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# **‘Crossing the Line’ – Criminological Expertise, Policy Advice and the ‘Quarrelling Society’<sup>1</sup>**

**Deborah H. Drake and Reece Walters**

## **Abstract**

In October 2009, Professor David Nutt, eminent neuropsychopharmacologist and world leading expert on drugs, was dismissed as Chair of the UK government’s Advisory Council on the Misuse of Drugs for comments he made at the Centre of Crime and Justice Studies Eve Saville lecture. This article considers the role of evidence in political decision making through the case of David Nutt. It is argued that the status of expert knowledge is in crisis both for the natural and the social sciences. We examine the role of the criminological advisor within emerging discourses of public criminology and suggest that high-stakes political issues can open up unprecedented opportunities for critical voices to engage in unbridled critique and to mobilise movements of dissent.

**Keywords:** **drugs policy**, public criminology, dissent, expert knowledge, government, criminal justice policy

## **Introduction**

On 12 April 1972 Nils Christie delivered the Annual Osgoode Law School Lecture entitled ‘A Living Society is a Quarrelling Society.’ This rarely cited work critiques Daniel Bell’s *The End of Ideology* (1960), as well as the arguments of the influential political scientist Herbert Tingston contained in his *From Ideas to Idyll: The Happy Democracy*. Contrary to these positions, Christie argues that ideologies ‘did not die’ in the post Second World War period but ‘merely took a nap in the 50s and the first years of the 60’s’ (Christie 1973: 110). He opposed the view that the defeat of Nazi-allied totalitarian regimes brought about a ‘nearly complete agreement on basic goals’ for industrialised societies and what remained were the methods and techniques for securing the common objectives (p. 104). For Christie, this period of ‘intellectual tranquillity’ was counterproductive and regressive. It temporarily established an unhealthy politics of uniformity and a social order of unquestioning compliance. It was a time that exacerbated the decline in social quarrelling, the political and social conflicts, contestations and turmoil involving widespread citizen

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participation that sparked intellectual innovation, creativity and social change. Central to Christie's argument is that a society is not living unless it engages in healthy quarrelling and intellectual conflict. A failure to do so brings compliance and pacification, the alternative, however, is 'that we dare to listen to the little boy in Hans Christian Anderson's fairy tale,' the emperor's new clothes (p. 111).

Christie's quarrelling society serves to remind us that effective and productive policy often emerges from the contestations and struggles between individuals, governments, interest groups and communities when debating responses to complex social problems. Whilst there may be 'official', state-sanctioned measures taken in reaction to particular social issues, the extent to which individual members of the public or the media express agreement with those official responses can vary considerably. The way a particular government, in the name of society, elects to frame social problems in policy and to respond to them through forms of regulation or the law can be highly contested. Criminal justice responses are perhaps the most obvious example of contested policy-making. There is seemingly endless disagreement between constituent social groups about how societies should respond when people violate the law or even what a given society should deem to be legal or illegal in the first place.

The role of, and the relationship between, academic criminology and government policy making has been the subject of much intellectual debate for some time (Mannheim 1960, Radzinowicz 1999, Hope 2008, Loader & Sparks 2012). Emerging from these discourses has been a divergence of opinions and testimonies about the value and purpose of the intersections between academic knowledge and the shaping of government policy and practice. Part of the value of the academic enterprise has been its ability to speak to various audiences and experts and influence policies, practices and theories in diverse departments, services and disciplines. Across the natural, social and human sciences the relationship between academic knowledge and government policy making is sometimes close (Pavitt 2003), sometimes tenuous (McLaughlin, Muncie & Hughes 2001) and sometimes conflicted (McCright & Dunlap 2010).

The quarrels and debates over the role and utility of criminological expertise within government policy making have brewed and evolved for some time (Hogg and Brown, 1998, Zedner, 2003). Yet, the extent to which criminological and other social science expertise and knowledge meaningfully impacts upon and shapes government policy and practice is anecdotally espoused but not empirically or demonstrably proven (Patton 1986, Daly 1995). Indeed, some have argued that the vast amount of criminological 'noise' or 'ceaseless chatter'

within market models of knowledge consumption and measurement have emphasised the expansion of ‘criminology as industry’ whilst stockpiling the armaments of law-and-order political agendas (Hillyard et al. 2004). There have been numerous and reputable commentaries about the relationship between government and the criminological academy. For example, Rock (1995: 2) argues that criminal justice policy-making is a deeply political and constantly changing process. He asserts that policies are not solely developed by internal processes of consultation, expert advice, briefing and committees, but by a ‘politics of populism, moralism and market.’ The academic expert who participates in the world of criminal justice policy-making has been described as entering a complex web of political agendas, power plays, budgetary uncertainties and shifting government priorities (Rutherford 1997). Moreover, the relationship between scholarship, knowledge production and policymaking has yet to resolve a long-standing awkwardness between the criminological academy and specific corridors of state power (Hood 1974).

