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Power, Morality, and Policy: A Comparative Analysis of Approaches to Novel Psychoactive Substances in Britain and Poland

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Abstract

Background: Comparative Policy Analysis (CPA) has become a popular tool for comparing policy developments and outcomes in different contexts. This paper compares policy responses to Novel Psychoactive Substances (NPS) in two cases, Poland and Britain.

Methods: Drawing on frameworks from Habermas, Stevens and Zampini, this paper compares NPS policy developments in both countries, focusing on the roles of morality and power. The analysis is based on 33 qualitative interviews with senior police officers, academics, ministers, NGO workers, and other relevant stakeholders.

Results: The analysis shows a clash between actors and organisations with contrasting normative understandings of NPS in Poland and Britain, including those who favoured prohibition and those who sought to use the NPS 'crisis' as an opportunity to reform existing drug policies. Most notably, it shows differences in how power was deployed in each case, with Polish stakeholders tending to use institutional and legal power in a more open and direct way.

Conclusions: The more mediated and 'covert' use of power in Britain may be partly shaped by longer traditions of the public sphere and democratic governance.

Key Words: Poland, Britain, Policy Constellations, Public Sphere, NPS

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Introduction

Novel Psychoactive Substances (NPS), or ‘legal highs’, became a major policy concern in Britain and other European countries in the early 2010s. Hundreds of substances entered consumer markets, attracted intense media and political attention, and generated regulatory responses in many countries. Although they have since largely disappeared from public debate, they continue to be used and remain an important case for understanding how drug policy is made under conditions of uncertainty.

This paper compares policy responses to NPS in Britain and Poland in the early to mid-2010s. Both countries faced similar problems of classification, enforcement, and rapid market change, and both ultimately adopted broadly prohibitionist, ‘blanket ban’ style approaches. However, as this paper shows, these superficially similar outcomes were produced through markedly different political processes. Over the past fifteen years, comparative research on drug policy has expanded significantly (Hughes & Stevens, 2010; MacCoun, 2011; Ward, 2023). Building on this and other literature (e.g., Burris 2017, Ritter et al., 2016) this article uses a comparative policy analysis to examine how morality and power shaped the construction of NPS as a policy problem and the selection of regulatory responses in two contrasting national contexts. Rather than evaluating policy effectiveness or identifying best practices, the analysis focuses on how policymakers and other stakeholders competed to impose authoritative definitions of the problem and to legitimise particular solutions.

The article draws on frameworks developed by Stevens and Zampini and by Habermas to analyse how different forms of power were deployed in each case. It shows that while both Britain and Poland moved towards broad forms of prohibition, in Britain this shift was mediated through the performance of consultation, expertise, and evidence-based procedure, whereas in Poland it relied more openly on institutional and legal authority. The term NPS is used here in a pragmatic sense to refer to substances that attracted intense media and political attention in the late 2000s and early 2010s, without assuming that they were necessarily ‘new’ or ‘psychoactive’ in any strict scientific sense (Potter & Chatwin, 2018).

The policy problem and the problem of categorisation in Poland and Britain

In both Poland and Britain, the perceived problems associated with Novel Psychoactive Substances (NPS) emerged from the rapid growth of easily accessible substances and from highly publicised poisonings and deaths reported by the media (Bujalski et al., 2017; Stevens et al., 2015). In both contexts, these substances circulated in a grey zone between consumer products, medicines, and illicit drugs, which made it unclear which regulatory instruments should be used to control them and on what legal basis. This classificatory ambiguity created not only practical enforcement problems, but also deeper political uncertainty about how NPS should be defined as a policy object.

In Poland, early legislative attempts to address this problem relied on substance-by-substance and product-based controls, including amendments in 2008 and 2010 that extended existing drug laws and empowered the Chief Sanitary Inspector[2] to withdraw potentially hazardous products from the market (Krajewski, 2015; Bujalski et al., 2017). For a time, this approach appeared workable. However, as new substances continued to appear in ever greater numbers, it became increasingly difficult to sustain. The turning point came with the 2015 reform, which introduced a broad legal definition of “novel psychoactive substance” and marked a decisive shift away from targeting specific products towards creating a flexible legal category designed to enable rapid administrative intervention (Bujalski et al., 2017).

The British case followed a similar trajectory, though through a somewhat different institutional route. Substances such as mephedrone,[3] synthetic cathinones,[4] and synthetic cannabinoids[5] attracted intense media and political attention and initially prompted a series of incremental controls, including the introduction of

[2] In Poland, the Chief Sanitary Inspector (Główny Inspektor Sanitarny) is the senior government official responsible for overseeing public health, hygiene, and sanitary safety nationwide.
[3] A synthetic psychoactive stimulant with empathogenic and euphoric effects, chemically related to cathinone and amphetamines.
[4] A class of synthetic stimulant compounds that increase alertness, energy, and euphoria by affecting monoamine neurotransmitters.
[5] A group of laboratory-made compounds that activate cannabinoid receptors, often producing strong and unpredictable psychoactive effects.

