The rules of engagement: Reflections on evidence utilisation in politicised policy areas

This paper explores the nature of evidence use in politicised policy areas. It suggests that established models of research utilisation provide inadequate grounds to conceptualise the evidence and policy relationship in this context. This is primarily a product of the fact that the concepts of evidence and policy with which they operate are pitched at too high a level of abstraction, relate to static phenomena and do not consider the mechanisms of evidence selection. Using recent developments in UK drug classification policy as a case study, including interviews with a range of key policy personnel, a newer ‘processual model’ is (tentatively) advocated. This highlights the complexity and nuance of the policy process and its accompanying use of evidence and, it is claimed, more accurately depicts the evidence and policy relationship in this particular scenario.

Introduction

On assuming power in 1997, (New) Labour promised more accountability in the policy making arena as part of their “modernising agenda.” Evidence-based policy making, the development of policies devoid of dogma, was to be one of the main vessels by which this could be realised (Blunkett 2000). At the time, this generally met with great approval. For both the research and policy-making communities, evidence-based policy became the benchmark by which policies were judged and made. The modernising agenda, for Solesbury (2001:6), was part of the ‘opening up’ of government. Initially, it was characterised by the movement towards a ‘utilitarian turn’ in research. Here researchers were required to produce work that was not only ‘useful’ but ‘useable.’ In other words, research that helps us ‘not just to understand society but offers some guidance on how to make it better’ (ibid.) This process was driven largely by those funding social science and was also typical of the medical research process under the aegis of evidence-based medicine. The commitment to evidence-based policy became enmeshed with ensuring Government policies provided value for money through continuous evaluation. Thus, relevant departments were required to:

…continuously review policies…to determine when the time is right to modify a policy in response to changing circumstances so that it remains relevant and cost-effective; and departments may need to terminate policies if they are no longer cost effective or they are not delivering the policy outcomes intended (National Audit Office 2001:12).

More recently, some debate has emerged over the remit of evidence-based policy-making. Mulgan (2005) suggests that one key stumbling block to its efficacy is that it is often not compatible with the principles of parliamentary democracy. Politicians, as elected representatives of ‘the people’ have every right to ignore evidence and to follow their instinct. Mulgan (2005:225-5) cites the example of certain crime reduction strategies to illustrate this. He suggests that there is a paucity of evidence that increasing the numbers of police-on-the-beat will is an effective crime deterrent. This is, however, frequently ignored by politicians as it is the general
public’s perception that this is the most ideal solution to the problem. In politicised policy areas, those characterised by the ‘three Cs’ of conflict, controversy and competition, political concerns are seen to frequently ‘trump’ the evidence-base.

Such views increasingly form the backbone of established criticisms of the evidence-based policy agenda. Criticisms that have arisen around the impact that politics has on the policy process, are characterised by consummate sound bites, such as those which suggest that “policy-based evidence” is actually more characteristic of the relationship between research and policy (e.g. Marmot 2004). By the same token, accusations of ‘cherry-picking’ evidence lead to the frequent conclusion that much public policy is evidence-free. This view has much support (Finch 1986; Heinemann, et al. 1990; Weiss 1998) Such criticisms have become the standard line for sceptics of the evidence-based policy making endeavour. However, if such views are staunchly held then due to the three C’s, so is the retort that policy that seeks to use, or engage with evidence on any level is ‘evidence-based’.

This view of evidence and policy relationship is premised on a kind of zero-sum or ‘winner-takes-all’ variety where policies are seen to be evidence-based or not whatever the case may be. Furthermore, such conceptualisations are frequently manifested in politicised policy debates. In contrast to the remit of more ‘typical’ evidence-based policy areas, the location of evidence in politicised areas is harder to ascertain. In the former, evidence (typically in the guise of evaluation) is used to gauge the impact of a policy intervention and is built into the initial change. By contrast, politicised policy areas are characterised by more ad hoc or muddled through policy-making (Lindblom 1959). In this sense, policy developments in this area often contain no in-built evaluation have no Key Performance Indicators (KPI) through which to gauge impact. This may or may not be a product of the fact that politicised policies are dynamic and ‘live’ in that they are never far removed from the political agenda. As a consequence, Tonry (2004:146) has suggested that ‘on the small issues, evidence sometimes counts’ however, when it comes to the big issues ‘politics is the order of the day’.

This paper suggests that the role of evidence in politicised policy areas is more complicated and nuanced than this picture allows. It offers an alternative riposte to the claim that politicised policies are evidence-free, that is not premised on zero-sum logic. Referring to the existing literature, such explanations of evidence utilisation are premised on what Stevens (2007), drawing on the ideas of Weiss (1986), refers to as the linear model. As will become clear, this has been the subject of much critique. Due to its ad hoc nature, in politicised areas, a broader scope for the utilisation of evidence is required. Recent developments in UK drug policy are indicative of this. Consequently, the paper is organised in the following way. First, an overview of the way that the evidence and policy relationship has been hitherto conceptualised in the existing literature is highlighted. This is followed by a discussion of details of the chosen case study, with some brief methodological comments. The complex nature of evidence is then introduced and the nuance of the evidence and policy relationship is expounded before highlighting the potential of a new processual model of the evidence and policy relationship in the concluding section.

Models of the Evidence and Policy Relationship
As suggested in the introduction, the evidence and policy-making debate in controversial areas often reverts to entrenched positions on the role of evidence in the policy process whereby supporters claim a certain policy to be evidence-based and detractors the opposite. Commentators have thus contextualised the evidence and policy relationship in terms of a linear understanding, an approach that has, however, been widely criticised. One question that remains is what constitutes the linear view of the evidence policy relationship? To answer this question it is necessary to consider the existing literature on the evidence and policy connection.