The politicisation and utility of criminological knowledge is succinctly and authoritatively captured by Loader and Sparks’ influential *Public Criminology* (2010). Drawing on Michael Burawoy’s (2005) controversial ‘For Public Sociology,’ Loader and Sparks provide a sociology of criminological knowledge. This seminal text on the role of academic criminological work in public life has prompted substantial and thoughtful debate (Christie et al. 2011). Whilst providing a self reflective account of criminology’s identity, purpose and trajectory, it poses as one of its objectives what they call a ‘pluralist criminology,’ a political engagement that contributes to a ‘construction of a better politics of crime and its regulation’ (Currie in Christie et al. 2011: 711).

With the notions of public criminology and the quarrelling society in mind, this article considers the triple helix of University, industry and government relations through an in-depth analysis of one specific and high-profile case-study in the UK – the dismissal of Professor David Nutt from the government’s Advisory Council on the Misuse of Drugs (ACMD) for crossing an invisible and blurred line between research and policy. In this article, we first question the meaning, context and value of academic expertise and the status of evidence in government policy making. Second, we specifically consider crime experts attempting to shape a more constructive and informative politics of crime from ‘the inside’. We then examine the prospects and perils of undertaking official advisory roles for government and we finally argue that against the context of high-stakes political issues, alternative voices have significant potential to shape both political and public opinion on crime problems through a mobilisation of alternative and ‘disruptive’ voices.

## Methods

The pertinence of the David Nutt case for criminology and for social policy studies has been under-considered. It has been fleetingly mentioned in relation to media constructions of drug-related issues (Lancaster et al. 2010; Ayers and Jewkes 2012); as a footnote providing evidence of the power of politics over evidence (Rock 2010) and as a symbolic and inauspicious end to New Labour's drug policy stance (Watson 2012). The under-consideration of the David Nutt case is an unfortunate oversight that this article begins to address as it provides a clarifying example of the muddled inter-relationship between evidence, policy, and law on one hand, and the blurring between moral beliefs, values and politics on the other. In both social policy and criminal justice arenas the value-laden undercurrents that shape both policy- and law-making are too seldom fully explicated and the David Nutt case demonstrates a head-on confrontation between values and evidence-based policy making. Thus, in addition to detailed analyses of relevant literature pertaining to the value and role of academic expertise and the sociology of criminological knowledge, this article utilises a case-study approach to explore the nuances of the interconnected relationships between crime expertise, social policy development and political influence (cf. Yin 1991). To undertake this approach, we conducted a Nexis newspaper search on the David Nutt controversy (using the search terms 'David Nutt' 'sacking') using the date limits of 01/01/2009 and 31/03/2010 (these dates were settled on after narrowing down wider initial searches). This search yielded over 150 articles from mostly UK newspapers, but also those published in international newspapers that carried the story. In addition to the news media coverage on Nutt, we collated and examined political statements, Hansard and official media releases of the David Nutt dismissal. Furthermore, six narrative and receptive interviews (Bouma 2000) of ninety minutes duration were conducted with Professor Nutt, former members of the Government Advisory Council on the Misuse of Drugs, members of the Centre of Crime and Justice Studies who played a pivotal role in publishing and promoting Professor Nutt's research and establishing an 'alternative' expert panel, and philanthropist, Toby Jackson, whose funding made the mobilisation of dissent possible.

The researchers also attended public meetings involving presentations of three other Committee members who decided to resign their government advisory roles after Professor Nutt's dismissal. Such events also provided the opportunity to engage with politicians, practitioners and members of the public who attended in large numbers to witness the first-hand accounts of experts intimately involved in advisory capacities to the Home Secretary. In addition to publicly available or accessible documentation, the researchers were also

granted access to confidential ACMD Committee minutes and personal communications between Professor Nutt and the former Home Secretary.