Temporary Class Drug Orders in 2011[6] (Stevens et al., 2015). These measures, however, quickly ran into the same basic problem. Minor chemical modifications made it easy for producers to stay ahead of the law, and new substances rapidly replaced those that had been banned (Chatwin et al., 2017).

This dynamic eventually led to the adoption of a much more radical solution. In 2016, the Psychoactive Substances Act introduced a blanket ban on all psychoactive substances except those explicitly exempted, such as alcohol, tobacco, medicines, and certain foods (Stevens et al., 2015; Chatwin et al., 2017).

Seen together, the Polish and British cases show a gradual shift away from attempts to control NPS through incremental scheduling and towards broader and more flexible forms of blanket control (Bujalski et al., 2017; Reuter & Pardo, 2017). In both countries, this shift was driven by the same underlying problem: the inability of existing legal and regulatory frameworks to stabilise NPS as a clearly bounded and governable category. The difference lies not in the direction of travel, but in how the problem was framed along the way. In Britain, it was more often presented as a technical and evidential challenge to be managed through regulatory innovation, whereas in Poland it was more readily subordinated to the political imperative of rapid and visible intervention.

Although NPS are often presented as posing a technical regulatory challenge, their categorisation and integration into existing legal frameworks are, in practice, deeply political and normative processes. This paper argues that policy responses to NPS in both Poland and the UK were shaped not simply by pharmacological uncertainty or public health concerns, but by struggles between competing policy constellations seeking to impose authoritative definitions of the problem and to legitimate particular regulatory solutions. Using a comparative, theory-informed analysis, it shows that these struggles were mediated through different deployments of power: in Britain predominantly through more mediated and ‘covert’ strategies relying on expertise, consultation, and the performance of evidence-based policymaking, and in Poland more through overt institutional and legal mechanisms.

[6] In 2011 the UK introduced *Temporary Class Drug Orders* (TCDOs), a legal power allowing the Home Secretary to place new psychoactive substances under temporary control for up to 12 months while expert advice and harm assessments are completed, treating them as controlled drugs during that time.

The paper proceeds as follows. First, it outlines the theoretical framework, combining the policy constellations approach with Habermasian concepts of communicative and strategic action to analyse how power and legitimacy operate in policy processes. It then describes the research design and methods, including data collection and the analytic strategy. The results section is organised thematically and comparatively, examining in turn the configuration of policy constellations in both countries, the role of epistemic and media power in framing NPS as a policy problem, and the deployment of institutional and legal power in integrating NPS into existing regulatory frameworks, and sidelining policy alternatives. Each subsection explicitly contrasts the Polish and British cases. The final section discusses the implications of these findings for understanding drug policy, democratic governance, and the politics of regulatory categorisation

Theoretical Framework

NPS policy developments in both Poland and Britain have been described before (Bujalski et al., 2017; Chatwin et al., 2017; Jabłoński & Malczewski, 2014; Stevens et al., 2015), including by the author (XXXX, XXXXb, XXXX). However, while this literature has provided important empirical and critical insights, it has only rarely examined these developments through a comparative, theory-driven lens focused explicitly on morality, power, and processes of legitimation in shaping how NPS were defined and governed. This paper addresses this gap by analysing how groups with different moral understandings of NPS clustered in what Stevens and Zampini (2018) describe as ‘policy constellations’ and competed to secure preferred policy options.

Policy constellations are defined as sets of social actors, individuals and organisations, who deploy various forms of socially structured power to pursue policy options that align with their normative preferences or material interests (Stevens and Zampini, 2018: 62). In empirical terms, this implies identifying recurring clusters of normative positions, arguments, and alignments to reconstruct how such constellations are formed and how they operate in practice. A comparative design is particularly appropriate here because Poland and Britain were confronted with a broadly similar policy problem: the rapid emergence of NPS, and ultimately adopted

superficially similar regulatory solutions, while operating within markedly different political, institutional, and media environments. Comparative Policy Analysis is useful in such cases not simply for describing similarities and differences, but for analysing how context-specific institutional arrangements and political cultures shape policy processes and the exercise of power (Rose, 1991; Dolowitz & Marsh, 2000). In this article, comparison is therefore not used to evaluate policy effectiveness or identify 'best practice', but to examine how different configurations of power, moral framing, and institutional structures shape how policy problems are constructed, contested, and stabilised.

