a liberal, or 'nurturant parent' morality, presents the following characteristics:

- ‘empathetic behaviour and promoting fairness’
- ‘helping those who cannot help themselves’
- ‘protecting those who cannot protect themselves’
- ‘promoting fulfilment in life’
- ‘nurturing and strengthening oneself in order to do the above’

Lakoff argues that ‘the primacy of morality as empathy makes empathy a priority’ (1996: 166). Empathy is seen as the fundamental element of a liberal morality, and as tied with fairness, help, protection, and by extension, care (of the self and of others). Thus, morality appears as partly rooted in *affect*. Whereas empathy is central to liberal morality, fear, anxiety and response to threats appear more central for conservative morality. Lakoff follows on to argue that

‘morality as fairness is a consequence; if you empathize with others, you will want them to be treated fairly. This makes empathetic actions and actions promoting fairness into moral actions. Consequently, a lack of empathetic behaviour, or actions going against fairness, are immoral’ for liberals (ibid).

Empathy, fairness and care as characteristics of a liberal morality can be associated with a concern for people’s health and wellbeing, which falls into a health and social frame. This also entails a redistributive economic frame (equality) but not a public order frame (punishment). If a frame is akin to a pair of glasses, then looking through them is like looking through different lenses: certain aspects will appear more salient than others, certain features more clearly defined, and certain solutions which tackle those particular aspects and features will seem more pressing and righteous. Within the security and public order frame, punishment/rewards will seem the most morally righteous tool to deter and control behaviour. Conversely, within a health and social frame, treatment and harm reduction might take priority because it is morally right to empathise and help those who are seen as unable to help themselves. Lakoff stresses that:

‘when one is functioning politically, these moral categories are primary. The categories define opposing moral worldviews, worldviews so different that virtually every aspect of public policy looks radically different through these lenses.’ (1996: 167)

Later work (Graham et al, 2009; Haidt, 2012) that focuses on the differences between conservative and liberal morality provides further evidence of their apparent incommensurability. Liberals and conservatives appear to show consistently different characteristics based on how they respond to experience as well as what they tend to value most. According to Haidt (2012) – a moral psychologist – conservatives respond to personal threats more strongly than liberals, who instead are characteristically open to experience. In general terms, conservatives appear to be more ‘groupish’, by which Haidt means a tendency to conform to one’s group and be loyal to it, law abiding, and puritan in their morality, whereas liberals appear to be more concerned with harm and justice in society as a whole but also more individualistic. This is because liberals buy into a Liberal progress narrative (Smith, in Haidt, 2012: 330), which combines concern for suffering and oppression with freedom to pursue happiness. These originate from the ‘Care/harm foundation (concern for suffering of victims) and the Liberty/oppression foundation (a celebration of liberty as freedom *from* oppression, as well as freedom *to* pursue self-defined happiness)’ (Haidt, 2012: 331).

Haidt’s work looks at liberalism and conservatism as ideal-types; in reality there is a deep level of complexity which makes these absolute positions untenable. If taken to represent stronger leanings on either side, these ideal-types are useful for understanding how values are ordered: respect for authority might score higher for a politically and/or socially conservative individual than it might for a liberal, and, vice versa, concern for social justice (equality) and harm reduction might score higher for a liberal. This makes for a useful tool to assess the extent to which individuals who belong to multiple groups, with complex sets of belonging and allegiances might develop their moral positions over time and through experience and, specifically, the way in which they relate with evidence in morality policies.

The long term values shift from authoritarian to libertarian, together with the shift toward consumption oriented economies in advanced capitalist countries, should be reflected in drug and prostitution policy, giving way to more permissive, tolerant, individualistic and pleasure-oriented policies and laws. Yet this is neither linear nor straightforward. The presence of competing moralities gives way to political and value conflicts. However, competing moralities should not be seen as equally powerful. A dominant morality is formalised into law. The law’s roles to embed and codify dominant morality must be considered. In the next section, I review Habermas’ argument about

how bourgeois morality is formalised into law because the law is supported and supports in turn the underlying socio-economic and cultural system.

5.7 Law and morality

The role of law in drug and prostitution policy is crucial: any given regulatory system is solidified through the law; any policy change at the level of paradigm is enshrined within it. It is often the law that establishes the boundaries of possible interventions, the law that defines right and wrong. Thus, the relationship between law and morality must be addressed. Habermas' (1986) Tanner Lecture on Human Values entitled 'Law and Morality' provides some needed reflection on the indivisibility of law from a moral base. Habermas poses an important question:

'whether the legal system in an increasingly complex society can at all withstand a heightened tension [...] between normative demands and functional requirements'. (1986: 250)

By making manifest the link between morality and legitimacy of the law, Habermas argues that:

'the legitimacy of legality cannot be explained in terms of some independent rationality which, as it were, inhabits the form of law in a morally neutral manner' (1986: 228)

The implication here is that law is not objectively and neutrally rational, but rather, moral. In other words, often behind a rational guise, the law is an instrument of moral force. For Habermas then,

'the legitimacy of bourgeois formal law results not from its declared "rational" characteristics but, at best, from certain moral implications that can be derived from those properties with the help of additional empirical assumptions regarding the structure and function of the underlying economic system.' (1986: 225)

For Habermas, the legitimacy of formal law is supported by bourgeois morality that is supported in turn by the 'underlying economic system'. In Habermas' understanding, morality, ideology and the law appear as symbiotic. Principles underpin the rationality

of legal provisions, and these principles may be opposing or conflicting and, as such, undergo ‘discursive testing’;

‘individual legal provisions must be justified as elements of a legal system which, as a whole, is viewed as reasonable in the light of principles. These principles can come into conflict with one another and be exposed to discursive testing. However, the rationality that is brought to bear at this level of normative discussion [...] is not morally neutral.’ (1986: 227)

Habermas understands that different principles may come into conflict and these conflicts will be sustained rationally and morally. Habermas goes on to argue that preferred values are intrinsically tied with culture and traditions and expressed in a dominant moral-legal order. They are ‘values which, [...] commend themselves, so to speak, as superior to other values’ (ibid).

Habermas notes that penal law has been applied to ‘informal’ social control, (i.e. moral regulation) (1986: 231), and that legal processes are open and subject to moral discourses (1986: 230). He highlights a mechanism by which the embeddedness of moral principles into their circumstances results in the lack of a universal, impartial standard of judgement:

‘since moral principles are always already immersed in concrete historical contexts of action, there can be no justification or assessment of norms according to a universal procedure that ensures impartiality.’ (1986: 240)

It follows that, ‘in the clash of value preferences incapable of further rationalization, the strongest interest will happen to be the one actually implemented’ (1986: 241). This point is fundamental, because it implies that *values supporting a dominant morality*, as *embedded in the law*, reflect existing *socio-economic and ideological power structures* and coincide with dominant interests. The passage from morality to law is a necessary step ‘in all spheres of action where conflicts and pressures for regulation call for unambiguous, timely, and binding decisions’ because ‘legal norms must absorb the contingencies that would emerge if matters were left to strictly moral guidance’ (1986: 245). Morality embedded in law leaves little space for ambiguity, and shifts matters from the private into the public realm, from informal into formal and procedural decision-making.

5.7.1 Evidence, Values and Morality in Criminal Law: the case of the death penalty

The criminal law is supposed to set a moral standard in order to deter people from activities that are considered to be wrong in principle; some of these wrongful activities are related to religious morality and its denomination of sins. The death penalty is one instance of policy rooted in morality and authoritarian values. It is supposed to deter people from engaging in serious crime. However, a shift in societal level values from authoritarian to libertarian is likely to change perceptions on the death penalty from morally right to morally wrong. In order to justify a change in their moral position, people might seek alternative frames. What appears as a promising way to support a moral shift is to seek evidence to demonstrate that the death penalty fails as a deterrent, and therefore it is no longer justifiable as a policy. Tullock (1974) argues that there were no US studies investigating whether punishment acted as a crime deterrent up until the 1950s, perhaps indicating that there were no concerns for establishing, or questioning, the instrumental value of such a policy before then. In 1982, Tyler and Weber investigated public attitude to support for capital punishment in instrumental versus symbolic terms, and establish that support for punishment as symbolic enjoyed a broader consensus; accordingly at that point, the public was less concerned with instrumental evidence/function.

The answers offered by different studies from that point onwards appear to conflict depending on the methods and ideas offered by different disciplines, with economists arguing for the success of capital punishment as deterrent on the one hand, and sociologists and legal scholars arguing the opposite. There seems to be a consistent split in the literature on capital punishment which rests on disciplinary, methodological and normative lines. Certain disciplines, chiefly economics, provide evidence of the success of capital punishment as deterrent (e.g. Dezhbakhsh and Shepherd, 2006). Others argue against it on either instrumental or moral grounds (e.g. Steiker, 2005). This difference is likely to be at least partly dependent on the epistemological and methodological assumptions tied to different disciplines, and whether a given study pursues a particular normative stance. Perhaps a move towards concern for the instrumental/functional value of the law as opposed to the symbolic is supported by a shifting moral foundation that is gathering consensus. Following Habermas and Inglehart, we may note that bourgeois morality is changing together with the socio-economic system that supports it, with increasing dominance of liberal values supported by economic changes in

advanced liberal states. Thus, formal law begins to be targeted as it is no longer imbued with good/proper/dominant moral values. Starting from Inglehart's thesis (1997) about social, cultural and economic patterns of change concurring to support societal level values' shift from authoritarian to liberal, it becomes clear that any justification for extreme punitive approaches such as the death penalty as both symbolically and instrumentally necessary might lose consensus.

Mooney and Lee (2000: 224) stress the importance of the distinction across morality policies in 'the level of public consensus on the values at stake'. Their study provides some useful insight into the connection between values and morality policy. Specifically, they focus on 'whose values and which values are reflected' (2000: 225). Focusing on public values as reported in national survey data, these authors note how the abolition of the death penalty occurred contrary to majority public opinion. In this case, policy change was 'counter-majoritarian'. This is partly explained by the fact that, rather than relying on citizens' values, policy-makers relied on interest groups as representatives of public values (2000: 227). When asking 'which values do policy-makers reflect in policy?', Mooney and Lee make use of the conservative/liberal scale to show that, albeit imprecise, this political cleavage is more or less predictive of attitudes towards the death penalty, with supportive conservatives and opposing liberals (p. 228). This is particularly interesting in relation to the fact that the study's hypothesis rests on the assumption that the mass public, more than either activists or elected officials, impacts morality policy (p. 229). Hence, Mooney and Lee set out to measure liberalism and conservatism prevalence amongst the mass public in different US states to then understand whose values were determinant in changes in death penalty policy. They find that the influence of the public versus activists varies according to whether morality policy is characterised by consensus (where the former prevails) or contention (where the latter prevails) (p. 232). There is no attention given to the policy-makers' values and opinions themselves, and how these may shape morality policy outcomes. Mooney and Lee conclude by stating that 'policy-maker responsiveness to public values needs to be explored in a more subtle fashion' (2000: 235), since as it stands, there is no research on morality policy which measures the interplay between 'social and personal values' and 'the content and direction of policy-making' (Heichel et al, 2013: 237).

Mary Douglas' argument about the symbolic and functional roles of customary practices in primitive societies further elucidates the complex interplay between

morality, ideology, values and beliefs which are formalised into purity and danger categories.

5.8 Morality, order and disgust through purity and danger categories

Mary Douglas' seminal work *Purity and Danger* (1966) exposes the connection between human ritualistic/religious practices and human need for ordering things and actions into categories of clean and dirty, pure and dangerous, hygienic and unhygienic. Douglas notes how the categorisation of pollution, like the law, works on two levels; one instrumental and one expressive (1966: 3). In the absence of scientific reasoning, this process of categorisation finds its proof in *belief*, rather than *science*. Purity and danger categories are likely to enter and shape the mores of a given society; 'thus, we find that certain moral values are upheld and certain social rules defined by beliefs in dangerous contagion' (Douglas, 1966: 3). Although Douglas is an anthropologist, and as such her focus is on 'primitive' societies, her contentions are valid and applicable to contemporary attitudes and beliefs about purity and danger. She speaks of some societies where the contact of sexual fluids is considered to endanger both sexes, and yet others where simple bodily contact is dangerous. This idea can be stretched to a context where the simple injection of a fluid, or ingestion of a liquid can turn the person from pure to polluted, and their moral character from angelic to demonic; 'so also can the process of ingestion portray political absorption' (1966: 4).

Douglas criticizes medical materialism for reducing and reifying rituals, as if their only basis was pragmatic to the extent that they could not involve multiple objectives. The issue of medical materialism is important when assessing the cogency of "evidence-based" arguments in relation to drug and prostitution policy, since their main focus is primarily instrumental, at the expense of consideration of the symbolic role of the law in upholding the moral order. Douglas posits a difference between hygiene rituals and purifying rituals, where one is instrumental and the other symbolic. Accordingly: 'it is one thing to point out the side benefits of ritual actions, and another thing to be content with using the by-products as a sufficient explanation' (1966: 30). Douglas argues that purity and danger categories are necessary to construct a social hierarchy:

'many ideas about sexual dangers are better interpreted as symbols of the relation between parts of society, as mirroring designs of hierarchy and symmetry which apply in the larger social system.' (1966: 4).

This sustains Habermas' argument about the symbiotic relationship between dominant ideology, morality and law by way of construction of interdependent hierarchies that are sustained by economic, ideological, legal, scientific and moral bases. For example, if the prostitute is regarded as a dangerous category, then belief about contagion does not simply rest on medical/scientific grounds. The prostitute can be regarded as polluting because she carries disease, from a medical/scientific standpoint. However, the prostitute can be polluting from a moral point of view; her very existence and visibility pollutes the moral fibre of those who are exposed. This is supported by a view of 'the prostitute as transgressive, transforming a moral landscape into an immoral landscape by their presence alone' (Hubbard, 1998: 65).

Studies of prostitution in Victorian England highlight the symbolic meaning assigned to the figure of the prostitute, not only as a vector for disease, but also as 'the immoral `margin' crucial for defining the moral `centre"' (Hubbard, 1998: 58). Science can, and does, provide ammunition to sustain policies that are founded upon a certain morality because it is socially and culturally embedded. The assumption that, due to the supposed higher number of sexual encounters, prostitutes were diseased was supported by the medical establishment, although little evidence about transmission was available at the time (Hubbard, 1998: 59). This same assumption continues to figure in the social imagery about prostitution, despite the fact that, for example, evidence has dispelled the myth of high incidence of HIV in the female sex working population (excluding injecting drug users) in Australia and the UK (Harcourt et al, 2010; Lee et al, 2004; Platt et al, 2013; Ward et al, 1999). In Douglas' cases, beliefs about moral purity collided with beliefs about hygiene, as their aim was ensuring a certain social order. As Douglas puts it,

'ideas about separating, purifying, demarcating and punishing transgressions have as their main function to impose system on an inherently untidy experience. It is only by exaggerating the difference between within and without, above and below, male and female, with and against, that a semblance of order is created' (1966: 4)

In the context of prostitution, Hubbard argues that 'the boundaries between domesticised femininity and the unfettered sexuality of the street were constructed and maintained through the discursive identification of prostitutes as dirty and dangerous, a threat to bourgeois society' (1998: 58). Accordingly, 'contradictory images of desire and

disgust' (ibid) are representative of internal conflict between desire and morality. Both drugs and prostitution symbolise this very contradiction between pleasure/desire on the one hand, and danger/pollution on the other.⁵

Haidt argues that immoral behaviour triggers disgust; 'immorality makes us feel physically dirty, and cleansing ourselves can sometimes make us more concerned about guarding our moral purity' (2012: 71). This does not provide sufficient explanation as to how human beings create and practice ideas of clean and dirty, reducing these to some sort of animal instinct. Haidt argues that

'moral judgement is not a purely cerebral affair in which we weight concerns about harms, rights and justice. It's a kind of rapid, automatic process more akin to the judgements animals make as they move through the world, feeling themselves drawn toward or away from various things' (2012: 72).

Douglas provides a much needed sociological framework to the clean/dirty dichotomy, going beyond moral psychology's methodological individualism. The purity and danger dichotomy neatly fits morality policies because it translates well into dominant moral positions of right/wrong behaviour needed to maintain a given social order. In the context of prostitution, the

'elision between physical and moral impurity reinforced deep-seated anxieties and fears about prostitution, as the prostitute came to symbolise the division of society into high and low – the civilised and the grotesque – through a series of metaphors of the body, morality and topography'(Hubbard, 1998: 59).

Social order is maintained through the formalisation of rules and the categorisation of purity away from danger. In contemporary society, the criminal law is called upon to formalise social mores and customs, to distinguish right from wrong, pure from dangerous, and to deter dangerous, impure behaviour. Science and medicine are called upon to cure, to purify impurity, and to prevent dangerous behaviour. The boundary between unhygienic and impure is often blurred, because science and medicine do not exist outside of social mores.

⁵ Throughout the thesis, I concentrate on female prostitution. I acknowledge that prostitution cuts across gender and involves men (homosexual men and transgender people primarily); however, the social imagery of the prostitute concentrates almost exclusively on women, often selling sex on the street or in public places. This particular category of sex worker attracts the most attention from policy makers, the public, and abolitionist feminists, and is thus the main focus of discussion.

5.9 A complex framework: the interplay of ideology and morality

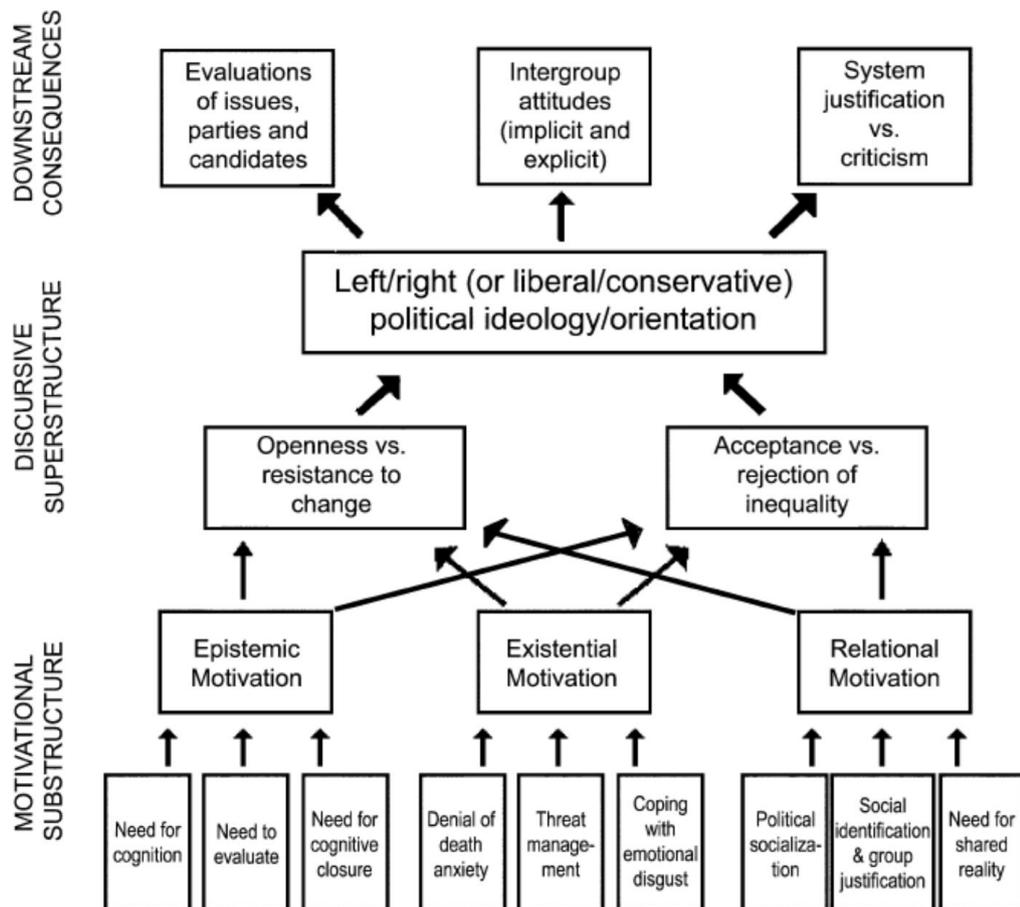
It is only by relating values and beliefs to morality and ideology that we may obtain an accurate analytical framework. Having constructed morality as a working concept, and having argued that morality and ideology are mutually supportive, we need to pay further attention to ideology. In the extended glossary of working concepts (appendix 1), ideology is presented according to different traditions: the critical/Marxist; the psychology/motivational; and the analytical philosophical approach to its morphology. Each of these interpretations of ideology is valuable; yet, when using the term, scholars often fail to define their particular interpretation consistently and precisely. I have acknowledged the usefulness of the critical Marxist notion of ideology in the context of the coinciding of dominant interests with a dominant morality in support of extant socio-economic hierarchies and power asymmetries (Habermas, 1986). Liberalism and conservatism have so far been conceptualised as moral and political positions; yet, they should also be viewed as ideologies in the sense of an organised systems of concepts, values, beliefs and attitudes that are institutionalised, shared and purposive (Rokeach, 1968; Jost, 2006). There are two aspects which should receive further attention: the first involves discussion of how ideologies operate as motivational at both the cognitive and the affective level (Jost, 2006; Jost et al, 2009). The second involves discussion of how ideologies ‘behave’ through a morphological approach (Freeden, 1994). This subsequently enables the construction of a complex interplay between morality, ideology and affect.

Jost defines ideology as ‘a belief system of the individual that is typically shared with an identifiable group and that organises, motivates, and gives meaning to political behaviour’ (2006: 653). Here, the emphasis is placed on the organisational and motivational aspects of ideology, because ‘every definition of an ideological belief system carries with it certain assumptions concerning its degree of cognitive organisation, affective and motivational qualities, and capacity for instigating action’ (ibid). When thinking about classic political cleavages, Jost et al (2003) find that there are some relatively unchanging core aspects of both liberalism and conservatism centred around:

- ‘Attitudes towards inequality’
- ‘Attitudes toward social change versus tradition’

Jost et al (2009) argue that ideologies are essential political and organisational mechanisms because they offer precise benefits: they provide a sense of certainty, coupled with a sense of security and shared solidarity, akin to the need for ordering categories noted by Douglas. Jost et al design a useful schema to describe the motivational substructure that makes ideologies both appealing and necessary for individuals. This motivational base includes cognitive and affective components alongside socialisation and is detailed in the figure below.

Figure 3: Motivational substructure, discursive superstructure and consequences of political ideology (Source: Jost et al 2009)



It appears as though cognitive, affective and social substructures all contribute to making political ideologies not only attractive, but also necessary as sense-making and group-binding mechanisms. Among other findings which emerge from Jost et al's review (2009: 327), which is in line with both Lakoff's and Haidt's findings, is the so-called conservatism advantage, or the 'psychological head start' of conservatism 'over its more critical rivals'. Accordingly, 'conservative styles and opinions are generally simpler, more internally consistent, and less subject to ambiguity';

‘studies show that justifying the status quo serves the palliative function of increasing positive affect, decreasing negative affect, and making people happier in general, but it also undermines support for social change and the redistribution of resources’ (2009: 320).

This basic positive affective function of maintaining the status quo can be intuitively justified as warding off fear/anxiety about change; yet its logical consequence is the continued support of the status quo. This is significant in the context of morality policy, and begs the question: why has the apparent shift in societal level values from authoritarian to libertarian, supported by the underlying socio-economic shift toward consumption based economies and dominant neo-liberal ideology not yet fostered a definitive break from the moralism of prohibition? It might be that a morally conservative “hungover effect” is at least partly sustained by the conservative advantage. Yet, this seems overly simplistic; there is a need for considering the manner in which ideological formations are internally contradictory, changeable entities.

Both Freeden (2006) and Thomson (1990) highlight how the study of ideology has fallen prey to criticism, as the term ideology becomes imbued with negative connotations. Their proposed solutions are different yet both useful. Thompson calls for a reinstatement of ideology in the critical Marxist tradition, as a tool to describe and analyse asymmetrical power relations. Freeden (1994) on the other hand adopts a morphological approach, making ideological formations the very object of analysis. Both these conceptions of ideology are useful because, whereas one deals with the establishment and validation of social, cultural and economic hierarchies breeding power asymmetry, the other deals with the inner workings of ideologies as complex constructs of political concepts whose form is both time and group bound. These two approaches are complementary, because whereas the former allows identifying how ‘meaning’ is constructed and used ‘in the service of power’ (Thompson, 1990), a morphological approach to ideology allows analysis of how ideological constructs are varied and changeable, how their defining features mirror different individuals and groups’ constructs and experiences, as well as how broader socio-cultural and economic changes are reflected in ideological morphologies.

Starting from an analysis of the morphology of political concepts and then extending it to ideological constructs, Freeden (1994: 155) argues that ideologies ‘are combinations of political concepts organised in a particular way’. So for instance, the morphology of

liberalism, its content, its core and peripheral concepts change according to individuals, groups and contexts. More complex ideological constructs that bring together apparently conflicting concepts, such as social liberalism, or libertarian conservatism, can be better understood if these aspects are taken into consideration. Freedman argues that, ‘central to any analysis of ideologies is the proposition that they are characterised by a morphology that displays core, adjacent and peripheral concepts’ (1994: 157). Freedman uses the notions of *logical adjacency* and *cultural adjacency* as necessarily distinct in order to explain different morphologies. Each political concept will have *ineliminable* components and both logically and culturally adjacent components. Giving the example of liberty, he identifies its ineliminable component as ‘non-constraint’; he then lists some logically adjacent components, ‘autonomy, self-determination, self-development and power’, noting that these may or may not be included in conceptions of liberty depending on the context because each of these concepts are themselves contested (1994: 151).

Contrary to political concepts, ideologies ‘are not typified by one central organising concept; in fact, they can invariably be described as having more than one core concept’. For example, ‘some socialists will stress equality as their most important core concept; others, welfare, the class struggle’ (Freedman, 1994: 160). Core concepts are non-specific, differently arranged and differently affected by adjacent and peripheral concepts. Concepts will necessarily develop according to logical and cultural adjacency, forming

‘overlapping and shared areas, which then react back on their separate ineliminable components to constitute full but mutually dependent concepts. These mutually influential relationships exist among the manifold concepts that make up an ideological system, and these ‘spacial’ structural networks give the ideology its distinguishing features’ (Freedman, 1994: 157).

Acknowledging this complex internal back and forth is useful to appreciate the malleability and changeability of any given ideological system, and do away with static notions which, although useful as ideal types, poorly reflect the reality of ideological formations.

In terms of the relationship between concepts, values, beliefs and affect in sustaining ideologies, Freedman highlights how an:

‘ideological argument, while not necessarily ignoring logical adjacencies will allow, by relying heavily on the notion of cultural adjacency, a socially situated and partisan *value-arbitrated* choice among adjacent components, and the result will display various mixes of *rational criteria, emotional inclinations and cultural value-preferences*’ (1994: 156; emphasis added).

This is relevant because it establishes a necessary connection between political concepts, values, beliefs and affect for ideological survival, making cultural adjacency its principal arbiter. Values and beliefs contain ideational, cognitive and affective components (Williams, 1979). Values are abstract-aspirational goals that are always characterised by a particular direction (Rokeach; 1979), and beliefs are action-oriented but potentially contestable. These need to be ‘decontested’ (Freedman, 1994) and placed in relation with each other in order to form a relatively coherent whole, a constellation, which allows for meaning, purpose and at least relative incontestability, which can subsequently support a position and a decision.

Viewing ideology through critical Marxist lenses makes evident the collision of a dominant morality with dominant interests, both of which are embedded in the law (Habermas, 1986). It also provides the tools to recognise how existing power asymmetries marginalise certain groups who are considered undeserving and immoral. Viewing ideology motivationally brings out the sub-structural cognitive, affective and social components which grant ideologies their *raison d’être* at the individual level. This also aids the explanation of distinctions at the level of classic political cleavages. Viewing ideology morphologically brings out its complex, malleable, culture and group bound nature. It also clarifies the existence of hybrid ideological formations that contain within them potentially clashing concepts, advancing the possibility of exploring seemingly internally contradictory moral and political positions, particularly useful in explaining advocacy coalitions. This favours an approach to analysis that takes into consideration the connection of ideology and morality by way of observing the interplay of values and beliefs. The purpose of this approach is to move beyond accounts that compartmentalise science and evidence away from values, beliefs, morality, politics and ideology, engaging in normative judgement founded upon the premise that science and evidence are immune to all of the above. Science itself has a moral basis, a political purpose, and is organised ideologically; it is informed by values and enacted through beliefs, like the one in evidence-based policy.

5.10 Conclusion

The role of perceived shared values in morality policy-making is crucial; values are the very things that bind imagined communities together. Meier (1999: 691-2) reminds us that ‘people live in like-communities and are likely to believe that most people share their values. Visible demonstrations to the contrary imply one’s values are threatened.’ In Douglas’ (1966) discussion, primitive societies showed tendencies to apply categories of purity and danger for both instrumental and symbolic purposes. Impure or dangerous behaviour was publicly discouraged, and rules were formally enforced by the social body even in the absence of a formal legal system. Moral psychology would contend that there is a strong, emotional/affective component to morality, with conservative morality more likely to be mobilised by fear/anxiety, and liberal morality more likely to rely on empathy. In the context of morality policies, when vindicating punishment of dangerous categories, basic emotions such as fear and anxiety are relied upon to call for stances that would ensure the protection, safety and security of pure ones: the children, the wives, the families. Emotional empathy provides the foundation to a liberal morality, and thus supports stances of care for those who cannot care for themselves. In criminal law, morality is often overt, and categories of pure and dangerous are overtly assigned. Drugs and sex pose an internal conflict between desire/pleasure-seeking and danger/pollution. This conflict is not easily resolved, yet it seems logical to assume that those who espouse a liberal morality, because of its characteristic features, would be more prone to accept and tolerate these behaviours as well as engaging in them, if compared to their conservative counterparts.

Overtly moral discourse simplifies complex issues and is often dichotomous and categorical, which in psychology is referred to as ‘the conservative advantage’; it is powerful because of its simplicity. Certain sciences, and indeed medicine, are supported by a moral foundation which is likely to be concerned with the care of others. Science also offers the tools to study the instrumental impact of law. The evidence-based policy discourse supports a shift away from the symbolic and towards the instrumental. Science can potentially serve to counter the image of the prostitute as diseased, and impure, or of the drug user as criminal, sick, or even demonic. This does not mean that science is necessarily liberal, or indeed liberating. Science does not exist outside of social mores, and as such it is regarded as both potentially emancipatory and potentially moralistic. Scientific evidence supporting a view of the drug user as diseased and

dysfunctional can turn into further justification for prohibition. Two frames can operate in tandem. For example, the security and public order frame can coalesce with the health and social frame to support a particular moral and legal regime even if their character is not overtly moralised. Scientific arguments can be used to turn manifest morality into latent morality, by apparently neutralising inherently moral and emotionally charged rhetoric.

The disambiguation of the concepts of morality and ideology and their definition at both the analytical and structural levels is a necessary step to construct a theoretical framework that emphasises values, beliefs and affect as constitutive of morality, while also acknowledging the continued validity of existing explanations that emphasise the function of ideology in sustaining power asymmetries.

Chapter 6

A qualitative comparative approach and analysis

6.1 Introduction

In this chapter, I discuss the value of a qualitative case-based comparative approach. I outline the criteria for the choice of cases, as well as the usefulness of adaptive theory as an approach to data analysis. This thesis focuses on two case studies- drug consumption rooms and brothels' laws and regulation – in two policy domains – drug and prostitution policy – in two regions – England (UK) and New South Wales (Australia). I identify cases as policy interventions. The principle of *relational embeddedness* of cases outlined in this chapter justifies the focus on policy interventions as connected to overall policy ideas (appendix 1). I argue that, in these policy domains, different interventions in different countries and regions at different times may respond to opposing logics (decriminalisation and criminalisation).

I outline the rationale for the data collection strategy and engage in some critical reflections on its limitations, as well as the ethical issues anticipated and those encountered in the research process. I describe the sample of participants by focusing on some of their attributes. I note that many participants have multiple professional backgrounds and diverse experience; using a diagram as a visualisation tool shows the overlaps between professions in the sample.

Having justified the use of values and beliefs as working concepts (Chapter 4) and as partly constitutive of morality (Chapter 5), I outline the criteria for analysing values and beliefs relevant to the policy areas. Finally, I discuss the usefulness of visualising value/belief constellations through network analysis tools, by generating networks for each comparative dimension.

6.2 The nature of a case

In the 1992 edited collection *What is a Case?* Charles Ragin identified a certain lack of theorising around the nature of a case, and more generally, the methodological and epistemological implications of case-study research:

‘To the question “What is a case?” most social scientists would have to give multiple answers. A case may be theoretical or empirical or both; it may be a relatively bounded object or a process; and it may be generic and universal or specific in some way’ (1992: 3).

This versatility of the meaning of case is both its weakness and its strength. This is because, whilst its vagueness can make it easy prey to criticism, it can also be purposefully and systematically stretched to fit a diverse range of research designs and questions. In this project I found it theoretically useful and appropriate to match *case* with *policy*. This is because ‘the essence of a case study, the central tendency among all types of case study, is that it tries to illuminate a *decision* or a set of decisions: why they were taken, how they were implemented, and with what result’ (Schramm, in Yin, 2003: 12). Following this definition, it could be argued that a case study fits well with investigating policy precisely because, if policy and policy-making is understood, in broad terms, as a decision-making process, then the case study is an appropriate research tool to understand policy. Not only is a case versatile, lending itself to a wide array of applications, it is also *relational*. Although cases, and policies, can be artificially isolated for analytical purposes, the reality is that no case stands alone and in isolation. Similarly, policy-making happens within a political environment, and is messy, complex, and relational by its very nature. Cases are defined as ‘fuzzy realities with autonomously defined complex properties’ and ‘as engaged in a perpetual dialogue with their environment’ (Abbott, 1992: 65). This implies that cases are not simply “out there”, but are in continuous *relation* with context and theory, as they are chosen, subsequently narrativized, and interact with both theory and environment at every step of the research process. They are relational and context-dependent.

Yin uses the metaphor of a scientific experiment to justify the possibility of generalization from a single case study in order to counter criticism from quantitatively and statistically inclined scholars. This is sustained by White, who himself uses the scientific experiment metaphor to assert the validity of cases in terms of their potential for generalization (1992: 87). Yin points out that ‘case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes’ (2003: 10). A case study is, in many ways, equivalent to an experiment. Furthermore, Yin argues that there is a fundamental difference between ‘statistical generalisation’, or generalising to a population, and ‘analytic generalisation’, which for a case study would translate into

the act of comparing the overarching theory to its ‘empirical results’ (2003: 32-3). This is the type of generalisation that I aim to pursue. It is neither opposed to nor is it necessarily invalidating of statistical generalization, but simply better suited to tackle certain types of questions.

Having established the relational nature of a case, and the relative strength of the case-policy analogy, we can move on to further define the possibility for analytic generalisation with particular reference to multiple case study comparison. Multiple case designs are preferable for several reasons. They can offer ‘analytic benefits’, ‘direct replication’ and ‘external generalisability’ (Yin, 2003: 53). Replication should not be seen as the only criteria for selection, as Yin points out, ‘you may have deliberately selected your two cases because they offered contrasting situations, and you were not seeking a direct replication’ (2003: 54). This is because, in case study research, contrast can offer further analytical benefits than similarity as it allows for consideration of contradictory or contingent aspects, and therefore does not systematically exclude contrasting elements for the purpose of a non-controversial, linear narrative. One may be looking explicitly for contrast rather than similarity, and this would be justified in terms of theoretical replication, rather than literal replication. The very idea of replication may become redundant if the criteria for generalization are purely analytical/theoretical rather than literal. In practice, this means that one or more cases that strongly contrast with other cases are theoretically significant.

Looking at different areas, and different embedded levels, in a comparative fashion can offer considerable insight on the basis of pre-established criteria. This in turn can open up the scope for theory generation, theory testing, and analytic generalisation. It is essential to understand cases on all levels as relational, in constant dialogue with their “environment”, and in a feedback loop with the theoretical assumptions and propositions posed at the outset.

Rhioux (2011: 59) asks,

‘what is the correct level at which the cases should be defined empirically for policy oriented comparative analysis? One way to proceed is to articulate the local, subnational and national levels. Another way is to move away from obvious (or more convenient?) case boundaries – from obvious administrative or political-institutional boundaries (e.g. municipalities, districts, states,

countries) to boundaries that are more directly relevant in the policy field in question.’

Through relational embeddedness, cases might reflect different levels and mechanisms of governance while simultaneously being more specifically relevant to the policy areas under scrutiny. This is reflected in the following discussion of criteria for case selection.

6.3 Comparability

A comparative design is appropriate given the aims and theoretical approach adopted in this study because it examines the similarities and differences in the way evidence is used, understood, and applied to inform policy interventions within different political and institutional settings and in different policy domains. Comparability is defined in terms of contrast and similarity as logical indicators, following the logic of J.S. Mills’ (1843) method of difference. In Varese’s study of *Mafias on the Move*, the author systematically selects cases on the basis of whether transplantation (of illicit activities by criminal syndicates from one place to another) is successful or unsuccessful in order to gauge those factors that facilitate it (2011: 29). This enables analytical generalisation on the basis of contrasting successful and unsuccessful stories. In this instance, it is clear that both contrast and similarity are foundational to multiple-case comparison.

As comparison takes place at different levels of analysis, there is a need to define units and sub-units. An embedded approach (Yin, 2003), populated by “larger” units and “smaller” sub-units contained within them and in constant relation with them, is the most appropriate. Comparability informs this research design at all levels, and serves to justify the choice of countries (AUS/UK), policy sectors (Drugs/Prostitution), as well as the policy-cases themselves which are interventions nested within each policy sector and considered in relation to both countries. This design allows for the relational realist logic to emerge (Chapter 4). The relational embeddedness principle entails a “nested-doll” effect, whereby cases are embedded in other cases. The policy areas, drugs and prostitution, will be represented by a smaller policy unit (a specific intervention). These in turn will be embedded in the larger units – the policy ideas – decriminalisation and criminalisation. The potential for analytic generalisation rests on the researcher’s ability to impose a continuous back and forth between the case and its environment. In this way the cases, at all levels, are always seen as relational.

6.4 The case studies

A number of cases were considered for selection according to broad criteria (following Gerring and Thomas, 2005, and Gerring, 2006)¹:

Comparability: across countries, across field/policy areas, across cases. This is the key criterion, understood in terms of **contrast** and **similarity**. Comparability can be descriptive, literal, or causal. It is case-centred. Within a case, different levels of change can be compared (i.e. legislative change v change to agency's guidelines/strategy/implementation)

Contemporaneity: time limited, could respond to different stages of policy, (i.e. debate, planning, monitoring and evaluation) as long as the time-frame is pre-established. Comparative-historical is viable as long as time and space are previously defined. It is relevant to use non-contemporary cases as a comparative element to the central case.

The issue of contemporaneity deserves some unpacking; one case can be both contemporary and historical. A particular intervention might be proposed at different times, it may be piloted and discarded or implemented, and then resurface elsewhere. The cases under consideration are both retrospective and prospective, depending on time and place. The purpose of the brief narratives about the case studies (below) is to offer a dynamic representation which demonstrates that cases are fuzzy entities in constant development and that, as much as they can be described for the purpose of analysis, their features might change depending on time and place.

Prospective v Retrospective: addressing different stages of policy (i.e. discussion, planning, perceived outcomes v implementation, monitoring, evaluation, assessment of outcomes). This entails comparing debates which are currently taking place over the feasibility and benefits of potential policies (cannabis decriminalisation, criminalising those who buy sex), versus implemented cases (i.e. interventions which have been voted by parliament or schemes actively pursued at the local level).

National/state/local: interventions that interact with all levels of governance

¹ **(Mill-ean design characteristics):** Small N, qualitative, analytic technique: most-similar v most-different, comparative, comparative-historical, small N cross-case study. Reliance on 2x2 matrices, simple diagrams, and prose.

Gerring J. and Thomas C. W., (2005), 'Comparability, A Key issue in Research Design', working paper

Below is a list of cases considered for selection:

Table 4: List of cases considered for selection

Cases	Comparability	Contemporaneity	Contrast	Similarity	National/State	Local	Access	Retrospective	Prospective	
DCRs/SIFs	x	X	X	X		X		x	X	✓
Naloxone	x	X	X	X	X			x		✓
IOTs	x	X	X		X			x	X	
Outreach provision	x	X	X			X		x		
Tolerance Zones	x	X	X	X		X		x		✓
Violence against womencities	x	X	X	X		X		x		✓
Mephedrone v Ecstasy	x	X	X	X	X			x		✓
Methoxetamine	x	X	X		X				X	
Ketamine v Methamphetamine	x	X	X		X			X		
Decriminalisation of Cannabis	x	X	X	X	X			X	X	✓
Recovery Capital		X	X		X			X	X	
Brothel Laws	x	X	X		X			X		✓
Criminalising those who buy sex		X	X		X			X	X	

The table presents 7 cases that meet the criteria, briefly described below:

Drug Consumption Rooms

The debate around the opening of DCRs exists at the intersection between law enforcement, public health, town planning and public/private harms and it is evidence of their somewhat contrasting pursuits. It exemplifies timely discussions about cities' priorities. The polarisation between private and public health, public nuisance and community safety on one side, and crime and law enforcement on the other, is called into question by the very existence of DCRs. It could illustrate the debate and the

evidence that prompted the opening of a DCR (Medically Supervised Injecting Centre) in Sydney and the on-going UK debate.

Naloxone and/or v buprenorphine/naloxone

This is an interesting case, offers contrast between independent (peer) administration of naloxone (UK) to prevent overdose as opposed to medical administration of buprenorphine naloxone (AUS) as treatment towards recovery (successful and failed attempts at legalising naloxone distribution), in a context of recovery/abstinence rhetoric across both countries.

Mephedrone v Ecstasy

This would be a very interesting case. It is contemporary; similar steps have been taken in both the UK and Australia to curtail the sales of each of the drugs through classification/scheduling at different times. It has been, in comparison with most policy responses to emerging drugs, very prompt and rapid. This calls into question the extent to which sufficient evidence was provided to prompt criminalisation of the drug, and the role played by drug-related deaths, the media and moral panics, as opposed to a solid evidence-base which might point towards gradual and carefully crafted solutions instead of a “quick-fix”. This could be compared with governments’ attitude to ecstasy in the 1990s.

Cannabis Decriminalisation

This satisfies most criteria. This could be considered either as a long-standing policy debate between decriminalisation and depenalization, as the UK and some Australian states have adopted the latter approach (considering the short-lived experiments of Western Australia and South Australia). This is a current issue in the UK which has sparked a lively public and political debate.

Brothels laws and regulation

This case could present some very interesting issues in terms of different rationales for regulating the indoor sex trade. While in the UK the law has been moving towards a harsher stance, with lower tolerance for brothels and increased law enforcement powers since 2009 (Policing and Crime Act), some Australian states, including New South Wales (land law, town planning), Victoria and Queensland (PLA), have been following

entirely different, and diverging, approaches, where brothels are permitted and regulated by various state and local authorities. It would be interesting to assess what evidence base has informed these differing policy directions and to what extent other factors have influenced decision-making around this issue. This would not be an assessment of the successes and failures of legalisation as an approach.

Street prostitution: cities' responses to violence against women

Some level of interplay between different types of evidence i.e. evidence from sex workers, advocacy v moral/ideological, nymbism, public consultation. This case presents significant contrasts and similarities, with issues of visibility and public nuisance cutting across opposing regulatory regimes. Could be compared across fields i.e. mortality, morbidity trigger policy responses, naloxone, mephedrone, death of sex workers.

Tolerance zones

This would be a very interesting point of comparison with DCRs. This is because it poses very similar types of problems to local authorities. There are issues such as high mortality rates, public nuisance, drug/sex litter, BBVs, law enforcement involvement. Furthermore, because of street sex work being relatively less subjected to medicalization than DCRs, it could provide for an interesting debate as to what type of evidence comes into play in the decision-making of local authorities while establishing a city's policy on regulating street prostitution.

Access

Time, funding and contacts were three important aspects which affected the possibility to include geographically disparate areas. So, whilst the study has broad aims, these limitations have translated into a contained scope, taking into consideration a single state in Australia, New South Wales. Similarly, in the UK context, it was not feasible to include Scotland, Northern Ireland and Wales for logistical and practical reasons, so the focus is on England. Although this is entirely within the logic of an embedded design, it excludes the possibility for comparing cases within countries and across states and devolved areas. The data collected in New South Wales and England is considered within the broader national context, following the principle of relational embeddedness.

The two selected cases are policy interventions existing at national, state and local level in both policy areas. The selected cases respond and interact with the logics of decriminalisation and criminalisation in different contexts at different times.

6.4.1 Drug Consumption Rooms (DCRs):

Criteria met: prospective/current (UK, England, Brighton) and retrospective (Australia, NSW, Sydney), local, across countries, logic of decriminalisation/harm reduction, across case comparison.

Drug consumption rooms are defined as:

‘protected places for the hygienic consumption of preobtained drugs in a non-judgemental environment and under the supervision of trained staff. They constitute a highly specialised drugs service within a wider network of services for drug users, embedded in comprehensive local strategies to reach and fulfil a diverse range of individual and community needs that arise from drug use.’ (Hedrich, 2004).

This case contrasts a successful story (the opening of the Medically Supervised Injecting Centre in Sydney in 2001), with an unsuccessful one (the lack of this intervention in England).

Whilst the available evidence on DCRs has been used in the UK to make the case for its public health benefits, there have been overwhelming concerns related to risks of increased drug use, public nuisance, anti-social behaviour and drug market prevalence within the designated areas. There is also a strong political opposition to this type of intervention at national level in both the UK and Australia. Drug consumption rooms currently operate in 8 countries, counting more than 90 facilities (Hedrich et al, 2013). A growing body of evidence outlining the positive impact of such an intervention, measured according to several indicators, has been accumulated in the form of reviews and evaluations being produced in Anglophone countries including Australia, the UK and Canada (IWG, 2006; MSIC, 2003).² The available evidence dismisses some of the claims that stress increased criminality, anti-social behaviour and increased drug-use and trade around the sites. Yet, there has been continued resistance to the piloting of this intervention in the UK and some Australian states, most notably Victoria (for further

² http://www.cfenet.ubc.ca/sites/default/files/uploads/publications/insight_into_insite.pdf

discussion, see Fitzgerald, 2013; Zampini, 2014; Hunt and Lloyd, 2008; Dolan et al, 2000).

6.4.2 Brothel Laws and Regulations:

Criteria met: contrast, within both policy ideas (decriminalisation in NSW and criminalisation in UK), Retrospective, national/state, across countries, across case

This case presents different rationales for regulating indoor sex trade. Currently, brothels are decriminalised in New South Wales and criminalised in the UK. In the UK the law has been moving towards a harsher stance, with lower tolerance for brothels manifested in increased law enforcement powers since 2009 to seize premises (Policing and Crime Act) following a long term trend in UK prostitution policy and strategy toward tackling demand. This might not necessarily always result in more seizures and prosecutions, as in the UK, prostitution has traditionally been conceptualised as a public nuisance issue (West, 2000), and investigations normally follow complaints. Given the trend towards tackling demand in the UK, tougher responses have been formulated on paper (Home Office, 2008; Policing and Crime Act, 2009). Recent debate on prostitution policy in Europe and internationally has pushed the agenda further toward the so called 'Swedish Model', which entails the criminalisation of the purchase of sex. This model was recommended by the UK All Party Parliamentary Group on Prostitution in their report (2014). A Bill to criminalise the purchase of sex was proposed in the Scottish parliament in 2013, yet this failed to gather enough votes. Conversely in Northern Ireland, the assembly voted to criminalise the purchase of sex (Human Trafficking and Exploitation Act 2015).

Australian states, such as New South Wales, Queensland and Victoria have been following diverging approaches, ranging from decriminalisation to legal regulation, where brothels are permitted and regulated by various state and local authorities. Other states, including South Australia, Western Australia and Northern Territory, retain a mostly criminalised model. The difference between the two countries affords the opportunity for interesting contrast. In New South Wales, brothels apply for a business license which is reviewed by local authorities, who may be more or less likely to approve brothel applications depending on several factors (Prior and Crofts, 2012; Chapter 9). If an application is rejected, it is subsequently referred to a Land and Environment Court (LEC), which implies a rather slow and costly process that many prospective owners

cannot afford. The host of laws and regulations that affect the planning and operation of these businesses, together with decision-making processes, continue to involve moral considerations, primarily centred upon visibility and impact on the local community (Prior et al, 2013). Similar concerns are involved when assessing the feasibility of a drug consumption room in a given area (Maher, 2007), which makes for a further point of comparison across cases.

6.4.3 Timeline

Table 5: Timeline of significant events, documents and legislation

Medically Supervised Injecting Centre (MSIC) – Sydney	Drug Consumption Rooms (DCRs) – England	Brothel laws and regulation – NSW	Brothel laws and regulation – England
1997 Wood Report – exposes police corruption and illegal injecting sites operating in Kings Cross brothels	2002 Home Affairs Select Committee Report – recommends piloting DCRs	1986 – Rogan Report – recommends decriminalisation of sex work with controls	2003 Sexual Offences Act – reinstates soliciting, loitering, and third party involvement for gain offences – shifting focus on demand
1998 New South Wales joint select committee into safe injecting rooms – votes against piloting medically supervised injecting site	2006 Independent Working Group review – recommends piloting DCRs	1988 Summary Offences Act – exempts ‘brothel keeping’ from ‘living on the earnings of prostitution’; legalises soliciting with restrictions (schools; hospitals; church; dwelling)	2004 – Tackling street prostitution – evaluates Crime Reduction Programme and Partnership in reducing involvement in prostitution
1999 Illegal supervised injecting room – advocacy coalition operates safe injecting site for a week	2006 Home Office official position against piloting of DCRs – New Labour in crisis, Home Office hit by a scandal involving Home Secretary	1995 – Disorderly Houses Amendment Act – exempts ‘brothel’; rules that a brothel may only be prosecuted if complaints from residents have been made, and councils defer decisions to the Land and Environment Courts	2004 Paying the Price – Home Office consultation, stressing ‘victimhood’, grooming, trafficking, coercion of sex workers as a result of abuse, drug use, homelessness identified as causes
1999 Drug Summit – exposes need for safe injecting site in Kings Cross area to policy-makers	2012 Independent drugs commission for Brighton and Hove launched	2000 Brothels Task Force – to evaluate developments since legal amendments to brothels’ status	2006 A Coordinated Prostitution Strategy – shifts the focus from supply to demand and challenges prostitution as inevitable. main focus on street prostitution

<p>2001 – Drugs Misuse and Trafficking Act 1985 Amendment NSW parliament votes on trial of safe injecting facility</p> <p>2001 opening of the Medically Supervised Injecting Centre (MSIC)</p> <p>2003 MSIC first evaluation</p> <p>2007 MSIC second evaluation/trial extension</p> <p>2010 Drug Misuse and Trafficking Amendment ends MSIC trial status voted in parliament by majority (Labor) (Medically Supervised Injecting Centre) Bill 2010</p>	<p>2012 Home Affairs Select Committee Report – recommends experimenting with Decriminalisation and piloting of drug consumption rooms</p> <p>2014 Independent Drugs Commission for Brighton and Hove Report – dismisses DCR pilot</p>	<p>2004 Sex Service Premises Planning guideline – to serve as best practice for local authorities</p> <p>2007 Brothel’s Amendment Act – more power to Land and Environment Courts to intervene in seizing premises (after a single complaint) for non- authorised brothels and use circumstantial evidence – growing number of unauthorised brothels due to difficulty and cost in obtaining planning permission</p> <p>2012 Sex Industry in NSW report – provides evidence of good sexual health and safe practices of NSW sex working population compared to other states</p> <p>2012 regulation of brothels issue paper – Better Regulation Office – concern for illegal brothels prompts a review of other regulatory models</p>	<p>and trafficking</p> <p>2008 Tackling Demand – further emphasis on exploitation and trafficking, calls for harsher stance on punters, recommends giving powers to the police to seize and restrict access to Brothels</p> <p>2009 Policing and Crime Act – provided special powers to the police to seize brothels premises for up to three months</p> <p>2010 – coalition government, less interest in prostitution</p> <p>2014 All Party Parliamentary Group on prostitution report – recommended legal reform to criminalise the purchase of sex throughout the UK</p>
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6.5 Data Collection strategies

The principal data collection strategy involved semi-structured interviews with relevant stakeholders corroborated with ethnographic observation of policy debates in both countries alongside consideration of relevant documents, reports, and reviews. The data collection process began by seeking systematic reviews of the published literature on the

case studies under scrutiny, following the logic of the evidence hierarchy, in order to establish which type of evidence was available for these specific interventions. If policy should be based on systematic reviews of randomized controlled trials, the presence or absence of systematic reviews in these particular cases is significant, if only to assess the potential gap between ‘rhetoric and reality’ (Packwood, 2002). No systematic reviews were located on either Cochrane or Campbell libraries based on a search of the following terms: “drug consumption room”, “safe injecting site”, “medically supervised injecting”, and “supervised injecting”. Searches for “brothel”, “prostitution” and “sex work” generated some results on the Cochrane collection, though these were not related to regulatory approaches, addressing instead HIV and STI prevention, condom use, evaluation of behavioural interventions among sex workers for better health outcomes. The terms “disorderly house” and “brothel regulation” generated zero results in either Cochrane or Campbell.³ Other searches were conducted on databases including Web of Knowledge, Scopus, and EBSCO generating some results which consisted of grey literature, journal articles and narrative reviews. Whereas the search for case 1 (drug consumption rooms) was relatively straightforward, as it denotes a precise interventions and the number of synonyms is limited, the search for case 2 (brothel regulation) was more difficult. A number of narrative reviews were identified comparing prostitution regimes across countries; however, very few reviews had brothel regulation as their main focus.