A deliberate decision was made to interview Former Home Secretary Mr Alan Johnson at least 12 months after he had ceased to be the Home Secretary. As a member of the Labour opposition, the researchers wanted to capture ‘reflective self-criticism’ of political decision-making by a Secretary with distance between himself and his time in office. It was hoped that time would provide an opportunity for open and dispassionate self-assessment of political decision-making and a more measured account of the events surrounding Professor Nutt’s dismissal than those reported in the media and stated in Hansard under the political scrutiny of opposition members. As a result, the researchers respectfully contacted Mr. Johnson’s office seeking an appointment on favourable and flexible terms for the former Home Secretary. Such an invitation was declined with the following response:

Mr. Johnson is grateful for the invitation to be interviewed in relation to your article but does not feel able to fulfil the invitation (Bramwell 2013).

A further correspondence was subsequently made to Mr Johnson’s office identifying four questions related to Professor’s Nutt’s dismissal:

What can be learned about academic research, policy-making and the production of knowledge from the situation that emerged with David Nutt and the ACMD?

What is the current state of relationships between academic research and government?

Are the British public and parliament being well served by existing advice concerning drugs research? If not, what would work better? Have drugs policies gone in the right direction?

No reply was received. On one hand, the silence of the former Home Secretary is to be expected. As an ongoing senior member of the Opposition, there is much to be lost in unearthing and rehearsing events that may reflect poorly on his political decision-making. On the other hand, politicians are servants of the state and are accountable to both the electorate and the publics they serve. Such is the democratic duty to engage in dialogue of national interest and participate in debates that enhance the economic, social and cultural well-being of the British public. Despite the omission of a retrospective account of the Home Secretary concerned, there was a reasonable amount of publicly available documentation of the governmental position on the David Nutt case, which we were able to draw on for this article.

## **Case Study – the dismissal of David Nutt**

Noted psychiatrist and neuropsychopharmacologist, Professor David Nutt, is one of the UK's leading experts in drugs research and the effects of drugs on brain functioning. He was Chair of the Technical Committee of the Advisory Council on the Misuse of Drugs (ACMD) from 1999-2008 and in January 2008 he became the Chair of the ACMD itself. The role of the ACMD is to make 'recommendations to government on the control of dangerous or otherwise harmful drugs, including classification and scheduling under the Misuse of Drugs Act 1971 and its regulation' (GOV.UK 2014). Nutt was appointed to this committee, based on his clinical experience and his drugs- and alcohol-related research:

...what I did from the very beginning was to instigate...a new way of systematically appraising drug harms by using a nine point scale that I had invented [as part of the Runciman Inquiry] (David Nutt interview January 2012).

In 2000, the Police Foundation launched an inquiry, chaired by Viscountess Runciman, into the United Kingdom's Misuse of Drugs Act, 1971. Nutt had been a member of the inquiry panel and was, at the time, Head of the Mental Health and Psychopharmacology Unit at the University of Bristol. The Runciman report identified the shortcomings of the legal classification of drugs, arguing that there was no clear, transparent criteria by which drugs were classified. The report argued for a reclassification of drugs according to a hierarchy of harm and that commensurate sanctions should be set according to relative harmfulness (The Police Foundation 2000, para. 17: 4).

For most of the 2000's Nutt's research and his work on the ACMD included a focus on developing a more robust and accessible method of classifying and ranking drug harms. In 2007, Nutt and colleagues published the first paper that presented a rational scale to assess drug harms (Nutt et al. 2007). The findings from this research paper raised questions, according to Nutt et al., about the validity about the Misuse of Drugs Act classification of drugs. The authors also raised concerns about the arbitrary exclusion of alcohol and tobacco from the Act. The article argued that public debate on illegal drug use ought to be based on 'a formal assessment of harm rather than on prejudice' (Nutt et al. 2007: 1052).

Whilst this article resulted in some helpful and interesting debate amongst drugs and addictions researchers, its publication went seemingly unnoticed by senior policymakers and government. However, in January 2009, Nutt published a further article in the *Journal of Psychopharmacology* that aimed to shift the frame of reference from inter-drug comparisons to comparing drug risk with other common risky, *legal* activities. In the article, which received negative attention from politicians, Nutt outlined the problem of the absence of a

rational classification system of relative harms. He pointed out that debate on the harmfulness of drugs takes place without reference to other harmful activities in society, 'which tends to give drugs a different, more worrying status' (Nutt 2009a: 4). To illustrate this point, Nutt examines the potentially addictive nature of 'Equasy' – a term invented specifically to make his point – which stands for Equine Addiction Syndrome or in common parlance, horseback riding.