Normative preferences influence how people perceive social conditions such as drugs and shape their policy positions (Smith, 2017). These preferences are linked to factors such as occupation, class, gender, and social background (Schwartz, 1992). As one former Home Secretary interviewed for this project put it, "we are all affected by where we come from, and our social upbringing affects the way we are." Material interests are, however, at least as important. Powerful stakeholders do not always advocate policies because of moral conviction alone; for example, populist politicians may support certain positions because they are electorally advantageous.

Although normative preferences are important, this article focuses primarily on how actors within different constellations deploy power to secure preferred outcomes. Following Habermas (2006) and Stevens (2024), power is understood as taking two broad forms: political and social. Political power can be defined as the "power to control the actions of others" (Stevens, 2024: 40) and includes, among other forms, institutional and legal power. Institutional power arises from formal hierarchies, for example when senior ministers shape how research questions are framed by the civil service and what solutions are considered (Stevens, 2011). Legal power refers to the ability to influence others through laws and legal procedures.

The second form, social power, includes epistemic and media power. Epistemic power refers to the "ability to influence what people think, believe, and know" (Archer et al., 2020: 28). Long-standing narratives, for example, that drugs are inherently evil and lead directly to social decay can provide powerful background support for certain policy positions. Epistemic power also operates through expertise,

as some actors are more readily heard because of their perceived credibility (Geiger, 2021). Media power, in turn, lies in the capacity of journalists and editors to select and frame what becomes publicly visible. Media content is shaped by normative preferences and ownership structures (Chomsky & Herman, 1988), and actors with overlapping values or high public profiles are more likely to gain access, while others are marginalised.

Habermas' theory of communicative action distinguishes between communicative action, oriented towards mutual understanding and reason-giving, and strategic action, in which at least one party seeks to secure a preferred outcome by using strategic advantages rather than persuasion (Habermas, 1992). In this paper, Habermas is not used as a general theory of society, but as a practical analytical lens for examining how policy legitimacy is produced and contested. In particular, the distinction between communicative and strategic action is used to analyse whether policy decisions are presented as the outcome of inclusive deliberation and evidence-based reasoning, or whether such procedures function primarily as a performance behind which preferred outcomes are secured through institutional, legal, or media power. This is especially relevant in the context of NPS, where uncertainty about harms and definitions creates space for political contestation over both problem definition and acceptable solutions.

Read together with Stevens and Zampini's (2018) policy constellations framework, this approach allows the analysis to move beyond mapping who holds which position to explaining how particular framings and policy options become dominant and how alternatives are marginalised. While the policy constellations framework is used to reconstruct patterns of alignment and conflict, Habermasian concepts are used to analyse the modes of legitimation through which outcomes are produced. Empirically, this framework is applied in the results section to: (i) map competing policy constellations and their moral framings of NPS; (ii) analyse how epistemic and media power shaped the construction of NPS as a policy problem and narrowed the range of acceptable responses; and (iii) examine how institutional and legal mechanisms were used to secure and stabilise particular policy solutions in the British and Polish cases.

Research Design and Methods

Data and sampling

The data used in this article come from a PhD project titled *A Habermasian comparative analysis of drug policy developments in the UK and Poland* (Los, 2022a). The empirical material consists primarily of 33 in-depth semi-structured interviews conducted with relevant stakeholders in Poland (N = 18) and the UK (N = 15). The study received ethical approval from the University of Kent Ethics Committee.

A list of relevant actors and organisations was compiled through a review of academic literature and policy documents, as well as consultations with experienced drug policy experts. Purposive, stratified sampling was used to identify participants with direct experience of, or insight into, drug policy-making processes (Bernard, 2002; Creswell & Clark, 2017). The sample included politicians, senior police officers, academics, NGO workers, journalists, members of the Advisory Council on the Misuse of Drugs (ACMD),[7] and representatives of the Polish National Bureau for Countering Addiction.[8] Access to some key actors proved difficult due to retirement, death, or lack of availability, and some senior politicians declined interviews. For this reason, snowball sampling was also used. In addition, a small number of public media statements, such as press interviews, parliamentary speeches, and television appearances, were used as supplementary material where they directly illustrated or corroborated positions also expressed in the interviews.

Data collection

[7] An independent expert body that advises the UK government on the harms of drugs and on drug policy and classification.
[8] A government agency responsible for coordinating, researching, and implementing Poland's policies on drug and addiction prevention and treatment.

Interviews were conducted in the summer of 2019. All participants received an information sheet and signed a consent form before participation. The interview guide consisted of 38 open-ended questions designed to explore how respondents understood NPS, how they interpreted policy developments, and how they perceived the roles of different actors, institutions, and forms of evidence in the policy process. The questions were informed by the policy constellations framework and by the concepts of power and legitimation discussed in the theoretical section, while remaining sufficiently open to allow participants to raise issues they considered important.