Traditionally, this has been the preserve of political science theory. Stevens (2007), by drawing on the work of Weiss (1977; 1986) amongst others, has produced a four-tier model of the use of research in the policy-making process. These can also be seen as models of the evidence-based policy making. According to Stevens, the nature of evidence-based policy can be divided into the following models: the linear model; the enlightenment model; the political/tactical model and the evolutionary model. The first three draw on findings from political science and have produced useful insights in their different ways. These are established models. The fourth model, and the one for which Stevens’ claims supremacy, is a sociological addition to the literature. For present purposes the first and last are of significance.

The linear model, as the name suggests, portrays a direct link between evidence production and policy decision-making. It is a short-term perspective on the nature of the policy-making process. It can be read as an amalgamation of what Weiss terms the knowledge-driven model and the problem solving model of research utilization. For Weiss, the knowledge-driven model is derived from the natural and/or physical sciences and assumes a linear application of research findings to policy formulation, in the following sequence: basic research → applied research → development → application (Weiss 1986:31-2). In the problem solving scenario, social scientists are purposively contacted to fill the gap in knowledge. The process follows the following sequence: definition of pending decision → identification of missing knowledge → acquisition of social science research → interpretation of the research for the decision context → policy choice. Young et al (2002:216) distinguish between the two manifestations of the linear model by suggesting that in the former the role for the expert is ‘on top.’ By contrast, in the latter the expert is ‘on tap’.

There are numerous criticisms of the linear model. These stem primarily from rationalist assumption of the direct link between knowledge production and policy formulation. In their research of the policy-making process in the area of mental-health, Weiss and Bucuvalas (1980) suggest that this does not reflect the experience of those charged with the task of making policy. At the federal, state and local level most policy-makers viewed their job mechanically. They actually had little autonomy in which to individually shape policy formulation. In short there was little in what the policy-makers perceived their job to be that actually constituted ‘making policy’:

[Policy-makers] see little opportunity for rational calculation and little need for it. They seldom engage in explicit formulation of problems, seldom undertake directed searches for information, seldom canvass the range of alternatives available, or calculate the relative merits of each alternative. They rely on what they already know to guide their pattern of workaday activities (Weiss and Bucuvalas 1980:266)
Young et al (2002:218) similarly suggest that criticisms of the linear model broadly relate to the fact that the policy-making process is ‘rarely characterized by rational decisions made on the basis of the best information.’ Social research, in most cases, takes a long time to produce and is often typified by lengthy, verbose reports which are often of little use for policy-makers who require clarity and concision with key recommendations easily obtainable. This is so because it is now widely accepted that politicians and policy-makers can spend very little time in their working day actually reading (Weiss 1987). The popular adage that ‘a week is a long time in politics’ is not true for social science research.

According to Stevens (2007), the enlightenment model undoubtedly represents a more ‘sophisticated’ attempt at explaining the relationship between evidence and policy. In one way or another, it is one that has a plethora of supporters (Janowitz 1972; Pawson 2006; Sabatier and Jenkins-Smith 1993; Weiss and Bucuvalas 1980; Young, et al. 2002). Given one of its first expressions in the work of Weiss (1977), it refers to the arbitrary way research can enter the policy arena. Duke (2003:17) claims that the relationship between research and policy in this model is characterised by the process of ‘indirect diffusion.’ Here, social science evidence ‘percolates’ into the ‘informed public’s’ consciousness and comes to shape the way they see the world. It is thus a more long-term view of the policy process. The political/tactical model characterized by the selective use of evidence to satisfy the ‘short-term’ interests of policy-makers. For Weiss the two aspects of this model are also separate. In the political model various interests and ideologies coalesce to pre-determine the position of policy-makers on particular issues or problems. It is claimed, that new research or evidence is unlikely to have a bearing on these positions and instead has a legitimising or justificatory function for a particular policy decision. In the tactical model, the actual findings of research are unimportant, but the process of research is of utmost significance. When the government is faced with calls for a policy change, seen to be unpalatable, they are able to delay the process by playing what Duke (2003:17) refers to as the ‘research card.’ This is that they are able to procrastinate by claiming that policy change will be based on the outcome of research that is ‘ongoing.’

Underpinning the models of evidence-based policy hitherto discussed is the notion that scant attention is given to what Bulmer (1986:10) has termed the ‘content of the negotiations’. These are the mechanisms through which research is selected for use in policy. Where the concept of evidence is concerned, the evolutionary model descends down the ladder of abstraction to achieve this. Borrowing ideas form evolutionary social theory; it suggests that the most effective way of understanding how evidence is selected for policy is to focus the analysis at the level of ideas:

It starts from the assumption that a variety of ideas come from evidence and compete for attention in policy, as genes arise and compete for survival. The ideas may be facts, findings or recommendations that have been produced by academics, journalists, think tanks, pressure groups or others. Some of these ideas fit the interests of powerful groups and some do not. Ideas that do fit will find powerful supporters. Others will not. Those ideas that fit will therefore have groups and individuals that can carry them into policy, as would a gene be reproduced if it finds a place in organisms that survive. The ideas that do not fit will tend not to be picked up by people who have the power to translate them into policy. This evolutionary advantage leads to the survival of the ideas that fit. (Stevens 2007:28)
The pattern of selection is thus premised on the ‘classic’ evolutionary notion of ‘survival of the fittest’ (Spencer 1891). The evolutionary model also relies on Giddens’ (1990) notion of structuration as both structure and agency are defining tenets of the explanation. Issues of power are also predominant. In essence, it is not the power of the idea alone that ensures its survival in policy but there is a reciprocal relationship between the idea and the carrier (the powerful supporter). The idea exists within certain structural conditions that are partly created by the agents. These conditions, under which an idea either flourishes or founders, are shaped in terms of what Stevens calls the ‘mechanisms of selection’, of which there are four main kernels.