Nutt explains:

I was trying to find a way of communicating risk...the main story is a very interesting one because it came from a patient in my clinic....[A] woman had fallen off a horse and smashed the front of her brain in and her personality changed and she became very disinhibited...she lost her self-control [became] disinhibited, aggressive and lost her job...I got interested in how harmful horse riding was and I looked it up and I realised it's extraordinarily harmful and *commonly* harmful [and I thought] this might be an interesting comparison with ecstasy [because] I know people who are very pro riding and you could argue that they were addicted to it (David Nutt interview January, 2012).

In the publication, Nutt presents a comparison between 'equasy' and ecstasy, using the 9-point scale he and colleagues had developed for assessing drug harms. Importantly, he questions why harmful sporting activities are acceptable, whereas relatively less harmful drugs are not. He stated: 'I believe this reflects a societal approach which does not adequately balance the relative risks of drugs against their harms' (Nutt 2009a: 4). Moreover, Nutt concluded the article by arguing that: 'The use of rational evidence for the assessment of the harms of drugs will be one step forward to the development of a credible drugs strategy' (p. 5). On 9 February, 2009, The Guardian newspaper reported that then Home Secretary, Jacqui Smith, criticised David Nutt for 'trivialising' the dangers of drugs and showed 'insensitivity to the families of victims' of ecstasy (The Guardian 2009).

David Nutt, however, argued that he was not aiming to trivialise harmfulness, he was, instead, looking to provide a comparison that would make evidence and risk more understandable and rationally grounded. This disagreement led to a fruitless debate between Nutt and the ministers. In our interview with Nutt, he recalled the discussions and his increasing sense of frustration:

...you had ecstasy – it is a middle class drug – and you have to pitch it at that level...It was my most popular paper. It's been downloaded 7,000 times and it was a major success in that sense. But the Home Secretary got to hear of it and



went ape. What was interesting was the dialogue – and this was a really telling dialogue – because it went like this: you can't compare an illegal activity with a legal one, but I say why not? And she says: because one's illegal. So I said, well we need to compare harms and determine whether it should be illegal and then she went ape again...I started off thinking it was just her, but when I talked to other politicians and some rather smart, sympathetic ones like the Lib Dems and some of them said no we cannot think like that. Illegality does change the way we think. And that made me even more adamant that we had to do something about cannabis because we were then in a horrible situation where we were criminalising cannabis users in an attempt to protect them from schizophrenia. [We were] actually putting them into no man's land where people would actually think about them as being deviant and...so I started talking about this more openly, pointing out how destructive [it is] and marginalising and also racist and these guys [The Centre for Crime and Justice Studies] asked me to do the [Eve Saville] lecture and so I gave the lecture.

In July 2009, Professor David Nutt, gave the annual Eve Saville lecture at the Centre for Crime and Justice Studies (CCJS) at Kings College London. On 01 October, 2009, the CCJS published Nutt's paper in a briefing document entitled: *Estimating Drug Harms: A Risky Business*. On 30 October, David Nutt was sacked by then Home Secretary Alan Johnson who argued that:

Our principal advisors...have to be clear that when they are appointed to such a crucial and privileged job...When such esteemed professionals take on such a job, they have the government's ear. They have a very important role influencing the Government, and they must exercise it with care and caution. It would be quite wrong for advisors to undermine the Government as well as advise them (Alan Johnson, the then Secretary of State for the Home Department, Hansard, 2 November 2009, column 577).

The 09 November edition of the *Lancet*, published a commentary from David Nutt on his dismissal, entitled: *Government vs science over drug and alcohol policy*. In this article, Nutt relayed his own view of what became known as the 'Nutt-gate' affair. He expressed his surprise and gratitude to the overwhelming support he received from the public, but expressed his disappointment of the loss of confidence of the scientific community in the government's acceptance of the scientific process. His dismissal case, he argued, confirmed for him and to the scientific community that evidence only counts when it suits particular political aims.

Richard Garside and the CCJS supported Nutt in handling the deluge of public attention that the story generated. In the immediate aftermath of Nutt's dismissal, Sophie Macken, who was interning at the CCJS stepped in to become the Project Lead in managing the 'Nutt affair'. She recalls:

I became quite involved quite quickly really and one of the first things I did was go through all the emails that David had which was about 2000 from the public [and] from all different walks of life...it was everything from kind of what you would expect – academics, scientists and students through to teachers, police, judges, through to taxi drivers and builders and people who don't touch on the field at all, but are interested. And there was a Facebook group supporting David that was over 100,000 very quickly.