In the Results section, two types of quoted material are used. First, anonymised quotations from the author's interviews are identified by role descriptors such as "Former Minister" or "NGO worker" in order to protect confidentiality. Second, where named political figures or public actors are quoted, these statements are drawn from public sources such as parliamentary records or media interviews and are cited accordingly. In these cases, names are used because the material is already in the public domain and is treated as documentary rather than interview data.

Analysis strategy and coding

All interviews were transcribed and analysed using NVivo 12. Analysis followed an iterative, abductive logic combining theory-informed and data-driven coding. In the first stage, transcripts were coded using a broad set of initial codes relating to themes such as problem framing, expertise and evidence, media influence, institutional constraints, legal mechanisms, moral language, and accounts of conflict and exclusion.

In the second stage, these codes were refined and grouped into higher-level analytic categories corresponding to the main concerns of the theoretical framework, in particular: (i) competing policy constellations and moral framings, (ii) the role of epistemic and media power in shaping the boundaries of acceptable policy responses, and (iii) the use of institutional and legal power to secure and stabilise

policy outcomes. The policy constellations framework sensitised the analysis to patterns of alignment and conflict between actors, while Habermasian concepts sensitised it to different modes of justification and legitimation. These concepts were used as heuristic guides rather than rigid classificatory schemes.

Constructing normative positions and policy constellations

Following Stevens and Zampini (2018), policy constellations are understood not as formal organisations or fixed coalitions, but as patterns of alignment between actors who share, to varying degrees, normative positions and policy preferences. The analytic task was therefore to identify recurring clusters of arguments, problem framings, and value positions across interviews and documents, and to examine how these clusters structured conflict and cooperation in the policy process.

For reasons of analytical clarity, actors are sometimes described as occupying broadly “conservative” or “liberal” positions. These terms are not intended to denote fixed ideological identities, but are used as analytical categories derived from established debates in drug policy research and the sociology of morality, such as abstinence versus harm reduction, social control versus public health, and moral prohibition versus regulatory pragmatism (MacCoun & Reuter, 2001; Stevens, 2011, 2024; Nutt et al., 2010).

These categories functioned as sensitising concepts (Blumer, 1954). During coding, statements and arguments were examined in relation to these value dimensions. Positions aligned with abstinence, social control, and the moral importance of prohibition were coded as “conservative”, while those aligned with harm reduction, proportionality, public health, and the limits of criminalisation were coded as “liberal”. What is coded here are not people, but arguments and policy positions. These coded positions were then used to reconstruct broader patterns of alignment and opposition, that is, policy constellations.

The analysis also recognises that policy constellations are internally heterogeneous and that actors may occupy shifting or hybrid positions, as shown in Stevens’ (2024) analysis of UK drug policy. For example, organisations such as the

Angelous Foundation[9] combined an abstinence-oriented moral discourse with support for selected forms of policy reform. Such cases are treated as boundary or bridging positions rather than anomalies. The purpose of these categories is not to simplify the political field, but to make visible the main normative fault lines structuring debate over NPS and to clarify how these value positions shaped coalition-building and policy conflict in both countries.

TABLE ONE HERE

Results

This section presents the findings of the comparative analysis. It is organised thematically to make explicit comparisons between the British and Polish cases at each stage of the analysis. It first maps the competing policy constellations in both countries and shows how different moral framings of NPS structured the field of political conflict. It then analyses how epistemic and media power shaped the construction of NPS as a policy problem and narrowed the range of acceptable responses. Finally, it examines how institutional and legal power were deployed to integrate NPS into existing regulatory frameworks and to stabilise particular policy solutions.

Competing policy constellations and moral framing of NPS

In both countries, the research identified a presence of competing groups of stakeholders and bodies with different normative preferences and understandings of conditions associated with NPS. In Poland, two key constellations were identified. The first is a broad ‘conservative’ constellation of actors and organisations whose normative preferences are defined by a belief in abstinence to drugs, including NPS.

[9] A UK-based charity dedicated to raising awareness, educating the public (especially young people and families), and highlighting the risks and harms associated with new psychoactive substances and club drugs.

This includes members of the governing party like PM, Donald Tusk[10], and the Health Minister, Ewa Kopacz,[11] as well as various members of the opposition Law and Justice Party.[12] Others include senior members of the police, various tabloid media outlets, and the Chief Sanitary Inspectorate. On the opposite side sat a liberal constellation consisting of members from NGOs like the *Polska Siec Polityki Narkotykowej* (Polish Drug Policy Network)[13] or *Wolne Konopie* (Free Hemp Society)[14], academics, and some media outlets and platforms such as Gazeta Wyborcza[15] and Krytyka Polityczna,[16] which at the time provided space for more reform-oriented or critical perspectives on drug policy. These actors and organisations can be understood as drug reformers who have used the NPS context to call for change to existing drug laws and decriminalisation or legalisation of more traditional drugs like cannabis.