The first mechanism relates to the notion of trawling – where policy-makers may fish for evidence, select the beneficial bits and throw back those that are un-required. Second, and similarly, policy-makers can ‘farm’ for evidence. Here research is specifically commissioned to provide evidence for the proposed policy, although only that which actually supports the policy is published. A common tactic employed in this regard is the use of ‘repetition’ whereby powerful actors are able to focus the attention of potential critics towards evidence that supports a said policy. This often involves evidence being ‘ripped out of context.’ In doing so, this evidence becomes a key part of the knowledge-base justifying the ‘validity’ of the policy to which it equates.

Drawing on the ideas of Chomsky and Herman (1988) a third mechanism is the tactic of creating ‘flak.’ In this instance, a significant amount of disquiet is created over evidence that enters the public arena that is detrimental to the chosen policy direction. The media, amongst other agencies, can play a powerful role in this regard where the overall aim is to discredit the troublesome evidence. Stevens’ final mechanism involves the imposition of ‘strain’ (Chambliss 1976) on organizations or individuals who produce and advocate ‘unhelpful’ evidence to those in power. In academia this can occur through the actual, or threat of, funding withdrawal for projects seen as anathema to powerful groups. The ability to control the agenda is central to the mechanisms of selection. According to Stevens, this depends on the relative power and status of the controlling group in shaping the dominant discourse. The model thus takes a long-temp view of the evidence and policy relationship.

The above discussion has illustrated numerous models for characterising the relationship between research use and policy making. In what follows, the evolutionary model is signalled out for praise for its focus on mechanisms of selection. The mechanisms of trawling and flak are particularly prominent in the current discussion. Ultimately, however, the evolutionary model is beset with difficulties as an explanatory theory of the role and nature of evidence in politicised areas. I contend that, in essence, it relies on the same logic as the linear model and thus a modified version is required. Recent developments in the case study of UK drug classification serve to illustrate this.

The Case Study

The 1971 Misuse of Drugs Act (MDA) constitutes the main piece of legislation regulating drugs in the UK. It was enacted to combat the UK’s perceived
drug ‘problem’ at the time, although there is little agreement as to what this actually entailed. Under this Act, drugs are separated into three classes: A, B and C intended to reflect their relative harms and dangers. Class A being the most harmful and class C the least. Sentences relating to drug offences are proportionate to the class of the drug. The Act has been the subject of much criticism since its operation (Advisory Council on the Misuse of Drugs 1979; Young 1971). It is widely held to be in-effective, in that since implementation, the levels of drug use have continued to rise; the opposite outcome of its intended goals (Rolles, et al. 2006). As a result, critics claim, that it was formulated for political reasons, (so that the UK could fulfil its commitment to international drug control treaties) instead of with recourse to a robust evidence base. The Act also established Britain’s first legal advisory body on illicit drugs, the Advisory Council on the Misuse of Drugs (ACMD), who have come to assume a central role in reviewing British drug policy. There is a legal requirement for Government to consult this body if making any changes to the legislation, although it can act unilaterally if it wishes.

Since inception, the MDA has remained relatively stable, undergoing only minor alterations at various junctures. One such episode was the 2004 reclassification of cannabis from class B to C. Although a minor tweak to the legislation, it was of symbolic significance, representing the first instance in the UK whereby a widely used illicit substance had penal sanctions lightened. Up until this juncture, in the highly politicised atmosphere of drug policy-making, such occurrences had hitherto been politically unpalatable. There were two initial triggers for this change. Firstly, a number of high-profile inquiries into drug policy and legislation which occurred in and around this time, both domestically and internationally (Boister 2001; Dorn and Jamieson 2001) focussed on the relatively harmless nature of cannabis. As regards the domestic situation, the Police Foundation (2000) inquiry, also known as the Runciman Report, suggested that in terms of its toxicity or harmfulness, it was not comparable with other class B drugs. This was supported by the subsequent inquiries of Home Affairs Committee (2002) and ACMD (2002).

The second trigger, related to Governmental concerns with public management issues. The aforementioned Police Foundation Report (2000) also recommended that cannabis be reclassified from a class B to a class C drug, on the grounds that by making cannabis possession a non-arrestable offence, would reduce the number of ‘otherwise law abiding, mainly young people’ being criminalised and potentially receiving a custodial sentence to the detriment of their futures (Police Foundation 2000:7). It was also perceived that this could remove a source of friction between the police and the wider community. This would free up police time enabling them to concentrate on problems posed by class A drugs such as (crack) cocaine and heroin, in line with the national drug strategy. Juxtaposed to the political deliberations of the legal status of cannabis was a pilot project of policing cannabis in Brixton, south London. The ‘Brixton Experiment’ effectively replaced the threat of arrest with informal disposal and a formal on-the-spot warning for those caught in possession of cannabis. This would not form part of a national record. The project was subsequently evaluated, and judged a success, by both the Metropolitan Police Authority (Metropolitan Police Authority 2002) and the local community (MORI 2002). Citing these findings, the then Home Secretary David Blunkett, told the Home Affairs Committee in October 2001 that he was ‘minded’ to downgrade cannabis and sought advice from the ACMD on the possibility of reclassification. Both parties reported
back in early 2002, that cannabis should be reclassified. In July 2003, it was announced that cannabis would be reclassified to a class C drug, coming into force in January 2004.