Amongst Nutt's supporters was Toby Jackson – a concerned citizen – who had the means to help support David to continue with his research. Nutt recalls his first contact with Jackson:

...I got an email from this guy that said: 'Hi, I'm Toby Jackson. I think it's atrocious the way you have been treated and I have looked on the website and I can afford to pay what it costs to run the ACMD for three years. Are you interested in setting up an independent committee?' Since I had been thinking of doing that already I thought this was amazing...

By January 2010, Nutt had established the Independent Scientific Committee on Drugs (ISCD), which is now the leading independent scientific body on the harms and benefits of both legal and controlled drugs in the UK. By 2 April 2010, seven other members of the ACMD had resigned.

The case of David Nutt provides a clarifying moment, a poignant event that draws our attention to the way that precariousness of relationship between research evidence and policymaking. The significance of the Nutt story is identified by Nutt himself when he was shocked by the way ministers became hostile towards evidence that contradicted their value-based ideas about substances or behaviours, which happened to be illegal. Nutt expressed his frustration with ministers who were prepared to defend the notion that: "Illegality does change the way we [i.e. government] think." The idea that criminal justice policy and the designation of what is illegal is more firmly based on beliefs and values and perhaps affective conviction than on the evidence of the relative harmfulness of a given activity, was brought more starkly into view through the case of David Nutt.

Critical legal scholars and criminologists have long recognised the value-laden machinations of criminal justice policy-making. In 1898 Kropotkin pointed out the bias

inherent in the development of the criminal law. Barbara Hudson's (2006) consideration of 'white man's justice' provides a more recent reminder that the original values and principles on which the criminal law is based continue to operate stealthily and invisibly within the criminal justice system. Despite the long established awareness in criminology of the inherent bias in the criminal justice system and in criminal justice policy making, the Nutt story chisels out the fault lines between academic knowledge and policy making with particularly sharp precision and clarity.

### **The Mobilisation of Dissent and the Emergence of Alternative Official Voices**

The case of David Nutt created a rare opportunity for the mobilisation of alternative voices and the establishment of a new guard of 'official' voices. A crucial dimension to the establishment and ongoing operation of the ISCD was, as discussed above, the Centre for Crime and Justice Studies and David Nutt actively harnessing and mobilising academic and clinical expertise through media, public and sympathetic political supporters and voices. However, working in the background to support their endeavours and ensuring funding for the ISDC's meetings and activities came from a semi-retired hedge fund manager with no previous knowledge of David Nutt or the CCJS and with little interest in drugs or politics. Mr Toby Jackson, a graduate in theoretical physics and a successful stock broker and financial banker, stepped in as a distant but interested sponsor, and donated £450,000 to assist Nutt in setting up the ISDC (Ford, 2010). He describes his initial involvement as follows:

I got involved for a combination of three elements. Firstly, what happened with David came on the back of the summer of the expenses scandal, so there was a lot of disillusionment with Government and not a lot of trust. Secondly, the actual fight going on between David and the Home Secretary seemed to be about politics and not scientific facts which were being used as a political toy and thirdly, when it came to drugs policy and the Government's failed war on drugs, it was pretty obvious what David Nutt was saying sounded reasonable and was based on scientific facts...so I thought the best way to mobilise David and a Committee of experts was to set up a forum outside political interference where science could be pursued without political interference' (Toby Jackson interview 14 January, 2103).

The conditions of Jackson's sponsorship were that the ISCD should: 'treat alcohol and tobacco on an equal basis, [the committee] had to stay away from policy, it had to be completely independent from government and driven by science...and it had to aim to become financially self-sustaining' (Toby Jackson interview 14 January, 2013). Jackson

who admitted to having no political agenda and no stance either way on drugs policy was driven by a willingness to see independent scientists carry out their work where facts could be distributed to the ‘policy-makers, the media, public, families, and drug users’ rather than ‘cherry-picked by Government.’ His contribution to ensuring and facilitating the establishment of the ISCD and, as a consequence, the mobilisation of an alternative ‘official’ voice on the harmfulness of drug use was fortuitous and considerable. It is also a part of the story that requires further, more cautious thinking about. The Nutt-Jackson example is a best-case scenario, but how often is this achievable? At the same time, the establishment of a privately funded independent research committee raises the question of how knowledge as a ‘public good’ is to be protected.