British drug policy constellations appear more complex in Stevens' (2024) large-scale analysis, which identifies several overlapping groupings, including public health and reform constellations, alongside a broader abstinence-oriented conservative constellation. The present study, however, is more limited in scope, focusing specifically on NPS and drawing on a smaller interview-based dataset. For this reason, fewer distinct constellations are clearly visible in the British material analysed here, with most actors clustering around a reform-oriented constellation and a dominant conservative constellation. In Poland, by contrast, drugs have often been treated in law and political discourse as a single undifferentiated category, particularly since the 1990s, with limited public differentiation between substances (Krajewski, 2004; Los, 2022b). Despite these differences, official messaging in both countries has tended to emphasise harm, and simplified, homogenising narratives have often been reinforced by political actors.

In this project, only a limited number of British actors and organisations were identified, but they cluster predominantly around two constellations: a reform-oriented constellation and a much more powerful conservative constellation. The

[10] Prime Minister of Poland at the time and leader of the governing Civic Platform party.
[11] Poland's Health Minister at the time, responsible for public health policy and healthcare
[12] A conservative-nationalist opposition political party in Poland.
[13] An NGO advocating for evidence-based and reform-oriented drug policies.
[14] An activist organisation promoting cannabis law reform and hemp legalisation.
[15] A major liberal Polish daily newspaper with strong influence on public debate.
[16] A left-leaning intellectual and cultural journal and media platform.

reform constellation includes actors who, like their Polish counterparts, sought to use the emergence of NPS as an opportunity to reform British drug policy, particularly laws such as the Misuse of Drugs Act 1971,[17] which they regarded as contributing to some of the conditions associated with NPS. This group includes NGOs such as Release[18] and the Transform Drug Policy Foundation,[19] alongside politicians from the Liberal Democrat Party[20] and members of the All-Party Parliamentary Group for Drug Policy Reform (APPGDR),[21] which was founded in 2011 when NPS were growing in popularity.

On the other side sits a dominant conservative constellation, whose values align with abstinence and social control. Among its members are NGOs such as the Centre for Social Justice,[22] government bodies responsible for enforcing drug law such as the Home Office, and politicians such as the former Home Secretary, Theresa May. Positioned between these two constellations is the Angelus Foundation, which called for reforms to British drug policy while maintaining an abstinence-oriented moral framing. The foundation was established in 2009 by Maryon Stewart following the death of her 21-year-old daughter after consuming GBL[23].

Epistemic & Media Power

As described in the previous section, the general, mainstream sentiment towards drugs in both Poland and Britain can be described as predominantly hostile. In Habermasian terms, this section shows how public communication around NPS was dominated less by communicative action oriented towards mutual understanding and

[17] The main UK law that regulates and controls drugs by classifying substances and setting out offences and penalties related to their production, supply, and possession.
[18] A UK charity providing legal advice and advocating for humane, evidence-based drug policies.
[19] A UK think tank and NGO promoting drug policy reform based on public health, human rights, and evidence.
[20] A centrist-liberal UK political party traditionally supportive of civil liberties and some drug policy reform.
[21] A cross-party group of UK parliamentarians focused on discussing and promoting reform of drug policy.
[22] A UK think tank focused on social policy, including poverty, crime, and addiction, generally advocating socially conservative approaches to welfare and social reform.
[23] GBL and GHB are related drugs with sedative and anaesthetic effects.

more by strategic uses of publicity that shaped the boundaries of acceptable policy responses and legitimised prohibitionist solutions. This section argues that this broader epistemic and media environment did not merely contribute to the construction of NPS as a 'crisis', but also played a crucial role in shaping the range of policy responses that appeared politically credible. In both countries, media coverage and dominant forms of expert and political discourse helped to establish a moral and cognitive framework in which abstinence-oriented and prohibitionist solutions appeared natural and necessary, while alternatives such as the decriminalisation or regulation of more traditional substances, especially cannabis, were marginalised or rendered politically unrealistic from the outset, despite repeated claims that a regulated cannabis market would reduce demand for NPS.