In light of the reclassification, early figures suggested that cannabis use had actually decreased (Roe 2005). Indeed the most recent figures suggest that since reclassification in 2004 the proportion of people using cannabis has fallen from 25 per cent to 21 per cent (The Guardian 2007). On this measure it would appear the change had ‘worked.’ However, such claims must be treated with caution due to the absence of meaningful KPIs being assigned to the policy. Following the reclassification, a significant issue to re-emerge was the long running issue concerning cannabis use and the onset of mental illness (Mills 2003). A study by New Zealand scientists (Fergusson, et al. 2005) suggested that smoking, particularly virulent strains of cannabis, virtually doubled the risk of developing mental illness, such as schizophrenia, for those with a family history of the illness and significantly increased the risk for those without. This was backed up by similar findings from the Netherlands (Henquet, et al. 2004) and Britain (Arseneault, et al. 2004).

In March 2005, Home Secretary, Charles Clarke announced that in light of such evidence the reclassification decision would be placed under review, referring the issue back to the ACMD. In January 2006, the ACMD published its review, stating that the initial reclassification should remain, thus maintaining cannabis as a class C substance. Acevedo (2007:178) suggests that initially the debate over the legal status of cannabis centred on a ‘neo-liberal’ approach of improving public services, by the more efficient use of resources. This morphed into a matter of mental health over the period of the following year. In other words, and what this brief review illustrates, is that the two aforementioned Home Secretaries both had different understandings over what ‘evidence’ could and should trigger potential policy changes. This was also confounded by subsequent developments.

The cannabis episode has also come to be seen as a trigger reigniting the debate between various constituencies concerning the efficacy of current UK drug policy and legislation. These two debates are inextricably interlinked, however. The debate has specifically focussed on the “evidence” for the efficacy of the tri-partite structure of the MDA (Nutt, et al. 2007; Reuter and Stevens 2007; RSA 2007; Science and Technology Committee 2006). Central to this was the publication of the Science and Technology Committee Report. This coincided with the development of a matrix of drug harms (Nutt, et al. 2007) that the Government claims forms their decision-making. Vernon Coaker MP, in oral evidence to the Science and Technology Committee, highlighted the centrality of the Nutt et al matrix to the government decision-making process:

We have a matrix which we use. That matrix is part of the way we determine which drug should be in which category. Of course, we always look at the evidence that people give us; we always look at the opinions that they give to us…we have a scientific basis for determining harm. The ACMD refer to that when they classify drugs (Science and Technology Committee 2006:105)
Independent research (Levitt, et al. 2006) commissioned for this inquiry also suggested that where cannabis was concerned, evidence was playing a key role in policy formulation. However, the aftermath of the Science and Technology Committee report saw a different perspective emerge. This report specifically focussed on the Government’s use of evidence in the policy-making process, with particular reference to the drug classification system. In response to its publication MacDonald and Das (2006) claimed with some assertiveness, that based on its findings, the UK drug classification system is an ‘un-evidenced-based mess.’

These are examples of zero-sum perspectives. It is a central claim of this paper that a more complex and nuanced explanation is required to highlight the nature of evidence in politicised policy areas. Especially when one considers that currently the status of cannabis is once again ‘under review’ and ‘live’ once again as a third review of the status of cannabis in four years is currently taking place. A closer look at the wider debates in drug classification more generally, reveals certain complexities in this area. These are highlighted via range of different critical perspectives about the efficacy and direction of UK drug policy each with a specific understanding of evidence. The nuance suggests, however, that evidence utilisation does not take place on a level playing field. Three perspectives are discussed subsequently, prior to a consideration of how they were identified.

**Methodology**

In the drug classification subsystem there is a diversity of interested parties at both the international level and domestic level. The current focus is on the latter. Here, interested parties are the Government, including; the Treasury, Department of Health, Department for Education and Skills and the Home Office. The Department of Work and Pensions, through its ‘Progress2Work’ scheme and the Department for Communities and Local Government, via their ‘social exclusion plan’, can be considered interested spectators. In terms of organisational structure, within government, there are MP’s, Ministers, Special Advisors of various types and civil servants of various ranks. There is the ACMD, in turn, comprised of a range of professionals from a variety of backgrounds. Away from government, there are agencies concerned with (drug) law enforcement such as the Police, in the guise of the Association of Chief Police Officers (ACPO) and Customs and Excise. Agencies advocating drug treatment and those advocating drug prevention and education are prevalent. Legal experts, medical experts, QUANGOs and NGOs, Research Councils, Institutes and sections of Academia, along with representatives of the mass-media (journalists and writers) are also interested actors. This is by no means an exhaustive list and there is a lack of consensus about either the direction of the policy or the nature of evidence in this area. Some trends can, however, be ascertained.

It is suggested here then that a pluralist model of the policy process is required to explain the complexity and nuance of evidence. In addition, as the policy area was based on significant conflict, a model to account for this was also required. In this sense, the Advocacy Coalition Framework (ACF) (Sabatier and Jenkins-Smith 1993; 1999) proved useful. In the ACF the unit of analysis is the ‘policy subsystem’ as opposed to any given organisation or stakeholders. Subsystems are made up of identifiable ‘advocacy coalitions’, actively concerned with a specific policy issue. Coalitions are comprised of:
Coalitions are characterised by a three-tiered belief system of ‘deep core’, ‘policy core’ and ‘secondary aspects’. The deep core are ‘basic ontological and normative beliefs’. In essence, they relate to the philosophical standpoints relating to certain policies. In this case, the overall direction of UK drug policy. The policy core, are ‘basic normative commitments and causal perceptions of the specific problem’ (Sabatier and Jenkins-Smith 1999:122). In this case, whether the current MDA is ‘evidence-based.’ This forms the glue which holds coalitions together. Finally, the secondary aspects constitute a large set of narrowly held beliefs, or ‘appreciations’ (Vickers 1965) of the subsystem, often not shared by all coalition members, and which may (or may not) overlap with other coalitions (Sabatier and Jenkins-Smith 1999:122). Here these refer to different appreciations of what did, did not and should count as evidence in this subsystem. The main focus here is on deep and policy core beliefs. It is important to stress, however, that a scale of beliefs can be seen within coalitions often making the boundaries between them fuzzy.