The lack of systematic reviews in these fields is interesting in itself, as it indicates that, in spite of growing rhetorical efforts and political commitment aimed at the production and systematisation of high quality evidence, these areas suffer from a relative lack of evidence. This is particularly true for non-health interventions in prostitution policy (Chapter 7). As for drug consumption rooms, a number of reviews and evaluations have been produced (Maher, 2007; IWG, 2006; EMCDDA, 2013), and pilots have been carried out (the Sydney MSIC was piloted for 10 years), but no systematic review of trial evidence has been carried out.

³ Search of “drug consumption rooms” on google scholar generated 468 results

Search of “drug? rooms” on google scholar 89 results

Search of “drug consumption room*” AND review on google scholar generated 67 results.

Search “drug consumption room*” AND review on EBSCOhost generates 6 results

Search “drug consumption room*” AND review on Web of Knowledge generated 2 results

Search “drug consumption room*” AND review on Scopus generated 8 results

6.5.1 The Interviews

Any given piece of research should not be seen as a standalone document, but as product of the work of a particular set of actors. The principal data collection strategy involved carrying out semi-structured interviews with stakeholders, who were involved in evidence production, relevant policy discussions, and discussion of implementation of relevant policy interventions. I conducted 38 interviews, 19 in New South Wales and 19 in England (18 because 1 was inaudible). I have categorised the sample into three categories to manage it in a systematic way:

- **Evidence “producers”** – researchers in academia, think tanks and independent organisations
- **Evidence “mediators”** – civil servants, knowledge brokers
- **Evidence “consumers”** – politicians and ministers

These three separate categories should not be seen as static. The categories should be seen as ideal types in that, though they are a useful prototype, they simplify and ultimately do not reflect the reality of policy actors’ activities, which very often include all of the above categories albeit to different extents. Most participants sit across different categories and have a broad experience, beyond the cases under scrutiny, which served as background. Practitioners, clients and consumers were not included in the sample. This was a deliberate choice, given that their role in policy-making is often limited and indirect. Although some of the participants might have been, at any given time, practitioners, clients or consumers, this was not the primary activity or profession of interest for this project. Participants were sought on the basis of their active involvement in policy-relevant research production and/or direct involvement in policy-making of relevant interventions. Observation of policy debate in the public domain, in the media, in established policy forums and expert stakeholder groups was carried out throughout the research process. I had been involved in drug policy and drug work prior to starting the project (as a volunteer at Transform Drug Policy Foundation, and later as a volunteer at the Bristol Drugs Project, a harm reduction service). I thus came to the project having had direct experience of working in drug services on the one hand, and with some degree of understanding of the drug policy debate, on the other.

6.5.2 The sample of participants

Participants were recruited through referral (purposive) sampling. Initial contacts were established through supervisors' existing contacts. Participants were also identified on the basis of grey literature and other relevant documents. A pilot phase, with a total of six interviews, was conducted in England to refine the interview schedule and carry out some initial reflection on preliminary findings which would inform the main data collection phase. When participants were asked to provide names of other relevant experts, the same names would often come up. This is partly because the number of people whose expertise and experience directly covers the cases in question is relatively small in both countries. It is also because of the relative connectedness and size of stakeholder groups in these fields. It was at times difficult to secure interviews, and some potential key stakeholders expressed no interest in participating. This sample is not intended to be representative. Yet the focus on a broad spectrum of stakeholders can counter some of the limitations of a non-representative sample.

6.5.3 Issues in recruitment

Generally speaking, the most hard-to-reach categories were civil/public servants, including the police and current and past ministers. This was to be expected given that civil service's ethics is very much built around neutrality, non-partisanship and a certain level of secrecy. Therefore, whilst for other categories, having a public voice and exposing themselves to dialogue is part and parcel of their profession, and therefore ingrained in their practice, this may not necessarily apply to civil service. As Pilkington puts it, 'the Civil Service has always been notorious for being rather less than open with the general public [...] and has instead developed a reputation for being a closed system, hidden from the wide world which lies outside government circles' (1999: 104). Whilst advocates, politicians (MPs) and researchers are used to public engagement, and have generally been outgoing and collaborative, civil servants have been reluctant to come forward, and often need internal clearance in order to participate to research, which may put them off. To tackle this issue, I approached people who used to work in as civil servants but have now retired or moved onto other fields. This made participants more likely to come forward as individuals no longer attached to the more structured culture of civil service.

There were similar issues when approaching members of the police; while ex policemen were willing to come forward, current involvement with the police always resulted in

lack of participation. This was true of all approached ministers, past and present, policing and crime commissioners, as well as some MPs. It seems as though, with an increasing level of responsibility and a strict hierarchy of priorities alongside the commitment to a particular agenda, participating in research will not figure unless it is explicitly part of someone's priorities or values, or the relevant research issues are at the top of the participants' agenda during the time of contact. In general, people who have made a strong commitment to these policy areas over time, who have dedicated their resources to them, and believe in the importance of research were those more likely to take part.⁴ Due to the sample's liberal-evidence bias (discussed in Chapter 8), against considerations of the relevance of classic political cleavages and moralities in shaping policy positions (Chapter 5), some analysis of views in the public domain is included in Chapter 9 (section 9.6.1). This allowed the researcher to include views from stakeholders with substantial public and political profiles who are explicit supporters of particular moral, political and policy positions in drug and prostitution policy.

6.5.4 Ethical Issues

I received ethical approval from both the University of Kent and the University of New South Wales ethics committees. The issue of obtaining approval from separate institutions was sufficiently time consuming, and led me to consider not pursuing participants in organisations or departments which had their own specific ethics requirements. This would have translated into a further, and potentially longer, internal application process. As discussed in the previous section, I realised that individuals who once belonged to particular professions, organisations or departments and were currently retired or had moved on were more likely to come forward and did not require internal ethical clearance, which made the prospect of interviewing them more attractive. Furthermore, both case studies have relevant historical features which could be discussed by these participants.

All names on documents and transcripts have been changed (pseudonyms are used) and identifiers (that cannot be linked back to the participant's name) are also used to safeguard anonymity. Consent to record and transcribe interviews was obtained prior to the interviews (see sample documents in appendix 2). All data, transcripts and

⁴ I approached 74 potential respondents and carried out 38 interviews. Some (N= 6) expressed an interest in partaking but the interview did not take place for logistical or practical reasons, or because internal ethical clearance was required. N=30 did not show interest in the project.

information have been stored on a secure online database, in password protected files. Initials only, together with category and acronyms for organisations' names, have been used as identifiers for filing all documents and transcripts. All identifiers have been changed to retain minimal information (numbers, country of origin, field of policy, and profession). Guaranteeing anonymity is a prerogative; however, it has been explained to participants prior to each interview that this may not always be possible due to the nature of their work and the close-knit organisations which they may belong to. Policy-makers who work on particular issues such as drugs and prostitution belong to a fairly close-knit community, characterised by some degree of internal communication and role interchangeability. Participants were happy to provide names of potential contacts, often suggesting that they could initiate contact themselves and pass on information about myself and the project prior to me contacting them. This means that anonymity can only be guaranteed in research outputs, rather than in the actual data collection process. Some within this community might be able to identify others' views if they were to read them, due to experience of direct communication. The possibility that participants may be recognised outside and even inside their circles is small, considering that all precautions have been taken to guarantee anonymity, including avoiding the use of direct quotes if and when necessary. Some participants, particularly those who subscribe to feminist/participatory research ethics, have requested to see any intended research output prior to publication. This was agreed to by the investigator. Participants did not ask to see full transcripts. Some participants asked for a summary of research outputs which will be provided upon completion. Participants were asked to specify if they did not wish to be quoted directly on particular views or opinions which might be regarded as controversial. Some also asked for the timing of research outputs, out of concern that their current involvement with a sensitive issue following imminent publication might limit their freedom to express their views.

6.5.5 The interview process

As aforementioned, an initial interview schedule was used for the pilot phase, which consisted of six interviews in England. The nature of semi-structured interviews allows for free-flowing conversation as well as data saturation through the use of the same questions and probes. The overall research question for the project is 'how is evidence used in policy'? Each participant was asked the same general questions which are seen to reflect the focus of the investigation. The general questions focus on participants'

background, the meaning of evidence and the relationship between evidence and policy. They are reported below:

- Can you tell me what your job is and how it relates with policy-making?
- What do you think counts as evidence?
- What type of evidence do you find most useful?
- What do you believe to be credible evidence?
- What type of evidence do you tend to produce/look for?
- What type of evidence is better suited to inform policy?

These questions were maintained throughout the project. After the pilot phase, the interview strategy was reworked to pursue both data saturation and emergence. Specific questions for each participant were prepared in advance of the interview as guidelines according to prior knowledge of each participant's background, their involvement in the production of specific research, and participation in specific policy forums. This allowed for data saturation alongside the emergence of specific themes and individual narratives about personal involvement in research processes and policy-relevant discussions. Interviews lasted about 60 minutes on average, with the shortest interview at around 20 minutes and the longest interview at around 140 min. Considerations about data saturation might be subjective to some degree, as there are no agreed upon guidelines 'for determining non-probabilistic sample sizes' (Guest et al, 2006). The interviewing process consisted in noting emerging and matching themes (after each interview) until there was few or no new themes emerging. This would be compared to existing coding categories (section 6.6.3) and newly emerging categories throughout the interview process. Further considerations involved the accumulation of case-specific narratives alongside reaching data saturation about the central theme through general questions, which was a difficult balance to achieve.

In the process of carrying out interviews, there are issues worthy of consideration which affect interaction, attitudes, communication and understanding. These issues could be summarised thus:

- Differences between stakeholders
- Formal and informal communication
- Interviewing advocates and shifting position from "interviewer" to "pal"

- Agreeing and disagreeing with participants
- Personal versus professional involvement of the interviewees in subject matters

Stakeholders ranged from serving MPs to grassroots level advocates; this not only implies diversity in the sample, it also signifies differences of status, degree of formality, expectations and degree of involvement in individual issues. For instance, the time and attention that could be granted to me and the project by a serving parliamentarian might be different from that of an advocate, partly because of the potential difference between personal and professional involvement in a given cause. Yet, this was not necessarily true of all advocates and parliamentarians; some advocates have a more professionalised attitude, choosing formal settings and a set time frame. Some parliamentarians might have a strong commitment to the subject matter, and thus come across as more enthusiastic, flexible and involved participants. Indeed, the boundary between the personal and professional is often blurred, and yet interview settings, length of time, enthusiasm in communication, and open declaration of beliefs and commitment were seen as suggestive of a strong personal stake in the subject matters. Experiencing diversity of stakeholders' attitudes when conducting interviews led me to consider that commitment to a specific cause and related beliefs, as opposed to a number of causes, was important.

In interview settings, managing disagreement can be difficult, particularly as a negative response from the interviewer might prompt foreclosure and distancing of the interviewee. In practice, any friction in terms of differing opinions was managed by sticking to a structure, continuing to ask questions in an attempt not to become contrary and engage in excessive back and forth discussion which would risk antagonising the interlocutor. Of course, it is probable that a level of disagreement may always be present in conversation. A certain degree of self-control, minimising the upfront expression of contrary opinions, allows for an easier flow and generally a more willing interlocutor. At times, one is able to propose a contrary opinion or statement in a way that does not directly antagonise the interlocutor, though this is not always successful. Generally speaking, people may wish to appeal to science, with statements such as 'the evidence suggests...' in order to appear less contrary and more objective in their disagreement.

On the other hand, being in agreement with the interlocutor can quickly precipitate the interview to an informal conversation between pals, or comrades, thus paying scant attention to structure and purpose. Being in agreement can foster a process of mutual positive reinforcement which may prolong the time of the interview and may affect the interviewer in terms of keeping to a structure as well as being able to challenge the interlocutor. At times, the interviewer may find themselves completely out of their depth, which can be difficult to manage. This can be dealt with by giving more space to the interviewee by letting them lead discussion further, although it limits the ability of the interviewer to challenge the interlocutor.

6.6 Adaptive theory

The way in which data are analysed implies a dialectical relationship between theory and data. This is made possible by applying the logic of Layder's adaptive theory. I will concentrate on the question of middle-range theory begun in Chapter Three to extend the discussion onto methodological considerations. Layder (1998) discusses this matter at length. He is, at heart, a realist, but his ideas are also shaped by Habermas, as well as classic social theorists such as Merton, and Glaser and Strauss. It is his discussion of middle-range v grounded theory which is particularly useful in this context, as he attempts to strike a balance between the two in his own approach. In his account, 'middle-range theory' is used according to Merton's definition, which entails 'formulating theoretical hypotheses in advance of the research in order to guide the research and to give shape to any subsequent theorizing after the data has been gathered' (1998: 15). This is opposed to grounded theory, which 'emphasises the importance of starting the research with as little pre-formulated theory as possible in order that it may be generated during the research itself' (ibid). For Layder, both these approaches make some valid points as well as presenting some limitations.

Middle-range theory is an attempt to strike a compromise between 'minor working hypotheses of everyday life and the 'grand' general theories' (Layder, 1998: 16). However middle-range theory presents some limitations: firstly, it values quantitative systematic analysis over qualitative approaches (1998: 17). It also excludes any reference to general theory, which is in itself a limitation as it precludes that 'two-way borrowing', failing to open a dialogue with either wider theoretical and structural/systemic realms, and individual subjective 'meanings and experiences' (1998: 19). Grounded theory on

the other hand encourages scepticism toward any theoretical assumption at the outset, highlighting the risk of a deterministic influence whereby 'data are typically 'forced' to fit into categories and concepts which have already been formulated' (p. 17). The emphasis is placed on qualitative data's ability to directly produce theory (p. 18). These emerging ideas/theories can be tested against the data to be refined, reformulated, interpreted and re-interpreted. There are clear limitations to this approach: its rejection of grand theory is problematic in that 'it impoverishes its explanatory potential'; it also fails to provide an adequate picture of 'systemic/structural aspects of society' by overly focusing on individuals' experiences (p. 19). The question remains as to how a grounded theorist can begin an investigation while carrying no assumptions whatsoever about the subject under scrutiny.

By acknowledging the strengths and weaknesses of both approaches, adaptive theory makes for a method capable of mutual dialogue with grand theories, valuing mid-range theory hypotheses and testing, and taking into account both individual experience and structural/systemic aspects (Layder, 1998: 27). Its strength lies in acknowledging both subjective and objective social elements, as well as its capacity to be continuously reformulated in relation to both theory and emerging empirical findings. This approach is consonant with the type of analytic generalisation possible in multiple-case study research as well as the realist principle of emergence.

6.6.1 Narrative analysis

The argumentative turn in policy analysis (Chapter 3) has prompted scholars to use narrative analysis and discourse analysis as approaches in the field; these have been increasingly validated, whilst the number of studies making use of these tools has increased. From manuals (Roe, 1994) to systematic frameworks (Jones and McBeth, 2010), the use of narrative as a tool for analysis in policy studies is widely accepted. The usage of a 'rhetorical perspective' (Fischer and Forester, 1993) begins from the acceptance of the principle of communication as argument and story-telling. The tools of narrative analysis are closely related to techniques of frame analysis and discourse analysis, which have been identified as valid in previous chapters (i.e. Hajer in Chapter 3; Euchner et al in Chapter 5). Conceptualising evidence as argument has given rise to some persuasive accounts (i.e. Dunn, 1982 and Majone, 1989); the emphasis on story-telling in Stevens' (2011) ethnography shines light on the processes of simplification and systematic exclusion that policy-makers engage in.

The data I was presented with in interviews is necessarily anecdotal; participants responded to questions by recalling instances and events which they narrated as stories. Making use of narratives as a shared universal tool of communication entails conveying meanings through anecdote, symbolism, metaphor, and other narrative devices. Recognition of this process as embedded in language, culture and communication has engendered a conscious, strategic and even systematic use of narratives as tools for investigators. An understanding of the construction of the story, its relation with context, the specific culture of participants, and that of the department/work-place where participants operate, alongside an understanding of the dynamics between structural (exogenous) factors, and how participants respond to and make sense of them, is a necessary starting point for analysis.

6.6.2 The Transcription Process

The interviews were recorded and transcribed. To begin with, each interview was transcribed verbatim. Any specific information about participants was removed from the transcript, including name and place of work. The inaudible segments were marked on the page, and listened to several times at different stages, i.e. with a fresh listen at a different time. This allowed the researcher to make out some of the segments that were previously inaudible, though not all. Since conventions are often general standardised guidelines, consideration of conventions needs to be addressed in terms of the specific project (Lapadat, 2000). For instance, the inclusion of contextual or environmental information was not strictly relevant for this project. Conversely, the accurate transcription of the historical narratives of participants, and particularly those that directly concerned the case studies was necessary. It was equally necessary to note any reference to theoretically informed coding categories which stood out upon the first read. As the number of interviews intensified, some form of selective transcribing was considered. Following Ochs and Bloom, Lapadat (2000) argues that the criteria for selective transcribing should be carefully established at the outset and consonant with the research design. I undertook selective transcribing if and when the interviewee spoke of issues that were deemed as not directly relevant to the research questions, the interview questions, the theoretical background and the cases under scrutiny. It is not uncommon that, during conversation, someone might go off on a tangent by following a train of thought. In semi-structured interviews, the interviewer is tasked with bringing attention of the interlocutor back to the issues at hand. However, interrupting

participants might risk antagonising them and precluding the conversation from taking an interesting and potentially relevant turn. Thus, any consideration about relevance should be preserved for the transcription process. The fragments that were deemed not strictly relevant were listened to several times, and notes were taken which could be later revisited, to leave the option open to transcribe at a later time following the iterative process of analysis.

6.6.3 Coding categories

I used Nvivo as the organising and coding software. Following Layder's (1998) adaptive coding approach, I started out with a preliminary list of codes based on theoretical assumptions. Themes were derived from the documents and interview transcripts and categorised into nodes. These were then systematically compared with the pre-existing codes. The following is a list of categories derived from theories and literature discussed in Chapters Two and Three. It is within the logic of adaptive coding to start off with pre-existing categories, subsequently code transcripts to match them, and then create new nodes for that which emerges from the data but is not accounted for by existing categories. Morality was an emerging theme which was subsequently coded. This prompted further literature search to establish a theoretical backdrop to the analysis of this emerging theme following the logic of adaptive coding and iteration. Below is a list of pre-existing theoretically informed coding categories.

Conditions for Policy change derived from literature:

- **Incremental change** – explicit reference to nature of change as incremental
- **Paradigm shift** – reference to paradigm shift
- **Policy window** – reference to policy windows or windows of opportunity metaphor
- **Advocacy coalition** – any reference to an established and cohesive network operating toward a specific policy goal
- **Constituent support** – reference to evidence of community support for an intervention
- **Evidence base** – reference to solid/strong or lacking
- **Media support** – reference to positive and negative media responses to a particular policy intervention

- **Independent local legislative authority** – ability to legislate at local or regional level
- **Law enforcement support** – agreement with the police about a particular policy intervention and operational support
- **Health authority support** – agreement with health authorities about the usefulness of a particular intervention
- **Religious/moral authority support** – public endorsement of a policy intervention by religious authority or lack of support
- **Political support** – support of main political parties, or lack thereof, support of independent MPs
- **Policy entrepreneurs** – presence of strong advocates who champion a particular policy interventions and manage to orchestrate support from authorities
- **Expert participation** – evidence of expert participation in policy forums
- **Advocacy participation and funding** – inclusion of advocacy organisations in policy-making and enabling advocacy through funding and resources
- **Government agencies' collaboration and exchange** – established partnerships and coordination across different agencies
- **Shared ethos of research into policy practice** – shared value of importance of research for policy
- **Established principles of best practice** – presence of guidelines, strategies, white papers, grey literature
- **Existence of knowledge transfer organisation** – reference to established and respected organisation for knowledge brokering
- **Level of participation of think-tanks** – reference to think tanks as marginal or relevant policy actors in informing policy and practice

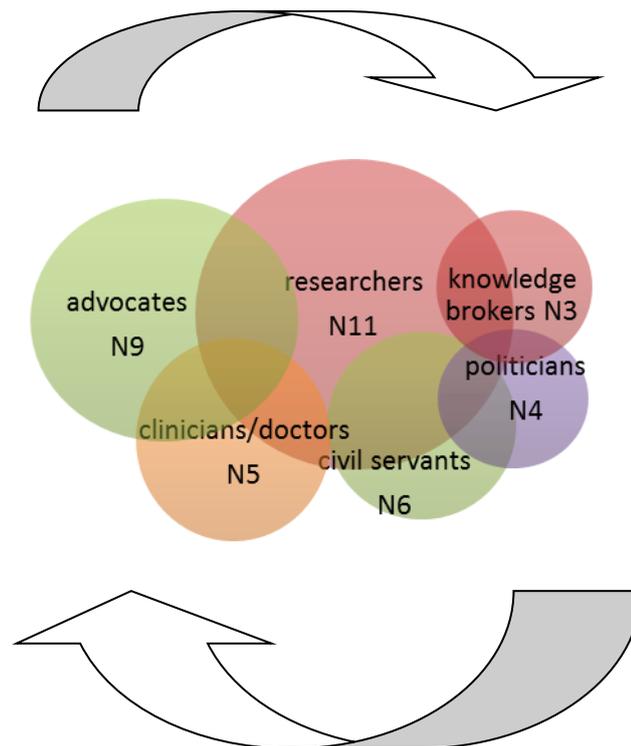
Conditions of the use of evidence in policy based on existing models:

- **Linear translation** – implies evidence can be directly applied to policy
- **Percolation** – implies evidence is produced without a specific policy focus and some of it might filter through to inform some policies
- **Tactical** – evidence is produced and used strategically for policy

- **Dependent on will of politics** – evidence is seldom used, or used to political ends and post-hoc
- **Dialogue** – refers to established structures to ensure dialogue between evidence producers and consumers
- **Consultation** – refers to establish structures that ensure consultation process prior to policy implementation
- **Knowledge brokers** – refers to established structure to ensure knowledge brokering and translation across policy networks
- **Sponsors/funding** – structure of funding of organisations including advocacy, think tanks, and research
- **Power asymmetry** – evidence of asymmetries in the policy network
- **Constrain/open** – refers to relationships between actors in the network and the flow of ideas and research
- **Respond to policy needs** – whether evidence is produced or commissioned to respond to policy needs, i.e. post hoc justification
- **Farming** – whether evidence is ‘farmed’ i.e. commissioned and steered
- **Fishing** – whether evidence is ‘fished’, i.e. cherry-picked post hoc
- **Managed (spin)** – whether evidence is managed to alter its political underpinnings

6.7 Intersections of key informants

The diagram below helps to visualise the sample’s structure and connections.

Figure 4: Structure and connections of sample

(Advocates= N9, Civil servants = N6, Researchers = N11, Clinicians = N5, Politicians = N4,
Knowledge brokers = N3) Total= N38

The figure above outlines the network of participants. The size of the circles is indicative of the numbers in each category, whereas the overlaps show the connections between these different yet seemingly interrelated professions. Many participants were classified as having multiple professional backgrounds. Not only do the overlapping areas of the diagram show the more likely professional combinations, they also show more likely interactions and collaborations between different professional categories. From these overlaps and existing interactions, it appears unlikely that policy actors are fixed, single-occupation entities who only exercise within the boundaries of their particular area. It is much more likely that, at one point or another, members of a given network have been engaged in different stages of the policy development process, and that stages should be regarded as iterative rather than linear. This exposes the dynamism and dialectic nature of a policy network (Marsh and Smith, 2000). Networks are characterised by changeability, where 'agents can, and do, negotiate and renegotiate network structures' (Marsh and Smith, 2000: 7). This network is characterised by the multiplicity of experiences, both personal and professional, of participants.

Classic literature on policy network distinguishes between endogenous and exogenous factors affecting networks (Dowding, 1995; Marsh and Rhodes, 1992). This distinction is misleading because it separates external factors from the internal dynamics of the network. Following Marsh and Smith's dialectical approach, which envisions a mutually forming relationship between structure and agency⁵, I argue that exogenous factors, including ideology, politics, economics and the existing knowledge-bases, are also endogenous, and as such they reflect and inform the internal persuasions, resources and ideas of the given network (2000: 8). This is in line with the concept of epistemic cultures (Chapter 4), where knowledge production is influenced by the culture surrounding it (exogenous) but it is also produced by the particular epistemic culture in novel ways (endogenous).

In order to understand the manner in which exogenous factors shape internal network dynamics and vice-versa, it is not enough to mention what the ideology, politics, economics, and the values and beliefs of the day are and how they might affect and change the network, or suppose that actors will respond to them and affect policy change in turn. One must acknowledge how values and beliefs are formed within the confines of politics, ideology, discourses, economics and existing knowledge-bases. The interactions between experience, professional formation, and prevailing values and beliefs which make up individuals' morality and shape their choices must be explored.

6.8 The logic of QCA, the instruments of network analysis to visualise values/beliefs relations

General definitions of values and beliefs are presented and discussed in Chapter Four.⁶ Through narrative analysis of interview data, a list of values and beliefs was derived inductively. The values and beliefs represented in the sample are both broad and

⁵ Structure/agency dialectic defined as 'three interactive or dialectical relationships involved between: the structure of the network and the agents operating within them; the network and the context within which it operates; and the network and the policy outcome' (Marsh and Smith, 2000).

⁶ Values are defined as underlying principles which are both positive and normative in nature and directly affect and inform beliefs. Values have affective, cognitive and deliberative components. Values are seen as more fixed than beliefs because they relate to some form of universal ethical standard or some end state of existence. It is argued that value commitments directly inform commitments to particular beliefs that are seen as complementary and capable of both promoting and affecting values.

Beliefs are defined as action-oriented domains which are both positive and normative in nature. Beliefs are motivated by underlying values, though they may interact with values to the point of changing the degree of importance of a particular value for an individual because, being action-oriented, beliefs imply reflexivity and are informed by a continuous chain of cause and effect, and as such they are changeable (Rokeach, 1968).

context-specific. Directly or indirectly, these values and beliefs emerge through discussions and are seen to shape participants' understandings of individual interventions as well as their commitment to particular paradigms and policy positions. Relevant values and beliefs were derived inductively and are presented in Chapter Eight.

In the following section, I describe the adapted tools of analysis to systematically visualise values and beliefs' prevalence in the sample in a comparative fashion. I joined the logic of qualitative comparative analysis (QCA), with its focus on presence and absence, with the relational focus of social network analysis, with its emphasis on connection, in order to represent networks of values and beliefs, or **values and beliefs constellations**.

In qualitative research practice, some degree of data synthesis is achieved through discussion of emerging themes. Once identified, each theme is discussed with the aid of individual quotes, the raw data arranged in a thematic fashion. This method of presentation is well established and can be quite expressive, and is indeed used throughout the findings chapters of this thesis. However, this practice does not lend itself to synthesis; the chosen quotes can be judged to be representative by the investigator. Yet, they remain the expression of single individuals. The nature of interview data is narrative, and therefore, in order to represent it without reporting entire individual narratives, it becomes necessary to think of alternative strategies. The instruments of social network analysis offer opportunities for carrying out and presenting qualitative research synthetically, moving beyond individual narratives and toward understanding and presenting relations in narrative data. Scott (2000: 2) argues that 'social network analysis is appropriate for 'relational data''. According to Scott, there are three types of data in social science:

- Attribute data – variable analysis (properties of agents)
- Relational data – (connections between agents/system of agents)
- Ideational data – ideal types, typological analysis (Scott, 2000: 3)

Historically, network analysis began in the discipline of anthropology, where scholars utilised 'textile metaphors' such as social fabric, or web. These textile metaphors were subsequently systematised into mathematical formulae (Scott, 2000: 4-5). Networks can be visualised as graphs of points and lines that can show distance, direction, and density. Network analysis concerns itself with individuals, groups, and their affiliations. Each of

these elements can be treated as cases (Scott, 2000: 42). This is discussed by Scott in relation to participants' organisational affiliation and not in relation to ideational data; the treatment of ideational data derived from ideal-typical categories in network analysis is not well developed (ibid). However, participants' narratives and attributes can be observed and analysed, with some degree of inference, and ideational data can be derived from them.

Participants made implicit and explicit references to certain values and beliefs during interviews. Analysis of interview data suggested that different life and professional experiences informed participants' commitment to particular beliefs. Using participants' attributes, information about their background, and narratives, I operationalised value and belief categories inductively. Beliefs were operationalised to represent participants' professional and other commitments. This is a strategy that allows taking into consideration the relevance of participants' multiple professional background and experiences whilst maintaining their anonymity. Indeed, any specific description of the participants' backgrounds would risk identifying the participant.

Although individual narratives served to establish the presence or absence of values and beliefs for each individual account, it is the connections between said values and beliefs that are analysed. In social network analysis, binary values (1-0) are used to refer to participation or non-participation (Scott, 2000: 39). This is compatible with the construction of binary data matrices in QCA and indeed other approaches. Here, I follow the QCA logic of crisp set analysis (Rihoux and Ragin, 2009) where binary values represent presence and absence (of values and beliefs). A table with binary values was constructed following the logic of QCA; it detailed the presence or absence of each value and belief for each participant (0 for absence and 1 for presence). I proceeded by counting the number of times each value and belief (value+value; belief+belief; value+belief) occurred together to create a visual network describing the number of connections between values and beliefs in the sample. The purpose of this exercise was to visualise the number of connections between values and beliefs in the sample of participants and comparatively across dimensions (drugs/prostitution; Australia/UK) in order to outline *relations* between values and beliefs. This also allowed systematically describing patterns which emerged through participant narratives. Networks were generated using social network analysis software UCINET and are discussed in the analysis (Chapter 8).

6.8.1 Relevant measures for visualising networks

Frequency

Frequency is the simplest measure. It refers to the number of times any given connection occurs; as such, there is no indication of how central a given connection is in the network. The size of the nodes (or squares in the network) is the same for each node. Measuring centrality is what allows establishing which values and beliefs are more centrally connected in the networks.

Centrality

I refer to a values/belief *constellation* as the visual representation of the network and specifically the measure of centrality, which, Scott argues, ‘originated in the sociometric concept of the ‘star’ (2000: 83). Network diagrams are presented, comparing the Australian and UK samples and the drugs and prostitution policy samples.

- **Degree Centrality**

Defined as ‘the number of other points to which the point is adjacent’ (Scott: 83) degree centrality represents the number of ties for each node. Degree centrality does not imply that there is one single central point to the network; there may be various points that are central. Degree centrality is alternatively defined as local centrality (Borgatti, Everett and Freeman, 2002).⁷ In this case, we are not representing the centrality of an actor/agent, but of a value or a belief. Diagrams are used exclusively for the purpose of visualisation. Networks for closeness (distance between all pairs of nodes) and betweenness (nodes that more often act as bridge between two other nodes) centrality were also produced but are not presented in the analysis, given that the principal aim of this exercise is to visualise those values and beliefs that are likely to occur concurrently, and degree centrality networks are sufficient for this purpose.

6.9 Conclusion

In the following chapters, I apply these tools to organise and make sense of data, first, by addressing how evidence is understood and utilised by participants through case

⁷ UCINET User’s guide

relevant examples; then, by looking at the prevalence of values and beliefs in the sample and comparatively across dimensions in an attempt to explain existing incommensurability of policy positions; finally, I assess how these affect opportunities for policy change and continuity in context.

Chapter 7

On Evidence in policy

7.1 Introduction

In this chapter, I explore the way participants define and understand evidence on two separate yet interconnected levels. Firstly, I explore how evidence is defined at the abstract level, following participants' answer to the question 'what do you think counts as evidence?' Secondly, I interrogate how evidence is defined in relation to policy, and specifically how it is defined in relation to its use in drug and prostitution policy, through relevant case examples. I will juxtapose these two levels of evidence to the established codes of practice adhered to by the scientific community by focusing on the notion of an evidence hierarchy. I argue that guidelines represent an ideal that does not reflect the practices of evidence use in policy-making in these fields. The reasons for this are manifold, yet they are related to the false premise that the evidence hierarchy is a relatively fixed, vertical entity, which applies across all fields regardless of their nature (Chapter 2).

The findings presented here suggest that the types of evidence which figure at the bottom of the hierarchy, such as expert opinions, are paramount in informing policymakers' understanding of policy problems, with the accounts of participants pointing to the fact that information exchange in policy-making is often built around rhetoric and oral communication. This is because policy forums follow a legal tradition of communication that is subject to the rules of oratory and narration (Dunn, 1982; Majone, 1989). The apparent complexity of some scientific research makes it less accessible to those who lack specialist training. The likelihood that high-level policymakers might engage with research will depend on their will as well as their ability: those who lack specialist training, and thus find research less accessible, are more likely to prefer learning through a different language.

Findings from interview data suggest that, despite the fact that some participants acknowledged the evidence hierarchy and the higher validity of certain evidence types over others, in the real life examples they discussed they often referred to anecdote and

experience as influential in stakeholders' understandings of drug and prostitution policy issues. This exposes a gap between the theory and practice of evidence use.

Throughout, participants' quotes are identified by participants' country of origin (A/U) field of policy (D/P), a number, and a letter for each professional group (A for advocate, P for politician, KB for knowledge broker, CS for civil servant, M for doctor/clinician, S for scientist). All quotes from participants will be in italics to distinguish them from quotes taken from secondary literature.

7.2 What counts as Evidence?

When responding to the question 'what do you think counts as evidence?' some participants, particularly politicians, researchers, and those with a primary interest in treatment, variously mentioned the evidence hierarchy, the National Institute for Clinical Excellence, randomized controlled trials and the Maryland scale as important. These participants appeared keen to pay tribute to RCTs even in those cases where they might not understand them in detail as they lacked the appropriate scientific or disciplinary background. This demonstrates the extent to which RCTs have come to dominate the language of evidence in policy (Byrne, 2011; Chapter 4). Not all participants mentioned the evidence hierarchy and RCTs. It was more often those in UK drug policy who made explicit reference to them.

When answering the question 'what do you think counts as evidence?' there was a sense that some participants were rehearsing a script by paying tribute to established ideas such as 'the gold standard'.

I guess by good evidence I mean [...] the scientific gold standard, big trials that are replicable or at least of a size where they do carry real weight. (U D 20 KB)

Overall, participants with a scientific background in the drugs field in the UK were more likely to pay tribute to the standards set by the evidence hierarchy and particularly the use of RCTs where appropriate. The fact that they paid tribute to it does not mean that these dominated accounts of their practice. These participants had a nuanced view: not only were they aware of the difference between evidence-based policy as an ideal and the political reality as a practice, they also largely understood the limited feasibility of randomised controlled trials in social policy and public health and agreed that other

methods are often more suitable in terms of applicability, ethics, generalizability, and appropriateness.

The notion that evidence should be weighted according to its place in the hierarchy was emphasised by some participants, perpetuating the idea that the value of different types of evidence should be established according to a hierarchy, rather than on a case-by-case basis, or by weighing up between different types of evidence for each individual case.

The way NICE go about evaluations is probably as good as it gets in terms of what counts as evidence (U D 35 KB)

Referring to standard guidelines allows participants to make sense of what counts as evidence at the abstract level. However, most participants emphasised the different approaches that they regarded as belonging to particular professions with distinct foci. RCTs were almost always associated with evaluating clinical interventions within treatment:

Epidemiologists and clinicians would say RCT is the only way to go [...] If you're looking at a clinical intervention

But:

in Public Health is not so easy to do RCTs, so [...] in reality [...] it's not always appropriate to do RCTs, we don't have a big evidence base using robust studies using good research designs [...] we often have to rely on incomplete evidence, and evidence gleaned from less robust research methodologies (U D 21 S)

Here, the participant highlights that RCTs are often inappropriate in public health, as noted in the literature (Marchal et al, 2013), and that reliance on “lesser” research methods is commonplace. This supports a hierarchical view of evidence, where the most important distinction made is that between the weight, and credibility, of different types of evidence, as described below.

Everything from RCTs right the way through to personal experience from people who've had contact with the system and obviously you need to weigh the evidence accordingly but it's all relevant. (U D 23 CS)

Although weighing the value of different types of evidence was seen as crucial, the importance of different types of evidence was acknowledged by most participants. When asked whether there was any particular kind of evidence that was more useful or credible, a participant answered:

statistical evidence and in particular randomized, double-blind scientific trials...but I think that is probably an ideal rather than a description of political reality. (U D 26 P)

This quote illustrates the tension between the ideal and the real. It appears that the pursuit of a higher type of evidence is an aspiration rather than a reality. A hierarchical view is privileged over a more horizontal view that would acknowledge the usefulness and credibility of different types of evidence, at least at the abstract level. Conversely, other participants give more pragmatic answers by emphasising that:

Evidence means different things to different people. (U D 32 KB)

The next sections will focus on what evidence means to different people, but first, it is relevant to discuss what evidence is supposed to mean, particularly in the context of policy application. The quotes in this section demonstrate that UK participants in drug policy, particularly politicians, civil servants, knowledge brokers and some scientists, made explicit reference to the evidence hierarchy and RCTs. This is something that maybe linked to the prevalence of the evidence-based policy discourse in the UK context (Chapter 2).

7.3 Epistemic Cultures and Evidence-Based Policy

7.3.1 The limits of RCTs

In a paper produced by the Cabinet Office's Behavioural Insights Unit in collaboration with researchers and politicians, Haynes et al (2012: 4) begin by arguing that:

'Randomised controlled trials (RCTs) are the best way of determining whether a policy is working. They are now used extensively in international development, medicine, and business to identify which policy, drug or sales method is most effective'.

Here, efficacy appears as the central criterion on which to base this argument. Carrying out more RCTs seems like an aspirational goal for many scientists and economists who are attempting to promote them in policy-making (Leigh, 2009b; Goldacre, 2013;

Deeming, 2013). Whereas some scientists in the sample of participants made explicit reference to randomized controlled trials, they also acknowledged that they are not always feasible:

When you can do randomised controlled trials do them by all means but when you can't do randomised controlled trials we can still integrate the data available according to the Bradford-Hill criteria. (A D 2 M)

Participants make reference to other criteria for assessing the validity and rigor of available research, such as the Bradford-Hill criteria, derived from epidemiology, which details nine criteria to establish causality. However, there is a difference between validity as a criterion to assess evidence quality per se, and the validity of particular evidence specifically directed at policy application. There is a risk that in order to subscribe to an ideal abstract goal, namely that of carrying out more RCTs to evaluate the efficacy of an intervention, one may ignore the need to assess methodological feasibility and suitability.

A growing interest in RCTs outside the medical field is thought to have originated from the authoritativeness that such an approach could bring to policy. This ties into the positivist notion that better methods produce more certain and reliable results, regardless of the context:

I think because of those great advances [in medicine], [...] that people in other areas of policy and practice wanted that similar approach, to give that seal of approval to their decision-making (U D 21 S)

The idea that RCTs are less fallible due to their high internal validity is interesting because, by making a claim of higher validity, policy-makers can gain credibility, as expressed by the participant in the quote above. Yet, there is broad recognition amongst participants and in specialist circles that RCTs are often unsuitable when dealing with complex social interventions.

Clinical efficacy, which an RCT can address, is not the only criteria to establish the value of a particular intervention. When discussing the example of the randomised injectable opioid treatment trial (RIOTT) in the UK, one participant noted that although it's rare to come across such trials in the drugs field, further work was subsequently needed. The participant argued that an RCT was carried out:

to look at the cost effectiveness of the intervention and also how it would fit in a care pathway

However, this gave rise to other questions which could not be answered by an RCT, because:

[...that's] one study answering some questions but then open up the way for further questions to be explored (U D 23 CS)

Another participant points to the same problem when discussing the example of methadone treatment; the available evidence might generate further questions which lie outside the efficacy criteria and which are morally and politically contentious:

Methadone is a really good example [...] Ok the science is clear, but how do you balance methadone with abstinence treatment? Who do you offer methadone to? Under what circumstances? What control you need on dosage? These and other policy questions that come out of that become wrapped up in ideology and all that sort of stuff (U D 27 A)

This participant may be overemphasising the extent to which trial evidence for methadone treatment is uncontested and conclusive (Mattick et al, 2003); however, other policy questions might emerge, which are difficult to address with an RCT. Perhaps this typifies one of the problems of RCTs: too much hope is placed in what trials can achieve politically. If RCTs can provide simple, straightforward answers to policy questions with a high degree of certainty, then they are bound to be viewed as a promising means of tackling complex, controversial and uncertain political problems. They may also be regarded as a means for transforming claims from manifestly to latently moral (Chapter 5), which in the case of methadone treatment in particular and drug policy in general can be regarded as advantageous.

The “Randomistas” movement advocates more extensive use of randomized policy trials internationally in order to tackle complex political problems through scientific solutions centred on one single methodology (Leigh, 2009b; Ravallion, 2009). In Australia, there is a sense among some participants that the evidence hierarchy and RCTs have not gained popularity on the same scale and at the same pace as in other countries. Advocacy for RCTs and for applying the evidence hierarchy is seen as minor, particularly outside of health.

we ought to have something of a hierarchy of evidence [...], there are very few randomized trials conducted in Australia relative to other developed countries, so the randomising revolution has yet to bit our shores (A D 13 P)

The evidence hierarchy and the ‘randomising revolution’ are advocated by this participant as a way toward better public policy. In reality, one participant argued that:

the politicians have control over the one thing that determines whether evidence gets pulled in the midst anyway which is the resources allocation [...] Clinicians tell administrators why this is a good RCT and why they should be doing this, clinicians really drive the administrators in terms of getting them to adopt evidence base, because a large amount of what we do is driven by resource constraints, not evidence base. (A D 1 P)

This participant implies a tension between resource constraints and investment in evidence production. He also implies that politicians can be driven to invest in evidence, particularly if that evidence assists resource allocation. However, there is some agreement that this happens primarily in health evaluation, over and above other areas.

Participants stressed the importance of disciplinary, field-specific and departmental research cultures when distinguishing between the types of evidence that might be valued by different stakeholders. Different “cultures of evidence” appear to permeate different areas, and different government departments, in such a way as to influence particular stakeholders’ view of what evidence should be. The most significant differences are found between policy areas and professional backgrounds. The strong presence of medical science in drug policy treatment, for example, influences the manner in which evidence is perceived and understood by policy actors in the field:

I think there are different cultures in different departments. The Department of Health is very much influenced by medicine and economics increasingly and psychology but there, of course, there is an emphasis on something which is scientific and academically respectable evidence. (U D 34 S)

The participant sees evidence respectability as tied to the standards of scientific and academic practice in a health context. Other important differences noted by participants concerned subject areas and research commissioning, or whether departments carried out their own research in-house:

you can certainly see differences and it's to do with the subject area and the responsibilities of each of the departments really and whether they have researchers employed and how much they constitute a group to themselves. (U D 34 S)

External commissioning, good research ethics and governance were seen as potentially supporting more rigorous research but at the same time perceived as more time and resource-intensive. Conversely, in-house research was seen as more immediate but also potentially less rigorous.

Several UK participants emphasised that departmental approaches to evidence are area-specific and culture-specific:

...the Department of Health, and what constitutes evidence for them will be systematic reviews and trial evidence [...] a lot of people in the Department on the research side see anything else as slightly... dodgy! But on the Home Office side and in the crime field [...] RCT is very hard to deliver and pretty much not even attempted, so you are looking at evaluative research of different types there (U D 19 S)

As evidenced in the quote above, a focus on treatment within health policy would seemingly prompt more clinical trials, whereas a focus on crime reduction would not favour trials as a way of evaluating the effectiveness of interventions. This does not mean that government departments, even in health, consider RCTs as the only valid approach to evaluation:

Even within government departments [...] there is a healthy scepticism towards the RCT approach, I very rarely come across calls for tenders which specify an RCT, because the people I deal with that work on substance related issues in these departments actually are really clever [...] they're always talking to researchers, so whereas they appreciate the whole notion of hierarchies of evidence I think they are very realistic. (U D 21 S)

Despite privileging them at the abstract level, participants noted that RCTs are not necessarily suited to evaluating drug policy interventions.

7.3.2 What counts as evidence to whom?

In reference to Deeming (2013)'s question, 'what counts as evidence and to whom?' participants' accounts suggest a clear distinction between different stakeholders' approaches to evidence. UK participants, particularly within the drugs and drug

treatment fields, seem altogether supportive of the notion of hierarchies and the pursuit of RCTs wherever possible:

there aren't many RCTs in the drugs field but, you know, there is scope to do some RCT work and we shouldn't avoid it and we should actively do it where we can. (U D 23 CS)

Politicians in the sample appeared supportive of the evidence hierarchy, at least at the abstract level.¹ Yet, when thinking about political realities, by which I mean established discussion and decision-making forums, understanding of political responsibilities, and political representation, politicians are likely to use and value evidence that lies outside established hierarchies in their practice. So, whereas:

the best evidence to have is when there's been a decent trial, ideally randomized controlled trial (U D 22 P)

there is also recognition of a long-established political practice of observing and evaluating case-studies, such as other countries' policies, particularly those countries whose policies deviate from the prohibition model. Countries that have adopted experimental policies and innovative approaches often become the object of discussion and observation. This has happened in the UK with the increased attention given to Portugal in drug policy debates and forums and to Sweden in prostitution policy debates (HASC, 2012; APPG on Prostitution Report, 2014). In the context of the 2012 Home Affairs Select Committee on drugs, Portugal was referred to by one participant as:

a very good model [...] if you were to adopt the Portuguese model in the UK [...] of course Portugal is different from the UK [...] but it's still very valuable evidence, evidence on what is currently happening is incredibly valuable, and surprisingly hard to get, there are lots of contentious figures about what the current position is, so current evidence and trial types evidence are typically the best, but all sorts of evidence is valuable, it's just that some of it is of very little value. (U D 22 P)

No explicit discussion ensued about the types of evidence considered of little value by the participant; however, it can be inferred that evidence that is not considered of a high standard is deemed less valuable as a result. A clear tension emerges concerning the

¹ It should be noted that, by virtue of their participation and interest in the project, the views of these politicians might be less than common.

differing values ascribed to different types of evidence. The views of scientists, politicians, civil servants and knowledge brokers in drug policy seem to point towards a vision of evidence in policy that is influenced by some of the precepts of the evidence-based policy discourse.

Participants in prostitution policy, alongside advocates and some social scientists, had a rather different take on evidence. They largely did not mention RCTs or the evidence hierarchy, and if they did, there was an antagonistic note in their responses. They emphasised lived experience as a valid form of evidence, yet noted it is marginalised by the evidence-based policy discourse:

Bottom-up evidence and the way the people are talking about things in the real world, is often kind of, you get more of a feeling, an instinct for [...] things in real time, because research often is so far out of date and so sanitized, and you know you have to ask certain questions to get funding (U P 29 S).

There is a tension expressed in this quote between bottom-up evidence and the kind of research that might receive funding. The implication is that it is a difficult balance to strike, but the current system favours certain questions over others. Another participant emphasises lived experience as a form of evidence:

we have both our lived experiences and the experiences of our communities [...] So we have that knowledge and evidence as the very basis of how we develop policy. (A P 18 A)

Participants in prostitution policy addressed the question ‘what do you think counts as evidence?’ differently compared to drug policy respondents. Instead of providing a general answer or acknowledging abstract principles or guidelines, they often answered in reference to a particular context. For example, a participant specifically referred to the Rogan inquiry (1986) as evidence for decriminalisation in the context of the New South Wales prostitution debate:

The Rogan inquiry [...] that was the evidence we needed to show that what we were doing, what we could do needed to be recognised and funded so that was the first piece of evidence, the gathering of the evidence in the Rogan inquiry, because he spoke to, and the committee, spoke to a number of sex workers telling the stories of the repeat arrests, the crime, the corruption, the bullshit, the revolving door syndrome (A P 4 A).

In this case, the participant noted how a specific official procedure of evidence-gathering, i.e. the inquiry, set the scene in providing an authoritative voice for the affected communities that were trying to bring these issues to the fore (Chapter 9).

In the UK context, a participant noted the difference between ‘proper research’, by which they meant academic research, and the type of research that civil servants might engage in, which is more of a synthesis exercise:

if you're a civil servant [evidence] doesn't mean the same as it does to academics, it's just used in a loose term, meaning to look into what's going on and find out as much as you can about it
(U P 33 CS)

This statement seems to further underline that evidence means different things to different professionals, and that it is tied with context, policy domain and disciplinary background. During a consultation process on prostitution, which culminated in the 2004 Home Office review ‘Paying the Price’, the participant speaks about having to accommodate the demands of various stakeholders and weigh their evidence, whilst being at the receiving end of criticism for not acknowledging the validity of stakeholders’ views. The participant’s frustration emerged due to the volume and inconclusiveness of the evidence gathered:

I don't think we treated any of it as evidence, we treated it all as opinion, to be perfectly honest, because for every piece of evidence you had saying this worked, you had another piece of evidence saying no it doesn't (U P 33 CS)

The contested nature of evidence, alongside the strong polarisation that characterises prostitution policy-making, does not necessarily encourage stakeholders to engage with the evidence and weigh it according to its “quality”. In the example above, the contradictory nature of the evidence led the participant to treat it all equally (i.e. as opinion). Indeed, evidence considered of a high quality (according to the hierarchy) might be lacking, but it seems that in criminal justice, contrary to public health, this is more often the case. Thus, actors who operate in drug and prostitution policy outside of health and treatment might have a less prescriptive and generalisable view of what evidence should be, or indeed what it is. What is presented as evidence might be treated as opinion for different reasons: it might be because of the presence of contradictory evidence. It might be because opinion can be regarded as a form of evidence, which, even though it does not figure in the hierarchy, plays a significant role in policy-making.

It might be because those who feel excluded from the evidence-based policy discourse might be trying to widen the notion of evidence to include something broader than the hierarchy allows.

7.4 Re-appropriating anecdote: lived experience

In prostitution policy, participants either did not acknowledge the evidence hierarchy or RCTs, or they were critical of them. When asked about the role of anecdotal evidence in policy, one participant had a strong reaction by stating:

I hate that word.

GZ: Anecdotal?

Yes. And I think it's been especially reintroduced through this new regime that there is in the Home Office and now the Department of Health [...] randomised controlled trials is the thing [...] and actually if you look at some of the really big shifts in policy, it hasn't been through things like that [...] I think anecdote kind of diminishes what these things are because they're often stories about people's lives. (U P 25 S)

The participant highlights how, whereas anecdote has intrinsic negative connotations, particularly as a result of the hierarchy of evidence within the evidence-based policy 'regime', it is in fact another way of referring to 'stories about people's lives', which are seen as valuable evidence. Furthermore, the participant notes that policy shifts are often not informed by RCTs. There is a certain frustration among some participants directed at the evidence-based policy narrative in both the UK and Australia. This frustration is particularly evident among social scientists and advocates in both policy areas, as well as policy actors with a non-medical background in the area of prostitution. For them, the hierarchy that it implies constitutes a 'new regime' which disregards people's experience as evidence. This is coupled with an increasing level of scepticism towards RCTs that is informed by the idea that big policy shifts are often not evidence-based, or at least not based on evidence generated by trials. Some participants share a positive view of anecdote, both by weighing it highly in their own evidence ranking, and by arguing that anecdote is more powerful than trials when it comes to inducing 'big shifts in policy'.²

² For example, the decriminalisation of prostitution, which is viewed as a significant policy paradigm shift in NSW, occurred because of non-trial evidence; most of the evidence in the 1986 Rogan Report, which was used as the basis for early change in prostitution legislation, was qualitative in character, alongside some demographic

In the context of prostitution, both researchers and advocates explicitly value personal experience as a form of evidence. This might be underpinned by the adoption of feminism and standpoint epistemology coupled with a certain frustration directed at the narrow conceptualisation of evidence presented by the hierarchy and endorsed by health research. Advocates, knowledge brokers, and politicians across both fields of policy do refer to personal experience as a form of evidence, and a particularly strategic one for the purposes of emotionally engaging audiences. A hierarchical conception of evidence which ascribes more power to certain forms of evidence over others might promote power asymmetries by ascribing more power to some policy actors over others. The voice of a researcher is seen as more neutral than that of an advocate, and similarly, quantitative data is seen as more neutral than qualitative case studies. However, the advocate's emotionally engaging stories might have more persuasive power than a researcher's statistics.