The role of corporate or entrepreneurial philanthropy in sponsoring industrial innovation, scientific research, technological developments, and community-based initiatives is widespread and long-standing. The so-called ‘triple helix’ of University, private or corporate industry and government relations and its impact on the production and dissemination of knowledge remains an increasingly common trend that is both potentially fruitful and fraught with considerable ethical, commercial, and reputational peril. From classical antiquity of the Greco-Roman world and the giving of time, knowledge and resources for public benefit to the donations from billionaires such as Andrew Carnegie, Robert Brockman, Bill Gates and so on, the sponsorship from charitable sources has played an important role in social and scientific advancement of developing societies. That said, there is a fine-line between financial ‘lobbying’ and the caucusing of political opinion for commercial gain and sponsoring independent scientific research for the public good. There is widespread evidence, for example, of the tobacco industry funding ‘expertise’ to influence evidence on health policy decisions that are favourable to industry profits (Fooks and Gilmore 2013). As Jackson himself argued, his involvement is not the preferred scenario, he would wish to see ‘10,000 people donate a pound a month for independent scientific research... or for Governments to permit their advisory committees to pursue science without political interference.’ Such a solution may well be desirable, but it is difficult to imagine in practice – either from a logistical standpoint or from the point of view of government.

It is clear that tensions remain between the roles of Government advisor and academic scholar - both important functions with often competing audiences and expectations. Take, for example, the recent case involving the Liberal Australian Prime Minister Tony Abbott’s dismissal of an entire independent advisory committee over damning comments about the health and safety of refugees seeking entry into the country (Carter 2013). In a move not

dissimilar to the David Nutt affair, the Australian Prime Minister dismissed a panel of independent experts who had provided advice that the ‘health of asylum seekers in detention reveals... self-harm as the most common reason for the large number of detainee visits to hospital emergency departments (Wood 2013). This announcement, clearly damaging to the Abbott Government’s current policy on detaining asylum seekers, was equally as unpalatable as David Nutt’s comments about the then UK Government’s position on drug policies.

The cherry-picking of criminal justice research and the silencing of voices critical of Government policy has been explored within criminological discourses (Hope 2008, Hope and Walters 2008). The idea, however, that corporate industry or private philanthropy might offer a potential route towards scientific or academic independence and a solution to endemic political bias in criminal justice (or general social) policy-making is arguably like trading one form of dictator for another. Additionally, given the fact that many successive governments in the UK and elsewhere have refused to engage with robust evidence that contradicts the direction of government criminal justice policy-making, what might the general public, the criminological community, grass-roots activists, or criminal justice practitioners in the private, public or third sector do to challenge the political status quo?

The David Nutt case provides an example of how voices of resistance can be mobilised against state power to facilitate alternative avenues for disseminating scientific research. For Scraton (2001), such knowledges cannot be generated under contract or consultancy with Government, where they are silenced, neutralised or dismissed, but must be harnessed outside the realms of political reach through independent and disparate positions of resistance. For him, criminological knowledges are a form of resistance and dissent, capable of touching a raw nerve with governing authorities and creating much needed public and political debate (cf. Gilmore et al. 2013). Moreover, the Nutt story returns us to Nils Christie’s notion of the ‘quarrelling society’ and its crucial importance to policymaking

### **Criminology, ‘Quarrelling Society’ and Policymaking**

Returning to Christie’s discussion of the quarrelling society, which we opened this article with, it is important to note that he traces the demise of opportunities for social debate, conflict and discussion to a decrease in rural communities and the disparate expansion of cities. He argues that the rapid shift from the rural to the urban facilitated structures of state power (schools, prisons, mental hospitals, care homes for the elderly) that were, in his view, instrumental in promoting, what he calls, ‘pacification.’ The separation of society into such institutional orders facilitated a demise of social disagreement and conflict and promoted state control of social order. Such institutions of state power, Christie argues,

often ‘disguised as privilege’ provide the mechanisms for regulating and suppressing dissent. Moreover, he argues ‘a further device to keep conflict running low is to take potential conflict-makers out of circulation’ (p.106). For Christie, a millennium of Scandinavian quarrelling had created the hallmark of a socially democratic society based on principles of intellectual engagement, innovation and compassion. By contrast, the contemporary structures of governance (ministries, departments, committees, boards) provide the means to ostracise, demarcate and silence critical voices. For us, David Nutt is the boy in the crowd brave enough to state the obvious amongst a gathering of onlookers too afraid or too compliant, or too pacified, to speak out about failed Government drug policies that have for many years been widely regarded as costly, counter-productive failures. The so-called evidence-based policies of the former Labour-led UK Government were laid bare by David Nutt as mere window dressing, lacking scientific substance and promoting ill-health, social harm, marginalisation and exclusion.