Critics of the ACF (e.g. Schlager 1995), however, have questioned the rational nature of the policy-making process it depicts which contrasts with the often ad hoc nature of politicised areas. In response, the ACF is used here in a modified form, its import resting with its focus on conflict, between recognisable ‘perspectives’ within the policy subsystem. ‘Perspectives’ are favoured over ‘coalitions’ as an organisational tool, as the former do not presuppose the same amount of coordinated activity from actors. This reflects the muddled through nature of policy. In this sense, the notion of perspectives is akin to what Mannheim (1952) terms ‘styles of thought’ and Vickers (1965) terms ‘appreciative systems’

It is thus to illustrate the complexity and nuances of ‘evidence’ that ‘appreciations’ and the ACF are employed. This was supplemented by ‘elite’ interviews, exploring the views of a wide-range of key policy actors involved in the decision-making process. MPs, civil servants, Directors and senior figures of drug agencies and NGOs and representatives of law enforcement agencies were among those interviewed. Different participants had differing degrees of involvement in the policy process. None were involved in direct decision-making but most were involved in consultation, either directly or via their organisation. Selection was made on the grounds of knowledge of the evidence and policy relationship, in relation to the MDA and also by the central position occupied within their perspective. At the outset, an appropriate respondent from each perspective was initially identified from submissions given to House of Commons Select Committee’s closely related to this area (e.g. Home Affairs Committee 2002; Science and Technology Committee 2006) and then other respondents were snowballed from the initial contact. In all 24 semi-structured interviews were carried out between June 2006 and April 2007, 22 face-to-face and two telephone-based. A question guide was used to structure discussions.

All interviews were recorded on audiotape and transcribed verbatim by the author. They were then analysed using thematic coding assisted by an Nvivo computer
software package. The complexity of evidence is highlighted in the different appreciations of whether the current system is fit-for-purpose (policy core) and what evidence was or should have been used in the decision-making process (secondary aspects). As we shall see, the nuance suggests that some patterns can be ascertained from this. These allow for a picture to made detailing what each perspective would see as an ‘evidence-based policy’ in the milieu of this subsystem.

The complexity of evidence in a contested policy area

To reiterate, since its implementation, the MDA has been the subject of much criticism. Despite this, since its enactment, as mentioned the Act has remained stable and is still viewed by government as being fit-for-purpose. The latest government position in relation to the MDA is expressed by Vernon Coaker MP, Parliamentary Under-Secretary at the Home Office who has suggested that:

The Government maintain that the classification system has withstood the test of time and that it continues to discharge its function fully and effectively. Its single purpose is to provide a legal framework in which criminal penalties are set by reference to the harmfulness of a drug to the individual and to society, and to the type of illegal activity undertaken… Our tri-partite classification system allows clear and meaningful distinctions to be made between drugs. Its familiarity and brand recognition should not be dismissed (Hansard 2007, June 14)

This position is understandable in that countenancing any radical change to drug legislation, has become tantamount to political suicide. In terms of the evidence-base, as we have seen, there is some discrepancy over this especially in the aftermath of the Science and Technology Committee Report, where zero-sum positions both for and against have been advocated. One issue with the above debate and also one that applies to most models of research utilisation is the assumption of the homogeneity of the concept of ‘evidence’ in this area. Such a categorisation has been called into question

Referring to another Parliamentary Select Committee study and report conducted in a related area to the current concern, the director of publishing for a leading drug information charity suggested, in a personal interview that:

…what the Home Affairs Select Committee [2002] did, they took evidence literally from all sides of the debate on the drugs policy, for, against, neutral or whatever so the idea that there is a thing called the ‘evidence-base’ is, I suppose, naïve basically. There is a pile of stuff that comprises the evidence-base but what interpretations you put on that evidence-base and what nuances you read into research evidence and all the rest of it means that what you finish up with… [is that] you have to have some basis on which to make political and policy decisions otherwise it is people’s complete personal prejudices and biases and all the rest of it. So you have to have something that says ‘Alright we are going to do this, on the basis of this body of evidence.

In the aftermath of the cannabis reclassification and the Science and Technology report, three main critical perspectives emerged concerning the current MDA framework. All are critical of the Government perspective and serve to render talk of
the ‘evidence-base’ problematic. In short, in the case of UK drug policy, that there is actually plurality of evidence in this debate (Monaghan 2007).

Broadly speaking, the three perspectives contradict the Government line that the Act is fit for purpose. They also start from the premise that the relationship between evidence and policy in this area is turbulent. This is due to the fact that alcohol and tobacco, the most widely used substances (along with caffeine) and generally regarded as the two substances which cause the most harm, (for example by causing drug-related deaths) are absent from the legislative framework of the MDA. The three strands of critique that have emerged are matched with tailored policy solutions. These include:

a) The view that certain drugs are located in the wrong class. The relative harms and dangers of certain substances do not match drug user’s experiences thus discrediting the framework – the solution is to devise a framework which more accurately reflects the harms and dangers of substances, incorporating drug treatment into a regulatory system within a criminal-justice framework

b) The view that prohibition is failed philosophy in that there is little evidence that this most restrictive form of regulation actually has any deterrent effect – the solution is to legalise and regulate the use of all substances.

c) The view that the MDA makes an unnecessary distinction between drugs in terms of their harms and dangers. In reality, all drugs are harmful and no hierarchical distinction is necessary in law, between illegal drugs in terms of harms – the solution is rigorous control of all currently illegal drugs, allied with more emphasis on drug prevention education.