Advocates in both prostitution and drug policy tended to be much more supportive of the idea that stories constitute good evidence than any others. Social researchers were also more supportive because they understood the complementarity of data and narratives:

You're using story there to illustrate something bigger [...] all the times I've ever given evidence or we've given evidence as an organisation, we've had data but the stories are an illustration (U P 25 S)

Lay people's opinion does not figure in the evidence hierarchy; in fact, there may be some ambiguity about what constitutes lay opinion as opposed to expert opinion. Does one have to be a scientist in order to be an expert, or can personal experience constitute as a basis for expertise? The answer to this question again depends on individual and group perspectives. For politicians, lay people's opinion is very important, particularly when aggregated through surveys and opinion polls, because:

and community survey data (Rogan Report, 1986; see Chapter 9). Subsequent evaluations of decriminalisation in New South Wales were carried out on the basis of its impact on public health, sometimes following independent initiatives (Harcourt et al, 2010). Official evaluations have mostly taken the shape of narrative reviews (Better Regulation Office, 2012).

the way drugs policy has to work is you have to get 50% plus 1 of the community to agree with you (A D 1 P)

In prostitution debates, advocates support the position that the most valuable, and often least respected evidence is that which comes from the experience of people involved as sex workers (but not clients):

For us as sex workers [...] we have both our lived experiences and the experiences of our communities, that we are continuously engaging with [...] we have that knowledge and evidence as the very basis of how we develop policy. (A P 18 A)

Lived experience as a form of evidence is appreciated by most participants; politicians might refer to their constituents' experience, while doctors might refer to their patients'. The weight ascribed to experience as a form of evidence varies, though one important difference appears between first-hand experience and lived experience as narrated by a third party.

people's lived experience is another important form of evidence so for me, I am, have been and remain, a sort of active drug user, I value a lot of what people say about their experiences of using drugs because it provides some appreciation and understanding of these issues that is different to what you can derive from formal research (U D 28 S).

Since participants claimed that lived experience is a form of evidence, and claimed that personal narratives may significantly aid understanding of complex issues, particularly when addressing non-specialist audiences, it is worth considering whether this form of evidence can attain sufficient credibility to inform policy and decision-making.

7.4.1 The Limits of Anecdote: do stories need numbers?

It is not uncommon for policy actors to cite percentages in order to support their claims to gain more credibility for their case, even when the numbers are uncertain. For instance, although there is no definitive data on the number of sex workers who work from home (Donovan et al, 2012), many estimate that the number might be quite high:

we believe that in New South Wales at least 40% of the industry is made up of men and women who worked privately from home (A P 4 A)

This expresses a general tendency of using numbers to strengthen claims, often unintendedly. Here, the use of the term 'believe' suggests lack of certainty, coupled with

a need to dress up anecdotal evidence with numbers in order to make it more credible to the receiver (Majone, 1989; Stevens, 2011). In their meta-analysis comparing the persuasiveness of narrative and statistical evidence, Allen and Preiss (1997) find that statistical evidence is overall more persuasive. This would suggest that the type of evidence which sits at the top of the hierarchy is more persuasive; however, this runs counter to participants' experiences concerning the use of narratives to foster understanding and emotional engagement among audiences. Although Allen and Preiss did not study the level of persuasiveness obtained by combining both narrative and statistical evidence, the degree of certainty that may be provided by finite numbers seems to make for a higher level of trust in the evidence.

This might be related to the fact that in order to justify valuing anecdotal and experiential evidence such as personal stories and peer-to-peer knowledge exchange, stakeholders might need to formalise their practices:

understanding what we call a 'policy feedback loop' [...] the work of peer educators who are sex workers who go out to the workplaces of sex and engage in a two-way exchange of information, education and support but in that process, a lot of information – really valuable information and evidence – is gathered and we see it as critical within our member organisations that that information is put to use rather than being gathered or heard about but then lying dormant (A P 18 A).

This process of organisation allows advocates to make the best use of their knowledge and put it at the service of others. Formalising processes might also allow advocates to gain credibility in the increasingly evidence-based context in which they operate. In advocacy, peer-to-peer knowledge exchange is a widespread and valued practice which takes both oral and written form. Sex workers' organisations are often peer-based, and drug services often successfully rely on peer leaders to deliver public health messages (Latkin, 1998) as well as treatment and counselling (Aitkin et al, 2002).³

Peer review is a long established academic practice: peer-reviewed journals are considered to be more valuable sources of knowledge in academia and beyond. Notwithstanding criticism of peer-review as a practice and evidence that unrefereed journals lower down the hierarchy may publish quality articles (Starbuck, 2005), peer review continues to be relied upon as a sound method to ascertain the quality of

³ <http://nothing-about-us-without-us.com/contacts/sex-worker-organisations/>

academic research, and by extension, the quality of the evidence produced. However, peer-to-peer knowledge exchange outside of academia is not granted the same status, partly because that knowledge is not necessarily formalised, and partly because this happens outside established fora of evidence production and dissemination (Williams and Glasby, 2010). As one advocate puts it,

I have a large range of people within our membership who have that direct experience and provide me with briefing and information in order to build together a media statement that represents those experiences. So I guess ... our approaches... they're the less formal ones. (A P 18 A)

The lack of formal recognition of this type of evidence collection by advocates, who collect information by relating people's lived experience, gives way to an asymmetrical treatment of this information. Existing power asymmetries, such as that between researchers (objective) and advocates (subjective) further a hierarchical view of evidence where experiential evidence is the least valued, at least at the official level. Advocates might feel undervalued compared to researchers by the manner in which resources are allocated. Accordingly, research receives more funding compared to advocacy:

the imbalance of money that goes to research as [compared to] everything else really frustrates me. I only have to look at the methadone and alcohol research centres' websites and the people they employ, the salaries they must be paying and think god almighty, if that money was available... You know, we struggle... (A D 14 A)

The frustration arising from this perceived power asymmetry deeply affects the material opportunities and the level of credibility of advocates. This goes back to discussions about power asymmetry and the systemic marginalisation of certain groups (Chapters 2 and 5). In a context where the meaning of evidence is broad and subjective, evidence is contested, and policy decisions are sometimes based on poor quality evidence or no evidence, it is legitimate for actors to question the manner in which resource allocation favours research.

7.5 Power asymmetries and Boundary work

In their article on associative pluralism and the governance of drug policy in Switzerland, Walti and Kubler (2003) argue that, whereas decision-making processes are becoming more accessible to civil society organisations, these remain subject to

dominant discourses. As such, many organisations have to decide between compliance and exclusion. Those who advocate for radical policy reform, for instance, might be less likely to be included in decision-making than those who operate within the boundaries of current policy paradigms. Yet crucially, they see evidence as an instrument which offers some tangible political advantages. Advocates who do not comply with dominant policy narratives, such as evidence-based policy, might be less likely to be considered credible by the policy community in which they operate. Indeed, no participant actively disagreed that policy should be evidence-based. This is seen as an aspirational goal which carries with it the hope of a less moralised and therefore less adversarial policy-making environment. Certain participants' frustrations can be understood in a hierarchical context where the evidence hierarchy translates into a differential treatment of stakeholders, with certain sciences considered more objective than others, and certain voices considered more valid. In a sense, if they are to be taken seriously, advocates have to claim that their work is evidence-based, even if what they call evidence is not necessarily recognised as such in evidence hierarchies.

Affected communities in these policy areas are likely to face potential exclusion through either lack of material resources or ideological and cultural alienation or both:

In the area of drug use and sex work [...] representing the social status of people who use drugs and alcohol and sex workers in society, is the complete lack of their involvement! It's just not right! The complete lack of involvement, in consultation completely at arm's length, but you'll get in there if your experience of drug use, or your experience of sex work is perhaps, fit[s] in a particular message. Again the selectivity of evidence in terms of personal experience goes on (U P 31 A)

Here, participants highlight the very process of exclusion or piecemeal inclusion described by Walti and Kubler (2003), or tokenistic inclusion, as below:

It's all a bit patronising really. And as a drug user organisation we experience [...] tokenistic sometimes involvement of us. We have to fight really hard to get heard sometimes, but I know that the perspective we take to policy is really important, and some people value it and some people tolerate it and some people just dismiss it (A D 9 A)

There is either a lack of involvement or a targeted involvement (if and when drug users or sex workers can deliver a message which fits within the dominant paradigm). One

way states can ensure that organisations are steered and managed is through governmental funding.

Whereas in New South Wales, funding for advocacy organisations (both drug users and sex workers) has been targeted almost exclusively to HIV, STIs and BBVs prevention in both domains, in the UK drug user and sex worker-led organisations have received little or no public funding while their other sources of funding are intermittent at best. There are many examples of such organisations (i.e. the UK Network of Sex Work Projects, the English Collective of Prostitutes, National Users' Network). The lack of public funding, coupled with their exclusion or piecemeal inclusion in policy consultation, severely curtails their representative and lobbying capacity, as well as their involvement in policy-making. Conversely, in New South Wales, some sex workers and drug users' advocacy organisations, such as Scarlett Alliance, NUAA and SWOP, have received state and commonwealth funding intermittently yet fairly consistently in order to tackle HIV. This, coupled with a federal governmental commitment to involve affected communities in response to the HIV crisis (Hulse, 1997), allowed these communities to become active, resourceful and involved in policy debates. However, this does not mean that power asymmetries have simply disappeared through inclusion. As one participant put it, to get:

...drug users sitting at the table, we have to fight to get at those tables [...] even in somewhere like New South Wales where we have reasonably good partnership and a part of the historical affected community partnership that exists in Australia (A D 9 A)

our profile has enabled us to often... push our way into spaces where people are attempting to exclude us. That has principally occurred when [...] academics or key individuals or organisations that are abolitionist in nature or in philosophy have had a greater level of engagement than us and there has on many, many occasions been attempts to exclude us from key spaces, key platforms or key opportunities and so we have regularly had to do very strong advocacy in order to push sex workers' involvement (A P 18 A)

In some cases, groups who received funding to tackle HIV wished to fulfil an advocacy function, something that wasn't necessarily supported by their funders. Advocacy groups often have to present themselves as affected community engagement groups, because doing advocacy is not officially within their remit and their funding is specifically targeted at community engagement and not advocacy. In other cases,

participants have perceived exclusion to be motivated by moral, political and ideological differences. Whereas in some cases advocacy groups may be overtly excluded and denied public resources, in other cases resources could be carefully steered in order to exercise some level of control. In New South Wales:

the funding for the drug user organisations [...] it's blood borne virus money [...] when I think about drug user organisations in Australia, the reason they exist isn't because people thought that drug users had human rights, it was to stop the third wave of HIV, that's what that was about (A D 9 A).

For this participant, resourcing is not about empowerment or credibility, but rather, damage control. This supports Walti and Kubler's (2003) argument about conditional inclusion and steering through resources allocation by the state: although organisations can and do step beyond their remit, in practice their opportunities are curtailed by both resource allocation and associated requirements, alongside a continuous potential threat to be excluded from those decision-making tables. This is not to say that researchers cannot also face discrimination or exclusion through their lack of material resources or ability to engage with particular discourses.

The principle of boundary work applies to researchers, because those who are explicitly doing advocacy are seen as stepping outside their remit, and thus their credibility is questioned. The idea of boundary work contains a cautionary tale: by relying on science and accepted scientific principles as *the* single source of knowledge authority, one can hope to overcome the all-too-human tendency to have a personal and emotional involvement in the issue at stake. If science is made of dispassionate, detached, objective, rigorous and authoritative judgement, then anything that is emotional, subjective and irrational is seen as inimical to the development of sound science and evidence. However, this is a thwarted view of science. Individuals do not have a monolithic identity; scientists, politicians and advocates have multiple identities informed by different sets of values (both contextual and constitutive). Individuals are largely unable to compartmentalise to the extent that they can separate the values of, say, affected or involved subject, from those of researcher. The influence of contextual values was found to be greater than that of the constitutive values of science in research (Longino, 1990; Chapter 4). People have multiple identities, so they will naturally utilise both "value systems", contextual and constitutive. They may thus end up with complex positions that are informed by a mix of experience and evidence, understood through

experience and other filters to different degrees, in different ways for different contexts (Chapter 8).

Researchers have highlighted the frustration of not being able to ask certain questions because there is no interest, and funding, to tackle them. In fact, often the very processes of tendering and commissioning of research can limit the freedom of researchers. For instance, the funding for the evaluations of the Medically Supervised Injecting Centre in Sydney was directed toward particular issues at the expense of others:

the trade-off between the government prioritising the four areas they did [...] having a prospective observational study which looked at [...] longer term health outcomes in terms of infection and overdose along the cohort of people attending the centre [...] we weren't able to do that. (A D 8 S)

In the second evaluation, the funding was not sufficient to carry out a longitudinal study looking at long-term health outcomes for a cohort of clients. Despite the fact that the first evaluation had already proven that public and community support for the centre in the area was high, the funding for the second evaluation was essentially directed at proving the same thing, for political reasons (Meher, 2007). The criterion for evaluating this policy intervention was not simply efficacy, in which case funding could probably have been provided to study long-term health outcomes of its target group, but also and primarily political feasibility, which explains the focus on public support for the facility. Researchers whose research is commissioned to evaluate public policy interventions are steered and directed through funding and commissioning requirements. Researchers might be perceived as disinterested and objective parties in policy debates, contrary to advocates, unless they are calling for policy reform that runs contrary to the dominant paradigm, in which case they come to be seen as ideologically or politically motivated, and overstepping their boundaries. Despite this, a researcher's credibility is less likely to be questioned than an advocate's.

Further observations about the nature of researchers' influence on policy can be made. For example, dominant scientific paradigms and hierarchies in science will likely influence, if not determine, which discipline and whose research is more valuable. In other words, as long as evidence is conceived in a predominantly positivist fashion, the power asymmetry between certain researchers (objective) and other groups will likely

continue to exist. As Epstein (1996: 3) argued in relation to science and HIV, knowledge in this context came out of ‘credibility struggles’, whereby certain claims and claim-makers were deemed more credible than others. Those researchers whose work aligns with the evidence hierarchy, who are producing systematic reviews or meta-analyses of RCTs, might be more likely to be deemed credible. There is an apparent asymmetry between certain researchers compared to others. For instance, a social researcher using visual methods is less likely to be commissioned research by the Department of Health or be called to give evidence to a Home Affairs Select Committee on Drugs than an epidemiologist.⁴ During the HASC consultation (2011-2), the expert witnesses who were called to give evidence to the committee were advocates with significant public profiles (the likes of Richard Branson and Russell Brand), advocates from think tanks, physicians, psychiatrists, epidemiologists, neuroscientists, law enforcement and criminal justice representatives, but no social scientists.

Interview data would suggest that experiential evidence is more valued by those groups who tend to be considered less credible, are most marginalised, and generally have the least power in policy-making, such as certain advocates, in this case drug users and sex workers’ groups. Although people in these groups are less likely to have scientific expertise, they are likely to be experts in their own right because of first-hand, personal experience, by being the primary subjects of these policy areas and being at the receiving end of interventions. In the quote below, the participant emphasises the importance of lived experience against more abstract definitions of models of prostitution regulation:

when the Swedish model comes up and [...] is promoted here which does happen a lot [...] people actually have no understanding of the real impact of the model and are just talking about it in a theoretical or philosophical sense [...] our point was to bring together the experiences of Swedish sex workers in Sweden [...] and those of sex workers in Australia to develop a series of documents on why the Swedish model was problematic and harmful and why it's not ideal for Australia. And so I guess that lived experience stuff for us... (A P 18 A)

Not only does experiential evidence figure prominently in informal knowledge exchange forums: the formalisation and inclusion of personal narratives as case studies in documents produced by both advocates and researchers in prostitution and drug policy

⁴ <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/184/18415.htm>

is portrayed as a necessary tool for informing, particularly by those participants whose knowledge claims are lessened by the evidence hierarchy. In a sense, the logic of the hierarchy, and its associated power asymmetry, is reversed in order to increase the status and credibility of anecdotal and experiential evidence, which are regarded by participants as more universally intelligible. It is more often those participants who are excluded or at least marginalised because of the hierarchy that explicitly argue for the value of anecdotal and experiential evidence (section 7.7).

7.6 The jurisprudential metaphor

Looking at participants' accounts, it would appear that the boundaries between different types of evidence are blurred to the extent that all evidence includes a degree of anecdotal evidence, particularly in the way it is communicated. In spite of abstract-aspirational positions supporting the increased use of RCTs, most participants recognised that, in the practice of policy making, all sorts of information might be called evidence. As Allen and Preiss put it:

‘since Aristotle, using evidence to persuade provides a primary means of gaining adherence. Many potential forms of evidence exist: expert testimonial assertions, eye witness testimony, statistics, examples, etc. Evidence provides the supporting material (proof) that asks the message receiver to accept the conclusions of the communicator’ (1997: 125).

This acknowledges that evidence exists and can be presented in a range of different forms, yet it also crucially points to the primary use of evidence as a tool of persuasion (Majone, 1989). The established practices of communication and information exchange inside and outside policy-making fora privilege anecdote, or the narrativization of evidence, over statistical data. Indeed, no evidence speaks for itself. It all has to be narrativized and interpreted in order to be communicated. However, the very concept of evidence already encompasses a communicative element, in that evidence without some interpretation and narrative would simply be “data” (Amann and Knorr Cetina, 1988). This contention is supported by much scholarship which highlights the discursive, interpretive and narrative nature of evidence by placing it in its communicative and dialectical context (See Greenhalgh, 1999; Hajer, 1993; Majone, 1989; Dunn; 1982; Hoppe; 1999).

Participants with a political and scientific background who participated in established discussion forums of evidence exchange appeared ambivalent about anecdotal evidence. They talked about advantages and disadvantages of anecdotal evidence with some frustration, stemming from the fact that anecdotal evidence figures quite prominently in policy discussions:

It always frustrates me [...] that when you have select committees we talk about evidence as being either something that somebody has written to us or said to us [...] yes it is strictly speaking a piece of evidence [...] the possibility of something being true is slightly greater if other people report it being true, but it's not [...] statistically evident, it's more anecdote than evidence. We call it all evidence! (U D 22 P)

Here the respondent notes that the term ‘evidence’ encompasses a very large and diverse body of information, yet there is no necessary linguistic distinction between one and another type of evidence (*We call it all evidence*).

Following Dunn’s (1982) jurisprudential metaphor, discussed in Chapter Two, there is a fundamental difference between the construction of evidence (in experiments, RCTs) and its *reconstruction* in arguments and its delivery, as discussed by Amann and Knorr Cetina (1988) and Stevens (2011). In scientific fora, evidence can be turned back into data when it is subjected to external questioning. However, a scientist can, to some extent, make evidence speak for itself, and only a scientific audience possesses the tools to deconstruct it. This is not the case for lay audiences. By and large, it is lay audiences that occupy political fora, with these fora mimicking the argumentative practices of courts with evidence delivered orally as part of arguments. Dunn’s jurisprudential metaphor refers to the process of argumentation where knowledge is constructed competitively through rational advocacy; this is distinct from competitive experimental replication in science, because knowledge production and truth do not rely on ‘deductive certainty’ and ‘empirical correspondence’, but on ‘a pragmatic and dialectic conception of truth’ and on the adequacy of socially embedded knowledge claims (1982: 304). The jurisprudential metaphor draws attention to the way in which evidence delivery is often legalistic, rather than scientific, particularly within policy forums. The legal uses of the term ‘evidence’ possibly predate the scientific. Political forums are very similar to legal forums in terms of staging communication and information delivery. Evidence is often orally delivered by a witness. Even though this may be judged as scientifically inferior, since expert opinion is placed at the bottom of the evidence

hierarchy, in policy forums this method of delivery is well established and holds significant weight.

In her essay on the governance of UK drug policy, MacGregor (2012) notes that there has been a visible increase in the number of Select Committees that have participated in policy auditing and evaluation since the 1980s, and that these committees have a direct role in shaping policy debates. These committees are common in all areas of policy, typically operating through hearings where members of civil society are invited to present evidence and are subsequently asked questions. This process is somewhat akin to a court trial. In these settings, evidence is delivered orally. Although written information may also be delivered, there is no obligation for participants to read the information. Like the UK, Australia also uses committees both at federal and state level which operate in a similar manner. Similar to the case of select committees (UK) or parliamentary committees (NSW), summits also privilege oral delivery of evidence. For example, the 1999 New South Wales drug summit was cited by participants as a prime example of effective and transparent evidence exchange across variety range of stakeholders, where:

each individual agency held evidence and brought it forward in the summit, and that was the thing about the summit that made is so special [...] the politicians were trapped in that room and they had to listen to experts, they actually had to listen (A D 12 CS).

Oral evidence delivery ensures that all policy-makers in a given forum get the same oral exposure to evidence without relying on their individual ability and willingness to read and understand what they are presented in written form:

Hearing from experts can also be useful because it gives you a digest of things, it's very hard in a number of spaces, it's a huge time commitment to really understand all the literature to go through and interpret it, so when you do have particular academic experts you get this great digest of things (U D 22 P).

It is not simply about synthesising, summarising, or even optimising a range of available evidence, in the same way as an executive summary would. It is also about argumentation, rhetoric, oratory and persuasion, which depend on the speaker and her affiliations. An “expert hearing” is acknowledged to be useful because it makes evidence digestible. It is an efficient, less time-consuming way to deliver evidence to policy-makers who may not have time to assimilate multiple reports. Since the evidence has

already been summarised and narrativized by relevant experts, this makes it more accessible without relying on the individual ability of policy-makers to understand specialist literature. As such, oral evidence delivery is preferred by some politicians and knowledge brokers who regularly partake to political forums because:

We are there for it. Whereas we get a large amount of written evidence which is read by our clerks but not in most cases by members of the committee, although some of it is, and I think there's probably a great variety amongst the members of the committee, some of whom will read most of what comes in and some of whom will read none (U D 26 P)

Because there is no guarantee that committee members will i) read the evidence they are provided with and ii) understand the evidence they are provided with, one participant argues that:

the easiest way to explain to the minister or the key advisor [...] is to say, here is person x and this is what happened to person x and this is what we can do to change it [...] I think it's easier to comprehend what we are proposing, rather than tables and numbers and graphs and analysis that they may or may not read. And one of the issues that we have often with research is that [...] a lot of research is inaccessible for people, not in the field, not immersed in what's going on (A D 5 KB)

Participants in both countries who were directly involved in delivering evidence to lay, non-scientific audiences – whether as researchers, advocates or knowledge brokers – stressed that anecdotal, narrativized evidence, including personal stories, were effective in conveying information because it was accessible, immediate and easily intelligible.

7.7 Humanising the evidence

Advocates and knowledge brokers referred to instances of both oral and written communication where ‘stories’ had played a significant role by facilitating understanding through the “humanising” of the evidence. Building stories through various tools and props is seen as essential to deliver intelligible information. For one participant, photographs are deemed an important communication tool because they give a visual and emotive dimension to the story.

When I actually talk to people who have seen the presentation [...] what affected them the most [...] it's the picture of a young man and it's because it takes it beyond the stereotype that people have (A D 14 A).

A common practice in all research circles is the writing and delivery of presentations. These are often short simple narratives which may be told via the use of tools such as PowerPoint and visual props such as tables, photographs, diagrams etc. Stevens (2011) argued that tools such as ‘killer charts’ are often utilised to put forward a simple, linear narrative and eliminate caveats. Such methods inevitably simplify complexity in order to offer a coherent narrative. However, they may also be necessary in order to convey clear messages and encourage understanding, particularly when addressing lay or non-specialist audiences.

A participant discussed one instance where stories have been deliberately crafted on the basis of data in order to build a compelling narrative that was intelligible and accessible to policy-makers, while at the same time using affect to foster emotional understanding. These were not used as representative data, but rather as a communication tool in order to foster understanding of the range of policy areas involved in addressing issues around prostitution:

we graded government departments in terms of performance in relation to a set of indicators on violence. We told them what they were and we asked them [...] to give us responses so the whole thing was entirely transparent but actually one of the things that worked really well was [...] creating some case studies that weren't... a couple of them were real cases but quite a few of them weren't, to show how someone's experience touched a whole lot of policy areas (U P 25 S).

This could be classified as bad evidence in terms of both the evidence hierarchy, and the questionable ethics of fabricating stories to ‘humanise’ data. However, the question then becomes what counts as bad evidence? Does the evidence hierarchy simply determine what bad evidence is, or does it depend on the circumstances, i.e. what is the evidence for? In the above case, the evidence from those constructed case studies was useful to foster policy-makers’ understanding of the complexity and scope of prostitution as a policy issue. Perhaps, sticking to a hierarchical or strict notion of evidence might limit its potential to foster understanding.

It would seem as though narratives are powerful because they are simple and universally intelligible. The use of case studies and personal narratives was advocated principally by those participants who habitually deal with non-specialist audiences outside scientific

circles. These participants posited the usefulness of anecdotal evidence for both effective and affective communication:

a lot of it is having to bring it home a little to people, to the heartstrings, to the emotional story, rather than [...] here it is, we've done a regression analysis on this [...] The local newspapers or media aren't gonna report on [it], they struggle with it, ministers struggle with it, local community struggle with it, you show that this has happened to them, that this happened to their family and this is the impact it had, then it crystallises it for people (A D 5 KB)

The fact that non-specialist audiences struggle with understanding data as opposed to anecdote is not simply related to their lack of scientific training.

You ask most people in a crowd what they would think a heroin user would be and they'd describe somebody who's about 1% of the using population and they don't see people as people; they see them as these junkies who have lost everything but so far from the truth. So, yeah... [...] I use the emotion (A D 14 A).

Evidence that is communicated through personalised narratives appears more likely to be understood on an emotional level, which is a more immediate form of understanding that does not require prior technical knowledge, effort or willingness to the same degree (Slovic, 2004; Nortvedt and Nordhaug, 2008). Whereas for specialist audiences, quantitative and statistical evidence can incite an emotional response, for lay audiences they may simply have a puzzling effect.

In their study, Nortvedt and Nordhaug (2008: 160) expose the connection between immediacy, proximity, affect and empathy. The difficulty in relating with distant or abstract information, as opposed to personal and up-close stories, is, they assert, a common human trait. The role of affect, emotions and proximity has been the subject of increased interest and scholarship in both moral psychology and moral philosophy (Haidt, 2012, Nussbaum, 2000; 2003, Hoffman, 2000). According to Nortvedt and Nordhaug:

'What is essential in all philosophically and psychologically inspired theories about emotions is that they take the affective way of relating to the human condition of other persons to be fundamental for moral responsibility and for a moral partaking in the world. Typically empathic affective responses take place within human and relational proximity.' (2008: 157).

Relational proximity can move something from the abstract to the real, in such a way as to trigger an affective response and enhance understanding. Findings from relevant literature suggest that the experiential system or mode of thinking occurs more readily when relational proximity take places.

7.8 The role of affect

As discussed in Chapter Five, affective responses have a strong bearing on individuals' perceptions of particular issues; these have been studied according to classic political cleavages, cultures and religion in order to elucidate differences between individuals (Graham et al, 2009; Haidt, 2012; Hofmann et al, 2014). Classic political cleavages are thought to be sufficient predictors of differences. It is logical to assume that differences are to be found not only across opposing political groups, but also across people with different cultural, professional and lived experiences. In their work on evaluating risk in everyday life, Slovic et al (2004) provide heuristics for two modes of thinking which they define as 'experiential' and 'analytic':

Table 6: Experiential and analytic system, adapted from Slovic et al (2004)

Experiential System	Analytic System
1) Holistic	1) Analytic
2) Affective: pleasure-pain oriented	2) Logical: reason oriented (what is sensible)
3) Associationistic connection	3) Logical connections
4) Behaviour mediated by "vibes" from past experiences	4) Behaviour mediated by conscious appraisal of events
5) Encodes reality in concrete images, metaphors and narratives	5) Encodes reality in abstract symbols, words, and numbers
6) More rapid processing: oriented toward immediate action	6) Slower processing: oriented toward delayed action
7) Self-evidently valid: "experiencing is believing"	7) Requires justification via logic and evidence

These modes of thinking are constantly interacting, allowing individuals to make sense of information. Although both systems are present, to varying degrees, in individuals' reasoning and the processing of information, the analytic system is arguably more heavily relied upon in science, and is indeed encouraged in scientific practice. Several studies of the role of the experiential system – as compared with the analytic system – in shaping people's understanding of information have demonstrated that individuals are

more likely to react to, and cotton onto narratives, rather than data (Slovic et al, 2004: 317):

‘I am deeply moved if I see one man suffering and would risk my life for him. Then I talk impersonally about the possible pulverisation of our big cities, with a hundred million dead. I am unable to multiply one man’s suffering by a hundred million’ (Szent-Gyorgi, cited in Slovic et al, 2004: 319).

As one participant put it:

I use the emotion, yeah, and it is effective [...] I’ve been in conferences where there’s a lot of statistics and a lot of academic research and even when I go to the academic conferences I get a lot of people coming up to me and saying, “Thanks,” you know. “We get a bit sick of this stuff and we don’t understand the evidence and it’s great to come back to reality every so often” (A D 14 A).

This implies that the emotional story brings people back to reality, and that the presentation of evidence involves abstract thinking which makes the connection with ‘reality’ less immediate. Although both modes of thinking are at work and interact with one another in individuals, intuitive logic would suggest that the more one is exposed to abstract information and encouraged to adopt the analytic system of thinking, the easier it becomes to process information analytically, tilting the balance in its favour. It is possible that scientists, more than other groups, have a stronger value commitment to the analytic system of thinking and try to promote it over the experiential system. This might also depend on which epistemological position scientists subscribe to. For example, a feminist social researcher is altogether more likely to consciously value the experiential system at least as much as the analytic (O’Neill, 2001).

For non-specialist audiences, appealing to their experiential system is necessary in order to foster understanding. As participants noted, personal narratives, or ‘the emotional story’, can ‘crystallise it for people’. The use of personal narratives is not only advocated by those who deal with non-specialist audiences or are themselves non-specialist. Even in the practice of medicine, for example, personal narratives and interpretation are highly valued. Greenhalgh (1999) argues that evidence-based medicine is built on the false premise that the clinical method is objective and non-interpretive, whereas in fact clinical agreement is hard to come by and story and interpretation play a crucial role in medical diagnosis. As one participant put it:

it's the story which gives you about 85% of the diagnoses, the clinical examinations you do might add another 5 to 10% and the investigations a small amount so... and the thing that's happening is we're [...] trying to codify symptoms and so-on and we're missing the point very often (A D 6 M)

Since the principles of evidence-based medicine are often called upon to address social policy matters by evidence-based policy advocates, the same logic pervades both fields. However, there is a clear spectrum when it comes to participants' views of evidence, which run the gamut from positivism to interpretivism (Black, 2001; Greenhalgh, 1999). According to the latter position, the narratives of individuals should be integrated into understanding of social policy problems:

social policy at an individual level ought to be much more related to the narratives of what happened to people. It's much more important for me as a doctor when seeing a patient to understand what's happened to them over time rather than even what I observe right now. (A D 6 M)

Most participants with a medical background understood the value of personal narratives and experiences, and called for the inclusion of both anecdotal and experiential evidence in decision-making. Relational proximity has a part to play, as the degree of participants' engagement with individuals' stories, as opposed to general observation, might impact on their position in relation to evidence. Practicing doctors might be able to understand and relate at the interpersonal level (one to one relationship with patients) and at the general level (population-wide studies). The same is also true for politicians, who must maintain a relationship with their constituents on an individual level alongside representing the electorate in such a way as to ensure that they empathise with individuals whilst representing the interests of the general public. Conversely, advocates work as representatives of a particular group with particular demands and interests, and are thus more likely to be concerned with the causes and needs of a specific population.

7.8.1 The 'Tacit knowledge of being a craftsman'

Many in the medical research community have argued that some of the premises of evidence-based medicine are faulty in that they attempt to flatten or virtually eliminate subjectivity and individual judgement in favour of standardised methods intended to limit human error or bias (Greenhalgh and Russell, 2009; Misak, 2010). In fact, Misak

argues that ‘objectivity in medicine must come not from the exclusion of wide swathes of potentially valuable evidence, but from the careful application of our critical practices’ (2010: 392). The inclusion of both ‘straightforward and evaluative narratives’ is seen as central to the development of sound medical practice. As one participant puts it:

surgeons by-and-large don't learn their skills or do their jobs by randomised controlled trials. I mean there are some about whether operating on a joint for this purpose and that purpose is worthwhile but there's a whole set of things you do and respond to which evolved out of experience and what I call tacit knowledge of being a craftsman (A D 6 M)

A similar analogy was advanced by C. Wright Mills (2000: 195) as he referred to social science as ‘the practice of a craft’. The quote above exposes that, in the context of surgery, one type of evidence should not be pursued to the detriment of another, as thinking about evidence in a hierarchical manner does not necessarily aid the process of making informed decisions. Indeed, the surgery analogy may have limited resonance in this context. However, participants tend to utilise analogies from their own personal and professional experiences which, albeit limited, shape their understanding of the role of evidence in policy. Yet this does not necessarily underpin a harmonious compromise between abstract principles and practice.

As mentioned earlier, some participants with scientific backgrounds demonstrated a tendency to view anecdotal evidence, such as expert opinion, with ambivalence. This was clear in discussions on the evidence around sex work, where:

There's vast numbers of editorial, but very little data, everything is people's opinions (A P 3 S)

There is some scope for frustration when evidence is lacking, and in prostitution policy, the consensus is that there is a paucity of evidence. However, interestingly, the participant in question has a medical background, which marks a particular understanding of evidence. Nevertheless, much of the existing evidence on prostitution is inconclusive with statistics more often characterised by estimates – which can prove controversial – and much attention dedicated to HIV prevalence to the expense of other issues such as safety and working conditions (Vanwesenbeeck, 2001; Donovan et al, 2012; Harcourt et al, 2010; Ward et al, 1999).

7.9 Lack of evidence

Participants emphasised the presence of highly contested evidence in both policy areas. They also referred to instances where evidence was lacking. Systematic reviews in drug and prostitution policy are targeted at treatment and health-related evaluations. The available evidence mostly consists of narrative reviews. As aforementioned, the presence of narrative reviews and evaluations, to the detriment of more robust evidence which follows hierarchical standards, was seen as the result of the complex nature of the issues to be investigated, which do not lend themselves readily to be the subjects of RCTs. Conversely, the dominance of the evidence hierarchy and quantitative methods more generally in the area of drug treatment was seen by participants to have resulted in a lack of qualitative data about treatment.

Those sorts of questions have not been picked up very well because they are more difficult maybe to study in an RCT-type design, lots we don't know about treatment, descriptive research about treatment, what is treatment? What goes on in those rooms, in those agencies, between drug-users and the therapists? [...] those sort of questions that are answered by qual don't get addressed I don't think. (U D 19 S)

This not only affects treatment, but drug policy interventions more generally:

in drug policy there's such a paucity [...] of free flowing research [...] most of the research is evaluating interventions (U D 32 KB)

This lack of non-evaluative, non-intervention focussed research is seen to be partly ideologically motivated. The instrumental goal of evaluating interventions goes hand in hand with the dominant conception of what evidence is and what kind of evidence should be produced.

The fact that activities associated with drugs and prostitution are generally not legally or morally sanctioned by society has made access to research subjects, and objects, more difficult (Wagenaar and Altink, 2012). The singling out of drug and prostitution policy as special, separate and distinct, morally contentious fields, might limit the possibility of 'free-flowing' research. It was only relatively recently that drug-taking was compared with the risks of other seemingly unrelated activities, such as, notoriously, Nutt's provocative piece on ecstasy and horse-riding (Nutt, 2009). Similarly in prostitution policy, there is a lack of data to systematically compare sex work and other professions

on the basis of violence and vulnerability, happiness, work-related stress, or any other indicator. The literature on prostitution emphasises violence and vulnerability as endemic, yet it does not engage in comparative analysis to investigate this relative to other professions (i.e. Classen et al, 2005; Matthews, 2015; Sanders, 2005). One participant asked the following question:

are architects and planners more vulnerable than sex workers? [...] there's no data on comparison across professions, for example. (A P 7 S)

This may result, partly, from the difficulty in accessing the target population, but also, from an ideological and moral commitment which results in an unwillingness to recognise prostitution as legitimate work, or drug use as a leisure activity intrinsically linked to pleasure. Though research does deal with these (i.e. Gira-Grant, 2014; Bernstein, 1999; Vanwesenbeeck, 2001; Measham, 2004; O'Malley and Valverde, 2004) this is not necessarily the type of research that policy-makers might consider policy-relevant. Institutionalised 'knowledge terms' (Knorr Cetina, 2007) shape the types of questions asked, the types of research funded, and the existing institutional settings which in turn support a research focus that is morally, ideologically and interest-driven. Free-flowing research is often dependent upon the will of academics and their ability to convince institutions that their ideas are worthy of support and funding. However, the current focus on research impact which affects institutions and funding might limit the scope of free-flowing research in as far as some research is not policy relevant on face value, i.e. it is not explicitly and directly addressing dominant policy questions. Yet, this does not mean that it has no relevance.

In drug policy, drug treatment is institutionalised, though some forms of treatment remain both morally and ideologically contentious, as noticeable in the recent rhetorical shift away from pharmacological treatment toward abstinence and recovery (Duke and Thom, 2014; McKeganey, 2014). A certain amount of funding and resource is dedicated to treatment research and delivery; however, their limits are established, to some degree, upon moral and ideological grounds, while the pursuit of treatment is often justified as a pragmatic trade-off in the public domain. Prostitution might be ideologically supported (i.e. by a capitalist/patriarchal system) but not morally sanctioned; research in this field is unlikely to receive large funding except in relation to health issues. Estimates of drug use and prevalence are necessary to maintain justification for drug treatment, so investment is made in this area. Estimations of prevalence of HIV and STIs in the sex

working populations are also invested in. Conversely, no precise estimates of prostitution prevalence are available and no significant investments are made in this area, particularly beyond countries where prostitution is legal. The prevalence of disease is generally seen to be more important than the prevalence of the activity and other aspects associated with it, like the number of clients, and the prevalence of violence in the sex trade. This is morally and ideologically motivated. It also implies that the legal regulatory framework has impact on data availability and research opportunities (Harcourt et al, 2010; Donovan et al, 2012). This is not to equate law and morality, or to argue that they are ideologically driven in a linear manner, but to highlight their symbiotic relationship in sustaining hierarchies, potentially limiting the scope for free-flowing research.

7.10 Conclusion

While interview data indicates that participants acknowledged the evidence hierarchy, and particularly RCTs, this tended to be done in a tokenistic manner. Anecdotal evidence appears as more intelligible to more stakeholders than statistics, and at times more effective in getting the message across in the necessary act of translation from specialist to generalist audiences. Indeed, those participants with a scientific background, and particularly those whose work is focused on treatment, appear to place more faith in the hierarchy than those who operate outside of it. The evidence hierarchy remains mostly unmentioned by participants in the field of prostitution, whereas most stakeholders in drug policy, and even those with a medical background, approach it with a degree of scepticism. It appears as though faith in the evidence hierarchy is always stronger at the abstract level than at the practical level. It also appears that those who have more faith in it are also those whose position and work can be validated by it, because the hierarchy, by its very nature, supports power asymmetries between stakeholders.

Evidence-based policy is often presented as a belief and an aspirational value (ought) and reality is depicted as fraught with politics, antagonism, emotions, opinions, and ideology (is). However, there is little conceptualisation of the space in between. This is particularly relevant in policy domains that are defined as highly politicised, wicked, and emotionally antagonistic, and further complicated by the fact that the available evidence is not considered of a high standard, which might contribute to further polarisation of

policy positions. There is a paucity of robust evidence, particularly outside of drug treatment; where the evidence is considered sufficiently robust, it does not neutralise the debate, as disagreement and polarisation continue. Firstly, those who oppose a particular intervention can do so on the basis of a paucity of evidence, making way for further resistance and entrenchment. Secondly, the types of evidence valued by different stakeholders differ, and one person's evidence can be another person's anecdote. Yet, given the hierarchy, the power asymmetries between stakeholders can be sustained and even justified. The role of affect as an important filter, interacting with evidence, epistemic cultures and differential knowledge-bases, is emphasised as a tool to foster understanding, particularly by those who occupy the lower echelons of knowledge hierarchies and in relation to lay audiences.

Whereas the question of 'what counts as evidence and to whom?' has been addressed in this chapter, the question of the interplay between values and attitudes in relation to the role of evidence in policy has remained largely unaddressed here. As Deeming (2013: 374) puts it, 'in many ways, the key question turns on [...] the extent to which we can include notions of 'social justice' and 'human rights' in the framework of evaluation...Ultimately, the design of welfare policy invokes our values and the values and attitudes of our fellow citizens, which may conflict and contrast in sophisticated ways'. The manner in which policy actors make sense of evidence is inevitably filtered through their values, their beliefs, and their experience, both personal and professional. This is particularly relevant in 'moral policy' contexts, which are typically characterised by seemingly uncompromising, deeply-held positions.

Chapter 8

Between morality, evidence and policy: professions, politics, values and beliefs

8.1 Introduction

In previous chapters, I have argued that evidence-based policy is both an empowering and limiting discourse. I have argued that values and beliefs are significant in shaping views and positions about policies. However, any systematic attempt to understand how morality operates through the interplay of values, beliefs and ideas is curtailed by predominant perceptions of these as subjective (Sawyer, 2011; Chapter 4). I argue that, in order to move forward theoretically, we must turn to values and beliefs, what they are in the context of these fields of morality policy, and how they interact with each other as well as with other factors.

This chapter discusses the interaction between the values and beliefs of stakeholders in shaping their morality and their attitudes, focusing on the place of evidence in the making of drugs and prostitution policy. This follows from the discussion in the previous chapter about the nature and uses of evidence as defined by stakeholders. This chapter contextualises participants' accounts of 'evidence' by highlighting the social, moral and political dimensions of stakeholders' accounts. Morality is constructed through a combination of beliefs, values and principles that help shape individuals' ideas and attitudes toward particular understandings of, and positions held towards, drug and prostitution policy. Morality does not merely function as a recipient of laws, rules, principles and ideas, internalised and acted upon by individuals. Morality is viewed, in a sense, as a ground where a complex set of principles, ideas and emotions come into play. If morality is the playground for the interaction of principles, ideas and emotions, then values and beliefs are its measure, because values and beliefs contain and manifest principles, ideas and emotions. Values and beliefs are regarded as the building bricks of morality.

This chapter provides a breakdown and analysis of values and beliefs emerging from participants' narratives. While the sample's limitations, and particularly its 'liberal-

evidence bias', are noted, it is argued that this selection bias is indicative of the representativeness of the sample. Values and beliefs were either evident in participants' expositions or were inferred by the investigator (see Rokeach's point, Chapter 4, on why inference is viable when dealing with beliefs/values). Each participant's narrative was analysed to tease out the values and beliefs they subscribed to. Whereas predominant values relate to more universal ideas that are prevalent in western society and are relevant in the context of drugs and prostitution policy, beliefs are directly related to individual and professional practice in these fields, and, as such are informed by occupation, personal experience, politics and practice. The aim of this Chapter is to construct a 'map' showing how values and beliefs mutually inform one another. This in turn establishes whether there are discernible patterns by tracing links between professional training, occupation, personal experience and prevailing beliefs and values gleaned through participants' narratives, and participants' conceptualisation of the role of evidence in policy-making. Prevailing value/belief constellations are drawn in a comparative fashion, for drugs/prostitution and Australia/UK, to observe potential similarities and differences according to the logic of the 2x2 design.

The chapter presents data both thematically and synthetically. Following the qualitative research tradition of data analysis and presentation according to emerging themes, I use individual quotes from participants, organised and discussed under each theme. As mentioned in Chapter Six, this manner of analysis and presentation limits the scope for synthesis whilst fragmenting individual narratives. Indeed, the aim of analysis is to find themes, categories and mechanisms that cut across individual narratives. Although traditional thematic analysis is a tried and tested method for achieving this aim, I argue that tools from social network analysis can go further in presenting data thematically and synthetically. SNA tools can aid a more abstract thematic analysis which is particularly useful in research designs with multiple comparative dimensions. In this thesis, the necessity to account for the emergence of values and beliefs in the sample, and their usefulness as analytical categories prompted the use of these tools for synthesis and presentation. Realistically, it would be undesirable, unfeasible and unethical to report participants' narratives in full to expose their commitments to certain values and beliefs, as this might risk identifying participants whilst individualising data.

8.2 Values and beliefs in the sample of participants

Values and beliefs were assigned to participants inductively and by way of inference. Participants were not explicitly questioned about their values or beliefs; these were emergent categories. Participants occasionally made explicit reference to their position in relation to particular values or beliefs (as noted in sections 8.4 and 8.5); however, more often the references were implicit. Considerations about the way in which their professional role and their politics and experience intersected often emerged during discussions, prompting reflection on the interplay between personal experiences, professional and political practice and commitments. In their article relating causal perceptions to models of elite belief systems, Sabatier and Hunter (1989: 253) argue that in order to understand the interplay between the normative orientations and causal perceptions of policy actors in a given policy area, researchers should pay attention to ‘specific beliefs in those areas of specialisation’. This is supported by Rokeach and discussed in Chapter Four. Values and beliefs are understood along the lines proposed by moral psychology and political science, in order to combine understanding of individual level and societal level values. Particular attention was given to support for predominantly conservative and predominantly liberal values identified by relevant studies, enriched with policy area-specific values and beliefs.¹

The relationship between values and beliefs is understood as mutually reinforcing. There is a certain level of circularity which marks values as constitutive of beliefs and beliefs as constitutive of values. Although beliefs tend to be more action-oriented and have a narrower focus, and values tend to be more universal and orientated toward abstract goals, the boundaries between values and beliefs are often blurred. For example, one can make an overt value claim that is conducive to, and constitutive of, action; in other words, a value can be turned into a belief in terms of action orientation (i.e. I believe in universal human rights, and I work for human rights’ watch). However, values, compared to beliefs, operate at a higher level of abstraction and generality because they do not contain or define a specific action, or a specific set of actions, in

¹ Sabatier and Hunter argue that normative orientations can only be considered as prior to causal perceptions if one assumes a ‘formative socialisation’ model which sees belief formation taking place in childhood and early adulthood and resistance to change throughout individuals’ lifetime. If, however, a ‘lifelong learning’ model is accepted, then the relationship between normative orientations and causal perception is not temporal-linear but circular and two-way instead, so beliefs may change on the basis of experience (1989: 254).

the way that beliefs do (i.e. universal human rights are the desirable end-point of modern civilisation).

Values and beliefs always operate in concert, in that a particular set of values and beliefs is likely to guide individuals' actions and practices as well as informing their world-views. This is defined as a values/beliefs constellation. This is crucial for the construction of individual moralities. However, the focus of the chapter is not individuals' moralities, but the value/beliefs constellations that emerge across the sample of participants, visualised by country and policy area, which is subsequently observed to distinguish patterns. Rather than focusing on the individual, patterns are discerned, first, to identify the dominant values and beliefs in the sample; then, to establish which values and beliefs are more likely to occur together across the whole sample and in relation to each country and policy area.

8.3 Patterns of dominant values and beliefs

Before mapping values and beliefs constellations, some description of values and beliefs across the sample is presented here. The purpose of this exercise is to establish whether there are predominant values and beliefs that are shared by particular stakeholders across the sample and then comparatively across dimensions. A list of values is provided below.

8.3.1 List of relevant values

- **Human rights** (HR); refers to the conviction that human beings are all equal and equally deserving and calls for universal rights that apply to every single individual, regardless of their status, age, gender, ethnicity and choices. This conception may be controversial when attempting to include people whose choices might be morally or legally questionable, such as drug users or sex workers.
- **Social justice** (SJ); in an egalitarian sense, refers to the conviction that people should universally benefit from society and that society exists for the good of all people; social justice implies some form of redistribution of goods and services.
- **Respect for authority** (RA); refers to the conviction that authority, whether legal, political, religious, familial, or scientific provides a much needed balance in

society and as such should be abided to because it is necessary for society to maintain order.

- **Individual responsibility** (IR); refers to the idea that each and every individual holds responsibility over their own lives; individuals are conceptualised as agents able to make right and wrong choices, but most importantly, individuals take the heaviest burden of responsibility in shaping their lives.
- **Social responsibility** (SR); refers to the idea that society as a whole, as a collective of individuals and institutions, is responsible for ensuring the fruition of each individual and their development into functioning and productive members of society. Society takes the heaviest burden of responsibility in shaping lives.
- **Public health** (PH); indicates a concern for population health as a whole promoted by the state. Refers to the idea that society, institutions, public and private organisations, individuals and communities should operate to prevent disease and promote healthy life-styles in order to prolong and improve life and ensure the health of the population as a whole.
- **Harm reduction** (Hred); refers to a commitment to reducing the harms associated with risky behaviours. It is often strongly associated with the history of drug policy and particularly as a response to HIV; however, it is also often referred to in prostitution policy in relation to the health and safety of sex workers.
- **Individual liberty** (IL); refers to the idea that individuals are, to a great extent, free agents able to make choices about their lives. The extent of their freedom might be disputed, but it is often seen as linked with their education, class, social status, ethnicity and gender. In advanced-liberal societies, individual liberty is highly emphasised as an aspirational value.

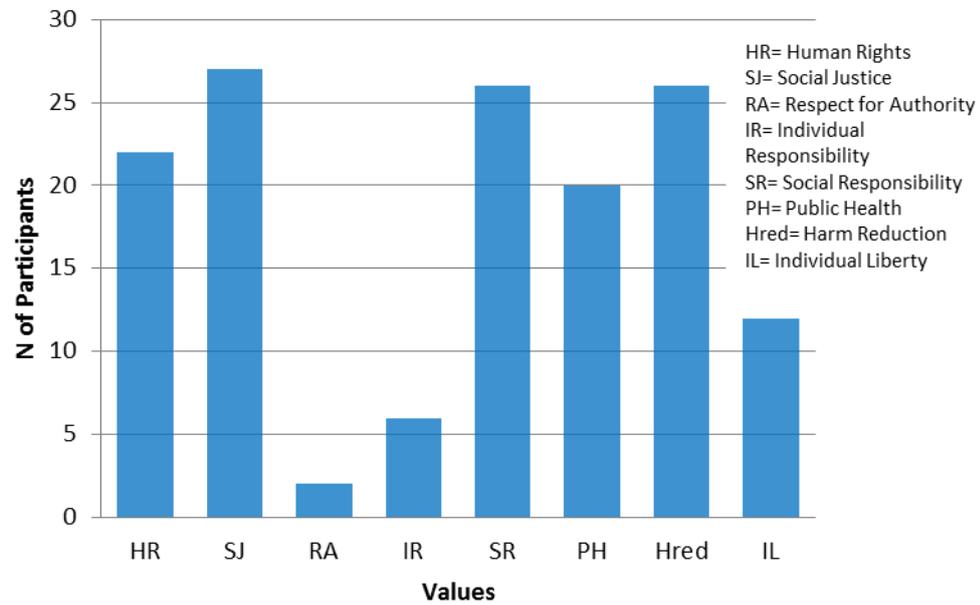
Figure 5: Predominant values in the sample

Figure 5 shows which values are dominant in the sample of participants. Predictably, due to selection bias, values such as respect for authority and individual responsibility (identified as predominant in conservative morality by Haidt, 2012) are less prevalent in the sample compared to other values. In a predominantly liberal sample, participants are less likely to emphasise conservative values. Participants share liberal values to a range of degrees, since values such as social responsibility, harm reduction, social justice, human rights and public health score highly and these all emphasise collective responsibility and some degree of universalism, rather than individual efforts. The sample is made up by stakeholders who operate mostly outside of criminal justice and law enforcement, where prevalence of some authoritarian values might be found. The value of individual responsibility is not as prevalent as that of individual liberty, which supports the idea of a shift from authoritarian to libertarian values, as discussed in Chapter Five. Similarly, the prevalence of social responsibility and social justice, intended in an egalitarian sense, and human rights denote a strong presence of liberal values.