That said, it is not the intention here to narrowly construct the policy-making process by suggesting that David Nutt was the value-free, rational scientist silenced and censored by government actors lacking any sort of agency or reflexive insight. Our point is that political rhetoric from differing spectrums, whether ‘evidence-led’ or drawn from ‘Big Society’ interests involves political and policy actors negotiating various factors and forces often with competing priorities. The above case points to the vagaries of the policy process, identifying the seemingly linear and unbiased decision making process, informed by experts and evidence as an image that is far from reality. The Big Society mandate of the Conservative and Liberal Democratic coalition emerged within months of the events surrounding the Nutt case (Albrow, 2012). For commentators this ideology of governance and policy making was the ‘latest in a long line of policy approaches introduced by successive governments since the 1980s aimed at defining the relationship between the statutory and voluntary sectors and the role of the voluntary sector in welfare delivery’ (Ishknian, 2014: 333). This neo-liberal driven policy making, underpinned by an ideology in favour of a ‘small state’ that emphasises ‘empowering local communities’ and ‘civic participation’ (Office of Civil Society, 2010) has been widely critiqued by social policy scholars as ‘Red Toryism’ enhancing the ‘commodification of public life’ whilst perpetuating social and economic inequalities (Corbett and Walker 2013: 470; Taylor-Gooby 2012). The promotion of the privatisation of public services within the guise of civic responsibility and ownership was an inadvertent side-effect the Nutt case. The involvement of Toby Jackson as a private sponsor to independent science, may epitomise Big Society thinking in times of austerity, however, it

also represents a troubling state of social and political affairs in Britain. Although the Nutt-Jackson story was a genuine alliance formed in the interests of preserving knowledge production, the need to rely on philanthropic good will to preserve the integrity of knowledge and research is a troubling trend. It potentially creates a state of bipartisan communitarianism (Sage, 2012) that widens the space for corporate and powerful private interests to shape and colonise knowledge production for government policy making.

It should also be noted that our case study identifies Professor David Nutt as an undeniable expert, who has ensured that his research has been made accessible in a user-friendly and practical manner. In many respects, he is the quintessential 'public academic.' How then, was this world leader in his field dismissed from a crucial government advisory role? A man renowned for decades for shaping policy and practice in Britain, was simply and unceremoniously sacked for 'crossing the line.' As Nivette (2014) insightfully observes, the rule of law and the criminal justice system provide the cornerstones of state power and legitimacy. This legitimisation and subsequent monopolisation of coercion and central authority provides stability 'that the citizens ...who perceive the state as legitimate are likely to consider its institutions a valid source of morality and social control' (p. 94). Consider for example, the recent French Government decision to rescind criminology as an academic discipline in French universities. For Colston (2013) the political dimensions to criminology's subject matter have the potential to question the authority of the state. To embed criminology as a 'section' within the French Academy paves the way for a 'right to dissent' within a conservative political context of penal populism. He concludes: 'as a consequence, there will probably be less independent criminological research produced in France than there could have been. This, in turn, may reinforce the authority and visibility of the official criminology' (Colston 2013: 563).

It should not, however, be construed from the above that countries with criminology embedded in university degrees and academics employed in designated criminological posts, are more efficient and proactive in promoting and generating critical knowledges of resistance. Indeed, there has been recognition for some time that the commercialisation of the tertiary sector within neo-liberal political and economic discourses continues to colonise research agendas with critical voices demarcated to an increasingly marginalized periphery (Coleman et al. 2009). However, for many criminologists, it is not necessarily university management or external political pressures that drive their reasons for undertaking research under contract or consultancy. Why do academics hire their services to governments or private corporations as expert advisors? First, there is a belief by those who sign contracts or

accept fee-paying consultancies that they will have access to information that would otherwise be unattainable. This is an acceptable and reasonable deduction. However, the limitations often placed upon dissemination renders the access limited as the proceeds of the research are often consumed solely by the fee-paying organization or government ministers. The research that is published for general public access (if at all) is either very watered-down or simply reproduces the sorts of information that reinforces Government or corporate positions (Walters 2003, Hillyard et al. 2004). Second, there is a view that consultancies as expert advisors, notably with government agencies, such as the role Professor Nutt held on the ACMD, will have an impact on policy and practice. This a desirable academic aspiration, especially the capacity to influence policy debates through solid empirical evidence. However, as Majone (1989: 164) rather sombrely pointed out more than two decades ago ‘political actors select their ideas and arguments from the supply that happens to be available at a given time.’ That is, political decision-making often does not rely on accumulated knowledge, but rather on available, timely studies that happen to fit with current agendas and political arguments.