For adherents of points ‘b’ and ‘c’, the current framework is meaningless and of limited value. For those in point ‘a’ it is anomalous but with modification can be rectified. The position of point ‘a’ is closest to the Government position, however, the former are more radical in their standpoint. Overall it is fair to suggest then that the critique of the current drug classification system consistent with point ‘a’ above, has become increasingly prevalent recently (Nutt, et al. 2007; Reuter and Stevens 2007; RSA 2007). Since the 2004 reclassification of cannabis, the data on risks and harms of drugs has assumed a dominant status as the evidence-base on which drug policy should be developed. One piece of research has been central to this process, referred to here as the ‘Nutt et al. matrix’ (2007). This research supports the current philosophy of the MDA but advocates an alternative classification mechanism by questioning the validity of the current one.

The Nutt et al matrix has come to assume a dominant position in the deliberations of the ACMD, the body which advises government over its drug policy through synthesising the best available ‘evidence’ in the area. According to one former government advisor and member of ACMD, this is a relatively new, and necessary, development.

if you look at Colin Blakemore and David Nutt’s work [the Nutt et al matrix] and if you look historically there isn’t a huge relationship between certain drugs and their position in the current legislation. I think, in a way there is a crude relationship between these historically… that is not to say it is hugely wrong but rather it is a nuancing and you look at things like Ecstasy and Magic Mushrooms and stuff like that and there isn’t the evidential base, I
would suggest, personally, that I wouldn’t think this particular classification is warranted in terms of the harms and the risks...

This research, published in the *Lancet* in 2007, but which has its origins in the Police Foundation Report, ranks the main illicit substances alongside alcohol and tobacco in terms of their harmfulness based on a risk assessment of tendency to cause; a) physical harm – i.e. damage to organs or systems; b) dependence – the propensity of the drug to produce dependent behaviour and; c) social harm – the myriad of ways drugs harm society, through the various effects of intoxication, for example. One current government advisor for a major spending department, and current member of the ACMD technical committee, a sub-committee of the wider ACMD gave an insight into what this entails:

It’s only since we’ve taken on board the risk assessment processes in the last six years or so that we’ve really made any effort in changing that early policy, because all the time that the act has been in existence very few substances have been removed and very few substances have been reclassified. Some that were removed had to go back in again later because misuse then grew once they came out of the act and so the feeling with time was that it was dangerous to tinker with act because it caused all sorts of problems. So the feeling was that we should leave things where they were, or at least other people felt that. It’s only been in the last few years to say that the scientific base doesn’t really support the classification we’ve got today, I feel that very strongly now.

The authors of the matrix, however, stop short of suggesting that this is the solution to the drug classification problem. Similarly, one commentator suggests that the matrix ‘is a useful step towards a better evidence-base for the formulation of drug policy,’ before continuing that Nutt and colleagues ‘challenge us to find ways to reduce the indefensible disparity between the regulatory treatment of alcohol and tobacco and the most widely used illicit drug, cannabis’ (Hall 2007:972). The Nutt et al matrix has been the subject of much criticism. Firstly, because it has not departed sufficiently from the prohibitionist philosophy of the MDA it is not addressing the shortcomings of this approach which have had the reverse effect of its intended outcomes; the reduction of drug use. Furthermore, there is also the view that it still does not get to the route of the problem which should be drug prevention through rigorous enforcement and education. These are the policy solutions of points ‘b’ and ‘c’ respectively.

Supporters of the perspective ‘b’ argue that the philosophy of the MDA prevents it from being an evidence-based policy as it operates in the paradigm of prohibition, itself an ‘evidence-free zone’ (Rolles, et al. 2006:6). It is the view of one study in this area that:

The world began a process that would eventually globalise drug prohibition in the form of the UN Convention on Drugs in 1961...The UK’s substantive domestic response came in the form of the Misuse of Drugs Act 1971. In its stated goal of eliminating the supply and use of certain drugs, prohibition has proved to be an unequivocal failure: Drugs are cheaper and more available than ever before...Global levels of drug misuse have risen persistently (Rolles, et al. 2006:8).
For these thinkers, the Nutt et al. matrix is located in this paradigm, sharing a general philosophy which articulates a commitment to the regulation of drugs with criminal penalties based on a hierarchy of drug harms. Consequently, this does not factor into the analysis the potential harms caused by the illegal status of drugs. The unregulated strengths and purity of substances, is one example. This perspective is succinctly summarised by a journalist and writer and frequent expert witness in criminal proceedings relating to substance use:

I think there is a lack of clarity about harm because people don’t distinguish between the harm caused by prohibition and the harm caused by drugs and I think this is skewed rather by alcohol… In terms of drug harm what most people see in real life is alcohol, leery people fighting in the street but because the assumption is that alcohol is safe because it is legal and all other drugs are worse than alcohol then there is an assumption that all these other drugs are very dangerous and harmful in the way that alcohol is, except worse and in public health terms alcohol is really quite conspicuously harmful and the harm caused by cocaine, for example, is really hard to identify.

There is recognition on behalf of this perspective that their concept of ‘evidence’ does not sit comfortably with that of the Government. This is most apparent in views on what constitutes ‘harm’, which for this coalition, involves the damage caused by the legal status of the drug. Consequently, according to one Director of Research for a leading Drug Treatment, NGO, in terms of the MDA:

The evidence-base is weak, laughable. You know, we have got the silly international history to it with the American influence – lumping cannabis in there with other stuff… clearly there is a degree of, or some semblance of a relationship [in the MDA] with the obvious exceptions of cannabis and tobacco and alcohol. There are also lots of messages in there…the idea that a three-category system [based on drug harm] is meaningful has proved a dubious enterprise in its own right so there is a weak relationship (Director of Research, NGO)

The implications of this are discussed subsequently. For now and by means of comparison, it is useful to compare this with that laid out in point ‘c’ above.