8.3.2 List of relevant beliefs:

- **Evidence/science (ES):** refers to a specific commitment to the principles of science, pursuit of knowledge through knowledge accumulation for the sake of societal improvement. Associated with pure science.
- **Evidence-based policy (EBP):** refers to a strong commitment and belief that evidence is the best ingredient for policy to be effective and just. Associated with politics, medicine and social science.
- **Evidence informed policy (EIP):** refers to a commitment to evidence as one, but not the only, factor on which to base policy. Associated with social science.
- **Translation and mediation (T&M):** in policy, refers to a belief, and commitment to, mediating and translating from one group or community to another in order to facilitate communication and the understanding of each other's needs and jargon. Associated with knowledge brokering and advocacy.
- **Public representation (PR):** refers to a commitment and a belief in politics as a public service, entails the pursuit of the good of the majority, understanding society as a body with an ever-shifting set of needs and interests. Associated with democratic politics.
- **Group representation (GR):** refers to a commitment and a belief in group representation, or the pursuit of the good of a specific group with a defined set of needs and interests. Associated with advocacy and politics.
- **Political allegiance (PolA):** refers to a commitment and a belief in a particular politics, group, and interests. Associated with advocacy, civil service, politics and research.
- **Party allegiance (PA):** refers to a specific commitment to a political party. Associated with politics.
- **Religion (R):** refers to an overt belief and commitment to a particular religion.
- **Drug policy reform (DPR):** refers to a belief and a commitment to drug policy reforms of varying degree and different natures.
- **Prostitution policy reform (PPR):** refers to a belief and a commitment to prostitution policy reforms of varying degree and different natures.
- **Liberal feminism (LF):** associated with sex-positive feminism, refers to a belief and commitment to advancing rights and the liberty of women toward equality;

envisions the opportunity for women to emancipate themselves financially and culturally through the sex industry.

- **Radical feminism (RF):** associated with abolitionism, sees patriarchy and capitalism as the main sources of women's oppression. Entails a belief and commitment to women's equality; sees women as victims of patriarchy, and the sex industry as a direct result of the system of domination of men over women.

Figure 6: Predominant beliefs in the sample

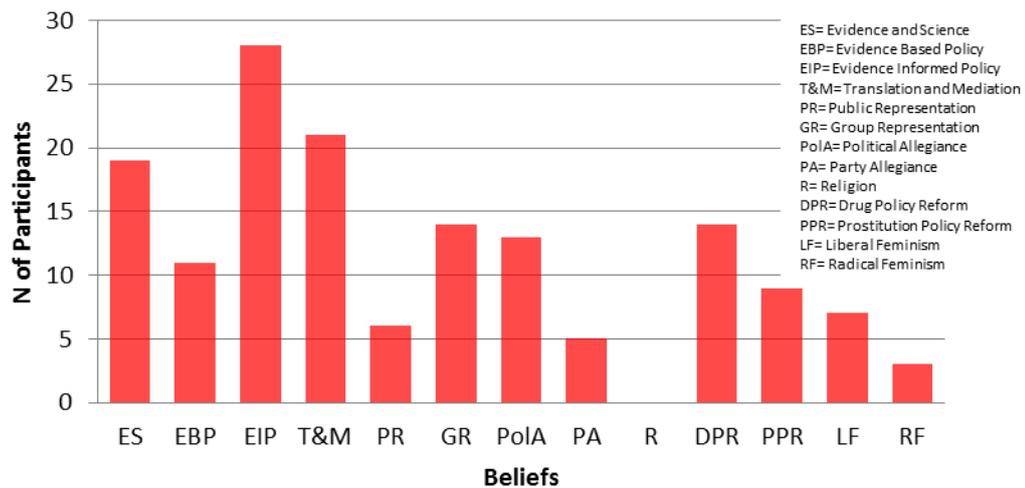


Figure 6 shows consistency in terms of the sample's 'liberal-evidence' bias; for instance, no participant overtly declared any religious affiliation and no clear inferences can be made to establish religious affiliation on the basis of interview data. Yet no direct question about religious affiliation was put forward. The belief in evidence and science is prevalent, given the relatively large number of participants with scientific training in the sample. Evidence was the key focus of interviews, providing scope for direct information and nuance about participants' commitment to evidence.² Most participants share the hope that evidence may substitute for (religious) moralism and political ideology as the basis of decision-making. Beliefs were operationalised to reflect practice, and thus many of these beliefs are profession-specific. Beliefs such as public representation are likely to be espoused mostly by politicians by nature of their work, whereas group representation is a belief shared by advocates. The graphs below represent the most commonly-occurring values and beliefs across comparative dimensions (AUS/UK) (drugs/prostitution).

² Which allowed operationalisation of EBP as distinct from EIP

8.3.3 Predominant values and beliefs in Australia and the UK compared

Figure 7: Predominant values and beliefs in Australia and the UK compared

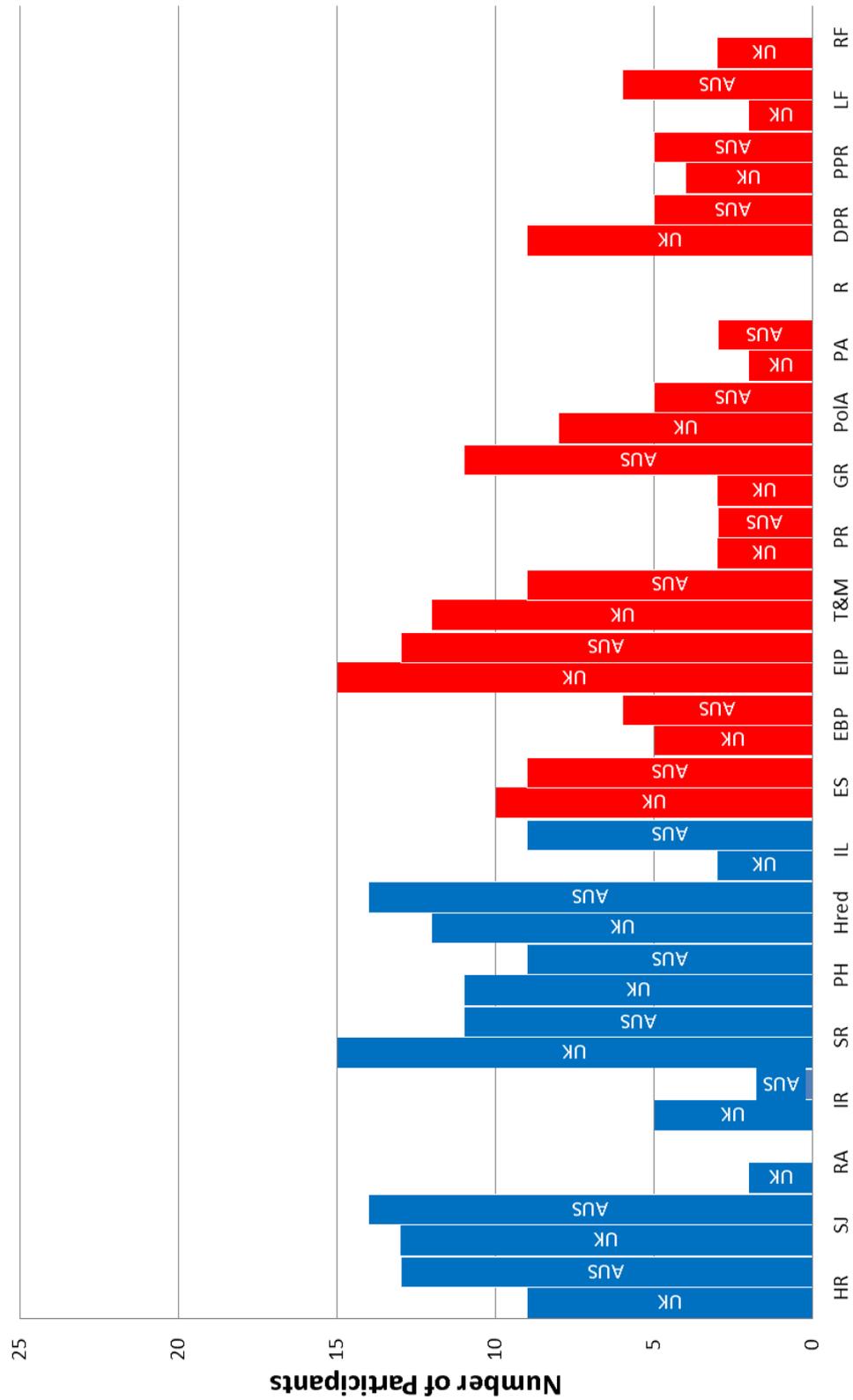
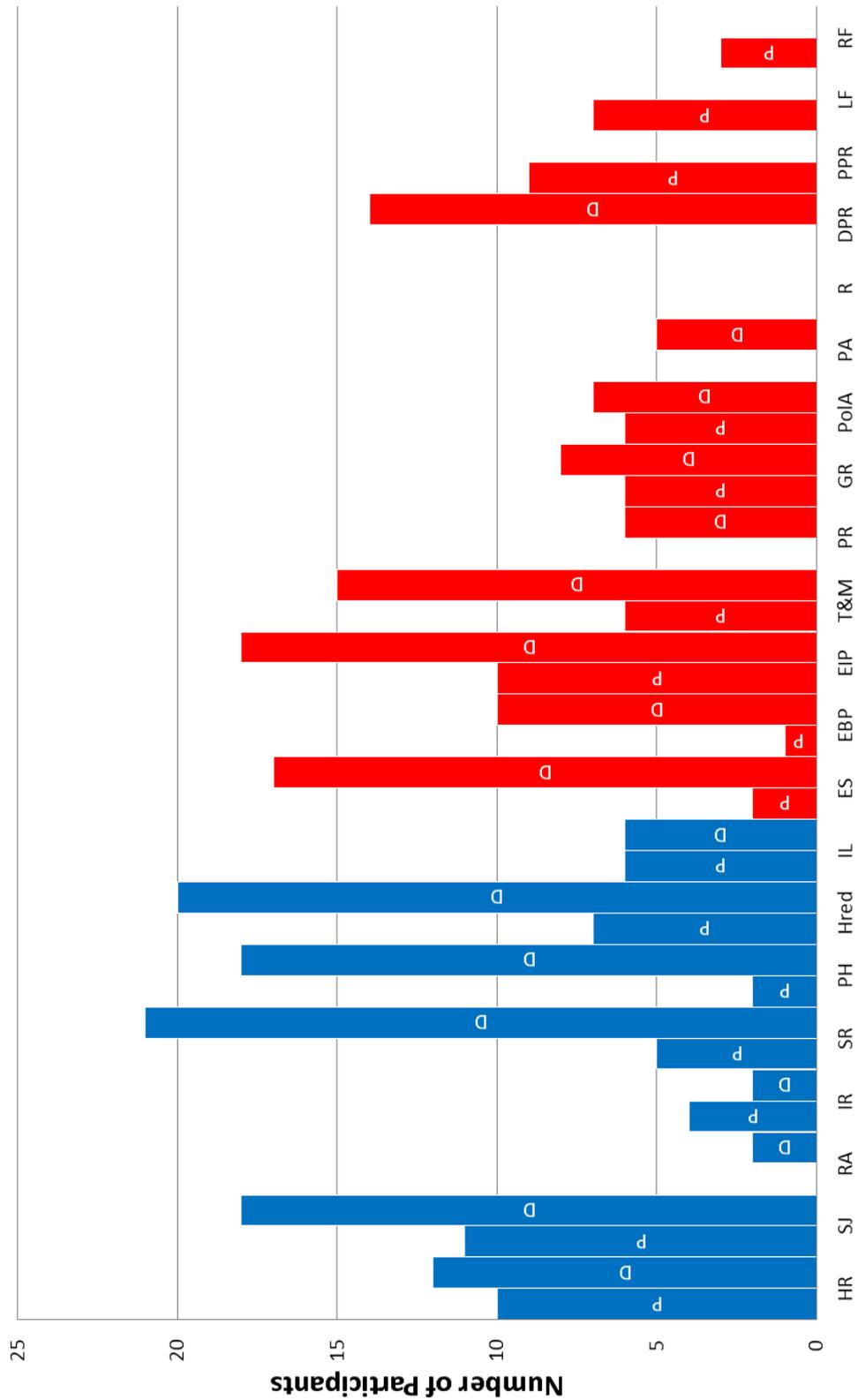


Figure 7 shows some consistency across the two countries, though some minor differences are noticeable, particularly the slightly more marked presence of values such as human rights, harm reduction and group representation in the Australian sample, and conversely, the stronger presence of individual and social responsibility, and respect for authority in the UK sample. This is indicative of the difference between samples in the two countries, with the stronger presence of advocates in the Australian sample compared to the UK's. Any description is limited by the non-representativeness of the sample and the difference in the number of stakeholders who made up each of the professional categories in the two countries. Any further consideration about countries' differences is thus more relevant in terms of the connections between values and beliefs, rather than their presence alone (section 8.6). However, one significant difference is found in the absence of radical feminism in the Australian sample, which, due to selection bias, cannot be regarded as representative. It remains interesting nonetheless given that New South Wales has a decriminalised prostitution regime, and that the UK is veering towards punitively tackling demand for prostitution.

8.3.4 Predominant values and beliefs in Drugs and Prostitution compared

Figure 8: Predominant values and beliefs in Drugs and Prostitution compared



Some of the differences across these two policy domains are given by the presence or absence of area-specific beliefs. For example, the lack of liberal feminism and radical feminism in drug policy is due to the fact that these beliefs relate specifically to prostitution. The absence of a strong public health commitment in prostitution policy is given by the lack of broad and explicit inclusion of prostitution in public health outside of monitoring HIV and STIs. The stronger presence of individual responsibility as a value in the prostitution sample can only make sense if observed in its relationship with other values and beliefs. One significant feature evident in both domains is the relatively strong presence of reformist sentiment. The commitment to drug and prostitution policy reform was shared by many in the sample, which was to be expected given the sample is strongly liberal, which entails a commitment to progressive views and reformist attitudes. Drug policy reformism and prostitution policy reformism were distinguished because they are related to different values and beliefs (section 8.6). Belief in evidence-based policy appears stronger in the drugs field than in prostitution, as discussed in Chapter Seven. Given that the sample of participants in the area of drug policy was larger, no further conclusions can be drawn from figure 8.

Before moving on to observe the connections between values and beliefs across the sample and in the two countries and policy areas, it is necessary to engage in further reflection on the sample's liberal-evidence nexus, and then discuss relevant data to provide evidence of the relevance of values and beliefs which emerged during discussions in interviews.

8.4 The liberal-evidence nexus in the sample of participants

In Chapter Five, I discussed the societal level shift across the west from authoritarian to libertarian values (Flanagan and Lee, 2003; Heath et al, 1994; Tilley, 2005). In my analysis, there appears to be a connection between the predominance of liberal values and the belief in science and evidence. The presence of certain values in western civilisation dates back to at least the Greeks, continuing throughout Christianity. Western secular values are, to some degree, a reworking of Christian values, which were in turn a reworking of values prevalent in pagan societies, albeit with some significant differences. To assess change and continuity in relation to values and beliefs is not within the scope of this thesis. Yet it is relevant to note that, before the sanctioning of science as a legitimate source of knowledge (Gieryn, 1983; Chapter 2), beliefs could not

be subject to scientific “testing” to the same extent as they might be today. Equally, believing in science and the pursuit of evidence as a way to legitimise and corroborate moral and political decisions, at least in an overt and systematic fashion, is a relatively recent phenomenon. A clear shift from valuing the symbolic to evaluating the functional role of laws can be observed in an increasingly secular context (Chapter 5). Indeed, there is a long history of formalising political strategy for the purpose of better government which dates back to at least Machiavelli if not the Greeks. However, policy-making is now conducted in a democratic and complex system where the reliance on science and evidence as proposed by the evidence-based policy discourse has a dual aim of improving government whilst de-moralising and de-politicising policy and politics.

Liberalism and modern science were born around the same time, and they appear to go together well; the very characteristics of liberal attitudes, as identified by Haidt, Lakoff and others (i.e. curiosity, openness to experience, more favourable towards change, secularism), are supportive of science and the principles of scientific enquiry. In drug and prostitution policy, a particular dominant morality, sustained by a dominant moral coalition, has long supported more punitive measures towards the sale of drugs and sex, as well as the purchase and consumption of drugs, but interestingly not necessarily the purchase of sex, which is seen to be ideologically supported by a capitalist/patriarchal system. Values such as social justice, human rights, and social responsibility already existed in religious doctrine. Liberals have re-framed these for a secular world. Liberals generally place much less emphasis than conservatives on religious belief, and display a strong belief in science (and evidence) as one route toward the achievement of those values. If liberals are characteristically open to experience (Haidt, 2012), then, by extension, they are more likely to be open to experimentation, or at least the ability to question certainty. Thus, they are more attuned to a secular scientific, rather than a religious, mentality. Hence, there will be a stronger connection between liberals and evidence use, or believing in evidence as a tool for improvement. This, coupled with the emancipatory undertones of the evidence-based policy discourse, provides the opportunity to re-frame discourses from manifestly to latently moral (Chapter 5). In the next section, I will discuss data in a thematic manner, following a traditional approach to qualitative data analysis and presentation.

8.4.1 Evidence as belief and the dominance of liberal values

All participants interviewed shared a belief in evidence, though some talked explicitly about evidence-based policy whilst others asserted that evidence is only one of many factors to inform policy. Most agreed that policy would be more just if it was evidence-based, so there is a perceived association between evidence use and level of social fairness, or the making of just policies.

When referring to certain aspects of drug policy such as the consequences of prohibition, participants express a sense of moral outrage:

Is it fair and just that the majority who prefer, say, alcohol to tobacco, [...] wants to punish people who have a different drug preference? (A D 2 M)

This observation invokes a number of values, including social responsibility, social justice, human rights, and equality. For those holding such views, reform is sought on the basis of these values and evidence is called upon in support of reform. In the case of the Medically Supervised Injecting Centre, participants acknowledged that those who initiated the intervention did so:

on the basis of an ethical belief [...] it was a competing principle which was given much higher weight than somebody else's set of principles about some universal idea (A D 6 M)

The participant claims that it was an 'ethical belief', which is value-based, that provided justification for those who started the first illegal supervised injecting facility. Indeed, this was also a political strategy, to get the injecting centre on the political agenda in New South Wales. Yet, ideas and interests are not pursued in a moral vacuum. There is recognition that this ethical belief was based on a competing principle (i.e. universal access and care), and that harm reduction was a strategically and morally sound basis on which to build support.

Philosophically we work from a position of health for all and a belief that our target populations have traditionally had poor access [...] to healthcare and that healthcare needs to be equitable (A D 17 M)

Here, the values of social justice, social responsibility and human rights clearly support the participant's commitment to harm reduction and public health; this is a common set of values occurring concurrently across the sample (section 8.6). Another participant

notes that most people involved in the drug policy debate share harm minimisation as the main objective regardless of political cleavages.

I think the vast majority of people [...] from the most reactionary to the most reformist, [...] would agree that we have a shared objective, which is to minimize the harms from drug use (U D 22 P).

However, this case is probably overstated. Whilst it might allow for diversity of positions, the moral and political ambiguity of harm reduction does not necessarily allow for shared objectives, because a prohibitionist (reactionary) could not share the same objectives as a legaliser (reformist). Although commentators often utilise harm reduction and harm minimisation as synonyms (Miller, 2001), some, including participants, made a distinction between harm minimisation and harm reduction. Accordingly, harm reduction refers to any intervention that actively seeks to reduce the harms associated with drug use, whereas harm minimisation refers to the overall goal of drug policy to reduce drug-related harms (Weatherburn, 2009). Harm minimisation encompasses harm reduction strategies, which results in a shift away from treatment – and specifically concerns for the health and well-being of drug users – towards a broader focus on issues such as overall supply reduction. Harm reduction could be regarded by a reformist as reducing the harm done *to* people who use drugs, or it could be regarded by a reactionary as reducing the harm done *by* people who use drugs. Since a value commitment to harm reduction might entail very different perspectives, this should be regarded in its relation with other commitments, values and beliefs.

8.5 Values, beliefs, affect, and commitment to drug and prostitution policy

When reflecting on the relationship between professional background and individuals' values and attitudes, and specifically the differences between advocates and politicians and bureaucrats, one participant noted that:

Most of the people in NGOs are there because of some belief system they have [...] and they are committed to it [...] whereas conversely most people in governmental structures are by their nature not particularly driven by the subject they are dealing with (U D 27 A).

This suggests the common-held assumption that advocates are subject-driven and value-driven whereas politicians and bureaucrats are not. The literature emphasises that politicians and civil servants might be primarily self-interest and career driven, and that

in order to be successful, they need to maintain a generalist, rather than specialist, approach and consequently steer clear of long-term involvement in contentious policy areas (Stevens, 2011; Monaghan et al, 2012). However, interview data suggests that the degree of individuals' engagement with these issues will likely depend on their personal experiences, or the extent to which they have been personally or emotionally exposed to these issues, which would trigger empathy. If that individual is a Minister, a Premier or a Prime Minister, the likelihood that drug or prostitution policy will figure highly on the political agenda increases. For example, in New South Wales, the fact that Bob Carr's brother died of a drug overdose pushed drug policy higher on the agenda, which favoured the 1999 Drug Summit initiative as well as the opening of the Medically Supervised Injecting Centre:

The Premier, who had lost a brother to drug overdose, who was quite ambivalent, he is quite a conservative person Bob Carr, but [...] he put aside his own feelings, and [...] he let it go through. [...] If he had said no, that was it. Game over, right from the start (A D 12 CS).

For an individual to dedicate their life work to this area, it appears that there needs to be a strong moral commitment based on values, beliefs and affect. People involved will approach policy issues in these areas with a mixture of feelings, beliefs, and knowledge. As one participant put it,

People often come to an issue with huge particular feeling and belief based on various levels of experience and evidence, so it may literally be from their own personal evidence or one person they know, and they realise people need to be clear, honest about [where they are coming from] (U P 31 A)

The participant emphasises feelings and beliefs alongside experience and evidence, and sees policy as

being influenced by people's anxiety and beliefs... it's about policy in the area of drugs, sex work [...] you're dealing with people inner core emotions (U P 31 A)

According to Lakoff (1996), whereas conservatives are mobilised by fear and anxiety, for liberals, empathy is the basis of morality; in his 'nurturant parent' metaphor, he highlights how liberals see morality as tied with nurturance, happiness, fairness and growth. In this view, moral agents are nurturing parents who tend to those needing

help, striving to ensure equal and rights-based distribution to pursue community, social and moral growth. Liberals

‘see certain people and groups of people as “disadvantaged”. For historical, social and health reasons, which are not faults of their own, such people have been prevented from being able to compete fairly in pursuit of their self-interest’ (Lakoff, 1996: 180).

Participants in the sample share a commitment to values such as social justice, social responsibility, harm reduction and improved human rights. Participants recognise that the rights and responsibilities of people involved are affected and severely curtailed by social, cultural and behavioural norms, current legal frameworks, and structural inequalities. In practice, this often translates into some form of professional commitment to ameliorating the conditions of those who are worst affected by current policies. Scientists in drug and prostitution policy might engage in a form of research activism underpinned by a moral commitment to research for change, because:

It's not [...] a “nice” area to do research, intellectually challenging or even particularly engaging. I mean these are people's lives! (A D 8 S)

I want to create knowledge on things [...] I want to kind of, be able to do problem solving [...] to create change (U P 29 S).

Beneath the commitment to a medical model to run services focusing on drug-using clients there is a shared belief that the health needs and rights of these populations are generally not well catered for and that harm reduction and public health should underpin these services. One participant described their experience as one where:

it all came together to give me an incredible interest in sex, drugs and the public health issues around those [...] our system didn't cater well to those populations (A D 11 M).

Participants – particularly those whose background is in research and advocacy – seem to have become involved in specific policy fields not only out of interest or training, but also out of moral commitments. Although stakeholders with a political or public service background are by their nature generalists, and do not get to pick their subject, they will still place more or less importance on particular subjects depending on their values, beliefs, interests and experience.

There appeared to be a broad recognition among participants that neither drugs nor prostitution are politically attractive for any government or individual who wants to make a career in government, generally remaining low on the political agenda. When discussing the drivers which lead politicians to explore prostitution policy reform, one participant claims that:

Politicians tie themselves in a knot, and they tend to be besieged by a fairly fanatical subgroup, usually fundamentalist Christians and Muslims, but there are no big drivers of social reformism in the area, so usually their only drive is a sense of human rights, social justice (A P 3 M).

Here, the participant recognises that the drive for involvement is value-based; it is commitment to human rights and social justice which will motivate a politician to run the risk of jeopardising their political career by actively pursuing reform. Without that strong value commitment, it is less likely that an individual might display a reformist attitude, particularly one that isn't supported by dominant morality.

Participants emphasised that a general period of political reformism, supported by a reformist party manifesto, was more likely to trigger reform in these contentious areas. In New South Wales, the Australian Labor party dominated politics between 1976 and 2011, aside from a brief stint by the Liberals in the early 1990s. As one participant notes:

All of our governments tend to be small 'l' liberals but socially progressive, or at least they have been for about 30 years. (A P 3 M)

In effect, the majority of significant policy reforms in both prostitution and drug policy in New South Wales, including decriminalisation of prostitution, harm reduction and the Medically Supervised Injecting Centre, were carried out during this period. This is not necessarily the case in England and the UK, where New Labour was much less cohesive than its New South Wales counterpart when it comes to reform in these areas. In drug policy, it was the drug-crime link which prompted investment in treatment in the early years of New Labour (Stevens, 2007b). In the UK in 1997:

drug treatment was seen by the incoming Blair government as something that was a core issue to be tackled, particularly crime being the biggest drive but not the only one, Blair's famous

'tough on crime, tough on the causes of crime', and drug treatment fitted that bill perfectly (U D 30 CS).

Perhaps, the matter of scale is relevant, as the Australian federal government was marching to the same tune, with Prime Minister Howard (1996-2007) adopting a 'tough on drugs' rhetoric (Bacchi, 2009). In Australia, the rhetoric was that of a zero tolerance approach, whereas the practice was still very much harm minimisation focused, yet unsupportive of controversial reforms such as supervised injecting centres (Bessant, 2008; Wodak, 2004). However, a previous Australian prime minister (1983-1991) had instigated early commitment to harm reduction because of his personal story:

Bob Hawke who was the former prime minister, his daughter had a heroin addiction, and he broke down on TV and cried, and that was the start of a national campaign against drug abuse, based on the personal situation of the prime minister at the time, the one he was facing at home with one of his kids, so that was enough to drive change... That was the start of the national strategy, it was driven out the PM's office. It sort of hit home that, if it happened to the prime minister's family it could happen to any family (A D 5 KB)

The emotional trigger, coupled with the AIDS crisis, contributed toward investment in drug treatment in Australia and made it easier to justify it politically with the general public, given that the latter could empathise with the Prime Minister.

The UK coalition government (2010-2015) did not show a strong interest in pursuing liberal drug or prostitution policy reform. In drug policy, major criticism of harm reduction and methadone maintenance was mounted³ in order to justify the shift in focus from population specific treatment provision to broader notions of public health to protect the general population⁴, coupled with a shift from harm reduction to abstinence and recovery rhetoric and commitment (Duke, 2012). One participant noted that:

by critiquing maintenance prescribing, they tick moral boxes for the authoritarian and religious right, [...] it also was politically useful, because it neutralised something that labour otherwise would have played as a strong card (U D 30 CS).

³ By the Centre for Social Justice, a conservative think tank in 2007

⁴ The creation of Public Health England and the dismantling of the National Treatment Agency

Here, the participant stresses the political strategy behind the shift toward abstinence and recovery had a dual aim of invalidating Labour's successes while satisfying the more authoritarian religious currents of the conservative party and voter base. This shift should be regarded in the context of austerity politics. The participant argued that, in this context, evidence is ignored in order to justify a political and moral position against the welfare state.

We'll ignore that that's what WHO say you ought to do and that's what the UN say you ought to do and that's what NICE say you ought to do, that's what the department of health say you ought to do, we'll ignore that, and we'll tackle this as a moral issue, not as a technical clinical issue, and we'll say you failed, so it's not a success, it's a failure, and that also was quite important for underpinning their whole critique of the welfare state and of welfare dependency, because [...] we would argue that poverty, social exclusion are the causes of drug addiction. (U D 30 CS)

Here, there is a strong emphasis on the manner in which politics might taint an issue so that, rather than looking at the evidence, and considering the issue from a technical/clinical perspective, as the participant believes it should be, the issue becomes one of moral and political valence instead. In a context where the support for universal welfare is being eroded and resources are stretched, public spending is increasingly called into question and categories of moral and immoral, deserving and undeserving are used by governments to manage distribution of resources in an increasingly competitive and scarce welfare system. This rhetoric is overt in the UK context (Crines, 2013). In Australia, a similar rhetoric is noted (Gunders, 2012). Drug and prostitution policy should be observed in this context of austerity, scarcity and resource competition. In relation to resource allocation by government, a participant exposed the difference between how politicians might respond to leukaemia as opposed to drug use:

what drives people is the image of the innocents, the young kid, no choice of their own, through fate has been dealt this screw... up against an adolescent or an adult who's electing to inject themselves with an illegal substance, and you got the money on the table, who's gonna get it? And that's the dilemma. With all the research evidence in the world at some point you know we're still never gonna win that argument, and that's just competing interest (A D 5 KB).

This exposes the tension between individual responsibility and individual liberty, as well as that between individual and social responsibility. Whereas in the first instance, the

innocent child has no responsibility for being sick, for the drug user the issue of responsibility is more complex and contested. When the two are competing for government attention and funding, the first is more likely to win.

In New South Wales, using health expertise in prostitution policy is seen as a way of advancing human rights through an apparently neutral framing (Chapter 5):

it's not really a proper health issue, it's more of an issue of human rights, but I keep getting dragged back in! [...] and I think we saw it as an obligation, because we [in NSW] do have progressive laws and progressive public health response [...] it was on us to demonstrate how well it works (A P 3 M).

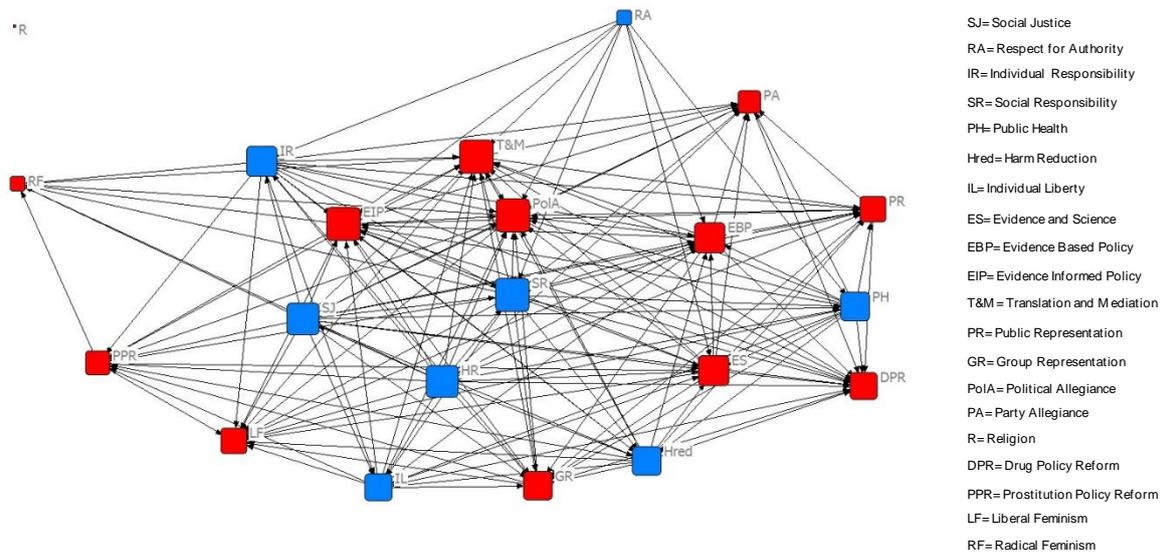
Participants were motivated by a value commitment to human rights and public health improvement to advance prostitution policy reform elsewhere by using the New South Wales case as an example of good practice. Here, the participant relied on health and medical expertise as a way of making it credible. It appears as though engagement of stakeholders in these areas of policy is motivated by a number of values which include social justice, human rights and harm reduction, and that these values together might contribute to a reformist attitude. My interviews suggest a professional commitment to these areas is likely to be associated with some form of experience or exposure to issues associated with drugs and prostitution. Yet, what is also clear is that different stakeholders respond to exposure or experience differently, and that their responses might be better understood by looking at ideological distinctions, competing moralities and classic political cleavages (Chapter 9).

Having discussed the presence of values and beliefs in the data, the next section provides visualisations of value/belief constellations in the sample of participants to further observe the manner in which these operate together.

8.6 Network visualisation: values and beliefs constellations

The visual networks reproduced in this section detail the connections between values and beliefs occurring concurrently in the sample and then in each of the comparative dimensions (see Chapter 6). The figure below shows the value-belief constellation for the whole sample of participants. Values and beliefs are colour-coded (values in blue, beliefs in red).

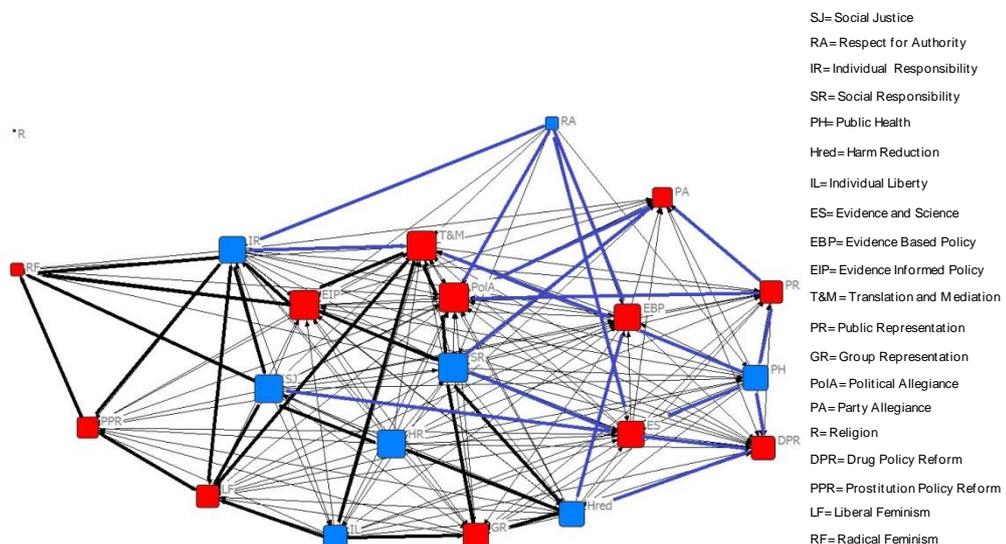
Figure 9: Values and beliefs relations (degree centrality) across full sample



It is clear from figure 9 that Human Rights, Social Justice, and Social Responsibility are values shared by the majority of participants. Evidence informed policy, translation and mediation, and political allegiance are the most shared beliefs. Although this was already clear from the descriptive figures in the previous section, what this figure adds is proof that these values often occur concurrently.

Figure 10 below highlights, with tick lines, the connections in prostitution policy (on the left, with black lines) and drug policy (on the right with blue lines).

Figure 10: Values and beliefs relations (degree centrality) across full sample with distinctions across policy areas



This is used to highlight that a specific set of values and beliefs are more connected in either domain. The left side of the figure details the relations between values and beliefs in prostitution policy (PPR; RF; LF; IL; IR) whereas the right side is predominantly showing the drug policy constellation (DPR; PH; ES; EBP). For example, public health (PH) is most often associated with evidence and science and evidence-based policy (on the right side), and shares little connection with prostitution policy reform or radical feminism (on the opposite side). The following pages present networks across comparative dimensions, for Australia and the UK and then for drugs and prostitution.

8.6.1 Australia and the UK

Figure 11: Australia Network

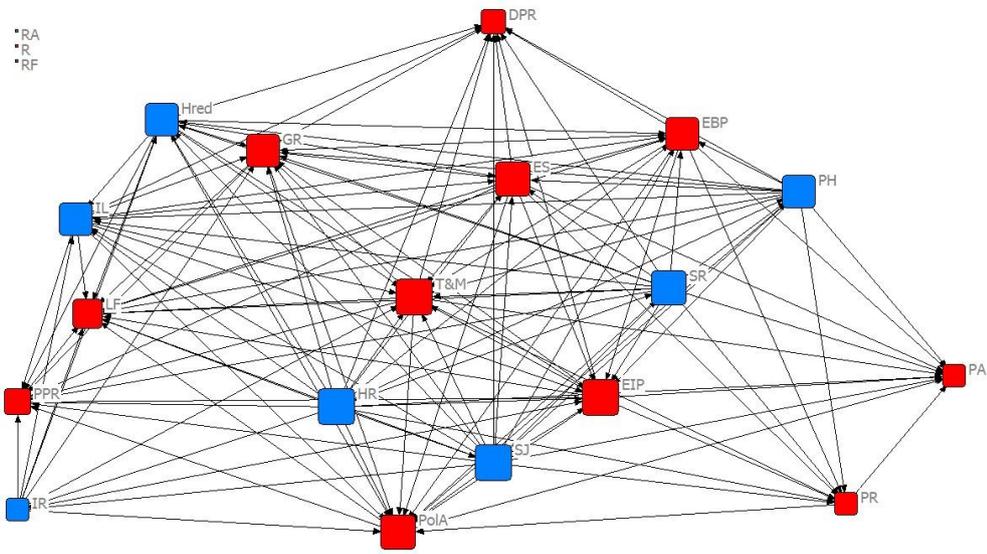
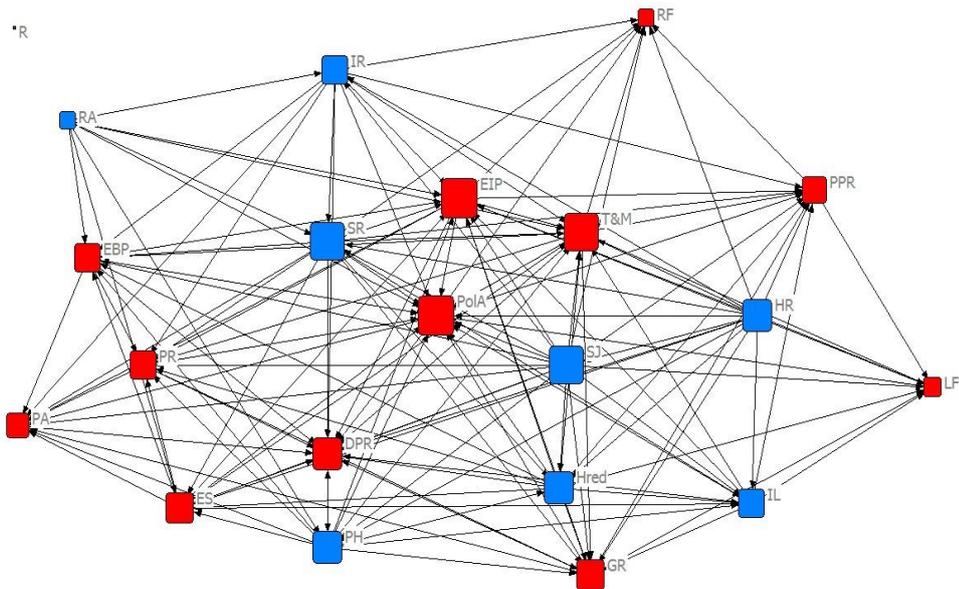


Figure 12: UK Network



- SJ= Social Justice
- RA= Respect for Authority
- IR= Individual Responsibility
- SR= Social Responsibility
- PH= Public Health
- Hred= Harm Reduction
- IL= Individual Liberty
- ES= Evidence and Science
- EBP= Evidence Based Policy
- EIP= Evidence Informed Policy
- T&M = Translation and Mediation
- PR= Public Representation
- GR= Group Representation
- PoIA= Political Allegiance
- PA= Party Allegiance
- R= Religion
- DPR= Drug Policy Reform
- PPR= Prostitution Policy Reform
- LF= Liberal Feminism
- RF= Radical Feminism

Overall, figures 11 and 12 show some consistency across the two samples. In the Australia/NSW sample of participants, respect for authority (RA), religion (R) and radical feminism (RF) were lacking. Its commonly associated values, individual responsibility (IR) and social responsibility (SR), are less connected compared to the UK sample. This does not mean that these values and beliefs are not present since the sample is not representative. However, when compared to the UK where some of these values and beliefs were weakly present, and in conjunction with the fact that New South

Wales has adopted a decriminalised framework for regulating prostitution, it is an interesting indication of the connection between liberal values, liberal feminism, and decriminalisation. In figure 11, we find that Human Rights (HR) and Social Justice (SJ) are central values to the network. Evidence-informed policy (EIP), Translation and Mediation (T&M) and Political Allegiance (PolA) are centrally connected beliefs. This indicates the strong presence of advocates and knowledge brokers in the sample, yet it also indicates that researchers in the sample made explicit reference to these beliefs (EIP and T&M) as an integral part of their work. Political allegiance, centrally connected in figure 12, will be a strong belief for advocates, politicians and civil servants, but less so for either knowledge brokers or researchers. Radical feminism (RF) and respect for authority (RA) are present but peripheral in the UK network. In figure 12, the value of human rights (HR) appears to be less connected when compared to figure 11. Social justice (SJ) and social responsibility (SR) remain central to the UK network, the latter to a greater extent when compared to Australia. Translation and mediation (T&M) and evidence informed policy (EIP) remain fairly central, though T&M as a belief appears less central in the UK, whilst EIP appears more central. Interestingly, political allegiance (PolA) is both frequent and centrally connected, occupying the core of the UK diagram and in conjunction with evidence informed policy (EIP), social responsibility (SR), translation and mediation (T&M) and social justice (SJ). In Australia, translation and mediation (T&M) is also central, connected with evidence informed policy (EIP) and social responsibility (SR), but also group representation (GR), social justice (SJ), evidence and science (ES) and human rights (HR). Evidence-based policy (EBP) is consistently connected to evidence and science (ES), public health (PH) and drug policy reform (DPR) across the two countries, and interestingly in the UK it is linked with political representation (PR). Yet, it remains consistently more peripheral than evidence informed policy (EIP) and always on the opposite side of prostitution policy reform (PPR).

8.6.2 Drugs and Prostitution

Below are the networks comparing drug and prostitution policy:

Figure 13: Drugs Network

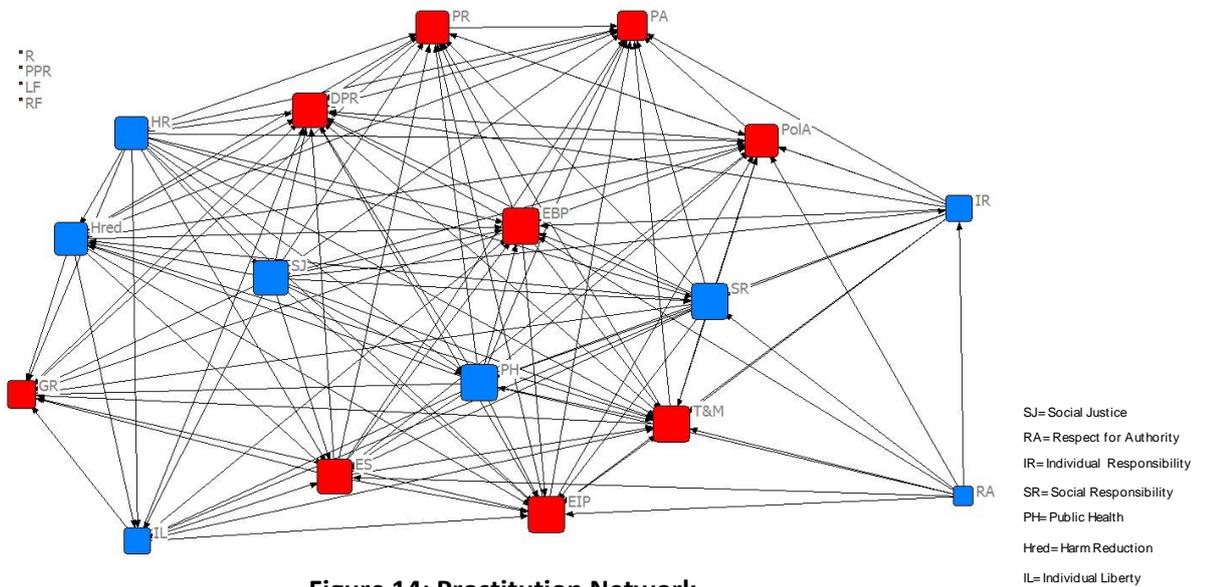
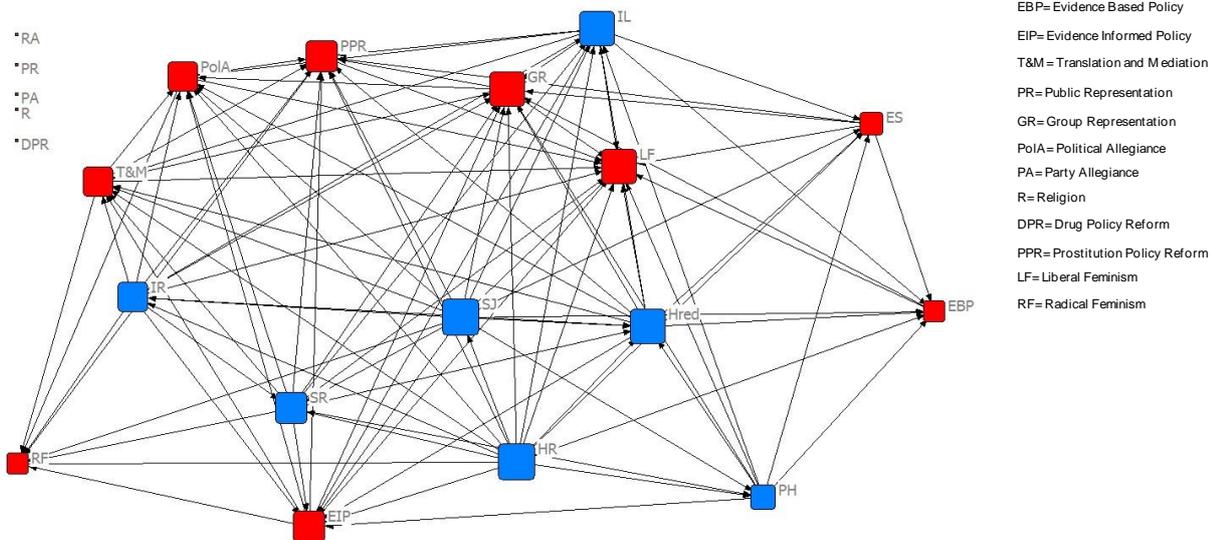


Figure 14: Prostitution Network



All absent beliefs (unattached boxes in the upper left corner) are domain specific.

Translation and mediation (T&M), social justice (SJ), public health (PH), drug policy reform (DPR), social responsibility (SR), evidence and science (ES) and evidence-based policy (EBP) occupy the core of the values/belief constellation in the drug policy network. However, what differs is the central presence of both evidence-based policy

(EBP) and evidence and science (ES) in figure 13 when compared to figure 14. These beliefs have a much more peripheral role in prostitution policy, as does public health (PH). In the drugs network, the belief in evidence-based policy (EBP) is connected with public health (PH), translation and mediation (T&M), and social responsibility (SR), which all speak to the broader commitments of the scientific community in this field and support the contention that evidence-based policy is associated with clinical trials and treatment, which better apply to drug policy than prostitution. Figure 14 differs from figure 13 in that it is characterised by the centrality of different values and beliefs. Individual liberty (IL), social responsibility (SR), harm reduction (HRed) and liberal feminism (LF) appear to be the most centrally connected values and beliefs in prostitution. Albeit social justice (SJ) and human rights (HR) remain predominant across domains, they are differently distributed. Evidence-based policy (EBP) has little connection to prostitution policy reform (PPR), in contrast to drug policy reform (DPR).

The connections between beliefs and values may support different policy positions. Drug policy reform (DPR) shares little connection with respect for authority (RA) and individual responsibility (IR), but it is connected with the values of human rights (HR), harm reduction (HRed), social justice (SJ) and social responsibility (SR). Those in the sample who supported drug policy reform broadly supported decriminalisation if not legal regulation. Prostitution policy tells a different story. The values that more often occur together with liberal feminism (LF) are individual liberty (IL), human rights (HR), harm reduction (HRed), and social justice (SJ). The beliefs that occur together with liberal feminism are group representation (GR), prostitution policy reform (PPR), translation and mediation (T&M), evidence informed policy (EIP). Conversely, the values that most often occur together with radical feminism (RF) are individual responsibility (IR), social responsibility (SR), social justice (SJ) and human rights (HR). The beliefs that occur together with radical feminism are prostitution policy reform (PPR), translation and mediation (T&M), and evidence informed policy (EIP). The two positions share some but not all, of the same values and beliefs. The main difference between the two positions seems to be the connection between social and individual responsibility for radical feminism, and that between social responsibility and individual liberty for liberal feminism.

8.7 Liberals versus radicals in prostitution policy⁵

In the sample, liberal feminists placed stronger emphasis on individual liberty alongside social responsibility, whereas radical feminists placed more emphasis on both individual and social responsibility (figure 14). In fact, radical feminists do not see the individual as capable of making a free choice in the context of sex work because of the dominance of patriarchal values and liberal ideology (Weitzer, 2005). Though both liberal and radical feminists share a commitment to harm reduction, the way they envision this in practice differs, with decriminalisation on the one hand and criminalisation of the purchase of sex on the other. Both groups share a commitment to prostitution policy reform, but the type of reform they call for is underpinned by different values and beliefs, and as such they aim for different outcomes. The two positions form two opposing advocacy coalitions, because although some of their core beliefs are the same (i.e. Social Justice, Human Rights, and Harm Reduction) their policy core beliefs (decriminalisation and criminalisation of purchase) and secondary aspects differ (i.e. the type of reform they envision).⁶

Interview data would appear to suggest that there is some common ground between liberal and radical feminists, because:

Feminists of whatever shade do not think women should be criminalised. We think that there should be harm reduction and exit (U P 25 S).

However, similarly to the discussion about overstating the case that everyone shares a commitment to the same outcome in drug policy (i.e. harm minimisation), the ultimate policy goal differs, and so do the means to reach that goal. Both abolitionists and decriminalisers support harm reduction, though decriminalisers to a greater extent (figure 14); however, the primary understanding of harm reduction for abolitionists is exiting leading to safety (on the basis that all sex work is victimisation), and not safety

⁵ This categorisation is not agreed-upon, it is a typology to link together attitudes toward prostitution (sex-positive versus abolitionist) and different shades of feminisms' attitude toward capitalism, patriarchy, sexuality and labour. Other definitions include radical feminists versus sex radicals (Sutherland, 2004) or sex positive feminism. The stress on 'liberal' as a categorisation is seen as important because it ties together some fundamental assumption about liberal ideology and its connection with liberal morality and politics in its predominant features.

⁶ Here, I deliberately use terminology from the ACF: "values" are compatible with core beliefs and "beliefs" are comparable to policy core beliefs. However, the proposed relationship between core beliefs and policy core beliefs in the ACF is unidirectional, whereas the relationship proposed in this framework is circular.

within work, which would be the main objective of decriminalisers. Abolitionists, like decriminalisers, believe that harm is not perpetrated by sex workers, but instead done to them. Both believe that harm is systemic; however abolitionists see those who purchase sex as perpetrators and the sex industry as intrinsically exploitative, whereas decriminalisers see prostitution laws and criminalisation in all its forms as harmful.

One participant speaks of both agreements and disagreements within feminism:

historically feminists had always supported women in prostitution, what we disagree about is [...] whether it is an institution that [...] is rooted in and reproduces women's inequality or whether [sex work] can be a realm of freedom – that's what we disagree about (U P 25 S)

Crucially, the difference between feminist interpretations is found in the conception of freedom (i.e. the pursuit of individual liberty as possible in prostitution). For liberal feminists, individual liberty within the confines of a liberal capitalist system is something that can be achieved through sex work (Sutherland, 2004). For radical feminists on the other hand, individual liberty cannot be achieved through sex work because it is repressive by nature, because it is encouraged by a system that commodifies bodies and erodes subjectivity. In the quote below, the participant makes an analogy comparing prostitution with domestic violence:

I think we make really weird arguments about prostitution [...] you know, women choose to go back to violent men – does that mean we say that domestic violence is okay? No. Women say they want to stay with him despite the violence – does that make the violence okay? No. So it's... this argument of, you know, individual choice. (U P 25 S)

This sustains the argument that women's agency in sex work is compromised by structural inequality, patriarchy and capitalism. The participant then claims that an opposing view has very little to do with feminism, and all to do with being:

Libertarian, yeah; Liberal/libertarian. It's got nothing to do with the feminism, of which there are many kinds of shades, which is talking about something more transformative but that is a critique of the way gender inequality is constructed and continues to be reproduced but it's [liberal/libertarian position] got nothing to say to that (U P 25 S).