Perhaps because of this climate, many policymakers in both countries seemed to assume that solutions to NPS could only take one form: substances had to be prevented from reaching the hands of users, with questions of which substances to ban and how addressed only later. Alternatives to abstinence-based policy models, such as decriminalisation of popular drugs like cannabis, were often rendered politically unimaginable, whether because of personal normative preferences or perceived political costs. This sense of stagnation and frustration was expressed by interviewees in both countries. A Polish NGO worker and a British NGO worker described this climate in strikingly similar terms:

> "The progress over the past 17 years has been very slow and no one listens to … meritocratic opinion-based arguments. Polish drug policy debate is dominated with emotions." (Polish NGO worker)

> "It's difficult to change things because the government has been telling us … for years … that all drugs are bad and we need to fight them … space for change is therefore limited because of the climate that was created." (British NGO worker)

These statements illustrate how the media and political discourse did not merely describe the problem of NPS, but actively structured the boundaries of what could be proposed as a legitimate solution. However, as many interviewees emphasised, this hostile climate was not simply a legacy of the past. It was actively produced and reinforced by the media and by privileged stakeholders with access to media

platforms in both countries. Newspapers and television in both contexts focused heavily on use by young people and on cases of overdoses and deaths, contributing to what Kellner (2003) describes as a media “spectacle”, a dynamic well documented in analyses of NPS in both Britain and Poland (Jabłoński & Malczewski, 2014; Stevens et al., 2015; Chatwin et al., 2017; Bujalski et al., 2017; Los, 2022b). Flashy and emotionally charged forms of communication, such as dramatic images associated with NPS, distracted from what Habermas (1989) describes as more reflective “mental processes”.

A senior Polish official, for example, explained that the media disseminated information about NPS in a “very sensational way”, especially focusing on deaths and poisonings. A head of a Polish NGO similarly emphasised the atmosphere of “helplessness … stupidity and panic”:

> “Everyone went crazy, media went crazy, parents went crazy, schools went crazy.”

As a result of these dynamics, individuals did not have to work hard to interpret the NPS phenomenon, becoming, in Kellner’s (2003: 2) words, “passive observants to the spectacle of social life”. In Habermasian (2006) terms, this can be understood as a form of staged publicity, in which political actors use media performance to reinforce their own interests and power. During the NPS crisis, powerful stakeholders and sections of the media did not treat the public primarily as rational participants in deliberation, but rather, to use Garnham’s (1990: 111) phrase, as “creatures of passing and largely irrational appetite”. In this way, the epistemic and media environment helped to normalise a political context in which rapid, punitive, and prohibitionist responses appeared both necessary and unavoidable.

Although similar mechanisms were visible in both countries, an important difference lies in the more direct involvement of Polish politicians in shaping anti-NPS and anti-drug discourse through the media, a pattern documented in analyses of the Polish dopalacze debate (Jabłoński & Malczewski, 2014; Bujalski et al., 2017; Los, 2022b). Several interviewees suggested that politicians such as Donald Tusk quickly learned how to use the media to redirect attention away from the government’s limited capacity to control the NPS market and towards morally charged targets such as NPS sellers. As one Sanepid worker put it:

> “The Polish PM, Donald Tusk, entered the whole matter and pledged to get rid of the problem … to an extent in a political manner.”

Media power also appears to have been more readily accessible to key political actors in Poland than in Britain during the period of the NPS debate in the early-to-mid 2010s, in part because of the structure of the media system at that time. As several interviewees suggested, the high level of political polarisation in the Polish media environment made it easier for powerful stakeholders to secure supportive coverage in at least part of the media landscape and to use it instrumentally to frame policy problems and legitimise preferred responses. While Fletcher and Jenkins (2019) argue that one democratic function of the media is to reduce polarisation and attract mixed audiences, this did not describe the Polish case in that period. Although considerable effort was invested in building media pluralism in the early post-1989 years, the Polish media environment had become increasingly polarised by the 2010s, with most outlets promoting distinct political viewpoints and an increasingly partisan journalistic culture (Klimkiewicz, 2021).

Notably, however, the ‘political colour’ of parties in Poland, as in Britain, made little difference to their positions on NPS policy. In Poland, the Civic Platform government and the Law and Justice opposition engaged in a ‘tit for tat’ dynamic on many issues, but not on drugs and NPS. Both the Prime Minister and the Minister of Health were explicit in rejecting policy alternatives such as the legalisation or regulation of cannabis, despite claims by reform-oriented actors that the emergence and demand for NPS were, at least in part, a consequence of the lack of a regulated cannabis market.

> “When it comes to any form of legalisation of narcotics or liberalisation, I said this earlier – and this view may be different to my friends in RP – but while I am the PM and will have something to say in Poland, the legalisation of narcotics will never take place. The end. Full stop.” (Seim, 2011)

> “In general, not just as a Health Minister but as a doctor ... I am against even the smallest amounts of drugs .... I don’t want even this smallest dose ... used to satisfy the curiosity of that young person ... to have an impact on their whole life.” (Seim, 2011)

A similar cross-party consensus was visible in Britain. The Labour Party did not oppose the Conservative Party's abstinence-oriented approach to NPS, as reflected in the passage of the Psychoactive Substances Act. When the bill was scrutinised in the House of Lords, a majority of both Labour and Conservative peers failed to contest it, with the only significant opposition coming from the Liberal Democrats (HOL, 2015). This consensus further illustrates how the dominant epistemic and moral framing of drugs constrained the space of politically viable alternatives.