The key feature of the latter perspective is the concern with the deleterious properties of the drugs themselves. Furthermore, there is also a sense that the initial implementation of the MDA has done little to address the drugs problem. In this sense, there is some overlap with the perspective in point ‘b.’ Both perspectives see that the intervention has not achieved what it set out to do, that is to solve the drug problem. For perspective ‘c’, however, it is not the act, and therefore, the law itself that produces the problem per se as the legislation does not target the correct areas. There is not enough emphasis on initial prevention thus a three-tiered structure sends out the messages that some substances are less dangerous and more socially acceptable. For one former UK government advisor and current advisor for the Scottish Parliament, it was the case that:

I don’t think that the [MDA] is enormously shaped by evidence. I think that in certain senses it is a bit of a mystery as to why certain drugs are placed in some categories and others are in a different one. I think that one can
envisage that the classification system is something that should be much more evidence-based and then devoting an enormous amount of time to placing drugs in their right position, in their right relative position as well as their right absolute position. But my anxiety in a sense is that, that is rather fiddling while Rome burns, as it were, and that actually the classification system is neither here nor there, whether it is right or wrong, it is something of an irrelevance in terms of the choices and decisions that people make over whether to use or not use illegal drugs. So I don’t actually have a huge degree of sympathy with the investment of considerable effort in trying to work out where certain drugs sit within the classification system. I think it is a bit outmoded actually and I don’t know that it serves any more useful function, for example, to seek to differentiate between heroin and cannabis but that is where the classification system takes you.

As alluded to earlier, in public debates about the relationship between evidence and policy with regard to the drug classification system, it has been precisely this endeavour that has come to assume a dominant status. For those who adhere to the above standpoint this is problematic as one former Senior Customs and Excise Officer and current Independent Security Consultant explains:

I think that whole thing about that new list [Nutt et al Matrix] is a con job.... Where is the advantage in discussing it? I would just rather have they [drugs] are legal or they are not legal...the hierarchy of harm...is used by law enforcement and it is used by the Courts but I actually think that a better determinant would be scale and size of operation and profitability and I think we have got ourselves locked in a debate splitting hairs...

From this brief sketch it should be clear that in contrast to the Government line, the MDA, in its present form is problematic and not fit-for-purpose. However, there is much discrepancy as to the proposed solutions, which has a knock-on effect for ascertaining the nature of evidence.

On the whole, however, the new matrix received a mix response. The main findings were largely ignored by the Government, although not entirely. Cannabis remains on the political agenda but other drugs such as Ecstasy, which the authors claim should be downgraded remain firmly off the political agenda. There is here a notion that the Government have ‘trawled’ for this evidence, selected the appropriate aspects and thrown back the rest. At the time of writing (March 2008), the legal status of cannabis is once again under review on the grounds that it is potentially more harmful than other class C drugs due to its association with the onset of mental health problems. For supporters, for example Hall (2007) it provided a welcome dose of science into a hitherto ‘data-free’ drug policy and was thus viewed as long over due development. However, for others, for example, adherents of points ‘b’ and ‘c’ above, it represents a smokescreen for inactivity in terms of developing a suitably evidence-based drug legislation policy, primarily as the philosophy of the approach remains.

**Nuanced relationship between evidence and policy**

It is apparent from the above discussion that there is a range of views over the extent to which the Government draws on evidence in making classification decisions. The Government, in spite of ignoring the wider claims of the Nutt et al. initiative, has incorporated the methodology of the latter into its decision-making process. With the
benefit of hindsight, the initial cannabis reclassification, first review and current review can be seen as part of this process. This provides the platform for a more nuanced reading of the role of evidence in politicised areas. Most stakeholders, however, resort to zero-sum positions of policies being evidence-based or not. This occurs in spite of the fact there is recognition of the plurality of evidence in this field. In essence, the zero-sum positions are paradoxical (Monaghan forthcoming, 2008). For advocates of perspective ‘a’, evidence is coming to assume a significant role in the debate. In this sense, the current system is increasingly ‘evidence-based.’ For advocates of ‘b’ and ‘c’, this is clearly not the case. The outstanding issue concerns how to explain this situation. That is, how to explain the role of evidence in a politicised policy area. This task involves two related aspects. The first aspect draws on the notion of flak from the evolutionary model of research utilisation to explain the mechanisms of evidence selection. The second part, however, suggests that this model operates with a narrow view of the evidence and policy relationship and consequently, requires modification.

Mechanisms of evidence selection

A key problem for the current impasse relates to the fact that there are different appreciations of the same problem, that is, the futility of the MDA in its current form. Referring back to each standpoint, position ‘b’ advocates a wish to repeal the current prohibitionist legislation of the MDA and replace it with a system of legalised regulation. In effect, the problems stemming from the current system are a product of the legislation’s enactment in the first instance. Drug harms are innate to the substances themselves but are magnified by their illegal status. This is because control of the market is surrendered to illegal producers and distributors and purity, for example, goes unregulated and is left to chance. Thus, the main danger for individual drug user occurs because of the legislation. In causal terms this is after its implementation.

By contrast, point ‘c’ suggests that significantly altering and simplifying the current legislation, to more accurately depict the true dangers of substances should be the direction that UK drug classification policy takes. In effect, this involves switching to a system that is similar to the Swedish approach with more emphasis on drug prevention and drug enforcement. For this perspective, the current system fails to invest in the former aspect to a satisfactory degree, thus the main danger for drug users occurs before the MDA can have any impact. Both perspectives see the current system as fundamentally not ‘evidence-based.’