We are reminded of Chan’s argument two decades ago about the expert’s role in influencing public policy. She rhetorically asked ‘what is criminological research all about – producing a defensible and useful knowledge about criminal justice related issues. If so, this process I would argue, is never going to keep pace with the six-o’clock news’ (Chan 1994: 28). As the David Nutt case identifies, criminological experts undertaking policy relevant research are often subject to the vagaries and machinations of party politics. For Tombs (2003: 5) the uptake of criminological advice and expertise into the policy decisions of government or what she refers to as ‘practical logic-in-use’ is ‘mediated by three main factors – the control of information, the need to render the control invisible, and short term policy making.’ In this revealing insight into the internal workings of the production of criminal justice policy, Tombs identifies how governments strategically produce what she calls ‘generative knowledges’ to be available for ‘the policymaking machine to draw on as it sees fit.’ In doing so, criminological knowledge serves various bureaucratic functions that include making political bargains, measuring and assessing the effectiveness of the criminal justice system, as well as ‘knowledge as non-evidence’ where the findings are ‘politically unpalatable’ and are systematically neutralised through ‘questioning its relevance, its methodology or its objectivity’ (Tombs 2003: 10).

While Tombs uses the category ‘formative knowledge’ to refer to criminological knowledge that informs and shapes legislation, it is clear from her experience that the ability



for commissioned research to influence the system is as much about timing and political appeal as it is about content or empirical evidence. The vast majority of reports, by nature of the research parameters, simply endorse government policy. Reports and expert advice that challenge the status quo are usually shelved or have specific sections (notably those favorable of government) highlighted in executive summaries. Finally, private consultancies provide opportunities for academics to make money or (and hence we are witnessing) ‘knowledge for profit.’ We do not suggest that this was the case with Professor Nutt, indeed we propose the exact opposite.

The above cautionary notes on the triple helix of university-industry-government relations do not necessarily mean that the expert advisor has no role in the production of criminological knowledge and policymaking. As Sparks and Loader (2010) argue, the expert advisor can be, ‘the democratic under laborer’, the academic who argues or clears ‘the ground’ for a more productive ‘politics of crime.’ This process, however, is undoubtedly one of perseverance and continuous labor when government ministers and their executive officers actively prevent the possibility of debate around robust, but morally complicated, scientific evidence. Thus, the virtues and values of Christie’s ‘quarrelling society’ become even more crucial, but also more difficult, to preserve and stimulate.

### **Conclusion**

The dismissal of David Nutt provides a useful reminder of the perils of political engagement as an academic policy advisor. Irrespective of individual gravitas and experience and the veracity of scientific facts they publish, statements or results that surprise government ministers or are inconsistent with Government policies or foregoing social values are always susceptible to the abasement and dismissal of those in power. In other words, ‘crossing-the-line’ in a policy advice sense can be more about the personal views, emotions and prejudices of individual ministers rather than the accuracy of science. The Nutt affair also reveals the ways in which alternative voices, ‘voices of dissent’ can be mobilised in an influential and meaningful way to create powerful counter discourses. Here, we argue, is a future role for a public criminology, where alternative narratives are harnessed to form a new guard of ‘official’ voices. In doing so, the often omitted ‘political dimension of crime policy’ becomes a ‘principle concern’ for criminological researchers (Zimring and Johnson 2006: 267).

Finally, we are reminded of Braithwaite’s insightful and challenging call for future public criminologies (2013: 12) that:

Policy criminology is very often servile to states that shamelessly exploit penal populism, shun thinking outside the box, demanding research that is ‘realistic’ rather than profound. Public criminologists can be embarrassing in the way they speculate on sensational cases about which the evidence is yet to be sifted. And critical criminologists can be nihilistic, unworldly, cliquish, unwilling to see the virtues of the other three traditions.’

The story of David Nutt poignantly reveals that academics of diverse theoretical and methodological persuasions can form powerful and formidable alliances that influence and mobilise more open and better informed public and political debate.

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