In fact, a liberal/libertarian position would entail the primacy of individual choice and freedom in the private realm over and above state involvement; this position is more compatible with liberal feminism (Sloan and Wahab, 2000). Conversely, radical

feminism places trust in state institutions to intervene in private matters, to intervene punitively towards violent perpetrators, which include those who purchase sex. Some spoke of this attitude as a form of ‘carceral feminism’ because of its support for criminalisation (Bernstein, 2012).

There appears to be some acknowledgement on both ends of the spectrum of the significant number of shared values and beliefs that could potentially build bridges, but because of the differences in beliefs and objectives, the incommensurability remains. Here, a participant expresses the (liberal moral) view that sex is something personal, private:

values and peoples’ morals we’re trying to transfer into legislation which is... a very tricky thing, you know, and I think with sex work that’s why people get hysterical because [...] we think sex is something that’s personal [...] I think for any effective argument I try to put myself into that person’s frame of mind [...] these abolitionists [...] sincerely believe they’re right [...] they think... no woman would ever choose this (A P 15 A)

This participant acknowledges that the difficulty in shifting the opposing coalition’s position lies in its ‘values and morals’. The question that the participant is hinting at is: how can one argue that people have a right and a choice to sell sex? This cannot be satisfactorily explained by Lakoff’s moral politics, whereby conservatives have a ‘strict father’ morality and liberals have a ‘nurturant parent’ one (1996), because the nurturant parent would not necessarily tell their daughter that being a sex worker was a good career option; likewise, a radical feminist would be horrified to be likened to a ‘strict father’. However, what is relevant here is the incongruence of liberal ideology, which provides support for various coalitions’ arguments through its very contradictions. Radical feminism might ask of liberal feminism: how can you endorse the very institution that objectifies and victimises women whilst supporting a patriarchal system? Conversely, liberal feminists might ask of radical feminists: how can you endorse the power of the state to criminalise people as the very institution that has oppressed women for centuries?

Liberals operate fully within the frameworks of liberal capitalism. They recognise that reforms are limited by advanced capitalist systems’ inherent contradictions, with their consumption oriented and expansionary market economies on the one hand, and their moral prohibitions on the other. They recognise that the demand for drugs or sex, for

instance, is extremely unlikely to fade away even in the most punitive of regimes (Meier, 1994). Liberal morality operates within the very contradictions of liberal ideology and capitalism, and as such it is motivated by potentially contrasting individual and collective values such as individual liberty alongside social responsibility and justice (figure 14). In the realm of prostitution policy, these contradictions come to the fore. Thus, liberals have to find a working compromise to satisfy each of their motivating values. On the other hand, radicals reject liberal ideology and capitalism as the very basis of injustice and inequality, and espouse much more abstract policy goals because they do not believe that individual liberty can be achieved under the current system. Yet, they rely on the state to deter and punish those whose behaviour is regarded as immoral because it perpetuates violence and inequality. In prostitution policy, freedom is differently conceptualised by liberals and radicals as *freedom to* (predominant for liberals) versus *freedom from* (predominant for radicals). As Sanders puts it, ‘the wider philosophical notions of liberal freedom [...] resist state intervention in private morality’ (2005: 15). Liberal ideology has long been tied with the principle of non-interference in private morality, which is challenged by a puritan notion that equates private and public morality and by a feminist notion that the private is political.

Sanders (2005) distinguishes between public and private morality in relation to prostitution. The very tension between the two has led to highly contradictory laws which on the one hand do not criminalise prostitution *per se* while on the other hand condemn all activities associated with it, so that the act of selling sex becomes criminalised by extension. She argues that current attitudes to sex work in the UK are informed by Victorian morality, yet there is also a libertarian undercurrent, which dates as far back as the 1957 Wolfenden Report, generating significant contradictions. She also notes that other countries which are more conservative and less secular, such as Turkey or Portugal, have a registration and licensing system (2005: 10). This sustains Engeli et al’s (2013) argument about the inconsistent link between degree of secularisation and change in morality policy towards permissiveness. Sanders also notes how, contrary to all other “feminised” and gendered industries:

‘Sex work is not considered a service industry, because the idea of sexual services is viewed through a different lens due to the inherent Christian, middle-class morals attached to the act of sex, as something that is only rightly expressed in heterosexual, monogamous, reproductive relationships’ (2005: 11).

The maintenance of social, cultural and gender hierarchies (Douglas, 1966) appears to be antithetical to liberalising sex work. The lack of evidence systematically comparing sex work to other professions was already noted in Chapter Seven. This is largely because commercial sex, as a special category, as a danger category, cannot be considered as work and likened to other dignified, if gendered, professions. However, there is anecdotal evidence to suggest, as Sanders does, that many choose sex work over other employment because it offers some advantages, better pay, flexibility and self-employment to name a few. Focusing on the work, and not the sex, was regarded as a strategy to demoralise the debate, to frame the issue from manifestly to latently moral, and to place further emphasis on different moral principles, away from sex and towards work. Stressing that prostitution involves labour, and that it is the labour that should be legitimised allows those who support a liberal feminist position, or at least endorse it as a first-step compromise, to move beyond debates on first principles, i.e. selling sex as right or wrong, moral or immoral. Moving beyond first-principled debates not only requires re-framing, i.e. from prostitution to sex work. It requires the projection of a post-moral or amoral positioning supported by evidence as a neutralising tool.

8.8 Danger categories, values and framing

Drug policy has become more explicitly a part of public health discourse⁷, partly because of the degree of medical involvement that is a consequence of drugs being external sources that physiologically affect users. Prostitution is different because, although sex can be presented as a vector for disease, sex, if not traded, is considered to be a “normal” activity, more so than taking drugs. Sex does not normally involve an external, psychoactive source. Although arguments to include prostitution within public health are increasingly formalised (The Lancet, 2014; WHO, 2014)⁸, and issues around the spread of sexually transmitted infections have been used by conservatives and liberals alike for rather opposite aims since Victorian times (Hunt, 1999), the extent to which prostitution is considered a public health issue remains relative compared to drugs.

⁷ Inclusion of drug treatment into Public Health England following the dismantling of the National Treatment Agency (Specialist UK body)

⁸<http://www.thelancet.com/series/HIV-and-sex-workers>

Human rights as a frame figures more overtly in prostitution debates, as liberal feminism has explicitly espoused a rights-based discourse in order to reduce the stigma associated with prostitution and portray it as a form of work (Chateauvert, 2014). The question of agency in the drug debate is often overshadowed by the presence of drug as a mediator which clouds human agency and choice through the medical model of addiction (though often drugs are given agency by those who support prohibition, as discussed in Chapter 9). A similar mechanism is reproduced in the prostitution field, whereby women's agency is seen as entirely compromised by systemic inequality, patriarchy, and capitalism. Thus, prostitutes are seen as victims, severely limited in their opportunities to make choices, by those who support abolitionism. There is a similar downplaying of individual liberty and choice in prohibitionist arguments, particularly through an "abstinence" guise.

A more medicalised discourse in the drugs field, coupled with a relative lack of support for a strong rights-based approach (Hunt, 2004) ensures that stakeholders are wearier of basing their demands on human rights as a result. Although the value of human rights is commonly shared within this domain (figure 8), it is not necessarily overtly utilised in issue framing. Rights-based discourses are perhaps more difficult to sustain in the drugs field and drug policy advocacy because of potential backlash from the general public. Drug users are not working, or providing services like sex workers might be, but rather pursuing pleasure, being addicted or medicating. As Hunt (2004) emphasises, there is no political appetite to support strong rights of drug users; relying on weak rights is consonant with the prevailing moral, political and scientific order. Arguing for drug users' right to pleasure would be deemed controversial; advocates might stretch as far as arguing for a right to health for drug users (weak rights), rather than a right to work, as in the case of prostitution (strong right) (Chapter 10).

Public health is more often invoked by people in the drugs field, as opposed to prostitution, which is tied with the more inherently medical nature of this field alongside the rise of the public health discourse in discreet opposition to purely prohibitionist and moralised models of regulation. Issue framing in public health terms enables a less overtly moralised understanding (Korn et al, 2013). Public Health figures more prominently in the New South Wales' prostitution debate compared to England⁹, with the decriminalisation model explicitly, although asymmetrically, including sex

⁹ i.e. In New South Wales, public health goes with prostitution policy reform and liberal feminism (figure 11)

workers. Furthermore, health institutions such as the WHO and the Lancet have come out in support of the decriminalisation model as the policy with the most comprehensive evidence of better public health outcomes. Interestingly, the WHO supports decriminalisation across domains, in drug policy as well as prostitution.¹⁰ More recently, a debate in the public domain was sparked by Amnesty International's official endorsement of decriminalisation of prostitution to ensure the rights and safety of sex workers. This prompted a campaign spearheaded by anti-trafficking organisations and involving celebrities to ask for Amnesty to change its position on decriminalisation and to support the criminalisation of purchase instead. Significantly, Amnesty's proposal is framed in terms of human rights, which is their foundational value.¹¹

The clear advantage of seeking inclusion in public health for advocates in morality policy areas is the neutralising potential of a health-based frame, compared to a rights-based one. Framing drugs and prostitution policy in terms of better health outcomes for both target group and general population has further potential benefits, allowing advocates to stand upon a more politically and morally neutral ground (Chapter 5). If framed explicitly or entirely in terms of 'the right of drug users to use drugs', or 'the right of sex workers to sell sex', the level of public controversy that would ensue is likely to be higher while the level of public support for resource allocation would be lower. Conversely, if framed in terms of both community benefits and universal benefits, the level of public support is likely to be broader. However, the advantages of a public health framing are limited to the extent that they can only sustain weak rights, rather than strong ones, such as labour or pleasure (Chapter 10).

Whilst there are differences between drugs and prostitution policy advocates, most advocates across policy fields share a commitment to harm reduction as a value informing both their ideas and their practice (figures 13 and 14). However, harm is differently understood by different participants. In prostitution policy, some will see prostitution itself as harmful, whereas others will only regard violence against prostitutes as harmful. Similarly, in drug policy, some will regard drug taking as necessarily harmful/addictive when unsupervised or outside of medical control, whereas others will recognise the potentially beneficial effects of certain drugs in particular

¹⁰ <http://www.tdpf.org.uk/blog/world-health-organization-calls-decriminalisation-drug-use>

¹¹ <https://www.amnesty.se/upload/files/2014/04/02/Summary%20of%20proposed%20policy%20on%20sex%20work.pdf>
<https://abolishprostitutionnow.wordpress.com/>

circumstances. Politicians seem altogether less likely to refer to harm reduction explicitly. Harm reduction has been the subject of increased criticism in both countries. A competing coalition whose values and beliefs are supportive of the ideas of abstinence and recovery has acquired considerable political sway (Duke, 2012; Lancaster et al, 2015); it is therefore increasingly likely that an explicit commitment to harm reduction is no longer politically palatable in either Australia or the UK.

8.9 Conclusions

In this chapter, I have argued that values and beliefs, as garnered from data analysis and operationalised as domain-specific constructs, are partly constitutive of policy positions in these fields. Their interplay is significant in shaping coalitions, and detailing their combinations is important when attempting to understand the existing incommensurability of policy positions. It became clear that opposing coalitions might share some, though not all, deep core beliefs, while their policy core beliefs and secondary aspects differ (i.e. liberal feminists and radical feminists). Conversely, coalitions that share some of the same policy core beliefs and secondary aspects might not share the same deep core beliefs (i.e. radical feminists and abolitionist conservatives) (Chapter 9). Due to the sample's limitations, and particularly its liberal bias, considerations about conservative value-based coalitions were limited; however, the stronger affinity between liberal morality, science and evidence is noted and represented in the sample as a consequence of the project's focus.

The importance of participants' professional background, training and occupation should not be underestimated. Participants' training and profession(s) constitute their 'beliefs/values "laboratory"', in the sense that epistemic cultures will be produced through practices which have some bearing on their value/belief constellations (Knorr Cetina, 2007; Latour, 1987). This is why professional practices and commitments were operationalised as beliefs. It is in these settings that individuals are exposed to particular ways of thinking about the social world, where they learn rules about how to understand and interact with it, as well as decide what particular field they focus on. It is also in these settings that they will learn which knowledge is valuable and produce knowledge in accordance with formal and informal rules and established practices. Evidence from participants' narratives and experience indicated that, for example, a medical training, alongside work experience in a particular hospital – exposing an individual to the ill-

health of drug using populations – might motivate them to work in community medicine, to be an advocate of public health, and to embrace harm reduction as a principle in their practice. A similar set of circumstances might motivate an individual to choose a career in politics and join the Labour party, to represent those who are weakest in society as well as utilising their health expertise to promote political change.

Chapter 9 reflects on the way in which morality, constructed through values, beliefs, experience and principles, and according to classic political cleavages, both enables and limits policy change. This is debated through a reflection of the difference, and interaction between, policy instruments and policy paradigms.

Chapter 9

Change in morality policy

9.1 Introduction

In Chapter Eight, I showed that the interplay between values and beliefs contributes to shaping individuals' moral and political positions toward drug and prostitution policy, and that there are domain specific value/belief constellations which help shape coalitions. Specific coalitions, informed by dominant value/belief constellations, compete in the policy arena to assert their views. A simple typology of competing advocacy coalitions is developed to frame analysis. This is carried out by utilising classic political cleavages combined with relevant paradigmatic positions as typologies.

In this chapter, it will become clear that evidence is a tool that individuals and coalitions utilise in order to support their deeply held positions and give authoritativeness to their claims. Advocacy coalitions are by no means cohesive and uniform, but rather unstable and contradictory (Sabatier, 2011). A certain level of internal contradiction is given by the shifting order of values and beliefs. This is not only a result of practice and experience, but also and necessarily a response to exogenous factors, the introduction and internalising of new frames, ideas and values which are subject to interpretation (Surel, 2000).¹

I will use notions derived from models of policy change that rely on cognitive and normative frames (Chapter 3) to analyse the case of decriminalisation in both policy areas in both countries. Decriminalisation exists in both policy areas, constituting a legal and discursive framework informing specific laws and instruments. I will discuss the manner in which decriminalisation came to be considered a policy option, and compare instances of successful and unsuccessful decriminalisation by country and by policy area. I will focus on the specific conditions and external factors, which supported or impeded decriminalisation, with particular attention given to the role of evidence.

¹ In Chapter 3, I discussed the manner in which normative and cognitive frames are neither cohesive nor hierarchically ordered. New paradigms evolve from existing ideas, and as such do not emerge in a revolutionary manner but rather through a re-ordering and re-assessment in response to external change alongside the manner in which this change is internalised and understood in a dynamic process, which is consistent with the idea of agency-structure dialectics advanced in Chapter 6.

9.2 Adopting the (Policy) paradigm lens

Hall (1993: 278) explains the policy-making process as one that ‘involves three central variables: the overarching goals that guide policy in a particular field, the techniques or policy instruments used to attain those goals, and the precise setting of these instruments’. In the field of drug and prostitution policy, a policy paradigm is identified as an overarching goal that guides the entire policy trajectory. Abolitionism, prohibition, and legalisation are all policy paradigms because they establish the boundaries of possible actions and desirable goals within a given system. Such policy paradigms are informed by ideas, values and beliefs. These vary across paradigms and contribute to creating competing positions. A policy instrument is identified as an intervention which serves the purpose of achieving a set policy goal. However, in many cases, a policy instrument might contribute to achieve more than one policy goal (cross sectoral) and might also fit within more than one policy paradigm. It is because of competing views, needs, and values, that these instruments are not univocal. A particular instrument may, over time, work in opposition to a given dominant paradigm. In this way, instruments can be deployed to different policy ends.

Although at least normatively evidence is regarded as the principal basis for ‘instrument setting’ (calibration), evidence is contested and contradictory, able to support a variety of views. This is the crux of the problem: the incommensurability of views which science - and evidence - cannot seem to bridge. As one participant put it,

Where the massive split is on how one approaches that, there is a huge divide as to whether the best way to achieve that goal, is through a prohibitionist approach or a regulatory approach. And that's in some ways different from other fields, where there are normally different goals that people have, and that does change the debate. It's also because it's such an emotionally charged debate, or has traditionally been so, that there are people who are very, very strongly on one side or another and find it very hard to listen to nuanced discussion, and that can be a real problem. (U D 22 P)

Indeed, Hall’s Kuhnian model is developed specifically on the basis of a paradigm shift – namely from Keynesianism to monetarism – and cannot easily stretch to explain instances where paradigmatic shifts do not occur. Since one of the characteristics of morality policy is that of being failure-prone yet resistant to change (Meier, 1994), the

accumulation of anomalies that shake the foundations of a dominant paradigm in morality policy might not necessarily lead to policy change.

9.3 Decriminalisation paradigms and instruments: policy anomalies?

Taking the example of decriminalisation, the following sections discuss whether a paradigm shift has occurred in both countries and policy domains. The focus was firmly placed on evidence as the basis for precise setting of (policy) instruments, alongside the implementation of particular interventions that, despite symbolising anomalies within the existing dominant policy paradigm, did not result in a paradigm shift. In the countries under scrutiny, the only case where decriminalisation has become dominant is the regulation of the sex industry in New South Wales. In this context, the paradigm shift was a top-down decision, and the production of policy instruments ensued. The state did not act autonomously: a range of actors, including some affected communities, were involved in influencing and shaping decision-making. Yet, it was ultimately the state government which, via a series of legislative acts, effectively formalised the paradigm shift. This is not to argue that, at the level of instruments, there cannot be interventions which effectively respond to the logic of opposing paradigms (i.e. depenalisation, partial decriminalisation) as will be demonstrated; however, it does mean that their scope is limited to the extent that they may be contested, hard to implement and fairly anomalous in such contexts.

The cases under consideration suggest that it is possible to implement relatively quick policy change by shifting the paradigm from above (as in the case of decriminalisation of prostitution in New South Wales, for example). However, any shift in the direction of decriminalisation is more often a policy anomaly that remains fairly isolated. For example, the case of the Medically Supervised Injecting Centre in Sydney demonstrates that although drugs were decriminalised within the confines of the facility, this did not result in more relaxed attitudes toward injecting drug use, a de facto decriminalisation of possession, or the implementation of this intervention elsewhere in New South Wales or Australia. Indeed, the extent to which national and state drug policy across the world has been subject to pressure, coercing states toward uniformity, is perhaps greater than prostitution policy, traditionally a more localised issue. The international system of drug control set out by the UN Single Convention on narcotic drugs (1961) is a binding agreement for signatories; there is currently no such binding agreement which sets out a

prostitution control regime internationally. The level of coercive transfer (Dolowitz and Marsh, 2000) that affects drug policy is greater than prostitution, simply because there are no international binding agreements, outside of trafficking,² which force states into prohibiting prostitution. International treaties may inhibit diffusion of alternative paradigms. However, in drug policy, there have been significant changes in recent years. The US and other countries have implemented alternative regimes which vary from the legalisation and regulation of cannabis to the decriminalisation of possession (Room, 2014; Hughes and Stevens, 2010).

9.3.1 'Loud and proud' or quiet localised pursuit? Decriminalisation in UK drug policy

According to one participant, in order to accept decriminalisation as a viable drug policy option, there needs to be an underlying acceptance that people should not be punished for their immoral behaviour alongside a willingness to act at the level of legislation. This participant argued that

decriminalisation does, by its nature, need national attention (U D 27 A).

However, local authorities can enjoy a large degree of discretion in deciding how to implement legislation, and partial decriminalisation exists.

if police and Criminal Justice committee in any area wants to pursue the principle that this is a health issue, there is an awful lot they can do within the current law, they don't have to ask for a parliamentary change. So you can go quite a long way down the line even within the Misuse of Drugs Act to use sentencing guidelines [...] to have local agreements, 'cause you now have criminal justice committees where you can say we never send anybody to court for possession only, we will always prosecute people on the basis of an assumption of treatment first rather than punishment, and build all sorts of procedures and protocols around that. All of that you can do without national policy approval. (U D 27 A)

For example, recently, the police in four English regions (Durham, Derbyshire, Dorset and Surrey) declared that they will not pursue or prosecute cannabis users, making a

² https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf

clear statement in favour of decriminalisation of possession of cannabis.³ This move was initiated by Durham's policing and crime commissioner, an elected official.⁴ However, the same participant argues,

if you want to decriminalise, and say you won't go through a prosecution process, that needs national government change.

A paradigm shift does appear to necessitate a change in legislation.

if you wanted to be loud and proud [...] you probably would want to get the attention of the home secretary and national ministers and the press, so you'd have to be willing to say, this is why we are taking this view, this is our criminal justice protocols, they are all compliant with the Misuse of Drugs Act, and that's what we decided, criticise us if you want to. It takes a very brave police chief particularly to do that, so you could do an awful lot, actually I'm arguing there that it is similar to consumption rooms, you can do an awful lot to apply the principle of health, of support not punishment, but if you wanted to say Britain decriminalises, you can't do that city by city, you've got to do that at national level. (U D 27 A)

Here, the participant exposes the difference between being 'loud and proud' about decriminalisation, which effectively means mobilising politically at national level to push for a change in legislation, and a more discreet form of decriminalisation, which means non-enforcement of laws through local agreements and police initiatives. Whereas the former approach has been unsuccessful in the UK, there has been more interest in pursuit of the latter, particularly under a localism banner coupled with shrinking police budgets, as the initiative of the Durham PCC indicates (Brown, 2014).⁵ In Brighton, an Independent Drugs Commission was set up following the initiative of Caroline Lucas MP in 2012 to evaluate the impact of drug policy in the local area and look at alternative approaches. The commission was also tasked with evaluating the potential benefits of drug consumption rooms for Brighton.

³ <http://www.lse.ac.uk/newsAndMedia/news/archives/2015/07/Drug-possession-should-be-removed-from-police-performance-indicators,-says-new-LSE-study.aspx>

⁴ The decision to create policing and crime commissioner was put forward by the coalition government (2010-2015) as part of their localism initiative.

⁵ <http://www.durham-pcc.gov.uk/Document-Library/Letters/Drug-Policy/Open-letter-from-PCC-Ron-Hogg-23.07.15.pdf>

9.3.2 Drug consumption rooms in England: ‘past its sell-by date’, the evidence is never enough, the government is against.

The possibility of establishing drug consumption rooms in England was discussed at several junctures, yet so far none has been piloted, despite the fact that evidence of its overall positive function has been accumulated over time. The Home Office had rejected the recommendation to run a pilot in 2002, when the Home Affairs Select Committee had recommended the piloting of a safe injecting facility, on the basis of insufficient evidence (HASC, 2002). While this may have been the case in 2002, which made the Home Office position plausible, this was no longer the case in 2006. The Joseph Rowntree Foundation sponsored a review of the then current evidence around drug consumption rooms (IWG, 2006). This was perhaps the most comprehensive review to date, at least in the UK context, detailing case studies of different countries where the intervention was in place and measuring the usefulness of the intervention on the basis of several indicators. The report highlighted evidence of need alongside evidence of effectiveness, so effectiveness was not the only measure of validity. The Home Office did not ignore the report, yet it dismissed its recommendations on the basis of its potential to encourage crime, a claim which was not evidence-based (Hunt and Lloyd, 2008). The claim that drug consumption rooms are criminogenic, or that they produce a ‘honey-pot’ effect, has been called into question by evidence from Europe and Australia (Hedrick, 2004; MISC evaluation, 2003). Commentators argue that, at the height of the ‘injecting epidemic’, there was significant evidence of need in some parts of the UK; however, the intervention was dismissed because of the political heat it would have brought to a New Labour party and a Home Office that were both in crisis (Hunt and Lloyd, 2008). During the time of the release of the IWG report, the Home office was hit by a political scandal involving the Home Secretary, whilst New Labour was losing consensus.

More recently the city of Brighton was discussing the possibility of such an intervention. An independent commission on drugs was set up with the aim to assess the current state of affairs; part of its mandate was to evaluate the pros and cons of piloting a drug consumption room. The Home Office warned stakeholders against the pilot on the basis of contravening drug laws and putting staff at risk of arrest. Below is an extract from the commission’s report:

‘The city council and Sussex Police established a working group that looked at the need, likely impact, legal situation, and practical considerations. Their conclusion was that a consumption room was not a priority for Brighton and Hove at this time – the working group was convinced by the international evidence on the potential benefit from these facilities, but thought that they would have little impact on the types of factors that were contributing to deaths in the city. Members of the working group were also concerned at the cost implications, in a time of budget pressure, and also advice from the Home Office that opening such facilities would contravene UK law.’ (Independent Drugs Commission for Brighton and Hove, 2013)

It appears that legal and budgetary constraints ultimately pushed the pilot off the agenda. Indeed, the absence of great urgency made the intervention seem redundant. A participant aptly comments that, as an intervention

a drug consumption room is perhaps, you know, has passed its sell by date (U D 36 S)

In Brighton, the number of drug related deaths was higher than average but had been decreasing. There is a shrinking, ageing population of entrenched IDUs, whose health and use patterns are likely to change further, requiring different types of interventions (Independent Drugs Commission, 2013: 4). Caroline Lucas, Brighton and Hove MP, was quoted in *The Independent* newspaper stating:

‘If you’ve got professionals saying there is evidence that things like drug consumption rooms it should have been something that we could have looked at further. But because of the prohibition context we simply couldn’t.’ (30th October 2014)⁶

Here, it looks as though the dominant paradigm of prohibition in the UK context effectively curtailed the opportunity for this type of intervention. The most recent ONS report puts heroin-related overdose deaths in England and Wales at their highest since records began.⁷ This calls for further consideration of whether this kind of intervention really has passed its sell by date.

⁶ <http://www.independent.co.uk/news/uk/home-news/drug-abuse-is-britainready-to-grow-up-9826908.html>

⁷ http://www.ons.gov.uk/ons/dcp171778_414574.pdf

9.3.3 The Sydney Medically Supervised Injecting Centre as policy anomaly

Drug consumption rooms came onto the agenda in the mid-1990s in Kings Cross, Sydney. The first official recommendation to trial a safe injecting centre came from the Royal Commission into the New South Wales Police Service in 1997 (Wood Royal Commission: 13-4). At the same time, Prime Minister Howard declared his opposition to injecting sites (Dolan et al, 2000). The Sydney Medically Supervised Injecting Centre was advocated in response to years of a burgeoning heroin epidemic which gravely affected Kings Cross and other inner city areas (van Beek, 2004). After the 1997 Woods Royal Commission, a Joint Select Committee into Safe Injecting Rooms voted on the issue; the outcome was a majority negative vote. The strong advocacy coalition in Kings Cross, which was made up of “credible” stakeholders including clinicians, politicians, and churchmen, continued to organise and strategize in order to push the issue forward. Some members of the coalition established an illegal supervised injecting centre in Wayside Chapel, Kings Cross, weeks before the 1999 New South Wales Drug Summit (Wodak et al, 2003). During the Summit, support for this intervention was reiterated in front of the political establishment and the issue was put to parliament (Swain, 1999). The New South Wales parliament voted in favour of a trial of a Medically Supervised Injecting Centre, which opened in 2001 (van Beek, 2004).

It is necessary to make a distinction between one single intervention (instrument) which may respond to the decriminalisation logic, and a paradigm shift: the MSIC has been referred to by a participant as a policy anomaly.

it's a strange anomaly in the sense that it was a trial for 10 years, we've only got one and we're unlikely to get any more, and that's so Australia you know. My understanding is that they went for the most clinical kind of model to make it more appealing to politicians and the like [...] we have certainly seen enough street base injecting in Redfern to warrant another site but nobody will put that site there, so it's always, people think of Australia, 'oh you know, they've got an injecting centre'. We have one injecting centre (laughs), in a very particular place. It's not policy. It got put in, it exists, but it's not as if it's government policy. (A D 9 A)

Theoretically, in Hall's framework, the increase in anomalies slowly tilts the balance in favour of competing paradigms. However, the presence of the injecting centre has not resulted into further investment in harm reduction or a move toward permissiveness, or decriminalisation beyond the walls of the MSIC. As one participant highlights,

We have just got one Act of parliament that allows one injecting centre to operate under very specific requirements, [...] if you could repeal self-administration [...] [we] could indeed accommodate injecting without risking being charged with aiding and abetting a crime, which is the legal barrier that exists (A D 11 M).

Here, the participant notes how the legislation allows for this anomaly to operate within a system that functions by an opposite logic.

The factors which allowed for the Medically Supervised Injecting Centre to come into existence were both external and specific. The prevalence of cheap heroin was very important, but so were the illegal shooting galleries facilitated by police corruption made overt by the Wood report in 1997. The number of overdose deaths were increasingly publicised by the media, with visible public injecting and drug litter which followed community outrage (Fitzgerald, 2013). The presence of an advocacy coalition championed by the director of the low-threshold primary care service in the area was central to ensuring the credibility and authoritativeness, as well as the actual operational feasibility, of the intervention (Wodak et al, 2003; van Beek, 2004). It was as if, had all these factors not come together at that particular time in that context, the “policy anomaly” would never have come into being.

9.3.4 A paradigm anomaly? Prostitution in New South Wales

Sullivan (2004) argues that many Australian states implemented liberalising laws on prostitution in spite of having inherited a British model of prostitution law. She puts this down to a number of factors, including feminism, the dominance of the Labor party in states’ jurisdictions, a sexually libertarian culture in cities, visibility, neo-liberal regulatory approaches, and responses to HIV (2004: 21). The Labor party was identified as important in the initiation of prostitution law reform in several jurisdictions in Australia, and in fact the Labor party has dominated politics in New South Wales until recently for the best part of thirty years (Chapter 8). The debate in Sydney started as early as the late 1960s, and the first Bill concerning the liberalisation of prostitution in New South Wales was passed in 1979, with a broader intention of repealing repressive laws concerning public order and soliciting, effectively making the act of soliciting not a criminal offence, though this was not specifically targeted at soliciting for the purposes of prostitution (Sullivan, 2004: 25). Sullivan stresses the role of the women’s movement in shifting perspectives on the issue.

Following the rise of liberal attitudes in urban centres in the 1960s and 70s, the 1980s saw the emergence of new problems, which required different responses. In New South Wales, prostitution was framed as a problem in conjunction with public nuisance and the emergence of HIV and injecting drug use. In 1986, a Select Committee looked at the issue of prostitution to produce a report, colloquially known as the Rogan report, which recommended ‘decriminalisation with controls’ (1986: xxviii). The enquiry was particularly significant because it included extensive evidence in the form of surveys, a consultation process as well as the active involvement of affected communities, including sex workers (p. xxvii). Early practices of collaboration, together with the HIV crisis, planted the seed for later establishment of official, though asymmetric, partnerships between government and affected communities.

it was a bipartisan approach [...] all governments agreed with, working with the prevention of AIDS, and so we were able to work with other, government, non-government bodies, institutions, researchers, clinicians, a huge partnership, a multi-sectoral partnership evolved through that. (A P 4 A)

This partnership was maintained in New South Wales in that sex workers were included as stakeholders in policy debates. Ever since, sex workers have

been engaged to provide evidence on what are the impacts of different models. We’ve been able to provide [...]referenced submissions [...] so that other evidence which is collected from the experience of other countries and research is then able to be well documented and provided and fed into that process as well as the voices of local sex workers on what needs to happen. (A P 18 A)

However, there were other factors which facilitated the adoption of decriminalisation, including police corruption. According to one participant:

Decriminalisation then eventually comes about because of the nexus between corruption and... police and other corruption but largely police corruption. And in the early 90s we had another enquiry, the Wood enquiry, where he investigated police corruption and it’s incredibly undeniable the association with corruption and the sex industry. And they were left with no choice but to remove the police as our regulators. (A P 4 A)

The Wood report (1997) had highlighted that the police was complacent and profited from brothels (where drug use and sometimes dealing was also taking place), which also

contributed as a justification to support the recommendation for opening the medically supervised injecting centre (p. 13, para 1.39-1.43).

During discussions, a clear tension emerged between the priorities of law and order compared to those of health authorities in this context. The coupling of a rights-based discourse alongside a public health concern allowed reformers and advocates to implement a unique blend of policy in which regulation and individual rights and freedoms manage to coexist in the form of the decriminalisation framework. Accordingly:

there definitely is higher level of potential for health to be well versed and have an evidenced-based understanding of sex work (A P 18 A).

However more recently

in Australia...there has been an absolute shift away from public health and the protection of public health (A P 18 A).

The agenda is currently

being driven by something else and regularly that is anti-trafficking prevention, an abolitionist agenda, crazy concepts of value of the Swedish model in opposition to any evidence or some specific case (A P 18 A).

The different priorities of different departments mean that law enforcement's approach might be generally less responsive to sex workers' rights-based demands. For example, though law enforcement and criminal justice understand the priorities and demands of sex workers, particularly in the New South Wales context given partnerships have existed for decades,

they [the Attorney general and the police] naturally have a desire to licence fingerprint and etc. a range of approaches which are in exact opposition to what sex workers would find acceptable and also what is acceptable from a human rights perspective on sex workers (A P 18 A).

Given a shift in the political agenda on approaches to prostitution, from public health to trafficking, and the increasing popularity of the Swedish model at the international level, the New South Wales system of regulation has been internally challenged (Better Regulation Office, 2012; Brothel Regulation in NSW, 2015) and has not been replicated by any other state in Australia or indeed in other western countries. A similar system

only exists in neighbouring New Zealand (Abel et al, 2010). Decriminalisation of prostitution could thus be regarded as an anomaly at the international level.

9.3.5 Prostitution policy in the UK: diversity, contradiction, and tackling demand

To describe prostitution policy in the UK, one participant said that the lowest common denominator was

local variability, that about sums up sex work policy in the UK, when I started in the 90s there was no national strategy, and it was very much localised policy making (U P 31 A).

Northern Ireland recently voted in favour of criminalising the purchase of sex, whereas Scotland voted against. Within England, there are many different and contradictory approaches to prostitution at the local level. The scarce resources dedicated to prostitution regulation, coupled with the lack of resources invested in organisations that deal with sex workers on the grounds, means that responses are often bottom-up and poorly funded, and that any further investment is entirely context dependent.

The one thing on sex work policy, it's never a high priority at national or local level. So of course we then had the coalition government, tackling paying the price strategy, and it became very clear because of course we had Ipswich post the national strategy, you hope for these moments that may change things, it shouldn't take the death of 5 women to think something is not right for safety, but after that pans out that way, it reasserted that tackle demand [strategy] (U P 31 A)

The string of murders targeting sex workers in Ipswich resulted in the issue of prostitution rising on the local political agenda. The local administration devised a prostitution strategy (Suffolk Prostitution and Sexual Exploitation Strategy, 2007). The extent to which local authorities in the UK dedicate time and resources to 'tackling prostitution' will depend on stakeholders' perception of it as a problem and the relative importance they may place on the issue. The case of Ipswich is somewhat unusual; the amount of police time and resources dedicated to eradicating street prostitution was unprecedented, but it came as a response to nation-wide media hype around the murders, on the back of a prostitution strategy which emphasised certain aspects of the trade, and particularly the most visible and easily stigmatised, street prostitution.

According to the 2010 Home Office report, 'Responding to Prostitution', although there are examples of diverse local initiatives, only a few local authorities in the UK

have devised an official local prostitution strategy which, however, remains within the discursive boundaries set out by the national prostitution strategy and the national legal framework in place. Effectively, it would be unfeasible for local authorities in the UK to opt for all out decriminalisation as an approach to prostitution because it would run counter to the national legislation, which designates police as regulator and does not recognise the sale of sex as a viable commercial enterprise. However, there are instances of partial decriminalisation, and indeed the setting out of different priorities by the police. The Merseyside model is very different and innovative given that the police and the criminal justice system treat crimes against sex workers as hate crimes, and prosecute them accordingly. However, the Merseyside approach is an anomaly.

this is the only city to treat crime against sex workers as hate crimes (U P 31 A)

This was attributed to the higher number of cases of this sort coming to court, together with a well-run “ugly mugs” scheme which allowed information sharing as well as the building of trust between sex workers, the police and other agencies.

The manner in which the police and local authorities make use of their resources is entirely variable across England. Operation Sentinel, which took place in Birmingham in 2013, aimed at tackling human trafficking, saw the raiding of nine suspected brothels, in accordance with the special powers given to the police (Policing and Crime Act 2009) to seize a property upon suspicion that it was being used as a brothel. This was not replicated in other cities.⁸ The only large scale operation that was carried out throughout England, which served as backing for the 2009 change in legislation, was operation Pentameter (I and II), which ran between 2007-2008 and reportedly made hundreds of arrests (Home Office, 2008: 7).⁹ It was heralded as a great success by the Home Secretary in terms of tackling prostitution and human trafficking. However, an investigation by The Guardian newspaper found that the numbers had been grossly exaggerated in order to advance a particular agenda. Accordingly,

“The analysis reveals that 10 of the 55 police forces never found anyone to arrest. And 122 of the 528 arrests announced by police never happened: they were wrongly recorded either through honest bureaucratic error or apparent

⁸ <https://www.west-midlands.police.uk/advice-centre/campaigns/sentinel/index.aspx>

⁹ <http://webarchive.nationalarchives.gov.uk/20100418065544/http://homeoffice.gov.uk/documents/tackling-demand2835.pdf?view=Binary>

deceit by forces trying to chalk up arrests which they had not made. Among the 406 real arrests, more than half of those arrested (230) were women, and most were never implicated in trafficking at all.’ (The Guardian, 20th October 2009).¹⁰

Prior to the 2009 legislation, during consultation, there had been widespread support to review the definition of brothel in order to allow for a few workers to work together in a small group for the purpose of ensuring their safety. However, the Home Office responded along the lines of

it didn't play well in the media! (U P 31 A)

Subsequently, the coalition government, with its localism rhetoric and austerity politics, did not show much interest in pursuing nation-wide reform in this area.

Localism it's like [...]shaping things fighting it out locally, so that's where we are at, the worrying thing is of course it's a time of cuts, and when there's no central directives to invest in say sex work support service it's a tough time for them. (U P 31 A)

The APPG report on prostitution (2014), which recommended the criminalisation of the purchase of sex at national level, did not prompt further interest, investment, or political appetite for reform in England. The variability of interest and general lack of investment in this policy area continues to prevent a unified, coherent response. While not directly addressing prostitution, the Anti-social behaviour, Crime and Policing Act 2014 was deemed as a further mechanism of exclusion of sex work from public spaces, which follows the long term British tradition of public nuisance policing within the rhetoric of tackling demand (Kingston and Thomas, 2015).

9.4 Toward decriminalisation? The Limits of incrementalism

The tension between paradigmatic shift and incremental change is addressed by participants, and discussed in this chapter to shine light on certain features of the policy process in these policy domains through participants’ narratives. Support for incremental change and harm reduction as a pragmatic compromise is shared by most participants.

¹⁰ <http://www.theguardian.com/uk/2009/oct/20/government-trafficking-enquiry-fails>

We change people's views on what it is they're dealing with and we get them to understand that this is a process, that it's a long process, that it takes time and it's incremental and in the meantime you have to have harm reduction and keep people safe (A D 14 A)

Participants feel that, in order to make gains for decriminalisation, the debate should be led on strategic ground in order to ensure strategic framing and limit confusion and contradiction, particularly among the public and those who do not understand the subtleties of the drug policy debate.

I just think that if we were able to argue it more, just stick to the decriminalisation side of the debate we'd actually get a lot further from a health point of view, but unfortunately there's others who have a more revolutionary view, whereas I sit on the evolutionary side, I just think it's incremental change. (A D 11 M)

Participants appear to endorse incrementalism, by making a distinction between evolutionary and revolutionary change. The role of a public health frame is stressed, emphasising how this frame can entail gains for decriminalisation. However, the political feasibility of decriminalisation is questioned in the face of political pressures both internal (from within the political establishment) and external (from the public and the press).

the way drugs policy has to work, is you have to get 50% plus 1 of the community to agree with you, and so, just say for example I develop drugs policy, I have to develop a policy, with my policy forum [...] I then need to convince my party of it, and they then need to convince the electorate. What that really means is that changes will be incremental, evolutionary rather than revolutionary. [...] What tends to happen is that most politicians are so risk-averse about that that it's probably not gonna happen, but there may be some evolutionary change round the sides (A D 1 P)

Any anticipated pressure from both the media and the public appears to make politicians more risk averse, as noted in considerations about the precautionary principle (Monaghan et al, 2012) and Meier's (1994) argument about politicians' response to sin policies being often harsher than the general public might wish. There is a sense that a certain degree of incrementalism necessarily underpins policy change in these areas. However, incrementalism cannot explain a swift paradigm shift. Incrementalism might better explain change at the level of instruments, though not at the level of paradigm.

Following the arguments presented in Chapter Five about societal level values' change in advanced western democracies, it could be argued that the increasingly dominant western (neo)liberal ideology, accompanied by liberal values fostered by advanced capitalism and secularisation in western polities, together with the relatively decreasing popularity of conservative and religious values, should have had a marked impact on attitudes towards drugs and prostitution. In other words, the dominant socio-economic and cultural system should support a dominant morality which should in turn inform attitudes toward these activities. This is broadly supported by the shift toward consumption oriented economies in post-industrial regimes. However, this is neither linear nor straightforward. For example, when it comes to Cannabis, survey data supports the premise that citizens' attitudes in the UK and Australia have shifted toward support for decriminalisation of possession (the Observer, 5th October 2014; DPMP, 21st May 2012).¹¹ This is further substantiated by de facto depenalisation of cannabis in the UK and some Australian states, the effective decriminalisation of possession in certain countries, and the most recent wave of legalisation in three American states (two in North America and one in Latin America) (Room, 2014). Because of this increasingly liberal attitude towards what was previously regarded as sinful or improper, opinions tend to converge on the idea that it is only a matter of time before significant policy shifts towards liberalisation will take place. These predicted changes have been, perhaps, slower than some would have expected:

I remember years ago people were thinking, oh, in the next generation because some people were smoking cannabis [...] people's personal views will be a lot more lenient towards it, and the next generation of politicians will represent our views now [...] you know it will only be a matter of time, it hasn't happened! The argument now is that cannabis used to be ok then, but now it's 20 times stronger...you know there's always an argument why you can't change. (A D 5 KB)

This participant's statement highlights that, in spite of expectations of an increasingly liberal approach to cannabis by a liberal generation of users, the predicted relaxation of drug laws, and attitudes, did not happen to the anticipated extent. Contradictory and

¹¹ <http://www.theguardian.com/society/2014/oct/05/war-on-drugs-failed-decriminalise-illegal-use>

<https://ndarc.med.unsw.edu.au/sites/default/files/newsevents/events/Media%20release%20May%2021%202012%20DPMP%202.pdf>

conflicting positions continue to exist on this issue and on drug and prostitution policies more broadly. And these contradictory views are claimed to be evidence-based.

In Chapter Eight, I argued that the very act of questioning and experimenting is intrinsic to science and is supported by liberal values. However, there are both structural and generational factors to be taken into consideration which may inject delays and further contradiction in positions. In the quote above, perceptions of evidence (of the drug's increased purity) figure as a crucial factor because they provide authoritativeness in arguments against change. In the case of cannabis, the evidence surrounding cannabis potency and its links with schizophrenia has provided ammunition to maintain support for a punitive system of control (MacKeganey; 2011). Though the older generation of users may have an increasingly liberal attitude, they may also have grown an adult responsibility coupled with protective feelings towards (their) children to the point of becoming less supportive of reform. Similarly, a liberal attitude toward prostitution does not mean that wives will not feel under threat by the 'other women' (Gira-Grant, 2014: 77), or that parents may accept that their children become sex workers. As one participant put it:

if your daughter was 15 would you say, "Here are your options, honey. Sex worker. You'll earn lots of money." [...] so how do you get over that in your mind and heart and be able to transfer it into legislation and say that these people have a right? (A P 15 A)

This acknowledges the moral difficulty in justifying the enabling of prostitution through legislation, which essentially exemplifies issue paralysis: on the one hand, there is an ideological, economic, cultural and moral push toward further liberalisation, while on the other hand, there is moral, cultural, political and ideological resistance to further permissiveness, particularly as this is seen to promote self-degrading, undignifying, immoral or harmful practices. As a result, the host of legislation and policy instruments that exist across both policy domains are often contradictory (Hubbard, 1998; Self, 2003; Prior and Crofts, 2012; Tammi and Hurme, 2006).

The literature on morality policy discussed in Chapter Five suggests that the ease with which actors might engage in a morality policy debate will depend on its level of abstraction. This in turn suggests that it appears easier to gather support and foster agreement over particular policy instruments, regardless of what paradigm informs them, than to debate at the level of paradigms. The strong presence of morality in

debates makes positions further entrenched and polarised, favouring exaggerated narratives (Mooney, 1999). Can evidence in any way favour an end to the current moral impasse, or will incommensurability of views continue to dominate debates in drug and prostitution policy? To what extent can evidence transform debates from value conflicts into constructive communication, possible compromise and ultimately agreement on solutions to policy problems? In what follows, I suggest that evidence is often utilised in order to support deeply held views, and that exposure to contrary evidence might not necessarily shift positions or foster compromise.

9.5 Selective use of evidence: no mere instrumental cherry-picking

The production and presentation of evidence was seen by participants as strategically and politically necessary in given circumstances, and beyond that, evidence was believed to have neutralising properties. However, most participants argued that stakeholders treat evidence selectively. Their selective attention is not simply instrumental, it is also shaped by their moral values, politics, experience, professional training and occupation. Participants mostly agreed that evidence could only go so far in informing people's views, because:

People will latch on to policy recommendations and conclusions that fit with [...] their view of the world [...]. People have an underlying ethos of values and they frame their interpretation of the evidence around that. (U D 32 KB)

Whereas some of the literature discussed in Chapters Two and Five emphasises interest-based and political-tactical cherry-picking, the participant stresses interpretation and framing of evidence as filtered through one's ethos of values. In the case of the Home Affairs select committee on drugs, the Home Secretary had a clear agenda to criticise Portuguese drug policy, which was identified as:

selective use of evidence in order to support a prior position, rather than seeking to look at the evidence [...] with a purported objectivity. (U D 26 P)

Can political-tactical aim be easily distinguished from moral, value-based opposition? The Home Secretary's position might be political tactical, though it might at the same time be founded upon disagreement on first principles. The Home Secretary uses evidence, or lack of evidence, as a justification for dismissal of the Portuguese approach. Not many stakeholders are comfortable with overtly stating their moral and political

position in policy debates; it appears as though some actors would rather engage in a dialogue focused on instrumental objectives so that they don't have to "come out of the closet" by, for example, stating their preferred paradigm.

Selective use or citation of evidence allows stakeholders to stick with their pre-held view whilst justifying it through scientific authoritativeness, or lack thereof. In Chapter Seven, I have argued that evidence provides authoritativeness to claims, and as such it is not simply selected to support or discourage particular policies, which would be political-tactical in aim:

Where evidence supports a particular policy, great. When it contradicts it, then people would be less interested. [...] Some degree of selective attention to what supports our world view (U D 35 KB)

The idea of selective attention is useful because it suggests that individuals will order and weigh evidence differently, not necessarily according to the evidence quality per se, but according to which values and beliefs are dominant in their constellation and which paradigm they espouse. Some evidence might be entirely discounted or pass unnoticed. For some, the evidence which links cannabis use to schizophrenia will be more important than the evidence which links criminalisation of possession to decreased life chances, particularly depending on whether they wish to sustain or oppose the current system of regulation (MacKeganey, 2011). Similarly, evidence surrounding trafficking and victimisation of women often dominates the accounts of those who want to adopt a more punitive regulatory framework by targeting those who buy sex (Weitzer, 2007). For some still, the weight given to evidence of trafficking and evidence of the cannabis-schizophrenia nexus should not necessarily endow support for a more punitive regulatory framework (van den Brink, 2008).

9.6 Paradigms, cleavages and coalition typologies

Modern secular politics implies multiple, rather than single, knowledge authorities, and is thus more likely to favour competing coalitions who may emphasise different and diverging ideas, values and beliefs. So for instance, conservative coalitions, as opposed to liberal coalitions, might emphasise individual responsibility more than individual liberty. Likewise, they might emphasise tradition, respect for authority, and preserving the status quo, further than they may advocate change, be tolerant toward individual

diversity and open to experience. They may emphasise in-group protection further than in-out group equality and so on (Haidt, 2012; Graham et al, 2009).

In drug policy and prostitution policy, the perceived failure of the criminalisation paradigm, identified through a functional-instrumental lens, coupled with societal values' shift, corroborated by HIV as a focusing event (Kubler, 2001), have all contributed to the emergence of competing coalitions informed by alternative paradigms. These present a re-arrangement of existing elements, values, beliefs, attitudes, ideas and instruments (Surel, 2000). We may note a range of competing positions in these areas of policy:

- 1) decriminalisation
- 2) legalisation and regulation
- 3) abolitionism/prohibition

Competing coalitions supporting the above paradigms make use of evidence to gather support for change by exploiting the credibility of science, its status and its supposed neutrality. They do not necessarily do so knowingly; they believe in science and evidence, and believe in its neutrality, at least in relative terms. If they don't believe in neutrality, they might believe that science, and evidence, are a higher source of knowledge authority compared to other sources of knowledge authority. Evidence is more likely to be called upon in support of competing paradigms; however, it can also sustain dominant paradigms. The supporter of each camp will claim that their evidence is objective and the opposing evidence is weak, cherry-picked, selectively used etc.

Three typologies can be distinguished through the joining up of coalitions with their moral base as: (i) liberal (i.e. to relax punitive frameworks to increase tolerance and protect individuals' rights and freedom), (ii) radical (i.e. to subvert social or systemic rules and pursue some form of abstract and idealistic goal), or (iii) extreme or puritan conservative (i.e. to toughen punitive frameworks to bring back an idealised past of morally righteous behaviour and/or establish a purer future). In general terms:

- (i) Liberal reformists are associated with decriminalisation (represented in the sample)
- (ii) Radical reformists are associated with abolitionism (represented in the sample)

- (iii) Puritan conservatives are associated with both tougher criminalisation and prohibitionism/abolitionism (not represented in the sample but exemplified through sampling debates in the public domain, section 9.6.1)

In prostitution policy, an accidental value coalition between the radical reformists and the puritan conservatives can be observed. This coalition has been debated in the literature, and attributed to factors which go beyond the two positions' shared conservatism, emphasising a general ideological trend away from redistributive social justice and toward punitive measures imposed by the state (i.e. carceral feminism, Bernstein, 2014). The difference proposed here is the accidental nature of the coalition. Although there is a degree of shared policy objectives, and a shared hope for the same policy outcomes, the values and beliefs that inform radical feminists as opposed to Christian fundamentalists somewhat differ. They share the same policy objectives and share some of the same beliefs but are moved by different values. This is different from the traditional notion of an advocacy coalition, which implies the same deep core beliefs; in this case, the two groups share policy core beliefs and secondary aspects but have different core beliefs.

In Hunt's (1999) work on governing morals, he notes how, although there is a tendency to associate moral regulation efforts with conservative politics, and groups, this is in fact misleading. He posits that:

'Alongside the moral traditionalism of religious fundamentalism, with its appeal to family values and sexual austerity, moral campaigns were promoted by social forces with self-consciously transformative agendas. Radical feminism attacked pornography, sexual abuse and harassment in the name of progressive goals of transformed gender relations' (1999: 5).

This quote highlights how groups with different values and beliefs can share similar policy objectives. Hunt goes on to stress that 'the challenge is to attend to the construction of 'public problems' by social currents emanating from different ideological and political positions' (1999: 10), which is partly the subject of this chapter. The first common misapprehension one should address is that morality is always conservative. Although Hunt's focus is on moral regulation, this is directly tied to the construction and negotiations of moralities; he argues that:

‘it is crucial to insist that moral regulation has no necessary *political valence*. There is, however, an affinity between a conservative social imagery and moral regulation projects, but this can be transcended in order to promote transformative projects’ (1999: 11, emphasis added).

This goes some way in overcoming certain myths about morality. Moral reformism has no single political valence. So how does this relate with classic political cleavages and evidence use in these domains?