Significantly these perspectives’ solutions to the drug problem involve much speculation as to how their chosen direction for policy would represent an improvement on the current deadlock. In contrast, the critique of position ‘a’ is within the current framework. It does not require any radical change of philosophy. It suggests that any defects in the current system can be overcome by making it more scientifically valid. The rationale is that individuals can make informed choices on the use of drugs if supplied with accurate information. This does not require drastic change but minor tweaks to the legislation. The conceptualisation of evidence cited by this perspective is, therefore, contemporaneous, but also consanguineous with the legislation to which it refers. In other words, it does not rely on speculation as to what a policy would look like if all the ‘evidence’ in the debate was considered. There is
still the aspect of interpretation of evidence required but not speculation. A result of this privileged position is that flak can be directed at those solutions which do require speculation.

The fact that positions ‘b’ and ‘c’ do involve a degree of speculation compromises their evidence-base credentials as it is rational measurement that is typical of the evidence-based policy initiative and not speculation based on an entrenched belief system. It is contended here then that the established models presented at the outset are of limited value. The more established models operate at too high a level of abstraction and do not explain the mechanisms of selection. In this sense, the evolutionary model, (as highlighted above) is an advancement on the other options (Monaghan 2008). There is however another point to consider. It concerns the question of not only how evidence is depicted, but where it figures in policy decision-making. In essence, this begs the question of what a politicised policy area looks like.

A new vista of the policy process

Numerous criticisms of the evolutionary model can be identified. For present purposes, there are two primary (and related) issues to consider. It is clear from the above discussion that advocates of positions ‘b’ and ‘c’ conceptualise the evidence and policy relationship in terms of the policy outcomes. Policy outcomes are, however not the only way to conceptualise the link between evidence and policy. In sum, there is a range of policy-making literature that views the phenomenon of policy as a process and not a single event (Hill 1997; Jenkins 1978). Indeed, it can be ascertained from the above discussion that for advocates of point ‘a’ significant emphasis is placed on the role of evidence in the process of policy formulation. This idea is also consistent with the enlightenment model of research utilisation. Importantly, however it is ignored by the evolutionary approach.

At its most simple level, the evolutionary model assumes that ideas survive because of their utility to powerful groups. Ultimately, this assumption, suggests that the evidence that survives the filtration process will be used in policy outcomes. This understanding of evidence utilisation is, however, akin to that of the linear model. It is premised on linear logic, a perspective it has tried to depart from. The corollary of this is that if the evidence that survives the filtration mechanism is seen to produce an ‘evidence-based’ policy, this represents a zero-sum position but also belies a static, short-term view of the policy process, restricting evidence to outcomes. Politicised policy areas have already been shown to be dynamic and in a constant state of flux. It is suggested that evidence may or may not shape outcomes but is considered in policy deliberations. Overall, it is argued here that to understand the role and nature of evidence in politicised policy areas a model of the policy process is required that: a) views policy as a process and does not restrict the role of evidence to outcomes b) offers a long-term view of this process; c) views the policy process as being dynamic; d) focuses on the mechanisms of selection of evidence. This model has yet to be fully developed but could be and can be termed the processual model. It is suggested, furthermore, that this will offer the most subtle explanation of the role of evidence in politicised areas, with the now familiar caveat that more research is needed.

Conclusion
Politicised policy areas are not usually the foci of studies of evidence-based policy-making. Underpinning many conceptualisations of the latter is the view that evidence is a key aspect of the policy decision-making process. Interventions are conceived, implemented, evaluated and changed, if necessary. Evidence is thus embedded into the policy-making process. Policy-making in politicised areas is much more ad hoc. It is contended here, however, that evidence is still embedded in the decision-making process but in a different way. This nuance is often missed and zero-sum appreciations of the evidence and policy relationship abound as a result.

Some lessons can be learnt from the established models of research utilisation. The enlightenment model, in particular, offers a more flexible understanding of the role that evidence can play in policy. Ultimately, however, these operate at a too high level of abstraction. The actual minutia of the way evidence is selected in such policies is often missing from these models. The evolutionary model offers much potential for looking at evidence in politicised areas with its focus on the mechanisms of selection. That is, the way evidence is sponsored by powerful groups. The centrality of the Nutt et al matrix, to the ACMD and the Government is indicative of this. It has been suggested, however, that ultimately this understanding is premised on the same logic as the linear model, the most problematic of all the established models of research utilisation in the social sciences. In this sense, the evolutionary model needs remoulding. What emerges is a processual model which avoids the more controversial aspects of the former. As the name suggests, the processual model views the nature of policy-making as a process rather than a single event. In this sense, the role that evidence can play in policy decisions is widened. The rules of engagement have thus been set. Evidence can be seen as a case of survival of the fittest but it is survival and not domination that is the goal. In this sense, evidence that survives filtration is often utilised in policy deliberations. These may or may not be translated into outcomes but this does count doubt on previous zero-sum assertions.

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i Initially perceived in terms of liberalisation, particularly by detractors of the move, this was called into question as other legislation was subsequently amended to counter the effects of downgrading cannabis. For example, the Police and Criminal Evidence Act (PACE) 1984 was altered so that cannabis assumed a unique status as a class C drug whereby the police maintained the power of arrest for those caught in possession. Additionally, the Criminal Justice Act (2003) introduced more draconian punishments for supply of class C substances from 5 years to 14 years on a par with those of class B.

ii This is how it is widely known although there is some debate as to what extent it can rightfully be seen as an experiment per se.

iii From May 2007 a Ministry of Justice emerged from a separating of the activities of the Home Office. For the purposes of this thesis the term Home Office will act as an umbrella term for both institutions.