In both countries, there were also 'third parties' that attempted to challenge this dominant framing: the Liberal Democrats in Britain and the Your Movement Party in Poland. Both were, for a time, junior coalition partners and both sought to shift NPS policy away from the precautionary principle, under which substances are scheduled 'just in case' they later prove harmful (Nutt, 2010), and away from an exclusive focus on abstinence. In Poland, Your Movement argued publicly that the rise of NPS was linked to the lack of regulated access to cannabis, with its leader Palikot stating this view in the media (Polish Television, 2015). In Britain, similar arguments were voiced by reform-oriented actors:

> "So, if you had a regulated market … for cannabis and ecstasy, there is no way … there is no way … that legal highs would ever happen." (NGO worker)

> "… my view is that if cannabis was available in a legal form, then a whole lot of people who would not have wanted to use NPS would have moved to cannabis, which is far less damaging." (Former Minister)

However, as will be shown in the following section, in both countries these alternative framings were ultimately marginalised or prevented from reaching later legislative stages through the deployment of more systemic forms of power, including institutional and legal mechanisms. In this sense, epistemic and media power did not determine specific legal outcomes, but it decisively shaped the terrain on which subsequent institutional and legal struggles took place. In both Poland and Britain, epistemic and media power played a crucial role in shaping the conditions of possibility for policy responses to NPS, making prohibitionist solutions appear natural and necessary while marginalising regulatory or reform-oriented alternatives. The key difference lies in the mode of operation: in Poland this process relied more openly on direct political use of the media in a polarised media environment,

whereas in Britain it was more strongly mediated through cross-party consensus and long-standing moral framings of drugs.

Institutional and legal powers and the production of policy responses

The most striking differences between Poland and Britain in how policy responses to NPS were produced can be seen in the deployment of institutional and legal power. Seen through a Habermasian lens, in the British case strategic action is typically mediated through the performance of communicative procedures and evidence-based policy-making, while in the Polish case it relies more openly on direct institutional and legal power. While in both countries dominant actors were able to marginalise alternative policy options, they did so in markedly different ways. In Britain, this process was mediated through what can be described as a façade of 'communicative action' and pluralism, in which decisions were presented as the outcome of inclusive, evidence-based deliberation. In Poland, by contrast, governing actors relied more openly on institutional authority and legal mechanisms to impose preferred solutions.

This difference can be seen in the long-standing tendency of British drug policy-makers to distance themselves from accusations that their decisions are grounded in moral judgment. A similar pattern was already visible during earlier debates on cannabis reclassification, in the 2000s, when one MP complained that:

> "Instead of voicing their moral disapproval of the abuse of cannabis, or exploring why they believe it to be immoral, people [MPs] express their disapproval by exaggerating the health risks, [and] by reading every conceivable study suggesting that there may be serious health risks." (HOC, 2004)

In the context of NPS, this helps to explain why powerful actors such as Theresa May relied heavily on reports and conclusions produced by the British Civil Service. Among British interviewees, the Home Office was repeatedly mentioned as a central actor, whereas none of the Polish respondents referred to an equivalent civil service body. The Home Office functions not only as a source of expertise but also as a

highly prestigious institution, and in the context of NPS it was repeatedly commissioned to identify ‘solutions’ to the problem.

However, as several interviewees made clear, the apparent scientific neutrality of this process was highly constrained. A former civil servant explained:

> “The ministers have a say in how policy solutions are researched and proposed … obviously … but the problem is the fact that this also impacts the neutrality of such research.” (Civil servant)

Similarly, a senior police officer noted:

> “When they ordered a review of the Misuse of Drugs Act, they could not consider decriminalisation or legalisation as a solution.”

Senior ministers therefore exercised substantial influence over what could and could not be considered a legitimate policy option. As described elsewhere (Los, 2023), Norman Baker was reportedly keen to convene a ‘neutral’ panel of experts that could consider a wide range of options, including decriminalisation, but Theresa May allegedly intervened to ensure that these investigations did not consider legalisation or decriminalisation.

A similar logic applied to the question of who was allowed to participate in policy discussions. In Britain, officials were keen to create the impression that decisions had been reached through inclusive consultation, yet several interviewees suggested that significant barriers remained for actors with more radical views or for drug users themselves. As Giddens (1984: 64) famously described, “old boy networks” have long dominated parts of the British Civil Service, and some interviewees still perceived a form of censorship at the highest level:

> “If she (the Home Secretary) didn’t want to hear someone, the censorship would come at that level but not the civil service level.” (Former Minister)

The selective inclusion of certain actors can also be seen in the role played by the Angelus Foundation. Its involvement created the appearance that grassroots voices were being taken seriously, but most of the Foundation’s substantive proposals were ignored because they did not align with the preferences of key decision-makers such as Theresa May (Los, 2023). As one former minister explained:

> “Stewart was able to influence ministerial attention as she had a strong media profile.”