9.6.1 Do liberals and conservatives do it differently? Sampling debates in the public domain

It appears as though both liberals and conservatives will select evidence, or stress evidence, to support their pre-held views. In the media and in the public domain, there are many examples of openly conservative and openly liberal personalities who engage in more or less open ‘moral crusades’ addressing drugs and prostitution policy. For example, Kathy Gyngell, co-editor of The Conservative Woman blog, has a keen interest in drug policy. Her arguments are centred on two basic premises: that the cost of legalising drugs is impossible to estimate, and that the impact of such a move on children and future generations would be disastrous, ultimately normalising drug use and making it socially acceptable. She deems the drug policy debate as a culture war waged by the “legalisers”:

Whether intentional or not, they have aligned themselves in a culture war which pits the liberal against traditionalist, cosmopolitan against parochial and old against young. This is what drugs’ legalization is about – a war over fundamental values. It is not a battle about basic freedoms – far from it. Drugs enslave. (Gyngell, 24th February 2014)¹²

The notion of exposing innocent children to irresponsible and wrong policy choices is stressed throughout her blog posts. This presentation of the innocent child is, as Meier (1994) noted, a typical trait of morality policy debate. The interesting feature of this approach is that it is openly moral and value-based, and is expressed very clearly in value-laden terms. This differs from liberal approaches, which generally utilise health based or science based arguments in order to support liberal stances toward drugs. In fact, Gyngell’s words appear to be aimed at unmasking the so called ‘legalisation lobby’ which disguises itself through evidence and science, and does not openly engage with

¹² <http://conservativewoman.co.uk/supporters-of-drugs-legalisation-ignorant-of-the-facts/>

morality, politics or values. Gyngell's chosen approach is to begin with a direct value-claim and then to cherry-pick evidence in support of her argument. Conversely, she accuses her adversaries of hiding behind scientific objectivity in order to advance their legalising cause.¹³ Some, though not all, of those involved in arguing for liberal drug policy reform make strong value-claims, based on values such as protecting human rights and implementing public health.¹⁴

Richard Branson, CEO of Virgin, chosen to represent the other side of the debate, is a strong advocate of drug policy reform with a significant public profile. In a recent blog post, Branson calls for a re-humanisation of the drug policy debate:

*I've always been a strong proponent of evidence-based policies that are rooted in sound science, so statistics (and their correct interpretation) are very important. But at the same time, I've long felt that the discourse, especially the big policy debate, is lacking a tone of compassion, empathy and care. (Branson, 19th November 2014)*¹⁵

This implies an initial move away from the neutral language of science towards a more emotionally invested, morally and ethically informed position. It is relevant to note how, as a liberal, Branson emphasises empathy, care and compassion as foundational to his moral position. In a statement which resonates with Meier's (1994) argument about the use of overt morality by proponents of prohibition, Branson continues:

*Ironically, it is often the opponents of drug policy reform who use emotion to their benefit, appealing to policy makers and pundits alike to protect their children from the danger of drugs. (Branson, 19th November 2014)*¹⁶

Here, he notes how conservatives use morality and values to their advantage. In response to the media frenzy generated by Wayne Hall's (2014) NHMRC-funded review of the health effects of cannabis use, Branson argues for an end to the war on drugs, emphasising the failure of the current system. The identification of failure, in Hall's Kuhnian model, is the first step toward a paradigm crisis (Surel, 2000). The word failure commonly features in much of the drug policy reform literature (i.e. TDPF, 2011;

¹³ <http://conservativewoman.co.uk/kathy-gyngell-denver-goes-pot-theresa-may-appoints-drug-legaliser-adviser/>

¹⁴ <http://www.tdpf.org.uk/resources/benefits-legal-regulation>

¹⁵ <http://www.virgin.com/richard-branson/a-new-way-of-talking-about-drugs>

¹⁶ *ibid*

Wodak, 2012). One of the interesting points highlighted in Branson's post is the emphasis on the quality of the evidence presented in Wayne Hall's study:

*Let's be clear, we are all concerned about the potential harms caused by drugs, including alcohol and tobacco. But the appropriate responses are evidence-based public health interventions and sensible regulation, not dramatic headlines. As NHS Choices pointed out, this particular study was carried out by a single researcher and was a narrative rather than a systematic review. (Branson, 8th October 2014)*¹⁷

Here, the hierarchy of evidence helps to strengthen Branson's argument by emphasising the relativity of Hall's research findings in such a way as to diminish their authoritativeness. The liberal-evidence nexus (Chapter 8) holds in this example, where the liberal is more explicitly advocating evidence-based policy alongside other values and beliefs. Most of the arguments presented by Branson on his blog are heavily reliant on advocating for an evidence-based approach (his belief) while supporting particular values such as universal health, human rights and social justice. In contrast, Gyngell's blog posts place more emphasis on individual and social (state and parental) responsibility. In a recent post, Dr Neil McKeganey argued that:

*Individuals not politicians or drugs pushers take the decision to use or refuse to use illegal drugs. At the heart of the drugs problem are not social causes or government policies, not even government inaction, but individual choice. (McKeganey, 14th October 2014)*¹⁸

Here, McKeganey argues that individual choice is the crux of the problem in relation to drug use. He believes in the autonomous agency of individuals in the context of their drug use, stressing individual responsibility over social responsibility, which is a typically conservative stance. However, in the quote below, a clear tension between individual and social responsibility emerges, supported by an apparent contradiction between free choice and suppression of choice (important in the context of drugs because of their perceived enslaving properties).

Our politicians tell us that the war on drugs will never be won, hinting that decriminalisation or legalisation is now the only sensible option. These politicians could not be more wrong in their characterisation of a failed war on drugs. There is a war involving drugs, but it is not war

¹⁷ <http://www.virgin.com/richard-branson/prohibition-has-failed-give-regulation-a-chance>

¹⁸ <http://conservativewoman.co.uk/dr-neil-mckeganey-four-jumbo-jets-packed-youngsters-crashing-every-year-true-toll-called-drugs-war/>

against drugs, it is the war on families and young lives being waged by the drugs epidemic itself.
(McKeganey, 14th October 2014) ¹⁹

In this statement, McKeganey attempts to turn the failure narrative on its head, giving the government responsibility of having failed its young people and families for giving up the war on drugs, whilst giving agency to drugs themselves, via a typical (ly prohibitionist/conservative) representation of drugs as inherently evil. This combination between individual and social responsibility can be contradictory in terms of the weight he ascribes to each: is it individual choice or is it government failure coupled with the enslaving properties of drugs?

According to Lakoff's (1996) characterisation of both conservative and liberal moralities, conservatives tend to have a view of morality that is centred upon self-discipline, and as such are more likely to put emphasis on individual responsibility and less emphasis on individual liberty and choice. Indeed, conservative positions are complex and contradictory. When McKeganey (2011) calls for a re-moralisation of attitudes towards drug taking with the goal of an abstaining society, he hopes to instil a sense of both social and individual responsibility supported by self-discipline and respect for authority, whereby people would choose family, community and societal welfare over their own egotistical pursuits. To place the blame on an external agent (the drugs themselves) alongside individual choice, although seemingly contradictory, allows commentators to simplify an otherwise complex relationship between rights and responsibilities, public and private, choice and addiction, structure and agency.

A very similar dynamic was observed in the context of the prostitution debate in the public domain. The tendency to represent most women involved in prostitution as victims and to overemphasise or misrepresent the extent of trafficking and involuntary involvement in the industry, of which there are no precise estimates (Weitzer, 2007; Gozdziaik and Collett, 2005) allows some commentators to create a simple narrative and place the blame entirely upon an external agent (usually an exploitative male pimp or trafficker supported by a capitalist patriarchal structure). Advocates from opposing sides of the prostitution debate often accuse each other of improper reporting of evidence, incorrect interpretations, and narrative exaggeration. Fiona MacTaggart MP, a long-term advocate of prostitution policy reform and secretary of the UK All Party Parliamentary

¹⁹ Opp.cit.

Group on Prostitution (2014), has oftentimes argued for the criminalisation of the purchase of sex by portraying a simple picture of victimisation and exploitation of women supported by misrepresented research evidence:

If prostitution is about choice we need to start by asking "who chooses". Few prostituted women have chosen it as a career. Research shows that some 80% start as children, groomed into prostitution often by a man. (MacTaggart, 19th November 2008)²⁰

In this statement, MacTaggart utilises the 80% figure in order to strengthen her argument about lack of choice and agency via the victimisation of men over women. As discussed in Chapter Seven, the use of numbers to convey certainty is common practice, even where, as in many cases, certainty does not exist. This (80%) figure was questioned by several media sources including the Daily Telegraph and the BBC. One piece in particular highlighted the fact that both MacTaggart MP and Jaqui Smith MP had utilised figures whose meaning had been transposed and misrepresented. The 80% figure comes from a Poppy Project report which surveyed a certain number of sex establishments in London to find that 81% of working women were foreign, though not necessarily trafficked. During her time as Home Secretary, Jaqui Smith claimed that the number of prostitutes in the UK was 80,000, which comes from research that Hilary Kinnel had carried out 10 years prior, the results of which were questioned by the author herself.²¹ Individual choice and agency is denied by advocates of abolitionism, in a similar way that it is in the context of drug addiction by prohibitionists, to favour a linear, unidirectional narrative through the gendering of prostitution and the perpetuation of simple binaries (i.e. women/victims v men/perpetrators).

As the debate on prostitution moves away from media, politics and campaigning, and toward the academic realm, the nuance and complexity with which the issue is portrayed increases. For Laura Agustin, an anthropologist and blogger, the abolitionist discourse reifies, moralises, and trivialises sex workers. Agustin, a long-term advocate of re-establishing the agency of sex workers in discourses around the sex industry, attempts to construct a completely different image of trafficked women or women who sell sex.

²⁰ <http://www.theguardian.com/commentisfree/2008/nov/19/prostitution-home-office>

²¹ <http://news.bbc.co.uk/1/hi/magazine/7819984.stm>

Although much of this goes on under a feminist banner, colonialist maternalism describes it better. In classic abolitionism, whore stigma is considered a consequence of patriarchy, a system in which men subjugate women and divide them into the good, who are marriageable, and the bad, who are promiscuous or sell sex. If prostitution were abolished, whore stigma would disappear, it is claimed. But contemporary movements against slut-shaming, victim-blaming and rape culture clearly show how whore stigma is applied to women who do not sell sex at all, so the claim is feeble. Instead, abolitionism's aversion to prostitution probably strengthens the stigma, despite the prostitute's demotion to the status of victim rather than the transgressor she once was. (Augustin, 15th August 2013).²²

She describes the manner in which the prostitute's image has changed from transgressor (agent) to victim (non-agent) through the moralised intervention of a 'colonialist' mother, and instead adopts the lens of migration and self-empowerment to counter the language of trafficking and victimhood. This exposes the complexity of the structural limits that exist, including poverty, migration, legal restrictions for accessing labour markets, constrained life chances etc. emphasising the structure which shapes agents' opportunities and decisions in relation to entering the sex industry. The conflation of prostitution and trafficking serves to justify a view of prostitution as morally reprehensible while at the same time shifting the burden of choice and responsibility away from the prostitutes.

9.7 You are moralists, we are evidence-based

Both commentators in academia and participants observed the manner in which evidence is sometimes crushed through overtly moralised value claims that construct issues in a one-dimensional manner. They portray morality as single, univocal and unequivocal. This "moralism" is countered by evidence, or the pursuit of evidence-based/informed policy as an ideal which contains within it an emancipatory power. In other words, evidence is given the power to render debates amoral and thus rational (Chapter 5), to reach a Habermasian ideal-type communication (Chapter 4).

At a public consultation meeting in parliament in response to the release of the APPG on prostitution report (2014), Nic Mai, an academic, argued that we have science and peer review to provide us with evidence that migrant sex workers are in a small

²² <https://www.jacobinmag.com/2013/08/prostitution-law-and-the-death-of-whores/>

minority: however, Christian fundamentalists and radical feminists build their entire argument on the prevalence of trafficking because they are moralists, and thus we end up with immoral legislation. Mai made a similar argument in relation to government portrayals of sexual exploitation during a consultation prior to amendments of the 2009 Policing and Crime Act. After being positively surprised by the fact that the report had included evidence from his research, he wrote:

‘at the Report parliamentary debate on 5 November 2009, the examination of evidence against criminalisation was overwhelmed by a pro-government rhetoric based on a gory collection of cases of sexual exploitation, rape and child abuse. These dramatic cases were presented with *apocalyptic* tones and drenched in affirmations about ‘the core values’ of ‘our society’. None of them constituted relevant evidence on the impact of the proposed legislation on the specific issues at stake. The possibility of not criminalising the sex industry was equated with the moral approval of gory cases of exploitation and child abuse, in whose face the proposed amendments were withdrawn’. (2013: 108)

It appears that, when evidence is called upon in defence of liberal attitudes, there is an attempt to present an amoral position; in this way, morality is only recognised on the side of the argument that is opposed to that backed by evidence, as moralism. The moral element of liberal claims remains latent seemingly in order to gain political support. The idea that adversarial claims are made on the basis of moralistic attitudes rather than evidence allows advocates, and particularly liberal ones, to justify their own moral positions in rational terms. This stance is broadly supported in participants’ accounts, in relation to both drug and prostitution policy.

Participants broadly recognise that human beings, including researchers, are subject to the limitations brought about by their values, beliefs and morals.

I think that [...] the research community [...] portrays itself as knowing more than it does [...]. There are some things that you won't necessarily change which may be your [...] personal beliefs and morals and they do influence how you perceive evidence or react to it. (U D 36 S)

This is not only the product of politics or ideology, but also the result of emotional biases, which, despite being recognised, continue to be portrayed as negative and irrational.

The human mind is perhaps not as rational as we might wish and is subject to various biases and preconceptions and different ways of being influenced by data and linking those to consistency with an existing view of the world (U D 22 P)

Participants' accounts stress that moralism dominates understandings of drug users and responses to them.

Drugs are the lowest of the low [...] because it's not a vote winner for any politician [...] because drug use and drug users are not considered worthy, [...] because [...] of all the negative public attitudes that are driven [...] by ridiculous and moralistic ideas (A D 9 A).

In prostitution policy, it was felt that moralism and evidence belonged to separate and opposite worlds;

there is a lot written and a lot of contribution made based usually on moral objection and we are attempting to bring the evidence [...] into policy and decision-making (A P 18 A)

Most participants separated morality and moralism from evidence and coupled it with politics, ideology, and “all the dirty words”, in such a way that the views of an opposing or different group became depicted as based on morality:

There is so much around the drugs debate that is morally and ideologically driven, that often I feel that politicians actually don't care what the evidence base is (U D 35 KB)

In this way, participants recognised that drug policy is often framed as a morality policy, yet the evidence base has the potential to lift it above its current status. The case of expert opposition to the Medically Supervised Injecting Centre in Sydney provides an example. In the quote below, the participant doubts the credibility of those experts who opposed the intervention, suggesting that, had they been “true” experts, they could not possibly have opposed it, so they might be using their scientific expertise to disguise their moral opposition. This also highlights the participant's own moral support:

We also had so-called experts who opposed the injecting centre [...] I say so-called because I would doubt the validity of some of the experts that criticised the injecting centre (A D 12 CS)

In the case of Brothels regulation, participants make a distinction between disparate geographical areas, some of which are more religious than others (Prior and Crofts, 2012). One participant stated that:

What does occur is in more [...] 'religious' areas, they make it very difficult for brothels to get approval and they'll refuse them so occasionally what happens is brothels will pop up unauthorised. Then what will happen is the local paper and a couple of residents will get together and go, "There's an illegal brothel," you know, and they will maybe see Asian workers walking in and they instantly go, "Oh my god, they must be trafficked," (A P 15 A)

There is a connection between prevalence of religion (and the values that it entails) and opposition to brothels. Another connection that the participant highlights is that between illegality, migration, sex work, and trafficking. The foreign/migrant/trafficked nexus further supports opposition to brothels from local residents; brothels subsequently seek approval from authorities that can override the local councils (Land and Environment Courts), yet many simply cannot afford the costs involved.

it's extremely expensive to go to an environment court and they refuse them on very whimsy bases which is essentially moralistic [...] Anyway, it's the moral panic. It's the... you know, it's the "Aaaagh, the children! What about the children?" (A P 15 A)

There is a clear trajectory from moral objection to political opposition of both residents and local authorities. The innocence of children seems to be a recurring theme in these scenarios, as argued in Meier (1994). The inherent immorality of prostitution prompts regulatory efforts which generally seek to numerically limit, geographically curtail, and physically hide sex workers regardless of which legal framework is dominant. This prompts further reflection on the extent to which legal frameworks are indicative of deep, fundamental changes of values and beliefs that manifest in changes in attitudes, or whether the contradictions which exist within dominant ideological and moral systems are simply expressed in different ways by different legal frameworks (Chapter 10).

9.8 Conclusion:

In this chapter, I argued that decriminalisation in both domains is effectively a policy anomaly, and that a paradigm shift in the direction of decriminalisation has been slow coming despite the presence of contradictory policy instruments which respond to the logic of decriminalisation and despite long term values shift which would support liberalisation across both policy domains. I exposed the limits of incrementalism in relation to both morality and evidence. There is a level of ambiguity which hinders moral support for decriminalisation across both policy domains, and this is tied with

drugs and prostitution as dangerous categories, constituting a potential threat to social order (Chapter 10).

Because evidence is treated selectively by stakeholders and individuals, the weight and credibility of evidence is not only dependent on its place in the hierarchy, disciplinary and professional background, and allegiances. It is also dependent on pre-held moral and political views which may be understood according to traditional political cleavages and existing advocacy coalitions, which are in turn supported by predominant values and beliefs. Incommensurability of views among stakeholders continues to exist regardless of greater evidence availability and consumption.

In the following discussion chapter, I will further reflect on the findings which emerge from the analysis and broader questions of ideology, framing, current political rhetoric and reality in advanced liberal states, and the implications of these in terms of possible developments in drug and prostitution policy. I will then reflect on the lessons that can be drawn from this comparative exercise, noting similarities and differences between countries and policy areas, and on the usefulness of morality as a working concept.

Chapter 10

On the interplay between Ideology, morality, framing and affect

10.1 Introduction

Evidence-based policy has been identified by participants as an apparently promising platform for rights-based gains. However, it was shown how ultimately evidence-based policy as an aspirational position might turn against its intended purpose, because evidence is not a sufficiently objective basis to sustain claims. Despite increased reliance on evidence to neutralise moral debates, morality necessarily surfaces.

Political and moral positions will be ever present in mechanisms of selection and weighting of the evidence. Experiences, epistemic cultures, past and existing commitments will form a complex web which impacts the presence and ordering of certain values and beliefs by stakeholders. The differential affective components of moralities (i.e. empathy, fear) might result in different views even in people who have witnessed similar experiences or have been exposed to the same evidence, resulting in polarisation.

This final discussion is an attempt to bring together some of these insights with all the conceptual tools employed so far and contextualise them both in a general sense and in relation to the findings. In particular, the use of framing and ideology is integrated into reflections about advocacy coalitions, morality, and values, following on from discussion in the findings chapters.

The central premise is that a rights-based framing is antithetical to current neo-liberal ideology in both its 'labour' incarnation and its 'pleasure' incarnation, each of which are relevant in the context of drug and prostitution policy. A strong rights-based frame does not currently dominate discussions in these fields

- because of a generalised anti-labour political and ideological climate in advanced liberal states

- because of the inherent contradictions of neo-liberal ideology (in its morphology) between rational moral agents and the expansion of compulsive desire fulfilment in advanced capitalism (critical Marxist).

This has deep theoretical and practical implications. It tells us something about changes in late modern capitalism, whereby the process of individualisation is accompanied by increasing consumption, both of which are sanctioned by the state. Individualisation of labour eschews shared responsibility between the state and the individual and among groups with shared interests. If those groups are also regarded as immoral and are thus criminalised (as the demands of dominant moral forces are translated into prohibitive laws), they are subject to a double burden (moral and political). The state, in its conservative neo-liberal incarnation, relies on scapegoating and individualisation of responsibility to cover up mounting inequality bred by advanced capitalism, stressing individual responsibility as the sole cause of immoral choices (which stretch beyond selling sex or taking drugs to encompass poverty and migration).

10.2 Immoral categories and their ideological basis

Marques (2010) uses Bauman's notion of liquid modernity to understand sex work as an unacceptable practice: in a world where rational choice and entrepreneurship are encouraged and rewarded, sex work, which epitomises the pursuit of economic rationality, entrepreneurship and free market exchange, is not recognised as a viable pursuit because of morality. She notes that:

‘every decision that is to be made in liquid modern society is bound by notions of morality [...] The moral discourse underlying neo-liberal conceptualizations of risk arise in tandem with the re-emergence of neo-conservatism [...] there has been a movement in favour of conservative approaches towards politics, economy and society, premised on notions of culture, tradition, order, hierarchy and authority [...] This has resulted in zero-tolerance policies and approaches geared at ‘getting tough’ on crime in order to protect the prudent entrepreneurs from the ‘Other’ (2010: 322).

Here, there is a clear distinction made between moral and immoral entrepreneurs. More widely in neo-liberal rhetoric, the distinction between moral and immoral is well documented, including categories such as deserving and undeserving, strivers and

skivers, which construct the link between immorality and class, with the poor being increasingly portrayed as immoral and therefore underserving (Valentine and Harris, 2014). This is especially the case in a context of austerity, where the poor are blamed for their own circumstances (stressing individual responsibility) and deemed immoral for relying on welfare. In spite of the self-entrepreneurship that prostitution often involves, prostitutes are not classed as strivers because they are regarded as immoral.

But is there a single discourse underlying neo-liberal conceptualisations of morality or are there competing discourses, one of which dominates over the others? Marques asks an important question about the fixity of gender and morality against a background of fluidity, flexibilisation, and individualism:

‘how is it that in a society in which all identities are seen as fragmented, flexible and fluid, identities still appear to be bound by fixed notions of gender and morality?’ (2010: 328).

The binary proposed by Marques is valid to a large extent; however, mainstream, dominant notions of gender and morality are problematised by queer identities that resist or parody dominant paradigms (e.g. through post-feminist, sex-positive and post-pornographic parody, etc.). Furthermore, there are competing and contested representations of the sex worker which, though mostly caricatured, range from cool and glamorous to undesirable and immoral (Coy et al, 2011). Marques describes a demoralising process for sex workers as a category of the underclass, whereby:

‘individuals are excluded from the category of rational choice-making moral entrepreneurs [...] Cast to the margins of society, the underclass are responsabilized for choosing to enter the underclass but then stripped of any moral responsibility’ (2010: 329).

The underclass and the sex worker are one and the same in Marques’ account, both seen to be immoral lifestyles chosen. Entrepreneurship is only supported in as far as it reproduces, without question, existing moral codes:

‘Despite the fact that many choices made by such individuals can be regarded as prudent and calculated, as is the case for sex workers, they are not recognized as such. Stripped of moral judgement, the underclass appears to lose a

fundamental aspect of their humanity – the ability to have their choices recognized as legitimate’ (2010: 329).

This is a substantial argument detailing the manner in which dominant morality, ideology and class are mutually reinforcing. Furthermore, it stresses contradiction between the values of individual responsibility and individual liberty and choice: those who engage in sex work are responsible for making an immoral choice, yet their choice is not considered a legitimate one, and thus it is not recognised.

There is little mention in dominant discourses of sex work of the necessary distinction between different kinds of sex work. This is not to say that escorting might not be the object of moral outrage, yet its association with upper class consumption and its lack of visibility allows for it to exist, perhaps, in a less abject space than, say, street prostitution. Considerations on the relationship between class and different kinds of sex work and related degree of acceptability are relevant in this context (Bernstein, 2007). Decreasing visibility as a result of mobile and internet technology might make prostitution a lesser priority in public policy-making. Yet it remains puzzling that, in an era where sex is used to sell food or cars, the consumption of pornography is growing and made easier by mobile internet technology, and sexual entertainment venues are increasingly visible (Hubbard and Colosi, 2015), prostitution is still regarded as fundamentally morally reprehensible. Indeed, campaigns of moral outrage are led against all types of commodification of female bodies, from advertising, to pornography, to prostitution. Realistically, however, according to Sanders:

‘in a capitalist market in which bodies, particularly female bodies, are commodified in every way, prostitution will continue to exist as a crude result of demand and of the unequal social conditions of women. Non-legal remedies, such as advocating for the increased professionalisation of prostitution, do not appear to be within the scope of possible future changes.’ (2005: 14).

The institutionalised hypocrisy of neoliberal economies which continue to commodify sex yet disempower those who wish to be the entrepreneurs of their sexual labour by deeming them immoral, criminalising and controlling them, is consonant with current politics and ideology, as argued by Sanchez (2004) through the notion of ‘differential exclusion’. The capitalist push toward expanding leisure and consumption underpins the continuous creation of desires and the pursuit of self-fulfilment.

A general long-term increase in the consumption of drugs has been supported by increasingly leisure oriented economies, and the rise of a NTE in which drug use is normalised (Aldridge et al, 2013; Parker, 2005; Duff, 2005); however, drug use may still be regarded as immoral from a 'legal moralist' perspective (MacCoun and Reuter, 2001: 4). Like sex work, the consumption of drugs can range from cool, middle-class, recreational and seemingly "problem-free", to immoral, underclass, problematic and deviant. The types of drugs consumed and the cultural and social connotations are class-based, morally and ideologically justified. If the dominant ideology is understood as a form of neo-liberal conservatism (Hall, 2011), then the degree of internal contradiction is likely to be relatively high (Freedon, 1994), considering that, traditionally, liberalism and conservatism sat at opposite sides of the ideological spectrum.

It is difficult to reconcile a culture of abstinence and moral righteousness, respect for authority, family and community with globalisation, unfettered consumption, individualism, experimentation, self-fulfilment and desire-fulfilment. This does not mean that contradictions cannot be resolved through the ordering and organisation of all the elements. If neo-liberal conservatism is complex and contradictory, each moral and advocacy coalition finds some ideological support for its demands within it.

Each existing coalition might challenge elements of the status quo around drug use or prostitution, whilst also re-adapting or maintaining existing elements: radical feminists challenge capitalist patriarchy yet call for the powers of the state to punish the perpetrators, relieving victims of responsibility and continuing to rely on the criminal justice system, which historically has been an instrument of oppression for the disempowered. Liberal feminists demand recognition of their rights and freedoms, an end to stigma, discrimination and criminalisation by relying on legal reforms, the undeniable existence of a market for sex, and associated gains for labour and women's rights. Similarly to liberal feminists, drug decriminalisers demand the end of punishment and stigma toward drug users and legal reform. Christian fundamentalists, on the other hand, wish for a process of re-moralisation to establish a righteous, abstaining society in both policy domains, relying on politically sustained moral and immoral categories. Each of these positions can compete and potentially make gains because it finds some supporting elements within the current economic and ideological structure.

10.3 Competing and coalescing frames

In Chapter Five, I discussed the usefulness of frame analysis in relation to morality; contrary to arguments in the literature, it was stressed that frames are necessarily moral and not merely instrumental. Each frame stresses particular aspects and offers an ordered view to achieve a set goal, though certain frames are more overtly moral than others. As much as we can identify and single out frames, these are always multiple (Hajer, 1993); they may compete, and they may coalesce.

Following considerations of latent and manifest morality within frames identified in Chapter Five, the following frames could be identified as relevant:

- The law and order/public nuisance frame
- The economic frame
- The public health frame
- The moralistic frame
- The idealist frame
- The rights-based frame

A public nuisance frame might become increasingly redundant given the move of prostitution and injecting drug use away from the street; however, it can be called upon successfully or indeed partner with the moralistic or idealist frames when action is taken to tackle demand, invest in “exiting” or abstaining efforts and generally move toward the criminalisation of the purchase of sex and abstinence and recovery. In drug policy, the law and order/public nuisance frame can be used to justify punitive measures toward drug use, by stressing the link between drugs and crime, and can be coupled with the moralistic frame in terms of supporting abstinence and the idealist frame in terms of pursuing a drug-free world. However, it could also be used in support of advocacy for a drug consumption room, and could thus partner up with a rights-based frame and a public health frame. Although frames have a moral foundation, they do not necessarily have a single moral valence. Their elements can be differentially organised to suit different goals and to harmoniously coalesce with other apparently competing frames.

The rights-based frame in the sex work discourse currently enjoys relatively little popularity as any politics stressing labour and labour rights does not bode well with the

dominant political economic and ideological status quo. To the contrary, concessions made to the sex work movement have been, at least rhetorically, primarily motivated by health concerns (weak rights) and justified through a public health frame (Chapter 9). Findings suggest that current supporters of decriminalisation appear more likely to rely on a public health frame, either alongside or to the exclusion of a rights-based frame, partly in order to make their positions more politically palatable. A rights-based discourse is negatively affected by its overt morality and its emphasis on labour (strong rights). A public health frame can make gains on the basis of a more latent morality and scientific standing, and its promise of benefiting broader communities and society. There are similarities in drug policy: a rights-based frame is regarded as a controversial platform, reliant on arguments relating to the right to use drugs. Given the ambiguous status of drugs as on the cusp of danger and pleasure, it is not politically advantageous. A public health frame, arguing for the health rights of drug users (weak rights) without emphasising pleasure, individualism and self-fulfilment (strong rights), is seen as a more solid platform.

In prostitution policy, do the moralistic frame, – supported by a Christian Fundamentalist coalition – which would stress prostitution as immoral, and the idealist frame – supported by a Radical Feminist coalition – which would stress the desire for a prostitution-free world, coalesce and gain popularity in the current climate? These two apparently diverging frames call for the same end goal, i.e. abolition. They rely on the same policy core belief, i.e. criminalisation. The ideas and beliefs these frames are supported by might be different, but their policy goals similar. Going back to Hunt's (1999) work *Governing Morals*, there is a clear line of argument that puts some transformative efforts in the moralising category. What's more, groups who espouse the moralistic frame might be motivated by in-group protection and strict-father morality (with its emphasis on punishment) just as much as those who support and use the idealistic frame. Hence, the two frames can coalesce in arguing for the criminalisation of purchase as the best policy option.

Is it different in drug policy? The public health frame has brought considerable gains to drug users by creating sufficient consensus to counter, or at least to rival, the law and order frame, attracting a certain degree of political support, which has meant investment in a plethora of harm reduction initiatives. Support of harm reduction was initially justified by the political establishment through a combination of fear (of crime and of

contagion) and pragmatism, rather than making overt value claims based on tolerance, a sense of inclusive social justice, or universal deservingness. Indeed, now that the number of injecting drug users is shrinking or has remained stable (Scott et al, 2015),¹ HIV is largely under control in Australia and the UK, crime is down (van Dijik et al, 2012) and heroin is less popular in western countries than it used to be (Barrio et al, 2013) with fairly stable numbers of injecting drug users in Australia² and the UK,³ the necessity for harm reduction interventions such as drug consumption rooms is currently questioned. A relatively narrow conceptualisation of harm reduction, with its primary emphasis on IDUs, does not translate well in the current climate, where patterns of drug use and drugs of choice are changing (Aldridge et al, 2013). As a concept relying on weak rather than strong rights, harm reduction appears tired in the face of new challenges, and the reformist coalition is struggling to readapt its meaning to current circumstances while insisting upon its value neutrality (Hathaway, 2001). Although drug consumption rooms are effectively about decriminalising drugs, no such intervention has set a precedent for decriminalisation beyond these spaces (Chapter 9). Resorting to drug consumption rooms was a pragmatic compromise, which fits within a prohibition paradigm.

The economic frame, with its emphasis on expanding consumption and markets, stressing gain, pleasure and economic benefits, should theoretically gain increasing ground given dominant neo-liberal ideology, rendering prohibition redundant.⁴ However, the economic frame is countered by the moralistic frame. The economic frame in prostitution can only appeal so long as it does not rely on old-style labour politics, with an emphasis on class unity, solidarity and workers' rights, stressing instead individualism, (and individual responsibility in labour isolation), glamour, the objectifying of (female) bodies, and money. The moralising efforts of policy actors and advocacy coalitions might not address "call girls" or "escorts" as condescendingly as

¹ <http://www.nta.nhs.uk/uploads/injectingreportnov2010finala.pdf>

http://www.aids2014.org/webcontent/file/AIDS2014_Fact_sheet_Australia.pdf

² <http://ndarc.cms04.med.unsw.edu.au/sites/default/files/ndarc/resources/IDRSCTS2008.pdf>, pp. 27-29.

³ <http://www.nta.nhs.uk/uploads/injectingreportnov2010finala.pdf>

⁴ This arguably worked in the US context in those states which have legalised Cannabis (Room, 2014). However, US style democracy, federalism and capitalism operates very differently compared to both the UK (welfare) and Australia (mixed). At a time of economic recession, grassroots politics combined with an individualistic entrepreneurial spirit, alongside a privatised health service and a long term trend toward legalising medical cannabis, all contributed to strengthen arguments which were successfully framed in economic terms in certain US states.

they do other sex workers. This is not only an issue of class and hierarchy, but also an issue of framing, i.e. the successful neo-liberal escort versus the bad labour-rights-demanding prostitute. The escort is a prime exemplar of successful neo-liberal labourer: alone, working from an agency independently, or advertising on the internet; flexible; self-advertising, self-reliant; self-employed. This is diametrically opposed to street workers, who are seen as risky, a liability, a nuisance, and a potential threat. This is not to invalidate Marques' argument about the immorality of the sex worker as an entrepreneur, but to highlight the difference between different classes of sex workers. Social and cultural hierarchies remain morally and ideologically produced and can be sustained through framing.

10.4 Why decriminalisation arguments have failed so far: late modern capitalism and its internal contradictions

The current political economic context can be seen as broadly resistant to any rights-based discourse which deviates from the accepted paradigm. The economic dogma in the west is adverse to labour, in the traditional sense of labour politics, with its emphasis on unions, labour rights and bargaining power. The sex work discourse is not only marginalised in the UK, as West (2000) argued. The sex work discourse is antithetical to dominant patterns of political economy, with its emphasis on individualisation and flexibilisation of labour (Beck and Beck-Gernsheim, 2002). As Ward (2015: 66) puts it, 'critical discourses emphasise the erosion of stable, secure employment and trade union power, and a transferral of responsibility from the state and 'traditional' social structures onto the individual'. In this context, a movement that is founded on the principles of labour rights and labour politics cannot currently achieve a paradigm shift. As aforementioned, advocates are better off by relying on a public health frame in order to make their claims morally and politically acceptable and receive funding and resources to dedicate to services which, at least, ensure the weak rights of sex workers and drug users. However, and simultaneously, the increasing dominance of liberal/libertarian values coupled with advanced capitalism's ideological pressures toward individualistic, leisure oriented and consumeristic identities encourage drug use and sex work. Drug use, particularly in its recreational guise, could be regarded as the ultimate celebration of individualist consumption, expanding liminal spaces and leisure time. Whereas in its problematic guise, drug use reflects the failures of the current system: it dramatizes the

underlying effects of poverty mixed with a constant push for desire fulfilment on disadvantaged people.

If the current political economic system rests on the individualisation and flexibilisation of labour, then prostitution could be regarded as a textbook example of the application of neo-liberal political economic principles. However, prostitution remains immoral or at least morally ambiguous, because of the presence of different moralities, but also and crucially because of the inherent contradictions of neo-liberal ideology. Would decriminalisation of prostitution still be possible today, when the global consensus has seemingly shifted towards the criminalisation of purchase? In a globalised context, trafficking and migration are privileged compared to domestic labour rights and state responsibilities, often used as political scapegoats to justify the relentless erosion of the latter. The political opportunity for a decriminalisation approach to become dominant has certainly lessened. Incidentally, the popularity of the Swedish model has grown steadily, in spite the fact that the evidence of its success is inconclusive (Levi and Jakobsson, 2014). The shift in focus from domestic to globalised markets in prostitution has entailed an emphasis on migration and trafficking which bodes well with a political rhetoric of control, together with a conflation of prostitution with trafficking and sexual exploitation (Bernstein, 2014). It seems unlikely that, in the current political climate, more countries will turn to the decriminalisation of sex work. The international consensus around the Swedish model is growing sufficiently to prompt respondents who support decriminalisation to highlight that their position is precarious and that strong advocacy is constantly needed in order to maintain consensus on decriminalisation in New South Wales (Chapter 9).⁵

The current abolitionist movement associated with radical feminism entirely distances itself from labour politics, starting by not recognising prostitution as labour. Although the foundations of radical feminism see capitalism and patriarchy as symbiotic (Walby, 1989), its arguments have moved away from labour politics and toward punitive stances against expressions of patriarchy (Bernstein, 2012). In ACF terms, the elective affinity between radical feminists and conservatives in an austerity context is supported not by the same core beliefs, but by the same policy core beliefs and secondary aspects.

⁵ The recent controversy in Canada in 2014, where a Supreme Court ruling in favour of decriminalisation was almost immediately followed by the passing of federal bill C-36 which effectively criminalised the purchase of sex, epitomises the dominance of this approach.

Similarly, it is not incidental that, in drug policy, the abstinence rhetoric, which was always more popular in the US and well-supported by political and religious institutions and the presence of openly confessional parties (Chapter 5), has recently resurfaced in the UK and Australia (Chapter 8). Austerity and abstinence are extremely compatible. An abstaining outlook fares better within a neo-liberal state of political economic austerity (Peters, 2012; UKDPC, 2012). It is expressed in the abstinence/recovery message underlying UK drug policy, which downplays pleasure, tolerance and harm reduction, whilst hindering participation of affected communities and user communities. This is pronounced in UK political rhetoric as part of the long-term annihilation of the welfare state (Chapter 8).

The right to use drugs is a very marginal discourse which does not currently attract widespread support. Decriminalisation of drug possession can be justified by stressing victimhood, taking agency away from users, emphasising social responsibility and justice over and above individual responsibility. Yet decriminalisation necessarily entails a certain kind of compassion, a basic tolerance and acceptance of individuals as both pleasure-seeking and failure-prone agents, alongside an emphasis on individual rights and liberties (see appendix 1 for moral political foundation of decriminalisation), aspects which are not necessarily commensurable in this political ideological climate. Indeed, compassion may take different forms: prohibitionism could be regarded as a compassionate stance because it might entail transformative aims, a hope toward rehabilitation, self-reliance and independence. However, this “cruel to be kind” approach fits better with conservative morality, a strict father approach where punishment is deployed in the hope of teaching a lesson, and to be ‘tough on drugs’ means to know better (than those who engage in wrong behaviour), to protect them (from the drugs) and to protect others (from the drugs and their users). Conservative perceptions of drug users may stress victimhood (to drugs themselves, to temptation, to peer pressure, to socio-political failures) and immoral choice at once (Chapter 9). Similarly, sex workers are perceived as victims (of men, of patriarchy and capitalism) or as immoral choice makers. Liberal values entail a degree of contradiction between individual freedom and social responsibility and justice, whereas conservative values cannot fully reconcile individual responsibility and social responsibility (Chapters 8 and 9).

The decriminalisation of drugs possession does not require reliance on labour rights in the same way as prostitution, given that drug users are consumers, not producers. Although they may be regarded as undeserving, they can fit into a weak rights narrative. Stressing their victimhood in relation to drugs works in favour of prohibition; stressing their victimhood in relation to a punitive legal system works in favour of decriminalisation. Stressing victimhood can work in favour of decriminalisation and prohibition. The decriminalisation of drug possession is consonant with increasing neo-liberal push toward consumption and pleasure seeking; however, it can be argued exclusively through a public health frame to the exemption of a rights-based one. Conversely, for the decriminalisation of prostitution, a rights-based frame cannot be excluded given labour and the imagined degree of choice involved in sex work (outside of trafficking) compared to that involved in drug use (given addiction). Although relying on strong rights such as pleasure might be inimical to interest, calls for decriminalisation of drug use can be framed in terms of right to health and questioning whether drug users deserve punishment. Stressing their victimhood and their lack of agency, as it is done by the advocacy coalition for criminalisation of the purchase of sex in relation to prostitution, might be a more successful political strategy. Victimhood rhetoric does not endanger dominant hierarchies that currently prevent drug users or sex workers from partaking in policy making. Decriminalisation does not necessarily question drug users' positioning as victims, but only that of drug users as immoral choice makers.

By focusing on drugs and criminalisation of users as problems, and individuals as victims, there is no requirement to address the underlying causes of drug use and addiction, (such as structural inequality, urbanisation, individualism, consumption and leisure), or to fully address the failings of prohibition. In the current climate, decriminalisation of drug use might be more politically palatable than decriminalisation of sex work in the terms laid by political and ideological forces. Decriminalisation of sex work might be threatening not only because its roots are found in labour politics and rights, but also and crucially because it might be seen to subvert gender norms and hierarchies, including heteronormativity, monogamy, and women's submissive and subdued sexual nature. The power asymmetry between the buyer and the seller, the producer and the consumer, is reversed in relation to sex work: when in any other trade and transaction, more power is accorded to the seller, in the imagery around prostitution it is the buyer who is accorded more power. This is not to argue that there are no situations where sexual labour is exploited and sexual labourers victimised. It is

to highlight that exploitation is a normal occurrence in a capitalist economy that affects all trades, not just prostitution. In other trades labourers are generally protected from exploitative conditions by nature of the legality of their work, which grants them health and occupational rights. However, increasing precariat and the weakening of labour rights affect all workers, and the trend is certainly set in the direction that favours capital and is opposed to labour.

10.5 On the strengths and limitations of morality policy as a typology

The morality policy typology, in spite of its limitations, has allowed categorising drug policy and prostitution policy under one label, following the logic of a most similar comparative design. Critics of morality policy have noted how, at the most basic level, every policy is a morality policy; however some policies are further affected by morality, and prostitution and drug policy are at least equally so (Waagenar and Altink, 2012; Mooney and Schuldt, 2008; Knill, 2013). Portraying a view of morality as singular, the morality policy literature offers better tools to analyse moralism (or a given dominant morality) than the competing moralities that may challenge it. Beyond the reflections provided by the morality policy literature, and the relevant tools afforded by theoretical synthesis between established theories of the policy process and the morality policy typology, the focus on morality and its use as a working concept has resulted in an original contribution. Not only has morality allowed reflection on the interplay between normative (first) principles and emotions, it also provided scope for the adaptation of insights and findings from other literatures that have not traditionally been included in either accounts of the policy process or studies of the use of evidence within it. Given that, as discussed in Chapters Two, Three and Four, there is a strong reliance on rationalist explanations which do not fully engage with the interaction between reason and emotion, morality can function as an entry point. It can serve as a counterpart to evidence, if indeed evidence is understood or even wished as predominantly objective, hierarchical and value-free. Morality can also serve as an element to add to materialist and/or rationalist notions of ideology and ideas (though conceptualisations of ideas have recently been enriched to include valence, which implies politics and emotion, as in Cox and Beland, 2013). The process of unpacking of morality has led to questioning exactly what makes morality, which prompted reflection on the necessity of morality for social order (Douglas, 1966), on the synergy between morality, the law and ideology (Habermas, 1986), on competing political moralities, and on how a morality is

constructed and sustained through the interaction of values and beliefs alongside principles, ideas and affect.

10.6 On the similarities and differences between drug and prostitution policy in relation to evidence

In both policy domains, participants situate evidence-based policy as an aspirational goal. As highlighted in the findings Chapters, coalitions in both policy areas use evidence to justify their claims, and in this context, opposing coalitions are accused of being morally or ideologically driven, which effectively means that evidence is not a sufficiently robust or objective platform to rely upon when arguing for a particular policy position.

The data suggests that drug policy is more explicitly subject to hierarchical notions of evidence given its closer proximity to health. This does not mean that prostitution policy is not subject to the evidence hierarchy, though it does mean that its presence mostly affects the evaluation of sexual health and related interventions. There is a substantial body of medical research that studies STI and HIV incidence in the sex working population and the efficacy of interventions to reduce it (Baral et al, 2012; Ward et al, 2004). The evidence hierarchy is well established in sex work in relation to health, yet it has not penetrated stakeholders' imagery around evidence in prostitution policy in the same way or to the same extent that it has for drugs (Chapter 7). I argue that the tie between drugs and medicine, and drugs and science, and the closer proximity of drugs to the medical and scientific establishment results in the prominence of medical/scientific discourses on drug issues, compared with prostitution. Medical/scientific focus in prostitution is limited to issues of contagion, of disease control. This might well originate in the lack of societal and cultural engagement with the issue: hiding prostitution in plain sight is much more consonant with dominant morality, ideology and interest. Similarly in drug policy, researching disease control and treatment efficacy has been prioritised, particularly for the purpose of crime reduction and broader public health aims.

In both policy areas, there are power asymmetries between stakeholders, with target populations/service users/affected communities having comparatively little power in policy-making (though there are differences between the two countries). This is established through formal distribution of power and resources by the state and

reinforced through the presence of hierarchical notions of evidence which establish more and less legitimate sources and types of knowledge. This does not mean however that researchers, and even those within the medical scientific establishment, have unfettered power and resources; their power is curtailed by dominant discourses, institutions, morality, ideology, and the structuring of research priorities around these. As agents, researchers can and do pursue research that lies outside institutional and political imperatives, yet by stepping outside their boundaries, they risk losing credibility and legitimacy. When researchers criticise the status quo and are labelled political, rather than objective, and ideologically, morally or interest-driven, their morality goes from latent to manifest. They are thus placed on a par with other commentators, in such a way that their truth claims are no longer privileged to the same degree. Any evidence-based claim, and particularly those claims that call for change, necessarily enter the political arena, and are scrutinised as political, moral and ideological.

The diversity of science, of its disciplinary and epistemological make-up, its epistemic cultures, the politics of its agents, translates into a high degree of contestation, where evidence is always plural, and there is sufficient disagreement, and sufficient evidence, to support a variety of positions. The evidence hierarchy was supposed to act as a benchmark in order to prevent bogus evidence-based claims, or positions based on poor evidence. However, the evidence hierarchy is poorly understood in the public domain, where debates often rely on statements such as ‘the evidence shows’ or ‘that claim is not evidence-based’, yet no discussion follows about which evidence, and there is little or no public assessment of its quality. The evidence hierarchy also necessarily produces hierarchies of credibility, where certain researchers and their research are perceived as more objective, which leaves others with fewer resources and less credibility. Unless we advance a more horizontal, multiple and sophisticated view of evidence, founded in a different view of science, knowledge about both these policy domains will continue to be skewed and limited, and the people affected will continue to be marginalised and their knowledge belittled. It appears as though the inclusion of affected communities is one step toward institutionalising their knowledge and participation. This might allow for the establishment of less asymmetric partnerships and more empowerment, as was shown through the comparison between England and New South Wales.

10.7 On the similarities and differences between the UK and Australia (England and New South Wales)

On paper, both Australia and the UK appeared to subscribe to the notion of evidence-based policy; successive UK labour governments made a strong public commitment to it, yet the term has been out of fashion in national political rhetoric since the coalition government in 2010. In Australia, there have been some statements urging the adoption of evidence-based policy as a practice, yet evidence-based policy was not adopted as a political platform to the same extent as it was in the UK. The official endorsement of this practice was discussed throughout the thesis as both a formalising effort and a neutralising political tool. Both countries have long established networks of knowledge sharing, proliferation of policy forums (Chapter 7), multi-agency partnerships and generally have engaged in the systematisation of knowledge for the purpose of better, more efficient government (Chapter 2). The most salient aspect of the evidence-based policy rhetoric is its reception by the scientific communities in both countries. The potential power this rhetoric gives to the scientific community might be regarded as unprecedented. The result has been a proliferation of studies which made the relationship between evidence and policy the subject of scrutiny.

There are striking similarities between the two countries in the manner in which evidence is understood and discussed by stakeholders. The most significant differences were found in the way the countries' institutional arrangements and political structures affected stakeholders' opportunities. Australia's policy of inclusion of affected communities, lacking in the UK, compels governments to resource and include communities in health partnerships. This is both empowering and limiting, given that funding is targeted towards health advocacy, and not rights advocacy (Chapter 7). With advocacy being institutionalised, its potential to operate in an oppositional manner is curtailed; however, the availability of resources allows for strategic action. Organisations may decide to use their resources for research purposes, or for purposes that lie beyond their remit; yet this might mean that they struggle to stretch their resources, then fight to obtain credibility as evidence producers, and then fight for inclusion in policy forums.

In the UK, the lack of funding and resources for affected communities, and particularly those that engage in advocacy and not service provision, coupled with the lack of official partnerships, has meant a generally more marginalised role for affected

communities in both policy domains. This means that advocacy organisations can place themselves in opposition and be critical voices in debates; however, it means that the more oppositional and critical they may be, the less they are resourced and included. Affected community organisations in the UK in these policy domains have a lesser role in both policy forums and research compared to their Australian counterparts. However, the number of think tanks and research charities that are privately funded in the UK is greater than Australia, where most funding has come from states and commonwealth. In the UK, much research and policy enterprise undertaken by affected communities relies on independent agency, and policy inclusion happens in a piecemeal manner. Conversely, the attention granted to think tanks and other research charities might be more significant in this context.⁶

In New South Wales, the presence of an independent legislative authority at the state level has allowed implementation of controversial policy reforms which was contrary to the wishes of the Australian federal government (Chapter 9). The decriminalisation of sex work and the introduction of the Medically Supervised Injecting Centre were enabled through state legislation. However, the necessity to legislate might constitute a hindrance, because it does not allow for flexibility, grey areas, or diversity at the local level. The legal introduction of controversial policy reforms in both policy domains was not replicated elsewhere. Decriminalisation in New South Wales is thus identified as an anomaly both at the level of paradigm and instrument.

The lack of independent legislative authority in England has meant that any momentum for controversial policy change in both policy domains did not lead to its implementation. However a greater degree of flexibility exists, whereby regional authorities have invested their resources differently and made different decisions. Increased devolution has led to some interesting and controversial initiatives, including partial decriminalisation across both policy domains. The ability to implement interventions informally in England, which is not present in New South Wales given necessity for legislation, might result into more informal practices which follow the logic of decriminalisation (Chapter 9).

⁶ Examples include the impact of the 2007 report by the Centre for Social Justice on the 2010 coalition drug strategy; the inclusion of reformist organisations such as Release and Transform Drug Policy Foundation to policy forums; the piecemeal inclusion of the UK network of sex work projects and the English Collective of Prostitutes during consultation and strategic advice. Yet none of these organisations receive public funding.

Radical feminism appears to be well rooted in the UK, and in the UK Labour party. Both the UK and Australia are affected by the growing consensus toward the criminalisation of the purchase of sex at the international level. The UK seems to be further affected by this trend given the rootedness of radical feminism coupled with the growing popularity of the Swedish model at the EU level, compared to Australia, which has seen the successful implementation of alternative models. The political dominance of liberal feminism in New South Wales has greatly contributed to institutionalise the decriminalisation of prostitution. This also influenced the institutionalisation of sex work advocacy, which in the UK remains marginalised.

Chapter 11

Conclusions

In conclusion, I will address each of the research questions in turn, to reflect on emergent findings, the contributions and limitations of the project, and ways forward.

11.1 What counts as evidence?

To the question ‘what counts as evidence’, participants had answers which were either consonant with, or opposed to, established notions of evidence as embedded in the evidence-based policy narrative. These answers differed depending on policy area, disciplinary and professional background. Views of evidence appear both practice and knowledge-dependent, and related to participants’ experiences and background. The supplementary question was raised, ‘what counts as evidence to whom?’ Participants with a science or medical background, civil servants and knowledge brokers in drug policy were altogether more likely to acknowledge the evidence hierarchy and to adhere to an ideal of rigour purported by it, at least at the abstract level. However, achieving better evidence according to the standards set by the hierarchy is an abstract-aspirational position, distinct from the practice of evidence making and use. Advocates across domains, and most participants in prostitution policy, including social scientists, had an altogether more sceptical view of EBP, antagonistic of hierarchical notions. Though all participants understood that evidence is broad, inclusive, context-dependent and subjective, some participants were more sympathetic to this view than others. The evidence hierarchy produces a hierarchy among stakeholders, placing those with scientific knowledge on a higher plane and validating their claims to credibility. Other stakeholders who hold to the value of anecdotal or experiential evidence remain lower down the hierarchy, their credibility lessened.

11.2 How is evidence deployed in policy arguments?

The contested nature of evidence becomes apparent when evidence is discussed in relation to policy interventions. In line with other studies’ findings, evidence was only one of the many elements relied upon to construct political positions, as policy-makers needed to consider other elements, including political feasibility, resource constraints,

media and public opinion (i.e. Ritter, 2009; Burnett and Duncan, 2008). Evidence was discussed by participants in support of, or in opposition to, particular policy interventions as part of political arguments. By discussing examples of evidence use in policy forums, it became clear that evidence in these settings is generally deployed orally, and as such rhetoric and argumentation are central to this method of delivery. Though written submissions precede hearings, the ability and willingness of policy-makers might determine whether these are considered. Participants referred to selective attention, which implied filtering according to existing views, as a hindrance to any balanced consideration of the evidence. They also noted that justifications not to pursue a particular policy might be based on the lack of sufficiently exhaustive evidence, and that any claim that evidence is lacking can be used as a political tool. Evidence is deployed selectively, in support of pre-held views, which is motivated by both interest and values. The weight and emphasis that stakeholders may place on certain types of evidence is usually related to their morality, and which values and beliefs are predominant and concurring in their constellation. Although the evidence hierarchy is supposed to enable individuals to distinguish good evidence from bad evidence, this is not reflected in the practice of evidence understanding and utilisation. If evidence clashes with individuals' first principles, it is unlikely that they will endorse it, or that they will place significant weight on it in the framing of their position on a given policy issue. It is also clear from participants' accounts that the type of evidence stakeholders might value most is not simply that which is more consonant with their values and other beliefs, but also that which they are able to understand and practice.

11.3 Which of the existing models of the use of evidence in policy best explains this process? Is it necessary and/or possible to test existing models and or create new models?

Existing models of the use of evidence in policy can be regarded as valid to the extent that they may be utilised, alone or in conjunction with other theories and models, to fit a particular case study and/or to highlight and explain different aspects of the process of evidence utilisation. In the literature reviewed in Chapter Two, models were used individually to frame a particular case study, or else they were used as a basis for development of new models which were seen to better represent and frame a given case. However, a more recent emphasis on interpretation and meaning-making has shifted attention away from modelling, towards emergent categories that are proper to

the particular investigation and case studies. Many valid models have stressed the rational and interest-driven aspects of evidence utilisation, often starting from a strong normative position that regards evidence-based policy as a desirable end goal. However, there is a danger in espousing this view: if evidence-based policy is seen as the principal desirable outcome, then it becomes more difficult to analyse it critically. In other words, a normative view of evidence may encourage the production of rationalistic accounts of the use of evidence in policy.

I argued that what is missing in current models on the use of evidence in policy is an emphasis on the interplay between evidence and morality, and more generally that between science and values. There are no models of the use of evidence in policy to date which place sufficient and explicit emphasis on values and beliefs as central in understandings and uses of evidence. The only existing theoretical frameworks of the policy process and policy change which place some emphasis on the role of beliefs and values are those that emphasise cognitive and normative frames, as identified by Surel (2000) and discussed in Chapter Three. However, these do not pay sufficient attention to the role of science and evidence within the policy process.

Using a synthesis approach, combining theoretical and conceptual tools principally derived from theories that stress cognitive and normative frames (Hall's policy paradigm and the advocacy coalition framework), together with further development of the morality policy typology has proved a useful heuristic to frame analysis. Despite its limitations, outlined by Cairney (2013) and discussed in Chapter Three, a synthetic approach has significant advantages: it allows for emergence and creativity in the research process, and as such does not limit the investigation to testing and replication. It is only through a process of borrowing concepts and synthesising frameworks that case specific features and emergent categories can be accounted for, providing opportunities for theory generation.

11.4 How does morality affect understandings and uses of evidence? Can evidence neutralise morality?

In the context of this thesis, this approach has contributed to showing that a *belief* in evidence can be both emancipatory and limiting. Specifically in relation to the case studies under scrutiny, the evidence-based policy paradigm has provided the opportunity to challenge moral taboos; it has given liberals a tool to effect policy change

(through creating an advocacy coalition) by challenging moral prohibitions, creating an alternative morality based on the values of social justice, social responsibility, human rights and harm reduction. However, among my respondents there was a great level of cynicism in regards to the possibility of effecting a policy paradigm shift through use of evidence, and this was often put down to politics and ideology rather than the contested nature of evidence itself. There was a tendency among respondents to portray evidence and politics as oppositional forces, rather than viewing evidence-making and understanding as a necessarily moral and political undertaking. I argued that moral and political positions are primary when it comes to the production, understandings and uses of evidence.

11.5 How are the values and beliefs of stakeholders operating to filter policy actors' understandings and uses of evidence? Can classic political cleavages aid understandings of evidence use in policy?

In Chapters Eight and Nine, I have shown that values and beliefs are primary determinants in the selection, understanding and weighting of evidence. Further, it is often existing value commitments which inform individuals' beliefs that are translated into moral, political and professional attitudes, choices and practices in these domains. Stakeholders' values and beliefs are context and domain dependent and have been defined inductively. They are also intimately tied with classic political cleavages. Analysis of liberal and conservative moral and policy positions was carried out to demonstrate that the values and beliefs which dominate liberal coalitions are different and sometimes opposite to those predominant in conservative coalitions. A very important distinction is noted in the emphasis that liberals place on social responsibility, which runs contrary to conservatives' emphasis on individual responsibility. This is regarded as fundamental in creating and justifying arguments for and against prohibition in both policy domains.

11.6 What are the similarities and differences in the use of evidence between government departments, stakeholder culture, and policy areas?

Some key differences were identified in the use of evidence between different government departments, and in particular between those involved with health and those with criminal justice. This extended to differences between different stakeholders and policy areas. Different cultures of evidence were identified by participants, whereby a 'health culture of evidence', with an emphasis on hierarchical notions, rigour and

quantitative research, was distinguished from a ‘criminal justice culture of evidence’ which was seen as altogether more inclusive of different forms of evidence, but also as generally less rigorous in its assessment of evidence. The general trend across these policy domains indicated that the dominance of a health culture and medical sciences, and their associated evidence hierarchy, resulted in a view of evidence which respected hierarchical notions, at least rhetorically if not in practice. Consequently, the stronger association between a given stakeholder or policy domain to health and medical science resulted in stronger allegiance and commitment to a hierarchical understanding of evidence and a normative commitment to evidence-based policy as an ideal type. In drug policy, the closer proximity to treatment, falling within the responsibility of health authorities, resulted in greater reference and use of a vertical conception of evidence. In prostitution policy, this was only the case in relation to public health and associated interventions. In drug policy, the evidence culture from health has diffused into criminal justice, generating some controversy in terms of the gap between theory and practice. In both policy domains, those stakeholders who are excluded, or have comparatively less power compared to other policy actors, have been struggling in order to achieve credibility as evidence-producers, despite proposing a view of evidence that is practice-based and grounded in experience, both anecdotal and personal.

11.7 What are the similarities and differences between the UK and Australia?

The UK and Australia showed consistent similarities in the way evidence was understood and utilised. The crucial differences were found in terms of the impact of different political and institutional structures. The necessity for legislation in New South Wales was understood as both an advantage and a hindrance. On the one hand, state legislation allows for controversial and novel policy interventions to be implemented, sheltering domestic policies from federal and international pressure and consenting for a degree of policy experimentation. On the other hand, the necessity to legislate potentially curtails opportunities for experimentation and unofficial initiatives because it does not tolerate grey areas. In England, it was noted how the process of devolution and localism has given rise to some interesting initiatives in individual cities and counties. A degree of diversity exists, with instances of partial decriminalisation in both policy domains which depart from national rhetoric and legislation. However, national laws and policies are ultimately difficult to challenge, and the level of rhetorical, political and legal impact of national directives is relatively high on localities. Whereas in both

countries policy forums have proliferated and consultation processes ensure wider participation by civil society and the scientific community, the inclusion of affected communities in policy and health partnerships in Australia, as part of a federal government initiative, together with their resourcing, allowed for further legitimisation of their views compared to their UK counterparts. Affected communities in the UK are not publically funded or officially included in partnerships, and consultation is conducted at arm's length, whilst their ability to obtain private funding and support conditions their participatory and advocacy potential. However, it should be noted that in New South Wales, though partnerships continue to exist, the resourcing of organisations has gone from “dollar for dollar match” of state and commonwealth funding to tendering and commissioning, which may affect their capabilities in the future, and reflects a more general trend in dominant modes of governance in advanced liberal states.

11.8 How does the use of evidence in policy relate to sociological theories on the nature of the state in late modern capitalism? How do political/moral cleavages underpinned by values and beliefs support consumption-based economies on the one hand, and moral and legal prohibitions on the other?

As noted in Chapters One and Four, the evidence-based policy discourse reveals some of the characteristics of current modes of governance in advanced neo-liberal states, including the tensions between democracy and technocracy, the rise of a ‘new public management’, and post-ideological politics. This discourse can be read as an attempt to capitalise on the desire to ‘depoliticise’ politics through purported scientific objectivity and neutrality. This is regarded as both ideological and epistemologically misconceived. It is ideological in that it pertains to an unsophisticated liberal world view, where science is regarded as a neutral instrument of progress and demystification. It is epistemologically misconceived inasmuch as it predominantly relies on a positivist view of science. Findings confirm that science is itself a political arena, borne out of political necessity and moral outrage. In this context, evidence is contested and negotiated through complex sets of belonging, whereby values, beliefs and morality play an important part via the production and filtering of knowledge. Values, beliefs, morality and ideology have been used as working concepts for analysis because their interplay is crucial in understanding the process of knowledge and evidence production,

understanding, use and acceptance. The role of values and beliefs was observed at both societal level and individual level.

The underlying shift in societal level values from authoritarian to liberal discussed in Chapter Five is consonant with economic, social and cultural changes in advanced liberal states and is ideologically supported (Inglehart, 1997; Habermas, 1986). Consumption, individualism, and freedom of choice are fundamental traits of neo-liberal ideology. The dominance of neo-liberal ideology should result in a shift in values, beliefs and attitudes away from prohibition and toward liberalisation in these policy domains. However, ideologies are morphologically complex and internally contradictory, and as such they may provide support for a variety of moral positions (Freedon, 1994). Neo-liberal ideology can be regarded as informed by concepts that arise from both the liberal and the conservative ideological and political traditions (Hall, 2011).

The presence of competing moralities, which range on a spectrum from conservative to liberal, interact with dominant ideology and foster incommensurability of views, resulting in complex and internally contradictory policies, where elements of authoritarian and liberal values coexist to different degrees in different countries and policy domains, and are applied differentially by different groups and coalitions. The interaction between dominant ideology, political economy and national politics gives way to contradiction by tying morality to certain behaviours, subsequently linked with class and respectability, enshrined in notions of deserving and undeserving citizens used to dismantle the principles and resources of the welfare state in an age of austerity (Chapter 10). In this context, drugs and prostitution continue to be portrayed as 'dangerous' moral categories, entailing distinctions centred on class, gender and cultural hierarchies. These are evident in the stigma particularly associated with certain types of drug use and sex work which continue to be regarded as more immoral than others.

Currently, the neo-liberal aversion to labour politics does not favour liberalisation of prostitution in the form of a decriminalised regime that recognises prostitution as sex work, particularly in the UK context. In New South Wales, neo-liberal ideology and morality have a dual effect: whilst contributing to legalise the space for the sex industry, satisfying consumption, leisure expansion and patriarchal norms, prostitution continues to be the subject of stigma and moralisation even in this decriminalisation context, pushed away from visible spaces (Prior et al, 2013). The ambiguity towards strong rights

associated with pleasure and self-determination, together with class-based stigma and the prohibitive regime which has been a relatively constant feature of drug policies in both countries and beyond, hinders any shift toward liberalisation in drug policy. However, decriminalisation in drug policy, particularly targeting those substances that are seen as recreational and therefore more socially and morally acceptable, is increasingly regarded as a likely scenario, because decriminalisation can sustain contradictions between prohibitionism and legalisation, and because it can be justified on the basis of weak rights (Chapter 10). Rather than an instrument of decriminalisation, the Medically Supervised Injecting Centre in Sydney constitutes a policy anomaly which reflects some of the contradictions of neo-liberal ideology and accommodates the clash of competing moralities, only satisfying the weak rights of drug users.

11.9 Limitations and ways forward

The focus on paradigms and instruments has proven to be very useful in terms of studying policy-making; however, this encourages a tendency to overly concentrate on the manner in which national laws and top-down policy discourses shape opportunities and construct boundaries, rather than looking at bottom-up initiatives, resistance and local policy-making and implementation, which is increasingly identified as a fundamental level of analysis. Despite the conceptual and methodological usefulness of the morality policy typology, this has been problematized by asking whether a given policy can in fact be a non-morality domain; this assumption should be tested through comparison with policies that have not been included under the morality label. The many labels used to characterise issues regarded as particularly difficult political subjects (i.e. wicked, unstructured, highly politicised, moral) entail different yet complementary understandings and analyses. Future comparative studies could be designed to address these typologies' strengths and limitations, and their potential complementarity, by using them concurrently. Given the small number of case studies in this project, a systematic approach to test theories and models deductively could not be pursued. Yet, there is value in systematically and deductively testing theories and models' assumptions by extending the number of case studies and countries under scrutiny, and using other methods, and particularly QCA. This might also allow moving beyond synthetic heuristics justified on the basis of dominant narratives and provide some scope for testing approaches in a contradictory or complementary fashion.

In examining the use of evidence in two policy domains across two countries, this thesis has found that, despite difference in national contexts and in the specific attributes of each policy domain, evidence tended to be filtered through morality and ideology, and informed by values and beliefs both internal to science and external to it.

Appendix 1

Working definitions of key concepts

This appendix provides definitions of all relevant working concepts utilised throughout the thesis. Some concepts have a single definition because they are used in a single, non-ambiguous manner. Other concepts may have more than one definition. The precise meaning and definition was noted each time a variation of the concept was used in the thesis.

Some of these concepts are seen as central because referred to in relevant literature, sometimes without any specification about their intended meaning. Other concepts are seen as specifically relevant to this thesis, and are defined accordingly.

Evidence:

(Scientific) Evidence 1: characterised by the standards set by broad scientific consensus, which is also discipline-bound; influenced by hierarchical notions, albeit not exclusively defined by the evidence hierarchy, because context and discipline dependent. It is narrativized yet it does not aim to be intelligible to a non-scientific audience; can be quantitative or qualitative.

(Jurisprudential) Evidence 2: knowledge or information that is presented in a legalistic fashion, and is validated by expert claims, usually delivered by an expert witness, may include both anecdotal and scientific evidence, but is narrativized so as to become convincing and intelligible to a lay audience.

(Anecdotal) Evidence 3: narrativised; usually referred to in a negative manner, it can also be utilised by groups in a positive sense to strengthen their position as legitimate sources of knowledge. It aims to be universally intelligible through the use of stories which actors can relate to, if not personally, at least affectively and rationally. It involves communication and story-telling.

(Experiential) Evidence 4: only relates to personal experience, usually involves strong emotions. (first person)

Rationality:

Instrumental rationality: mode of action whereby a problem is identified and a solution sought in a functional instrumental manner; in so doing, it excludes normativity (Sanderson, 2002); positivist

Bounded rationality: opposed to instrumental rationality, conception of rationality as limited by time, cognition, culture, knowledge available; referred to explicitly by Sabatier and Baumgartner and Jones as preferred understanding of rationality.

Frames (disambiguation):

Issue framing: an instrumental way of structuring and presenting an issue or problem, usually aimed at engaging a particular audience, their more likely modes of understanding, beliefs, and knowledge culture.

Discursive framing: a way of structuring and presenting problems that presupposes structural, ideological, cultural and knowledge constraints and boundaries which reflect and are reflected in turn in beliefs, attitudes, practices and preferences.

Morality (working concept):

‘Morality binds and blinds’ (Haidt, 2012: 366)

In Fisher’s words,

‘Morality is a term used to cover those practices and activities that are considered right and wrong; the rules that govern those activities; and the values that are embedded, fostered, or pursued by those activities and practices. The morality of a society is related to its mores, or the customs that a society or group accepts as being right and wrong, as well as those laws of a society that add legal prohibitions and sanctions to many activities considered to be immoral.’ (2004: 397).

To summarise, morality is about distinguishing right from wrong (first principles) and it is related with society’s mores (accepted notions of right and wrong); morality is often formalised into law (Habermas, 1986). However, morality is contested, and thus, what is

wrong for some might be right for others. There exist a variety of moral positions; hence, further disambiguation is necessary. The existence of moralities (plural) more accurately portrays the diversity and complexity of social reality; however, some general categories, or ideal-types, need to be outlined in order to avoid falling into individualising explanations. The literature in moral and social psychology (Lakoff, 1996; Haidt, 2012) distinguishes between two types of morality according to classic political cleavages.

Liberal morality: features optimistic view of human nature; openness to experience; openness to change; more concerned with issues of harm and fairness; more individualistic; concerned with balancing interests and maximising institutions' social utility (Graham et al, 2009); concern for tolerance, defence of the weak, 'care for victims of oppression'; (Haidt, 2012); inclusion; Lakoff's (1996) metaphor: 'nurturant parent morality'; open authority (legitimation); stronger affective foundation: empathy.

Conservative morality: features pessimistic view of human nature; preference for familiarity, stability and predictability; stronger sensitivity to threats; resistance to change; acceptance of inequality; more concerned with issues of in-group, authority and purity; more rule-abiding; concern for loyalty; Lakoff's (1996) metaphor: 'strict father morality'; closed authority (given); stronger affective foundation: fear.¹ (Graham et al, 2009; Haidt, 2012; Lakoff, 1996)

Morality policy: is 'no less than the legal sanction of right and wrong, the validation of a particular set of basic values' (Mooney, 1999: 675); area of policy characterised by heightened lack of consensus originating from disagreement on values and first-principles.

If 'moral systems are interlocking sets of values, practices, institutions, and evolved psychological mechanisms that work together to suppress or regulate selfishness and make social life possible' (Haidt, 2008: 70)

Values and beliefs, together with ideas, practices and institutions, as building bricks of moral systems

Values: abstract, goal oriented, deliberative and evaluative tools.

¹ These are ideal-types; they don't include specification of libertarian positions or socially conservative positions which can coalesce with either liberal or conservative moralities; the combination of insights from morality and ideological morphology can account for more complex positions.

‘values serve as standards that we learn to employ transcendently across objects and situations in various ways: to guide action; to guide us to the positions that we take on various social, ideological, political, and religious issues; to guide self-presentations and impression management; to evaluate and judge ourselves and others by; to compare ourselves with others not only with respect to competence, but also with respect to morality’ (Rokeach, 1979: 48)

‘All values have cognitive, affective and directional aspects. Values serve as criteria for selection in action. When most explicit and fully conceptualised, values become criteria for judgement, preference, and choice. When implicit and unreflective, values nevertheless perform “as if” they constituted grounds for decisions in behaviour’ (Williams, 1979: 17)

Values should be distinguished from beliefs, attitudes, and ideologies

‘As we examine evidences of *values*, we find them appearing in various admixtures with *knowledge* and *beliefs*. For our judgement of what *should be* are always related to our judgement of what *is*’

‘values cannot be assimilated to either existential beliefs or to concrete evaluations (such as ideologies)’ (Williams, 1979: 17)

Beliefs: concrete, action-oriented, practice-led evaluative and deliberative tools

‘any simple proposition, conscious or unconscious, inferred from what a person says or does, capable of being preceded by the phrase “I believe that...”. The content of a belief may describe the object of belief as true or false, correct or incorrect; evaluate it as good or bad; or advocate a certain course of action or a certain state of existence as desirable or undesirable.’ (Rokeach, 1968: 113)

Values (ought); beliefs (is)

‘values may be thought of as global beliefs about desirable end-states underlying attitudinal and behavioural processes’ (Connor and Becker, 1979: 72)

‘when we can identify interconnected sets of values and beliefs which describe a preferred or “obligatory” state of a social system, we speak of an *ideology*.’ (Williams, 1979: 21)

Ideology:

Ideology (critical/Marxist): ‘meaning in the service of power’ (Thompson, 1990).

Ideology (morphology): the conceptual structure of an ideology; ideologies are seen as ‘combinations of political concepts organised in a particular way’; ideological arguments rely on ‘a socially situated and value-arbitrated choice among adjacent components, and the result will display various mixes of rational criteria, emotional inclinations and cultural value preferences’ (Freeden, 1994: 155-156).

Political Ideology (psychology/motivational): ‘ideology reflects and reinforces [...] relational, epistemic, and existential needs or motives’; ‘Specific ideologies crystallise and communicate the widely (but not unanimously) shared beliefs, opinions, and values of an identifiable group, class, constituency or society’; ‘different ideologies should both elicit and express at least somewhat different social, *cognitive* and *motivational* styles or tendencies on the part of their adherents’ (Jost et al, 2009: 309-310, emphasis added).

Policy:

‘A course of action following a decision taken by a body, organisation or authority’

Ideas: concurrent to interests, rather than caused by interests (Weber’s reaction to Marx), used as core concept in constructing theories (ideational approaches) for understanding the policy process; ideas embody causal beliefs, so beliefs are constitutive of ideas; ideas provide roadmaps, making goals clearer (Goldstein, 1993).

Policy ideas and Policy paradigms: sometimes used as synonyms. Following Hall’s (1993) notion, a policy paradigm is defined as

‘a view of human nature, a definition of basic and proper forms of social relations among equals and among those in relationships of hierarchy, and a specification of relations among institutions as well as a stipulation of the role of such institutions. Thus, a societal paradigm is a meaning system as well as a set of practices.’ (Jenson, cited in Surel, 2000: 499)

In ideational approaches, policy ideas are seen as having paradigmatic qualities (Berman, 2013)

Generative mechanisms: (literal)

‘it is the generative mechanism that supplies the real basis for causal laws’ (Archer, 2015: 3)

‘most of us regard the social order as a relationally contested organisation, shaped between those supporting and opposing the working of particular mechanisms within a generative complex’

‘no generative mechanism is ever held to be other than activity dependent’

‘generic concepts that must be applied with direct reference to the specific social process(es) in question’(Archer, 2015: 4)

Policy instrument: programme or intervention

A designed programme and a course of action pursued within a specific field and a given time period, including planning, discussion, perceived outcomes, implementation, observation, monitoring, evaluation, assessment of outcomes in a continuous feedback cycle.

Includes decisions and ‘non-decisions’ (Hill, 2009), change and continuity, policy as a neutral instrument, giving the appearance of neutrality to disguise politics.

Legalisation

Implies legal reform with the aim to legalise supply and demand of drugs and prostitution; approaches may vary from the strict state regulation to minimal regulation and commercialisation of the trades; the central tenet is the end of criminal penalties inflicted upon producers, dealers, consumers and clients.

Prohibitionism

implies the maintenance of criminal penalties within a given legal regime with the aim to prohibit a particular trade. In drug policy, it aims to deter any aspect of the trade by criminalising the production, distribution and consumption of currently illegal substances. In prostitution policy, it aims to deter the trade by criminalising the supply, demand and any form of commercialisation or related gain. In prostitution policy,

partial prohibitionism exists, where the supply is not criminalised yet other aspects of the trade, including demand and third party profit, are criminalised.

Abolitionism

It is a normative position calling for the complete abolishment of prostitution and drugs with the ultimate aim of ridding society from such practices. In drug policy, this can be distinguished in the support of abstinence.

Criminalisation and decriminalisation

The literature on criminalisation and decriminalisation ranges from instrumental to ethical considerations, covering drug and prostitution policy specifically (e.g. Sheerer, 1978; Lutnick and Cohan, 2009; Sher, 2003; Husak, 2003; Bayer, 1991; Frances and Gray, 2007) as well as a more generally utilising the concepts to describe overall changes that are either permissive or repressive and linking them with broad changes such as secularisation, democratisation, economic changes, and social and cultural value-shifts (Engeli et al, 2013; Chapter 5). For some, they are legal shorthand for working compromises: criminalisation could be regarded as symbolic deterrence (because non-universally enforceable), and decriminalisation could be regarded as a functional option, entailing set of reforms to prevent some of the worse effects of punitive laws on individuals, potentially diminishing stigma and improving life chances (Cheney, 1988; Goodyear and Cusik, 2007; Chand, 2007).

Applying realist reasoning, can decriminalisation and criminalisation be regarded as generative mechanisms? Their logic is shared across both policy domains and beyond. In drugs and prostitution policy, either criminalisation or decriminalisation shape, or at least greatly inform the host of policy interventions applied in the field. Criminalisation entails a prohibition system in drug and prostitution policy, thus applying to both policy domains. Decriminalisation on the other hand entails at least a degree of liberalisation and legalisation, on a spectrum that ranges from tackling only one aspect of the trade (i.e. the possession of drugs) all the way to the supply (of sex). The dominance of either establishes tangible legal boundaries, which largely curtail opportunities, in terms of what is and is not permitted. For example, within paradigm criminalised system, the police and the criminal justice system act as the principal regulators. Decriminalisation

effectively entails a transfer of authority and responsibility from the police and the criminal justice system to other authorities, including health departments and agencies, and administrative local authorities. The type and degree of involvement and responsibility of different authorities result in a host of different policy interventions in a given policy domain.

Considerations on the moral and ethical dimensions of criminalisation and decriminalisation have been overtly discussed by philosophers and legal scholars. Sher (2003) argues that there are different ethical arguments for criminalisation, which he categorises as paternalistic, protective and perfectionist. Each of them makes a correlation between drugs and harms, supporting criminalisation as deterrent (symbolic). Each of them has a moral basis. In his critique about criminalisation, Husak (2003) maintains that the evidence that criminalisation works as a deterrent is weak (functional), and that drug use per se is not a sufficient ground for punishment, thus he opposes criminalisation. He argues that no variable correlates more strongly with support for criminalisation than religion, and particularly protestant Christians (p. 25). In law, some commentators have constructed arguments on a moral basis. Richards (1981) made a case for decriminalisation on the basis of the rights of the person, using a liberal/rights moral foundation.

I outline certain moral and political features of criminalisation and decriminalisation, implying that the types of opportunities and interventions they entail are inherently different. I then discuss the extent to which harm reduction can be regarded as a different paradigm (Roe, 2005; Ezard, 2001), a middle-ground, or whether it can in fact be an instrument of either criminalisation or decriminalisation.

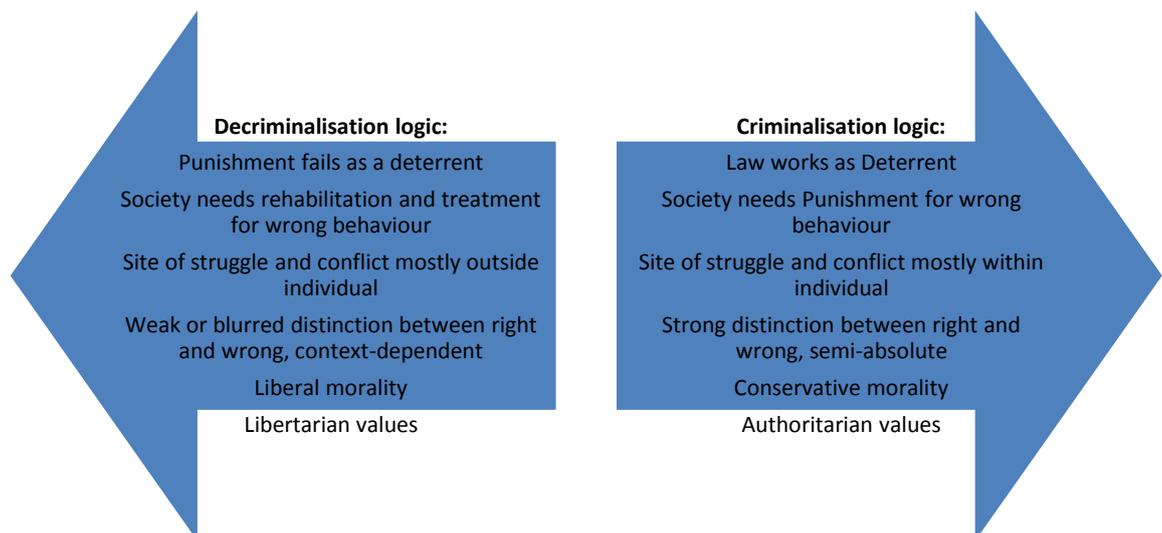
Criminalisation logic:

- Punishment works as deterrent (symbolic)
- Drug use and prostitution are immoral
- Society needs Punishment for wrong/immoral behaviour
- Site of struggle and conflict mostly within individual
- Strong distinction between right and wrong, semi-absolute
- Conservative morality
- Authoritarian values

Decriminalisation logic:

- Punishment fails as a deterrent (functional/empathy)
- Individuals needs rehabilitation, treatment and opportunities for sick/wrong behaviour
- Reduces stigma and marginalisation
- Individuals have rights and make choices, and should not be punished for them
- Site of struggle and conflict mostly outside individual –individual needs treatment, not punishment
- Weak or blurred distinction between right and wrong, context-dependent
- Liberal morality
- Libertarian values

The figure below represents the manner in which the two paradigms operate as opposites, pushing in opposite directions.



Principal Epistemological approaches (disambiguation)

Positivism: philosophy of science, first proponent Auguste Comte, French philosopher, an exponent of the enlightenment; main precept: truth can be ascertained empirically (contra religion and metaphysics) through the application of the scientific method.

Critical Realism: philosophy of science whose main exponents are Roy Bhaskar and Margaret Archer; proposes to find a middle ground between positivism and interpretivism; rejects naturalism and the unity of the scientific method; main concepts: emergence; generative mechanisms; context-mechanism-outcome; realist synthesis.

Critical Theory: school of philosophy, political and social theory; includes the Frankfurt School and Jürgen Habermas; neo-Marxist approach; main concepts include praxis, the culture industry (first wave); public sphere, discourse theory of validity, ideal speech situation (second wave)

Affect: emotional response;

‘affect means the specific quality of ‘goodness’ or ‘badness’ (1) experienced as a feeling state (with or without consciousness) and (2) demarcating a positive or negative quality of a stimulus’ (Slovic et al, 2004, p. 312)

Affect heuristic (Slovic et al, 2004); (linked with experiential system of thinking)

‘readily available affective impression’ decision-making ‘shortcut’; applied to ‘dread and outrage’; ‘risk and benefit’; ‘probability, frequency and risk’;

Valence used to refer to the emotional attractiveness, i.e. of an idea (Cox and Beland, 2013), or as political valence, as in Hunt (1999).

Boundary work (Gieryn, 1983): the process of demarcation of science from non-science; it is interest-led to start with, but entails the construction of ideological and epistemological boundaries which encourage particular values and beliefs.

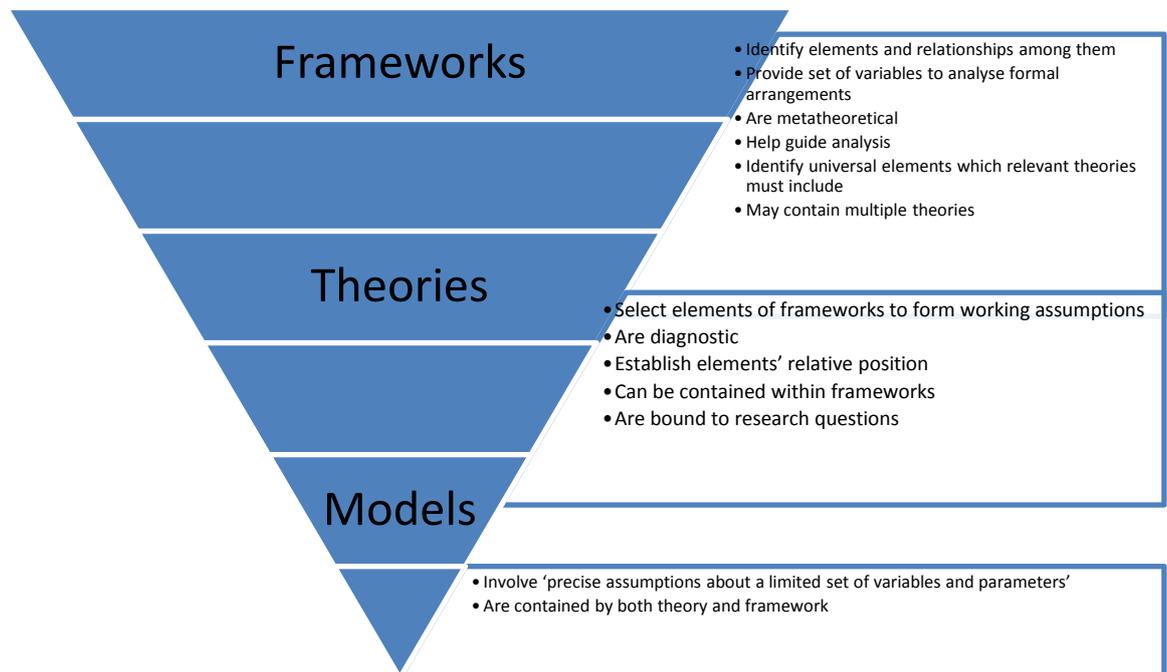
Knowledge cultures/Epistemic cultures (Knorr Cetina, 2007) understanding knowledge production through cultural lenses and ethnographic methods; implies diversity of knowledges and of sciences with boundaries established through ontology, epistemology, terminology, and methodology.

Model; Theory; Framework (disambiguation)

The difference between models, theories and frameworks (Ostrom, 2011)

Models	Theories	Frameworks
Involve 'precise assumptions about a limited set of variables and parameters' Are contained by both theory and framework	Select elements of frameworks to form working assumptions Are diagnostic Establish elements' relative position Can be contained within frameworks Are bound to research questions	Identify elements and relationships among them Provide set of variables to analyse formal arrangements Are metatheoretical Help guide analysis Identify universal elements which relevant theories must include May contain multiple theories

'One needs a common framework and family of theories in order to address questions of reform and transition. Particular models then help the analyst to deduce specific predictions about likely outcomes of highly simplified structures. Models are useful in policy analysis when they are well tailored to the particular problem at hand. Models can be used inappropriately when applied to the study of situations that do not closely fit the assumptions of the model.'
 (Ostrom, 2011: 9)



Appendix 2



08 May 2013

The use of evidence in policy: A comparative study of the use of evidence in drug and prostitution policy in Australia and the UK.

Project Information

Researcher: Giulia Federica Zampini
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Supervisors: Professor Alex Stevens, a.w.stevens@kent.ac.uk
Professor Phil Hubbard, p.hubbard@kent.ac.uk

I am a doctoral candidate undertaking research about the use of evidence in policy.

The aim of this research is to investigate the ways in which policy-makers understand, present, value and use evidence in two highly contested policy fields, and to contribute to academic debates on models of evidence-based policy and practice and their implications.

If you agree to participate you will be interviewed (including audio recording) at a time and location convenient for you. The interview will take between 45 and 90 minutes and will include discussion of:

- Your personal experience of working in policy circles
- Your personal experience working on specific policy areas
- What you understand as evidence
- Your views about the role of evidence in policy
- Any examples of decision-making you were involved in where evidence played a role

Parts of your interview may be quoted in research outputs, unless you indicate otherwise. These outputs will include my thesis, and may include journal articles, books and web pages. Any contributions used will be anonymised and any other identifying feature (e.g. name of organization/body/institution) will be concealed as far as possible.

Even once you have agreed to take part in this research, you can withdraw your consent at any time and without reason up to the point of publication.

Any personal data will be handled in compliance with the 1998 Data Protection Act. All recordings will be transcribed and erased. Interview transcripts will be destroyed after no more than seven years.

If you require further information about this project, then please do not hesitate to contact me.

Thanks for your time,

Giulia Federica Zampini

08 May 2013

The use of evidence in policy: A comparative study of the use of evidence in drug and prostitution policy in Australia and the UK.

Consent Form

Please tick the appropriate boxes

Yes No

Taking Part

- | | | |
|---|--------------------------|--------------------------|
| I have read and understood the project information sheet dated 08 May 2013. | <input type="checkbox"/> | <input type="checkbox"/> |
| I have been given the opportunity to ask questions about the project. | <input type="checkbox"/> | <input type="checkbox"/> |
| I agree to take part in the project and understand that taking part in the project will include being interviewed and recorded. | <input type="checkbox"/> | <input type="checkbox"/> |
| I understand that my taking part is voluntary; I can withdraw from the study at any time and I do not have to give any reasons for why I no longer want to take part. | <input type="checkbox"/> | <input type="checkbox"/> |

Use of the information I provide for this project only

- | | | |
|---|--------------------------|--------------------------|
| I understand that my words may be quoted in publications, reports, web pages, and other research outputs. | <input type="checkbox"/> | <input type="checkbox"/> |
| I understand that use of my data in the above will be anonymised. | <input type="checkbox"/> | <input type="checkbox"/> |

Name of participant [printed] Signature Date

Researcher [printed] Signature Date

Project contact details for further information: Giulia Zampini
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Approval No 030613

THE UNIVERSITY OF NEW SOUTH WALES
National Drug and Alcohol Research Centre
THE UNIVERSITY OF KENT
Department of Sociology, Social Policy and Social Research (UK)

PARTICIPANT INFORMATION STATEMENT AND CONSENT FORM

The use of evidence in policy: A comparative study of the use of evidence in drug and prostitution policy in Australia and the UK

You are invited to participate in a study about the use of evidence in policy.

The aim of this research is to investigate the ways in which policy-makers understand, present, value and use evidence in two highly contested policy fields, and to contribute to academic debates on models of evidence-based policy and practice and their implications.

You were selected as a possible participant in this study because of your role and experience as a policy-maker/researcher/expert.

If you agree to participate you will be interviewed (including audio recording) at a time and location convenient for you. The interview will take between 45 and 60 minutes and will include discussion of:

- Your personal experience of working in policy circles
- Your personal experience working on specific policy areas
- What you understand as evidence
- Your views about the role of evidence in policy
- Any examples of decision-making you were involved in where evidence played a role

Any information that is obtained in connection with this study and that can be identified will remain confidential and will be disclosed only with your permission, except as required by law. If you give me your permission by signing this document, parts of your interview may be quoted in research outputs, unless you indicate otherwise. These outputs will include my thesis, and may include journal articles, books and webpages. Any contributions used will be anonymised and any other identifying feature (e.g. name of organization/body/institution) will be concealed. Because of the nature of your work, others who work in your field may recognise your views; however this will be prevented as far as possible by avoiding the use of any identifying feature.

Complaints may be directed to the Ethics Secretariat, The University of New South Wales, SYDNEY 2052 AUSTRALIA (phone 9385 4234, fax 9385 6648, email ethics.sec@unsw.edu.au). Any complaint you make will be investigated promptly and you will be informed of the outcome.

You will be offered the opportunity to obtain a copy of the thesis upon completion. Your decision whether or not to participate will not prejudice your future relations with the University of New South Wales. If you decide to participate, you are free to withdraw your consent and to discontinue participation at any time without prejudice.

If you have any questions, please feel free to ask us. If you have any additional questions later, Prof Alison Ritter, T: 02 9385 0236; E: Alison.ritter@unsw.edu.au will be happy to answer them.

You will be given a copy of this form to keep.

THE UNIVERSITY OF NEW SOUTH WALES

PARTICIPANT INFORMATION STATEMENT AND CONSENT FORM (continued)
(Title of project)

You are making a decision whether or not to participate. Your signature indicates that, having read the information provided above, you have decided to participate.

.....
Signature of Research Participant

.....
Signature of Witness

.....
(Please PRINT name)

.....
(Please PRINT name)

.....
Date

.....
Nature of Witness

REVOCAION OF CONSENT
(Title of project)

I hereby wish to **WITHDRAW** my consent to participate in the research proposal described above and understand that such withdrawal **WILL NOT** jeopardise any treatment or my relationship with The University of New South Wales, *(other participating organisation[s] or other professional[s]).*

.....
Signature

.....
Date

.....
Please PRINT Name

The section for Revocation of Consent should be forwarded to *(INSERT name and address of Chief Investigator)*.



The use of evidence in policy: A comparative study of the use of evidence in drug and prostitution policy in Australia and the UK.

Consent Form

Please tick the appropriate boxes

Yes No

Taking Part

I have read and understood the project information sheet. Yes No

I have been given the opportunity to ask questions about the project. Yes No

I agree to take part in the project and understand that taking part in the project will include being interviewed and recorded. Yes No

I understand that my taking part is voluntary; I can withdraw from the study at any time and I do not have to give any reasons for why I no longer want to take part. Yes No

Use of the information I provide for this project only

I understand that my words may be quoted in publications, reports, web pages, and other research outputs. Yes No

I understand that use of my data in the above will be anonymised. Yes No

Name of participant [printed]

Signature

Date

Researcher [printed]

Signature

Date

Project contact details for further information: Giulia Zampini gfz2@kent.ac.uk

Bibliography

- Abel, G., Healy, C., & Taylor, A. (2010). *Taking the Crime Out of Sex Work: New Zealand Sex Workers' Fight for Decriminalisation*. Policy Press.
- Abbott A. (1992), 'What do cases do? Some notes on activity in sociological analysis', in Ragin and Becker (eds.), *What is a Case?*, Cambridge University Press, pp. 53-82.
- Agger, B. (1991), 'Critical Theory, Poststructuralism, Postmodernism: Their Sociological Relevance', *Annual Review of Sociology* 17 (1): 105-131.
- Ahern, J., Stuber, J., & Galea, S. (2007). Stigma, discrimination and the health of illicit drug users. *Drug and Alcohol Dependence*, 88(2-3), 188-196.
- Aitken, C. K., Kerger, M., & Crofts, N. (2002). Peer-delivered hepatitis C testing and counselling: a means of improving the health of injecting drug users. *Drug and Alcohol Review*, 21(1), 33-37.
- Aldridge, J., Measham, F., & Williams, L. (2013). *Illegal Leisure Revisited: Changing Patterns of Alcohol and Drug Use in Adolescents and Young Adults*. Routledge.
- Allen, M., & Preiss, R. W. (1997). Comparing the persuasiveness of narrative and statistical evidence using meta-analysis. *Communication Research Reports*, 14(2), 125-131.
- Amann, K., & Cetina, K. K. (1988). The Fixation of (Visual) Evidence. *Human Studies*, 11(2-3), 133-169.
- Archer et Al (1998), *Critical Realism: Essential Readings*, Routledge
- Archer, M. S. (2015). *Generative Mechanisms Transforming the Social Order*. Springer.
- Australian Research Council. (2015). Research Impact Principles and Framework. Retrieved from <http://www.arc.gov.au/research-impact-principles-and-framework>
- Bacchi, C. (2009). *Analysing Policy*. Pearson Higher Education AU.
- Bache, I., & Flinders, M. (2004). Multi-Level Governance and the Study of the British State. *Public Policy and Administration*, 19(1), 31-51.
- Baral, S., Beyrer, C., Muessig, K., Poteat, T., Wirtz, A. L., Decker, M. R., Kerrigan, D. (2012). Burden of HIV among female sex workers in low-income and middle-income countries: a systematic review and meta-analysis. *The Lancet Infectious Diseases*, 12(7), 538-549.
- Barrio, G., Montanari, L., Bravo, M. J., Guarita, B., de la Fuente, L., Pulido, J., & Vicente, J. (2013). Trends of heroin use and heroin injection epidemics in Europe: Findings from the EMCDDA treatment demand indicator (TDI). *Journal of Substance Abuse Treatment*, 45(1)
- Barzelay, M. (2001). *The New Public Management: Improving Research and Policy Dialogue*. University of California Press.
- Bastow, S., Dunleavy, P., & Tinkler, J. (2014). *The Impact of the Social Sciences: How Academics and their Research Make a Difference*. SAGE.
- Baumgartner, F. R., & Jones, B. D. (2009). *Agendas and Instability in American Politics, Second Edition*. University of Chicago Press.

- Bayer, R. (1991). Introduction: The Great Drug Policy Debate: What Means This Thing Called Decriminalisation? *The Milbank Quarterly*, 69(3), 341–363.
- Beck, U. (2002). *Individualization: Institutionalised Individualism and Its Social and Political Consequences*. SAGE.
- Béland, D. (2005). Ideas and social policy: an institutionalist perspective. *Social Policy & Administration*, 39(1), 1–18.
- Béland, D. (2009). Ideas, institutions, and policy change. *Journal of European Public Policy*, 16(5), 701–718.
- Berman, S. (2013). Ideational Theorizing in the Social Sciences since ‘Policy Paradigms, Social Learning, and the State’. *Governance*, 26(2), 217–237.
- Bernstein R.J. (1991), *The New Constellation*, Cambridge; Polity Press
- Bernstein, E. (1999). What’s Wrong with Prostitution--What’s Right with Sex Work--Comparing Markets in Female Sexual Labor. *Hastings Women’s Law Journal*, 10, 91.
- Bernstein, E. (2007). Sex Work for the Middle Classes. *Sexualities*, 10(4), 473–488.
- Bernstein, R. J. (2010). *The Pragmatic Turn*. Polity.
- Bernstein, E. (2012). Carceral politics as gender justice? The ‘traffic in women’ and neoliberal circuits of crime, sex, and rights. *Theory and Society*, 41(3), 233–259.
- Better Regulation Office (2012) *Regulation of Brothels in New South Wales*, Issue Paper
- Bessant, J. (2008). From ‘harm minimization’ to ‘zero tolerance’ drugs policy in Australia: how the Howard government changed its mind. *Policy Studies*, 29(2), 197–214.
- Bhaskar, R. (2014). *The Possibility of Naturalism: A Philosophical Critique of the Contemporary Human Sciences*. Routledge.
- Birkland, T. A. (1997). *After Disaster: Agenda Setting, Public Policy, and Focusing Events*. Georgetown University Press.
- Black, N. (2001). Evidence-based policy: proceed with care. *BMJ : British Medical Journal*, 323(7307), 275–279.
- Burnett J. and Duncan S. (2008), 'Reflections and Observations: An Interview with the UK's first Chief Government Social Researcher', *Critical Social Policy*, 28, 283-298.
- Blomkamp, E. (2014). Uses of evidence in local cultural policy: performance, legitimation, problem representation, and learning in two Australian municipalities. *Evidence & Policy*, 10(2), 223–241.
- Boaz, A., & Pawson, R. (2005). The Perilous Road from Evidence to Policy: Five Journeys Compared. *Journal of Social Policy*, 34(02), 175–194.
- Borgerson K. (2009) Valuing evidence: Bias and the evidence hierarchy of evidence-based medicine. *Perspect Biol Med*. 52(2):218–233
- Borgerson, K. (2014). Redundant, Secretive, and Isolated: When Are Clinical Trials Scientifically Valid? *Kennedy Institute of Ethics Journal*, 24(4), 385–411.
- Bowen, E. A. (2012). Clean Needles and Bad Blood: Needle Exchange as Morality Policy. *Journal of Sociology and Social Welfare*, 39, 121.
- Braaten, J. (1991). *Habermas’s Critical Theory of Society*. SUNY Press.
- Brown, J. M. (2013). *The Future of Policing*. Routledge.
- Byrne, D. (2011). *Applying Social Science: The Role of Social Research in Politics, Policy and Practice*. Bristol: Policy Press.
- Cabinet Office (1999) *Modernising Government White Paper*. London, UK: The Stationery Office.

- Cairney, P. (2007). A 'Multiple Lenses' Approach to Policy Change: The Case of Tobacco Policy in the UK1. *British Politics*, 2(1), 45–68.
- Cairney, P. A. (2009). Multiple Lenses and Multiple Narratives in Public Policy: Are They Complementary or Contradictory? *Higher Education Quarterly*, 14(1), 101–104.
- Cairney, P. (2011). *Understanding Public Policy: Theories and Issues*. Palgrave Macmillan.
- Cairney, P. (2013). Standing on the Shoulders of Giants: How Do We Combine the Insights of Multiple Theories in Public Policy Studies? *Policy Studies Journal*, 41(1), 1–21.
- Caplan, N. (1979). The Two-Communities Theory and Knowledge Utilization. *American Behavioral Scientist*, 22(3), 459–470.
- Cartwright, N., & Munro, E. (2010). The limitations of randomized controlled trials in predicting effectiveness. *Journal of Evaluation in Clinical Practice*, 16(2), 260–266.
- Chand, K. (2007). Should drugs be decriminalised? Yes. *BMJ: British Medical Journal*, 335(7627), 966.
- Chateauvert, M. (2014). *Sex Workers Unite: A History of the Movement from Stonewall to Slutwalk*. Boston: Beacon Press.
- Cheney, B. M. M. (1988). Prostitution – A Feminist Jurisprudential Perspective. *Victoria University of Wellington Law Review*, 18, 239.
- Classen, C. C., Palesh, O. G., & Aggarwal, R. (2005). Sexual Revictimization A Review of the Empirical Literature. *Trauma, Violence, & Abuse*, 6(2), 103–129.
- Click, H. R., & Hutchinson, A. (1999). The Rising Agenda of Physician-Assisted Suicide: Explaining the Growth and Content of Morality Policy. *Policy Studies Journal*, 27(4), 750–
- Converse, P. E. (2006). The nature of belief systems in mass publics (1964). *Critical Review*, 18(1-3), 1–74.
- Cox, R. H., & Béland, D. (2013). Valence, Policy Ideas, and the Rise of Sustainability. *Governance*, 26(2), 307–328.
- Coy, M., Wakeling, J., & Garner, M. (2011). Selling sex sells: Representations of prostitution and the sex industry in sexualised popular culture as symbolic violence. *Women's Studies International Forum*, 34(5), 441–448.
- Creighton, S., Tariq, S., & Perry, G. (2008). Sexually transmitted infections among UK street-based sex workers. *Sexually Transmitted Infections*, 84(1), 32–33.
- Crines, A. S. (2013). The Rhetoric of the Coalition: Governing in the National Interest? *Representation*, 49(2), 207–218.
- Crofts, P. (2007). Sex in the Dark: The Brothels Legislation Amendment Act 2007 (NSW). *Current Issues in Criminal Justice*, 19(2), 183.
- Cusick, L. (2006a). Widening the harm reduction agenda: From drug use to sex work. *International Journal of Drug Policy*, 17(1), 3–11.
- Davies P. (2004), 'Is Evidence-based Government Possible?', Jerry Lee Lecture, Campbell Collaboration Colloquium, Washington

- Davies, N. (2009, October 20). Inquiry fails to find single trafficker who forced anybody into prostitution. *The Guardian*. Retrieved from <http://www.theguardian.com/uk/2009/oct/20/government-trafficking-enquiry-fails>
- Davies, P. (2004). Sociology and policy science: just in time? *The British Journal of Sociology*, 55(3), 447–450.
- de Melo-Martín, I., & Intemann, K. (2012). Interpreting Evidence. *Perspectives in Biology and Medicine*, 55(1), 59–70.
- Deeming, C. (2013). Trials and Tribulations: The ‘Use’ (and ‘Misuse’) of Evidence in Public Policy. *Social Policy & Administration*, 47(4), 359–381.
- Dehue T. (2001), Establishing the experimenting society: The historical origin of social experimentation according to the randomized controlled design, *The American Journal of Psychology*, 114(2), 283–302.
- Dezhbakhsh, H., & Shepherd, J. M. (2006). The Deterrent Effect of Capital Punishment: Evidence from a ‘Judicial Experiment’. *Economic Inquiry*, 44(3), 512–535.
- Dickinson, H. D. (1998). Evidence-based decision-making: an argumentative approach. *International Journal of Medical Informatics*, 51(2–3), 71–81.
- Dolan, F. T. Kimber, J. Fry, C. McDonald D., Fitzgerald J. (2000). Drug consumption facilities in Europe and the establishment of supervised injecting centres in Australia. *Drug and Alcohol Review*, 19(3), 337–346.
- Dolowitz, D. P., & Marsh, D. (2000). Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making. *Governance*, 13(1), 5–23.
- Donovan, B., Harcourt, C., Egger, S., Watchirs Smith, L., Schneider, K., Kaldor, J.M., Chen, M.Y., Fairley, C.K., Tabrizi, S., (2012). *The Sex Industry in New South Wales: a Report to the NSW Ministry of Health*. Sydney: Kirby Institute, University of New South Wales.
- Douglas, H. E. (2011). *Science, Policy, and the Value-Free Ideal*. Pittsburgh: University of Pittsburgh Press.
- Douglas, M. (1986). *How Institutions Think*. Syracuse University Press.
- Douglas, M. (1966). *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (1 edition). London ; New York: Routledge.
- Dowding, K. (1995). Model or Metaphor? A Critical Review of the Policy Network Approach. *Political Studies*, 43(1), 136–158.
- Duff, C. (2005). Party drugs and party people: examining the ‘normalization’ of recreational drug use in Melbourne, Australia. *International Journal of Drug Policy*, 16(3), 161–170.
- Duke, K. (2012). From Crime to Recovery: The Reframing of British Drugs Policy? *Journal of Drug Issues*, 20(10) 1–17
- Duke, K., & Thom, B. (2014). The role of evidence and the expert in contemporary processes of governance: The case of opioid substitution treatment policy in England. *International Journal of Drug Policy*, 25(5), 964–971.
- Dunn, W. N. (1980). The Two-Communities Metaphor and Models of Knowledge Use An Exploratory Case Survey. *Science Communication*, 1(4), 515–536.
- Dunn, W. N. (1982). Reforms as Arguments. *Science Communication*, 3(3), 293–326.

- Ekberg, G. (2004). The Swedish Law that Prohibits the Purchase of Sexual Services Best Practices for Prevention of Prostitution and Trafficking in Human Beings. *Violence Against Women*, 10(10), 1187–1218.
- Elgert, L. (2014). Governing portable conservation and development landscapes: reconsidering evidence in the context of the Mbaracayú Biosphere Reserve. *Evidence & Policy*, 10(2), 205–222.
- Engeli, I., Green-Pedersen, C., & Larsen, L. T. (2012). *Morality Politics in Western Europe: Parties, Agendas and Policy Choices*. Palgrave Macmillan.
- Engeli, I., Green-Pedersen, C., & Larsen, L. T. (2013). The puzzle of permissiveness: understanding policy processes concerning morality issues. *Journal of European Public Policy*, 20(3), 335–352.
- Epstein, S. (1996). *Impure Science: AIDS, Activism, and the Politics of Knowledge*. University of California Press.
- Esping-Andersen, G. (1996). *Welfare States in Transition: National Adaptations in Global Economies*. SAGE.
- Euchner, E.-M., Heichel, S., Nebel, K., & Raschzok, A. (2013). From ‘morality’ policy to ‘normal’ policy: framing of drug consumption and gambling in Germany and the Netherlands and their regulatory consequences. *Journal of European Public Policy*, 20(3), 372–389.
- Evans, D. (2003). Hierarchy of evidence: a framework for ranking evidence evaluating healthcare interventions. *Journal of Clinical Nursing*, 12(1), 77–84.
- Ezard, N. (2001). Public health, human rights and the harm reduction paradigm: from risk reduction to vulnerability reduction. *International Journal of Drug Policy*, 12(3), 207–219.
- Farrington, D. P., MacKenzie, D. L., Sherman, L. W., & Welsh, B. C. (2003). *Evidence-Based Crime Prevention*. Routledge.
- Fenger, M., & Klok, P.-J. (2001). Interdependency, beliefs, and coalition behavior: A contribution to the advocacy coalition framework. *Policy Sciences*, 34(2), 157–170.
- Fischer, F. (2003). *Reframing Public Policy: Discursive Politics and Deliberative Practices*. OUP Oxford.
- Fischer, F. (2012). *The Argumentative Turn Revisited: Public Policy as Communicative Practice*. Duke University Press.
- Fischer, F., & Forester, J. (1993). *The Argumentative Turn in Policy Analysis and Planning*. Duke University Press.
- Fischer, J. (2004). Social Responsibility and Ethics: Clarifying the Concepts. *Journal of Business Ethics*, 52(4), 381–390.
- Fitzgerald, J. L. (2013). Supervised injecting facilities: a case study of contrasting narratives in a contested health policy arena. *Critical Public Health*, 23(1), 77–94.
- Flanagan, S. C., & Lee, A.-R. (2003). The New Politics, Culture Wars, and The Authoritarian-Libertarian Value Change in Advanced Industrial Democracies. *Comparative Political Studies*, 36(3), 235–270.
- Foucault, M. (2002). *Power: The Essential Works of Michel Foucault 1954-1984: Essential Works of Michel Foucault 1954-1984 v. 3* (3 edition). Allen Lane: Penguin.

- Frances, R., & Gray, A. (2007). 'Unsatisfactory, Discriminatory, Unjust and Inviting Corruption'. *Australian Feminist Studies*, 22(53), 307–324.
- Fraser, S., & Moore, D. (2011). *The Drug Effect: Health, Crime and Society*. Cambridge University Press.
- Freeden, M. (1994). Political Concepts and Ideological Morphology. *Journal of Political Philosophy*, 2(2), 140–164.
- Freeden, M. (2005). Confronting the chimera of a 'post-ideological' age. *Critical Review of International Social and Political Philosophy*, 8(2), 247–262.
- Freeden, M. (2006). Ideology and political theory. *Journal of Political Ideologies*, 11(1), 3–22.
- Geelan, D. R. (2001). Feyerabend revisited: Epistemological anarchy and disciplined eclecticism in educational research. *The Australian Educational Researcher*, 28(2), 129–146.
- Gerring, J. (2006). *Case Study Research: Principles and Practices*. Cambridge University Press.
- Gewirth, A. (1981). *Reason and Morality*. University of Chicago Press.
- Geyer, R., & Cairney, P. (2015). *Handbook on Complexity and Public Policy*. Edward Elgar Publishing.
- Gieryn, T. F. (1983). Boundary-Work and the Demarcation of Science from Non-Science: Strains and Interests in Professional Ideologies of Scientists. *American Sociological Review*, 48(6),
- Glasby, J., & Beresford, P. (2006). Commentary and Issues : Who knows best? Evidence-based practice and the service user contribution. *Critical Social Policy*, 26(1), 268–284.
- Glasby, J., Walshe, K., & Harvey, G. (2007). Making evidence fit for purpose in decision making: a case study of the hospital discharge of older people. *Evidence & Policy*, 3(3), 425–437.
- Goldacre, B. (2013). Are clinical trial data shared sufficiently today? No. *The BMJ*, 347, f1880.
- Goodyear, M. D. E., & Cusick, L. (2007). Protection of sex workers. *BMJ: British Medical Journal*, 334(7584), 52–53.
- Gozdziak, E. M., & Collett, E. A. (2005). Research on Human Trafficking in North America: A Review of Literature. *International Migration*, 43(1-2), 99–128.
- Graham, J., Haidt, J., & Nosek, B. A. (2009). Liberals and conservatives rely on different sets of moral foundations. *Journal of Personality and Social Psychology*, 96(5), 1029–1046.
- Gira-Grant, M. (2014). *Playing the Whore: The Work of Sex Work*. Verso Books.
- Greenhalgh, T. (1999). Narrative based medicine in an evidence-based world. *BMJ: British Medical Journal*, 318(7179), 323–325.
- Greenhalgh, T., & Russell, J. (2006). Reframing Evidence Synthesis As Rhetorical Action in the Policy Making Drama. *Healthcare Policy*, 1(2), 34–42.
- Greenhalgh, T., & Russell, J. (2009). Evidence-Based Policymaking: A Critique. *Perspectives in Biology and Medicine*, 52(2), 304–318.
- Guest, G., Bunce, A., & Johnson, L. (2006). How Many Interviews Are Enough? An Experiment with Data Saturation and Variability. *Field Methods*, 18(1), 59–82.
- Gunders, L. (2012). Immoral and un-Australian: the discursive exclusion of welfare recipients. *Critical Discourse Studies*, 9(1), 1–13.

- Habermas, J. (1976). *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society*. MIT Press.
- Habermas, J. (1986), Law and Morality, *The Tanner Lectures on Human Values*, Harvard University,
http://tannerlectures.utah.edu/_documents/a-to-z/h/habermas88.pdf
- Hackett, E. J., Amsterdamska, O., Lynch, M., & Wajcman, J. (2008). *The handbook of science and technology studies*. Cambridge, USA: The MIT Press.
- Haider-Markel, D. P., & Meier, K. J. (1996). The Politics of Gay and Lesbian Rights: Expanding the Scope of the Conflict. *The Journal of Politics*, 58(02), 332–349.
- Haidt, J. (2012). *The Righteous Mind: Why Good People are Divided by Politics and Religion*. London: Allen Lane.
- Haidt, J., & Graham, J. (2007). When Morality Opposes Justice: Conservatives Have Moral Intuitions that Liberals may not Recognize. *Social Justice Research*, 20(1), 98–116.
- Hajer, M. A. (1995). *The Politics of Environmental Discourse: Ecological Modernization and the Policy Process*. Clarendon Press.
- Hall, P. A. (1993). Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain. *Comparative Politics*, 25(3), 275–296.
- Hall, S. (2011). The Neo-Liberal Revolution. *Cultural Studies*, 25(6), 705–728.
- Harcourt, C., Egger, S., & Donovan, B. (2005). Sex work and the law. *Sexual Health*, 2(3), 121–128.
- Harcourt, C., O'Connor, J., Egger, S., Fairley, C. K., Wand, H., Chen, M. Y., Donovan, B. (2010). The decriminalisation of prostitution is associated with better coverage of health promotion programs for sex workers. *Australian and New Zealand Journal of Public Health*, 34(5), 482–486.
- Home Affairs Committee (2002), Third Report, London: The Stationery Office Ltd.
- Home Affairs Committee (2012) Drugs: Breaking the Cycle. Ninth Report of Session 2012-13. London: The Stationery Office Ltd.
- Hathaway, A. D. (2001). Shortcomings of harm reduction: toward a morally invested drug reform strategy. *International Journal of Drug Policy*, 12(2), 125–137.
- Hathaway, A. D. (2002). From harm reduction to human rights: bringing liberalism back into drug reform debates. *Drug and Alcohol Review*, 21(4), 397–404.
- Havelock, R. G., & University of Michigan. (1979). *Planning for innovation through dissemination and utilization of knowledge*, Institute for Social Research, University of Michigan. Retrieved from <http://catalog.hathitrust.org/Record/003491027>
- Hawken, A., & Kulick, J. (2014). Treaties (probably) not an impediment to 'legal' cannabis in Washington and Colorado. *Addiction*, 109(3), 355–356.
- Haynes L., Service O., Goldacre, B. Torgerson D. (2012), Test, Learn, Adapt: Developing Public Policy with Randomised Controlled Trials, Cabinet Office, retrieved at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62529/TLA-1906126.pdf

- Head, B. W. (2008). Three Lenses of Evidence-Based Policy. *Australian Journal of Public Administration*, 67(1), 1–11.
- Head, B. W. (2010). Reconsidering evidence-based policy: Key issues and challenges. *Policy and Society*, 29(2), 77–94.
- Heath, A., Evans, G., & Martin, J. (1994). The Measurement of Core Beliefs and Values: The Development of Balanced Socialist/Laissez Faire and Libertarian/Authoritarian Scales. *British Journal of Political Science*, 24(01), 115–132.
- Hedrich D (2004) European Report on Drug Consumption Rooms. Lisbon: EMCDDA
- Heichel, S., Knill, C., & Schmitt, S. (2013). Public policy meets morality: conceptual and theoretical challenges in the analysis of morality policy change. *Journal of European Public Policy*, 20(3), 318–334.
- Henderson, E. (1995). Of Signifiers and Sodomy: Privacy, Public Morality and Sex in the Decriminalisation Debates. *Melbourne University Law Review*, 20, 1023.
- Hill, P. M. (2009). *The Public Policy Process* (5 edition). Harlow, England; New York: Longman.
- Hofmann, W., Wisneski, D. C., Brandt, M. J., & Skitka, L. J. (2014). Morality in everyday life. *Science*, 345(6202), 1340–1343.
- Home Office (2004), *Paying the Price*, London: Home Office.
- Home Office (2006), *A Coordinated Prostitution Strategy*, London: Home Office.
- Home Office (2008), *Tackling Demand for Prostitution: A Review*. London: Home Office.
- Home Office (2010), *A Review of Effective Practice in Responding to Prostitution*, London: Home Office.
- Hoppe, R. (1999). Policy analysis, science and politics: from ‘speaking truth to power’ to ‘making sense together’. *Science and Public Policy*, 26(3), 201–210.
- Hoppe, R. (2005). Rethinking the science-policy nexus: from knowledge utilization and science technology studies to types of boundary arrangements. *Poiesis & Praxis*, 3(3), 199–215.
- Hoppe, R. (2011). *The Governance of Problems: Puzzling, Powering and Participation*. Policy Press.
- Hoy, D C and McCarthy T. (1994), *Critical theory*, Wiley-Blackwell.
- Hubbard, P. (1998). Sexuality, Immorality and the City: Red-light districts and the marginalisation of female street prostitutes. *Gender, Place & Culture*, 5(1), 55–76.
- Hubbard, P. (2013). *Cities and Sexualities*. Routledge.
- Hubbard, P., & Colosi, R. (2015). Taking back the night? Gender and the contestation of sexual entertainment in England and Wales. *Urban Studies*, 52(3), 589–605.
- Hughes, C. E., & Stevens, A. (2010). What Can We Learn From The Portuguese Decriminalisation of Illicit Drugs? *British Journal of Criminology*,
- Hulse, G. K. (1997). Australia’s public health response to HIV and HCV: A role for ‘affected’ communities. *Drug and Alcohol Review*, 16(2), 171–176.
- Humphreys, K., & Piot, P. (2012). Scientific evidence alone is not sufficient basis for health policy. *BMJ*, 344, e1316.
- Hunt, A. (1999). *Governing Morals: A Social History of Moral Regulation*. Cambridge University Press.

- Hunt, N. (2004). Public health or human rights: what comes first? *International Journal of Drug Policy*, 15(4), 231–237.
- Hurka, S., & Nebel, K. (2013). Framing and policy change after shooting rampages: a comparative analysis of discourse networks. *Journal of European Public Policy*, 20(3), 390–406.
- Husak, D. (2003). Four Points About Drug Decriminalisation. *Criminal Justice Ethics*, 22(1), 21–29.
- Independent Drugs Commission for Brighton and Hove Report (2013), retrieved at <http://www.safeinthecity.info/sites/safeinthecity.info/files/sitc/Drugs%20commission%20report%20final.pdf>
- Inglehart, R. (1990). *Culture Shift in Advanced Industrial Society*. Princeton University Press.
- Inglehart, R. (1997). *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies*. Princeton University Press.
- Inglehart, R. (2004). *Human Beliefs and Values: A Cross-cultural Sourcebook Based on the 1999-2002 Values Surveys*. Siglo XXI.
- Inglehart, R., & Baker, W. E. (2000). Modernization, Cultural Change, and the Persistence of Traditional Values. *American Sociological Review*, 65(1), 19–51.
- Inglehart, R. F. (2008). Changing Values among Western Publics from 1970 to 2006. *West European Politics*, 31(1-2), 130–146.
- IWG (2006), The Report of the Independent Working Group on Drug Consumption Rooms, available at <http://www.jrf.org.uk/sites/files/jrf/9781859354711.pdf>, last accessed 05/09/15.
- Jameson, F. (1992). *Postmodernism, or, The Cultural Logic of Late Capitalism*. Durham: Duke University Press.
- Jasanoff, S. (2004). *States of Knowledge: The Co-Production of Science and the Social Order*. Routledge.
- Jewell, C. J., & Bero, L. A. (2008). ‘Developing good taste in evidence’: facilitators of and hindrances to evidence-informed health policymaking in state government. *The Milbank Quarterly*, 86(2), 177–208.
- Jenkins-Smith, H. C., & Sabatier, P. A. (1994). Evaluating the Advocacy Coalition Framework. *Journal of Public Policy*, 14(02), 175–203.
- John, P. (2003). *Analyzing Public Policy*. Routledge.
- John, P., Bertelli, A., Jennings, W., & Bevan, S. (2013). *Policy Agendas in British Politics*. Palgrave Macmillan.
- Johnson, P. (2010). Law, Morality and Disgust: The Regulation of ‘Extreme Pornography’ in England and Wales. *Social & Legal Studies*, 19(2), 147–163.
- Jones, M. D., & McBeth, M. K. (2010). A Narrative Policy Framework: Clear Enough to Be Wrong? *Policy Studies Journal*, 38(2), 329–353.
- Jost, J. T. (2006). The end of the end of ideology. *American Psychologist*, 61(7), 651–670.
- Jost, J. T., Federico, C. M., & Napier, J. L. (2009). Political Ideology: Its Structure, Functions, and Elective Affinities. *Annual Review of Psychology*, 60(1), 307–337.
- Jost, J. T., Glaser, J., Kruglanski, A. W., & Sulloway, F. J. (2003). Political conservatism as motivated social cognition. *Psychological Bulletin*, 129(3), 339–375.

- Katikireddi, S. V., Bond, L., & Hilton, S. (2014). Changing Policy Framing as a Deliberate Strategy for Public Health Advocacy: A Qualitative Policy Case Study of Minimum Unit Pricing of Alcohol. *Milbank Quarterly*, 92(2), 250–283.
- Keane, H. (2003). Critiques of harm reduction, morality and the promise of human rights. *International Journal of Drug Policy*, 14(3), 227–232.
- Keating, M., & Porta, D. della. (2010). In Defence of Pluralism in the Social Sciences. *European Political Science*, 9(S1), S111–S120.
- Kelly et al (2008) *Shifting Sands: A Comparison of Prostitution Regimes Across Nine Countries*, Home Office
- Kelly L. and Bindel J. (2004), *A Critical Examination of Responses to Prostitution in Four Countries: Victoria; Australia, the Netherlands, Ireland and Sweden*, Home Office
- Kingdon, J. W. (2003). *Agendas, alternatives, and public policies*. Longman.
- Kingston, S., & Thomas, T. (2015). The Anti-social Behaviour, Crime and Policing Act 2014: implications for sex workers and their clients. *Policing and Society*, 0(0), 1–15.
- Kinnell, H. (2013). *Violence and Sex Work in Britain*. Routledge.
- Knaap, P. V. der. (1995). Policy Evaluation and Learning Feedback, Enlightenment or Argumentation? *Evaluation*, 1(2), 189–216.
- Knill, C. (2013). The study of morality policy: analytical implications from a public policy perspective. *Journal of European Public Policy*, 20(3), 309–317.
- Knorr Cetina, K. (2007). Culture in global knowledge societies: knowledge cultures and epistemic cultures. *Interdisciplinary Science Reviews*, 32(4), 361–375.
- Knorr-Cetina, K. D. (2013). *The Manufacture of Knowledge: An Essay on the Constructivist and Contextual Nature of Science*. Elsevier.
- Korn, D., Gibbins, R., & Azmier, J. (2003). Framing Public Policy Towards a Public Health Paradigm for Gambling. *Journal of Gambling Studies*, 19(2), 235–256.
- Kübler, D. (2001). Understanding policy change with the advocacy coalition framework: an application to Swiss drug policy. *Journal of European Public Policy*, 8(4), 623–641.
- Kuhn, T. S. (1962). *The Structure of Scientific Revolutions Vol.* The University of Chicago Press.
- Lakoff, G. (2002). *Moral Politics: How Liberals And Conservatives Think, Second Edition* (2nd Revised edition edition). Chicago: University of Chicago Press.
- Lancaster, K., Duke, K., & Ritter, A. (2015). Producing the ‘problem of drugs’: A cross national-comparison of ‘recovery’ discourse in two Australian and British reports. *The International Journal on Drug Policy*, 26(7), 617–625.
- Lancaster, K., Santana, L., Madden, A., & Ritter, A. (2014). Stigma and subjectivities: Examining the textured relationship between lived experience and opinions about drug policy among people who inject drugs. *Drugs: Education, Prevention, and Policy*, 1–8.
- Lancaster, K., Sutherland, R., & Ritter, A. (2013). Examining the opinions of people who use drugs towards drug policy in Australia. *Drugs: Education, Prevention, and Policy*, 21(2), 93–101
- Lapadat, J. C. (2000). Problematizing transcription: Purpose, paradigm and quality. *International Journal of Social Research Methodology*, 3(3), 203–219.

- Latkin, C. A. (1998). Outreach in natural settings: the use of peer leaders for HIV prevention among injecting drug users' networks. *Public Health Reports*, 113(1), 151–159.
- Latour, B. (1987). *Science in Action: How to Follow Scientists and Engineers Through Society*. Harvard University Press.
- Layder, D. (1998). *Sociological Practice: Linking Theory and Social Research*. SAGE.
- Lee, D. M., Binger, A., Hocking, J., & Fairley, C. K. (2005). The incidence of sexually transmitted infections among frequently screened sex workers in a decriminalised and regulated system in Melbourne. *Sexually Transmitted Infections*, 81(5), 434–436.
- Leigh, A. (2009a). What Evidence should Social Policymakers Use? *Australian Treasury Economic Roundup, Vol. 1, pp. 27-43*
- Leigh, A (2009b). Evidence-Based Policy: Summon the Randomistas?, Strengthening Evidence-based Policy, <http://www.pc.gov.au/research/completed/strengthening-evidence/13-chapter10.pdf>
- Lennon, M. (2014). Presentation and persuasion: the meaning of evidence in Irish green infrastructure policy. *Evidence & Policy: A Journal of Research, Debate and Practice*, 10(2), 167–186.
- Lijphart A. (1999), 'Australian Democracy: Modifying Majoritarianism?', *Australian Journal of Political Science*, vol. 34, no. 3, pp. 313-326.
- Lijphart, A. (2012). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Yale University Press.
- Lin, V., & Gibson, B. (2003). *Evidence-based Health Policy: Problems & Possibilities*. Oxford University Press.
- Lloyd, C., & Hunt, N. (2007). Drug consumption rooms: An overdue extension to harm reduction policy in the UK? *International Journal of Drug Policy*, 18(1), 5–9.
- Lomas, J. (2007). The in-between world of knowledge brokering. *BMJ*, 334(7585), 129–132.
- Longino, H. E. (1983). Scientific Objectivity and the Logics of Science. *Inquiry*, 26(1), 85–106.
- Longino, H. E. (1990). *Science as Social Knowledge: Values and Objectivity in Scientific Inquiry*. Princeton University Press.
- Lucas, A. M. (2005). The Work of Sex Work: Elite Prostitutes' Vocational Orientations and Experiences. *Deviant Behavior*, 26(6), 513–546.
- Luker, K. (1985). *Abortion and the Politics of Motherhood*. University of California Press.
- Lutnick, A., & Cohan, D. (2009). Criminalisation, legalization or decriminalisation of sex work: what female sex workers say in San Francisco, USA. *Reproductive Health Matters*, 17(34), 38–46.
- MacCoun, R. J., & Reuter, P. (2001). *Drug War Heresies: Learning from Other Vices, Times, and Places*. Cambridge University Press.
- MacGregor, S. (2012). Parliamentary committees and drug policy governance. in UKDPC Essays on the governance of drugs policy. London: United Kingdom Drug Policy Commission.
- MacGregor, S. (2013). Barriers to the influence of evidence on policy: Are politicians the problem? *Drugs: Education, Prevention and Policy*, 20(3), 225–233.
- Macintyre, S. (2003). Evidence-based policy making. *BMJ: British Medical Journal*, 326(7379), 5–6.

- Maher, A. S. (2007). Supervised injecting facilities: how much evidence is enough? *Drug and Alcohol Review*, 26(4), 351–3.
- Mai, N. (2013). Embodied cosmopolitanisms: the subjective mobility of migrants working in the global sex industry. *Gender, Place & Culture*, 20(1), 107–124.
- Majone, G. (1989). *Evidence, Argument, and Persuasion in the Policy Process*. Yale University Press.
- Mann, J. (n.d.). British drugs survey 2014: drug use is rising in the UK – but we’re not addicted. Retrieved 28 July 2015, from <http://www.theguardian.com/society/2014/oct/05/-sp-drug-use-is-rising-in-the-uk-but-were-not-addicted>
- Marchal, B., Westhorp, G., Wong, G., Van Belle, S., Greenhalgh, T., Kegels, G., & Pawson, R. (2013). Realist RCTs of complex interventions – an oxymoron. *Social Science & Medicine (1982)*, 94, 124–128.
- Marmot, M. G. (2004). Evidence-based policy or policy based evidence? *BMJ*, 328(7445), 906–907.
- Marques, O. (2010). Choice-Makers and Risk-Takers in Neo-Liberal Liquid Modernity: The Contradiction of the ‘Entrepreneurial’ Sex Worker. *International Journal of Criminology and Sociological Theory*, 3(1).
- Marsh, D., & Smith, M. (2000). Understanding Policy Networks: towards a Dialectical Approach. *Political Studies*, 48(1), 4–21.
- Marston G. and Watts R. (2003), ‘Tampering with the Evidence’, *The Drawing Board: Australian Review of Public Affairs*, 3 (3), 143–163.
- Matthew-Simmons, F., Sunderland, M., & Ritter, A. (2013). Exploring the existence of drug policy ‘ideologies’ in Australia. *Drugs: Education, Prevention, and Policy*, 20(3), 258–267.
- Matthews, R. (2008). *Prostitution, Politics & Policy* (1 edition). Milton Park, Abingdon, Oxon; New York: Routledge-Cavendish.
- Matthews, R. (2015). Female prostitution and victimization A realist analysis. *International Review of Victimology*, 21(1), 85–100.
- Mattick, R. P., Ali, R., White, J. M., O’Brien, S., Wolk, S., & Danz, C. (2003). Buprenorphine versus methadone maintenance therapy: a randomized double-blind trial with 405 opioid-dependent patients. *Addiction*, 98(4), 441–452.
- McKeganey, N. (2011). *Controversies in Drugs Policy and Practice* (1 edition). Houndmills, Basingstoke, Hampshire ; New York: Palgrave.
- McKeganey, N. (2014). Clear rhetoric and blurred reality: The development of a recovery focus in UK drug treatment policy and practice. *International Journal of Drug Policy*, 25(5), 957–963.
- Measham, F. (2004). Play space: historical and socio-cultural reflections on drugs, licensed leisure locations, commercialisation and control. *International Journal of Drug Policy*, 15(5), 337–345.
- Measham, F., & Shiner, M. (2009). The legacy of ‘normalisation’: the role of classical and contemporary criminological theory in understanding young people’s drug use. *International Journal of Drug Policy*, 20(6), 502–508.
- Meier, K. J. (1994). *The Politics of Sin: Drugs, Alcohol and Public Policy*. Armonk, N.Y: Routledge.

- Meier, K. J. (1999). Drugs, Sex, Rock, and Roll: A Theory of Morality Politics. *Policy Studies Journal*, 27(4), 681–695.
- Miller, P. G. (2001). A critical review of the harm minimization ideology in Australia. *Critical Public Health*, 11(2), 167–178.
- Mills, C. W. (2000). *The Sociological Imagination*. Oxford University Press.
- Misak, C. J. (2010). Narrative evidence and evidence-based medicine. *Journal of Evaluation in Clinical Practice*, 16(2), 392–397.
- MSIC evaluation committee (2003), Final Report of the Evaluation of the Sydney Medically Supervised Injecting Centre, available at http://www.sydneymxic.com/images/M_images/MSIC_final_evaluation_report_2003.pdf, last accessed 09/09/15.
- Monaghan, M. (2010). The Complexity of Evidence: Reflections on Research Utilisation in a Heavily Politicised Policy Area. *Social Policy and Society*, 9(01), 1–12.
- Monaghan, M. (2011). *Evidence Versus Politics: Exploiting Research in UK Drug Policy Making?* Bristol ; Portland, Ore: Policy Press.
- Monaghan, M., Pawson, R., & Wicker, K. (2012). The precautionary principle and evidence-based policy. *Evidence & Policy*, 8(2), 171–191.
- Mooney, C. Z., & Lee, M.-H. (1995). Legislative Morality in the American States: The Case of Pre-Roe Abortion Regulation Reform. *American Journal of Political Science*, 39(3), 599–627.
- Mooney, C. Z., & Lee, M.-H. (2000). The Influence of Values on Consensus and Contentious Morality Policy: U.S. Death Penalty Reform, 1956–82. *Journal of Politics*, 62(1), 223–239.
- Mooney, C. Z., & Schuldt, R. G. (2008). Does Morality Policy Exist? Testing a Basic Assumption. *Policy Studies Journal*, 36(2), 199–218.
- Mucciaroni, G. (2011). Are Debates about ‘Morality Policy’ Really about Morality? Framing Opposition to Gay and Lesbian Rights. *Policy Studies Journal*, 39(2), 187–216.
- Mulgan G. (2005), Government, Knowledge and the Business of Policy-Making: The Potential and Limits of Evidence-Based Policy’, *Evidence and Policy*, 1 (2), pp. 215–26.
- Munro, V. E., & Scoular, J. (2012). Abusing Vulnerability? Contemporary Law and Policy Responses to Sex Work in the UK. *Feminist Legal Studies*, 20(3), 189–206.
- Naughton, M. (2005). ‘Evidence-based policy’ and the government of the criminal justice system – only if the evidence fits! *Critical Social Policy*, 25(1), 47–69.
- NSW Parliament. Legislative Assembly. Select Committee upon Prostitution, Rogan, P. (1986). *Select Committee of the Legislative Assembly upon Prostitution : [report]*. [Sydney]: Parliament of New South Wales.
- NSW Parliamentary Research Services (2015), Brothel Regulation in NSW, Issue Paper
- Nohrstedt, D. (2005). External shocks and policy change: Three Mile Island and Swedish nuclear energy policy. *Journal of European Public Policy*, 12(6), 1041–1059.
- Nortvedt, P., & Nordhaug, M. (2008). The principle and problem of proximity in ethics. *Journal of Medical Ethics*, 34(3), 156–161.
- Nussbaum, M. C. (2003). *Upheavals of Thought: The Intelligence of Emotions*. Cambridge University Press.

- Nussbaum, M. (2000). The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis. *The Journal of Legal Studies*, 29(S2), 1005–1036.
- Nutley, S. M., Walter, I., & Davies, H. T. O. (2007). *Using Evidence: How Research Can Inform Public Services*. Bristol, U.K: Policy Press.
- Nutt (2009). Equasy – An Overlooked Addiction. Retrieved from <http://www.synchronium.net/2009/11/02/equasy/>
- Oliver, D. G., Serovich, J. M., & Mason, T. L. (2005). Constraints and Opportunities with Interview Transcription: Towards Reflection in Qualitative Research. *Social Forces*, 84(2), 1273–1289.
- O'Malley, P., & Valverde, M. (2004). Pleasure, Freedom and Drugs 'The Uses of Pleasure' in Liberal Governance of Drug and Alcohol Consumption. *Sociology*, 38(1), 25–42.
- O'Neill, M., Campbell, R., Hubbard, P., Pitcher, J., & Scoular, J. (2008). Living with the Other: Street sex work, contingent communities and degrees of tolerance. *Crime, Media, Culture*, 4(1), 73–93.
- O'Neill, M. (2001). *Prostitution and Feminism: Living Dangerously in a Post-Honor World: Towards a Politics of Feeling*. Cambridge, Polity Press.
- Ostrom, E. (2011). Background on the Institutional Analysis and Development Framework. *Policy Studies Journal*, 39(1), 7–27.
- Outshoorn, J. (Ed.). (2004). *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce* (1 edition). Cambridge, UK ; New York: Cambridge University Press.
- Packwood, A. (2002). Evidence-based Policy: Rhetoric and Reality. *Social Policy and Society*, 1(03), 267–272.
- Parker, H. (2005). Normalization as a barometer: Recreational drug use and the consumption of leisure by younger Britons. *Addiction Research & Theory*, 13(3), 205–215.
- Parsons W. (2002), 'From Muddling through to Muddling up: Evidence-based Policy Making and the Modernisation of British Government', *Public Policy and Administration*, 17 (3) 43-60
- Pawson, R. (2002a). Evidence-based Policy: The Promise of 'Realist Synthesis'. *Evaluation*, 8(3), 340–358.
- Pawson R. (2002b), 'Evidence-based Policy: In Search of a Method', *Evaluation*, 8 (2) 157-181.
- Pawson, R. (2006). *Evidence-based policy: a realist perspective*. SAGE.
- Peters, J. (2012). Neoliberal convergence in North America and Western Europe: Fiscal austerity, privatization, and public sector reform. *Review of International Political Economy*, 19(2), 208–235.
- Phoenix, J. (2009). *Regulating Sex for Sale: Prostitution, Policy Reform and the UK*, Policy Press.
- Pilkington, C. (1999). *The Civil Service in Britain Today*. Manchester University Press.
- Pierce P. and Miller D. (1999), Variations in the diffusion of state lottery adoptions: How revenue dedication changes morality politics, *Policy Studies Journal*, 27(4), 696-706.

- Platt, L., Jolley, E., Rhodes, T., Hope, V., Latypov, A., Reynolds, L., & Wilson, D. (2013). Factors mediating HIV risk among female sex workers in Europe: a systematic review and ecological analysis. *BMJ Open*, 3(7), e002836.
- Police, W. M. (2015, January 5). Sentinel – West Midlands Police. Retrieved 10 August 2015, from <https://www.west-midlands.police.uk/advice-centre/campaigns/sentinel/index.aspx>
- Potter, G. (2014). *The Philosophy of Social Science: New Perspectives*. Routledge.
- Prior J. Boydell S. and Hubbard P. (2011), Nocturnal Rights to the City: Property, Propriety and Sex Premises in Inner Sydney, *Urban Studies*, 1-16.
- Prior, J., & Crofts, P. (2012). Effects of sex premises on neighbourhoods: Residents, local planning and the geographies of a controversial land use. *New Zealand Geographer*, 68(2), 130–140.
- Prior, J., Crofts, P., & Hubbard, P. (2013). Planning, Law, and Sexuality: Hiding Immorality in Plain View. *Geographical Research*, 51(4), 354–363.
- Productivity Commission (2009), Strengthening Evidence-based Policy in the Australian Federation, <http://www.pc.gov.au/research/completed/strengthening-evidence>
- Radaelli, C. M. (1995). The role of knowledge in the policy process. *Journal of European Public Policy*, 2(2), 159–183.
- Radaelli, C. M. (1999). The public policy of the European Union: whither politics of expertise? *Journal of European Public Policy*, 6(5), 757–774.
- Ragin, C. C. (1989). *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies*. University of California Press.
- Ragin, C. C., & Becker, H. S. (Eds.). (1992). *What Is a Case?: Exploring the Foundations of Social Inquiry*. Cambridge: Cambridge University Press.
- Ravallion, M. (2009). Evaluation in the Practice of Development. *The World Bank Research Observer*, 24(1), 29–53.
- Reinarman, C. (2004). Public health and human rights: the virtues of ambiguity. *International Journal of Drug Policy*, 15(4), 239–241.
- Reinig, T. W. (1990). Sin, Stigma & (and) Society: A Critique of Morality and Values in Democratic Law and Policy. *Buffalo Law Review*, 38, 859.
- Rhodes, R. A. W. (1997). *Understanding governance: policy networks, governance, reflexivity and accountability*. Open University Press.
- Rhodes, R. a. W., & Marsh, D. (1992). New directions in the study of policy networks. *European Journal of Political Research*, 21(1-2), 181–205.
- Richards, D. A. J. (1980). Drug Use and the Rights of the Person: A Moral Argument for Decriminalisation of Certain Forms of Drug Use. *Rutgers Law Review*, 33, 607.
- Rich, R. F. (1991). Knowledge Creation, Diffusion, and Utilization Perspectives of the Founding Editor of Knowledge. *Science Communication*, 12(3), 319–337.
- Rihoux, B., & Ragin, C. C. (Eds.). (2008). *Configurational Comparative Methods: Qualitative Comparative Analysis*. Thousand Oaks: Sage Publications, Inc.
- Rihoux, B., Rezsöhazy, I., & Bol, D. (2011). Qualitative comparative analysis (QCA) in public policy analysis: an extensive review. *German Policy Studies*, 7(3), 9–82.
- Rittel, H. W. J., & Webber, M. M. (1973). Dilemmas in a general theory of planning. *Policy Sciences*, 4(2), 155–169.

- Ritter, A. (2009). How do drug policy makers access research evidence? *International Journal of Drug Policy*, 20(1), 70–75.
- Ritter, A. (2010). Illicit drugs policy through the lens of regulation. *International Journal of Drug Policy*, 21(4), 265–270.
- Ritter, A., & Lancaster, K. (2013). Illicit drugs, policing and the evidence-based policy paradigm. *Evidence & Policy: A Journal of Research, Debate and Practice*, 9(4), 457–472.
- Roberts, H., Petticrew, M., Liabo, K., & Macintyre, S. (2012). ‘The Anglo-Saxon disease’. *Journal of Epidemiology and Community Health*, –2011–200313.
- Roe, E. (1994). *Narrative Policy Analysis: Theory and Practice*. Duke University Press.
- Roe, G. (2005). Harm reduction as paradigm: Is better than bad good enough? The origins of harm reduction. *Critical Public Health*, 15(3), 243–250.
- Rokeach, M. (1968). *Beliefs, Attitudes and Values: A Theory of Organization and Change*. San Francisco, Calif.: Jossey-Bass Inc Pub.
- Rokeach, M. (1979). *Understanding Human Values*. Simon and Schuster.
- Room, R. (2014). Legalizing a market for cannabis for pleasure: Colorado, Washington, Uruguay and beyond. *Addiction*, 109(3), 345–351
- Rose, N., & Miller, P. (2008). *Governing the Present*, Polity Press.
- Rutter, J. (2012) *Evidence and Evaluation in Policy-Making*, Institute for Government, available at <http://www.instituteforgovernment.org.uk/publications/evidence-and-evaluation-policy-making>,
- Sabatier, P. A. (1988). An advocacy coalition framework of policy change and the role of policy-oriented learning therein. *Policy Sciences*, 21(2-3), 129–168.
- Sabatier, P. A., & Hunter, S. (1989). The Incorporation of Causal Perceptions into Models of Elite Belief Systems. *The Western Political Quarterly*, 42(3), 229–261.
- Sabatier, P. A. (1998). The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy*, 5(1), 98–130.
- Sabatier, P. A., & Jenkins-Smith, H. C. (1993). *Policy change and learning: an advocacy coalition approach*. Westview Press.
- Sagar, T., & Croxall, J. (2012). New Localism: Implications for the Governance of Street Sex Work in England and Wales. *Social Policy and Society*, 11(04), 483–494.
- Sanchez, L. E. (2004). The global e-rotic subject, the ban, and the prostitute-free zone: sex work and the theory of differential exclusion. *Environment and Planning D: Society and Space*, 22(6), 861 – 883.
- Sandelowski, M. (1994). Focus on qualitative methods. Notes on Transcription. *Research in Nursing & Health*, 17(4), 311–314.
- Sanderson, I. (2002a). Evaluation, Policy Learning and Evidence-Based Policy Making. *Public Administration*, 80(1), 1–22.
- Sanderson, I. (2002b). Making Sense of ‘What Works’: Evidence-based Policy Making as Instrumental Rationality? *Public Policy and Administration*, 17(3), 61–75.
- Sanderson, I. (2006). Complexity, ‘practical rationality’ and evidence-based policy making. *Policy & Politics*, 34(1), 115–132.
- Sanderson, I. (2009). Intelligent Policy Making for a Complex World: Pragmatism, Evidence and Learning. *Political Studies*, 57(4), 699–719.
- Sanders, T. (2005). Blinded by morality? Prostitution policy in the UK. *Capital & Class*, 29(2), 9–15.

- Sanders, T., O'Neill, M., & Pitcher, J. (2009). *Prostitution: Sex Work, Policy and Politics*. SAGE.
- Sartori, G. (1969). Politics, Ideology, and Belief Systems. *The American Political Science Review*, 63(2), 398–411.
- Sayer, A. (2011). *Why Things Matter to People: Social Science, Values and Ethical Life*. Cambridge, UK ; New York: Cambridge University Press.
- Scheerer, S. (1978). The New Dutch and German Drug Laws: Social and Political Conditions for Criminalisation and Decriminalisation. *Law & Society Review*, 12(4), 585–606.
- Schlager, E. (1995). Policy making and collective action: Defining coalitions within the advocacy coalition framework. *Policy Sciences*, 28(3), 243–270.
- Scott, J. (2000). *Social Network Analysis: A Handbook* (Second Edition edition). London ; SAGE Publications Ltd.
- Scott, N., Caulkins, J. P., Ritter, A., & Dietze, P. (2015). Patterns of drug preference and use among people who inject drugs in Melbourne, Australia. *Addiction Research & Theory*, 0(0), 1–10.
- Self, H. J. (2003). *Prostitution, Women and Misuse of the Law: The Fallen Daughters of Eve*. Psychology Press.
- Shannon, K., & Montaner, J. G. S. (2012). The Politics and Policies of HIV Prevention in Sex Work. *The Lancet Infectious Diseases*, 12(7), 500–502
- Sher, G. (2003). On the Decriminalisation of Drugs. *Criminal Justice Ethics*, 22(1), 30–33.
- Shrage, L. (1989). Should Feminists Oppose Prostitution. *Ethics*, 99(2), 347–361.
- Shrage, L. (2013). *Moral Dilemmas of Feminism: Prostitution, Adultery, and Abortion*. Routledge.
- Sloan, L., & Wahab, S. (2000). Feminist Voices on Sex Work: Implications for Social Work. *Affilia*, 15(4), 457–479.
- Slovic, P., Finucane, M. L., Peters, E., & MacGregor, D. G. (2004). Risk as Analysis and Risk as Feelings: Some Thoughts about Affect, Reason, Risk, and Rationality. *Risk Analysis*, 24(2), 311–322.
- Smith, K. (2013). *Beyond Evidence-based Policy in Public Health: The Interplay of Ideas*. Basingstoke: Palgrave Schol, Print UK.
- Smith, K. E., & Joyce, K. E. (2012). Capturing complex realities: understanding efforts to achieve evidence-based policy and practice in public health. *Evidence & Policy: A Journal of Research, Debate and Practice*, 8(1), 57–78.
- Smith, K. E., & Katikireddi, S. V. (2012). A glossary of theories for understanding policymaking. *Journal of Epidemiology and Community Health*, 67(2), 198–202.
- Smith, T. A., & Tatalovich, R. (2003). *Cultures at War: Moral Conflicts in Western Democracies*. Broadview Press.
- Schmitt, S., Euchner, E.-M., & Preidel, C. (2013). Regulating prostitution and same-sex marriage in Italy and Spain: the interplay of political and societal veto players in two catholic societies. *Journal of European Public Policy*, 20(3), 425–441.
- Snow, C. P. (2012). *The Two Cultures*. Cambridge University Press.
- Solesbury W. (2001), 'Evidence-based Policy: Whence it came and where it's going', ESRC UK Centre for Evidence-based Policy and Practice Working Paper 1, 1-11.
- South, N. (1998). *Drugs: Cultures, Controls and Everyday Life*. SAGE.

- Starbuck, W. H. (2005). How Much Better Are the Most-Prestigious Journals? The Statistics of Academic Publication. *Organization Science*, 16(2), 180–200.
- Steiker, C. S. (2005). No, Capital Punishment is Not Morally Required: Deterrence, Deontology, and the Death Penalty, *Stanford Law Review*, 58(3), 752-789.
- Stevens, A. (2007a). Survival of the Ideas that Fit: An Evolutionary Analogy for the Use of Evidence in Policy. *Social Policy and Society*, 6(01), 25–35.
- Stevens, A. (2007b). When two dark figures collide: Evidence and discourse on drug-related crime. *Critical Social Policy*, 27(1), 77–99.
- Stevens (ed) (2008), *Crossing Frontiers: International Developments in the Treatment of Drug Dependence*. (Pavilion Publishing, Brighton)
- Stevens, A. (2011). Telling Policy Stories: An Ethnographic Study of the Use of Evidence in Policy-making in the UK. *Journal of Social Policy*, 40(02), 237–255.
- Stevens, A., & Ritter, A. (2013). How can and do empirical studies influence drug policies? Narratives and complexity in the use of evidence in policy making. *Drugs: Education, Prevention and Policy*, 20(3), 169–174.
- Strassheim, H., & Kettunen, P. (2014). When does evidence-based policy turn into policy-based evidence? Configurations, contexts and mechanisms. *Evidence & Policy*: 10(2), 259–277.
- Studlar, D. T. (2008). U.S. Tobacco Control: Public Health, Political Economy, or Morality Policy? *Review of Policy Research*, 25(5), 393–410.
- Studlar, D. T., & Burns, G. J. (2015). Toward the permissive society? Morality policy agendas and policy directions in Western democracies. *Policy Sciences*, 48(3), 273–291.
- Studlar, D. T., Cagossi, A., & Duval, R. D. (2013). Is morality policy different? Institutional explanations for post-war Western Europe. *Journal of European Public Policy*, 20(3), 353–371.
- Sullivan, B. (2010). When (Some) Prostitution is Legal: The Impact of Law Reform on Sex Work in Australia. *Journal of Law and Society*, 37(1), 85–104.
- Sullivan B. (2004). The Women's Movement and Prostitution Politics in Australia, in Outshoorn, J. (Ed.). *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce* (1 edition). Cambridge, UK ; New York: Cambridge University Press.
- Surel, Y. (2000). The role of cognitive and normative frames in policy-making. *Journal of European Public Policy*, 7(4), 495–512.
- Sutherland, K. (2004). *Work, Sex, and Sex-Work: Competing Feminist Discourses on the International Sex Trade*, " Osgoode Hall Law Journal 42.1 (2004): 139-167
- Swain (1999), The New South Wales Drug Summit: Issues and Outcomes, available at [http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/85602c9b39058119ca256ecf000aee33/\\$FILE/bg03-99.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/85602c9b39058119ca256ecf000aee33/$FILE/bg03-99.pdf), last accessed 05/09/15
- Tammi, T., & Hurme, T. (2007). How the harm reduction movement contrasts itself against punitive prohibition. *International Journal of Drug Policy*, 18(2), 84–87.

- The World Health Organization calls for the decriminalisation of drug use | Transform: Getting Drugs Under Control. (n.d.). Retrieved 30 August 2015, from <http://www.tdpf.org.uk/blog/world-health-organization-calls-decriminalisation-drug-use>
- Thompson, J. B. (2013). *Ideology and Modern Culture: Critical Social Theory in the Era of Mass Communication*. John Wiley & Sons.
- Thorisdottir, H., Jost, J. T., Liviatan, I., & ShROUT, P. E. (2007). Psychological Needs and Values Underlying Left-Right Political Orientation: Cross-National Evidence from Eastern and Western Europe. *Public Opinion Quarterly*, 71(2), 175–203.
- Tieberghien, J., & Decorte, T. (2013). Understanding the science–policy nexus in Belgium: An analysis of the drug policy debate (1996–2003). *Drugs: Education, Prevention and Policy*, 20(3), 241–248.
- Tilley, J. R. (2005). Research Note: Libertarian-authoritarian Value Change in Britain, 1974–2001. *Political Studies*, 53(2), 442–453. <http://doi.org/10.1111/j.1467-9248.2005.00537.x>
- Topp, L., Day, C., & Degenhardt, L. (2003). Changes in patterns of drug injection concurrent with a sustained reduction in the availability of heroin in Australia. *Drug and Alcohol Dependence*, 70(3), 275–286
- Tullock G. (1974), Does Punishment deter Crime? *National Affairs*, 36, 103-111.
- Tyler T. and Weber R. (1982), Support for the Death Penalty - Instrumental Response to Crime, or Symbolic Attitude? *Law and Society Review*, 17(1), 21-45.
- Valentine, G., & Harris, C. (2014). Strivers vs skivers: Class prejudice and the demonisation of dependency in everyday life. *Geoforum*, 53, 84–92.
- Valentine, K. (2009). Evidence, values and drug treatment policy. *Critical Social Policy*, 29(3), 443–464.
- Varese (2011), *Mafias on the Move*, Princeton University Press
- van Beek, I. (2004). *In the Eye of the Needle: Diary of a Medically Supervised Injecting Centre*. Crows Nest, N.S.W: Allen & Unwin.
- van den Brink, W. (2008). Forum: Decriminalisation of cannabis. *Current Opinion in Psychiatry*, 21(2), 122–6.
- van Dijk, J., Tseloni, A., & Farrell, G. (2012). *The International Crime Drop: New Directions in Research*. Palgrave Macmillan.
- Vanwesenbeeck, I. (2001). Another Decade of Social Scientific Work on Sex Work: A Review of Research 1990–2000. *Annual Review of Sex Research*, 12(1), 242–289.
- Wagenaar, H., & Altink, S. (2012). Prostitution as Morality Politics or Why It Is Exceedingly Difficult To Design and Sustain Effective Prostitution Policy. *Sexuality Research and Social Policy*, 9(3), 279–292.
- Walby, S. (1989). Theorising Patriarchy. *Sociology*, 23(2), 213–234.
- Wälti, S., & Kübler, D. (2003). ‘New Governance’ and Associative Pluralism: The Case of Drug Policy in Swiss Cities. *Policy Studies Journal*, 31(4), 499–525.
- Ward, Jonathan (2015) “Cultural Labour in the Context of Urban Regeneration: Artists’ Work in Margate and Folkestone.” University of Kent.
- Ward, H., & Day, S. (2006). What happens to women who sell sex? Report of a unique occupational cohort. *Sexually Transmitted Infections*, 82(5), 413–417.

- Ward, H., Day, S., Green, A., Cooper, K., & Weber, J. (2004). Declining prevalence of STI in the London sex industry, 1985 to 2002. *Sexually Transmitted Infections*, 80(5), 374–376.
- Ward, H., Day, S., & Weber, J. (1999). Risky business: health and safety in the sex industry over a 9 year period. *Sexually Transmitted Infections*, 75(5), 340–343.
- Weatherburn, D. (2009). Dilemmas in harm minimization. *Addiction*, 104(3), 335–339.
- Weible, C. M., Sabatier, P. A., Jenkins-Smith, H. C., Nohrstedt, D., Henry, A. D., & deLeon, P. (2011). A Quarter Century of the Advocacy Coalition Framework: An Introduction to the Special Issue. *Policy Studies Journal*, 39(3), 349–360.
- Weible, C. M., Sabatier, P. A., & McQueen, K. (2009). Themes and Variations: Taking Stock of the Advocacy Coalition Framework. *Policy Studies Journal*, 37(1), 121–140.
- Weiss, C. H. (1979). The Many Meanings of Research Utilization. *Public Administration Review*, 39(5), 426–431.
- Weiss, C. H. (1991). Policy research as advocacy: Pro and con. *Knowledge and Policy*, 4(1-2), 37–55.
- Weitzer, R. (2005). New directions in research on prostitution. *Crime, Law and Social Change*, 43(4-5), 211–235.
- Weitzer, R. (2007). Prostitution: Facts and Fictions. *Contexts*, 6(4), 28–33.
- Weitzer, R. (2009). Legalizing Prostitution Morality Politics in Western Australia. *British Journal of Criminology*, 49(1), 88–105.
- Weitzer R. (2010), The Mythology of Prostitution: Advocacy Research and Public Policy, *Sex Res Soc Policy* 7:15–29
- Weitzer, R. (2011). Sex Trafficking and the Sex Industry: The Need for Evidence-Based Theory and Legislation. *The Journal of Criminal Law and Criminology (1973-)*, 101(4), 1337–1369.
- Wesselink, A., Colebatch, H., & Pearce, W. (2014). Evidence and policy: discourses, meanings and practices. *Policy Sciences*, 47(4), 339–344.
- West, J. A. (2000). Prostitution: collectives and the politics of regulation. *Gender, Work and Organisation*, 7(2).
- WHO (2014), Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations, retrieved at <http://www.who.int/hiv/pub/guidelines/keypopulations/en/>
- Williams, I., & Glasby, J. (2010). Making ‘what works’ work: The use of knowledge in UK health and social care decision-making. *Policy and Society*, 29(2), 95–102.
- Wodak, A. (2012). Drug prohibition: It’s broke, now go and fix it. *International Journal of Drug Policy*, 23(1), 22–23.
- Wodak, A., Symonds, A., & Richmond, R. (2003). The Role of Civil Disobedience in Drug Policy Reform: How an Illegal Safer Injection Room Led to a Sanctioned, ‘Medically Supervised Injection Center. *Journal of Drug Issues*, 33(3), 609–623.
- Wood (1997), Royal Commission into the New South Wales Police Service, available at http://trove.nla.gov.au/work/20238051?q&sort=holdings+desc&_=1441475539392&versionId=23878787, last accessed 08/08/15.
- Wong, G., Greenhalgh, T., Westhorp, G., & Pawson, R. (2012). Realist methods in medical education research: what are they and what can they contribute? *Medical Education*, 46(1), 89–96.

- Yin, R. K. (2003). *Case Study Research: Design and Methods: (Applied Social Research Methods, Volume 5)*: SAGE Publications
- Young, K., Ashby, D., Boaz, A., & Grayson, L. (2002). Social Science and the Evidence-based Policy Movement. *Social Policy and Society*, 1(03), 215–224.
- Zampini, G. F. (2014). Governance versus government: drug consumption rooms in Australia and the UK. *The International Journal on Drug Policy*, 25(5), 978–984.
- Zerden, L. de S., O’Quinn, E., & Davis, C. (2015). Evidence-Based Policy Versus Morality Policy: The Case of Syringe Access Programs. *Journal of Evidence-Informed Social Work*, 12(4), 425–437.
- Ziman, J. M. (1987). *An Introduction to Science Studies: The Philosophical and Social Aspects of Science and Technology*. Cambridge University Press.
- 6, P., J. Glasby, H. Lester, (2007) Incremental change without policy learning: Explaining information rejection in English mental health services, *Journal of Comparative Policy Analysis*, 9 (1) pp. 21–46