It is doubtful whether the Foundation would have enjoyed such access without this media visibility. These dynamics closely match earlier critiques of the supposed neutrality of the British Civil Service. Stevens (2011) describes the “creation of policy stories” in which uncertainty is downplayed, and “killer charts” are used to justify pre-existing preferences. When evidence contradicts these preferences, it can be simply ignored. As one Home Secretary put it:

> “When the scientific evidence is contrary and therefore mixed you must take a view and if you fervently believe that classifying everything at the same level and using the criminal justice and the enforcement level is the way you want to go … you’ll believe that evidence.”

The role of the Advisory Council on the Misuse of Drugs (ACMD) illustrates this dynamic. Although some members expressed concerns about the Psychoactive Substances Act (Iversen, 2015), these were ultimately disregarded, and Theresa May was accused of tampering with the final wording of reports to make them appear ‘less conclusive’ (Cowburn & Sims, 2016).

In Poland, the role of the civil service is markedly different. The Bureau of Sejm Analysis does provide reports, but these play a far more marginal role in decision-making. As a former Minister of Health explained:

> “The same [compared to British counterparts] class of officials has not emerged here who are also stable and stay when the politics change … this doesn’t exist. This is also a problem. They will stay because they adopt opportunistic behaviours.”

Several interviewees noted that drug-related reports did not circulate in the Polish media system in the same way as in Britain. Instead, the Polish civil service was not used to structure or legitimise decisions in the same way. One former Minister of Health described a prevailing ‘no can do’ attitude:

> “I think that when it comes to drug policy if a minister will go and get advice from the officials … they are likely to say ‘let’s leave it – why cause trouble.’”

As a result, Polish governing actors do not need to rely on performances of communicative action or evidence-based policy-making to the same extent. They possess stronger and more direct legal and institutional mechanisms for imposing solutions, reflected in the relative absence of an 'evidence-based' narrative in Polish drug policy (Los, 2022b). As one former Minister of Health put it:

> "The majority decides about everything without going into reconciliation process … compromises and so on. There is no willingness for that … maybe with some exceptions. It's mostly forceful solutions. It was like that under PO and under PiS it's like this even more."

In some cases, evidence is barely involved at all. Polish policymakers can also exploit mechanisms such as the 'Zamrażarka Marszałkowska' (the Marshal's Freezer), which allows bills to be indefinitely delayed. Several cannabis reform initiatives, which reform-oriented actors argued would have reduced demand for NPS by creating a regulated alternative to prohibition, disappeared into this procedural limbo:

> "We launched many of these projects over the years, and they all ended up in Marshall's freezer. What can we do to ensure that future projects don't end up in his freezer?" (Former MP)

In addition, political actors can introduce amendments as private members' bills to bypass social consultations (Krajewski, 2015). These structural advantages help explain why Polish policymakers were able to react more quickly and decisively to NPS. Overall, in Britain institutional and legal power operates through the managed performance of pluralism, expertise, and evidence-based policy-making, even when outcomes are tightly controlled. In Poland, by contrast, governing actors rely more openly on direct authority and legal mechanisms. In both cases, these different styles of power help explain how prohibitionist responses to NPS were secured and alternatives marginalised.

Discussion and Conclusions

This article uses a comparative, theory-informed analysis of NPS policy in Poland and the UK not to catalogue policy differences, but to understand how morality and power shape processes of regulatory categorisation and policy legitimation. By combining the policy constellations framework with Habermasian concepts of communicative and strategic action, the analysis shows that superficially similar "blanket ban" approaches emerged through markedly different political processes. In Britain, policymaking relied more heavily on the performance of consultation, expertise, and evidence-based procedure, whereas in Poland it relied more openly on majoritarian institutional and legal authority.

The analysis first showed that in both countries, policy debates were structured by opposing constellations with different normative understandings of NPS and distinct material interests. In Poland, these took the form of conservative and liberal constellations. In Britain, following Stevens (2024), they were better described as conservative and reform constellations. The article then demonstrated the importance of epistemic and media power in creating a climate in both countries that favoured abstinence-oriented responses, such as the PSA in Britain or successive amendments to Polish drug law.

The most striking differences, however, concerned the deployment of institutional and legal power. Seen through a Habermasian lens, the British case approximates a system in which strategic action is concealed behind the performance of communicative rationality, consultation, and evidence-based procedure. The Polish case, by contrast, illustrates a more openly majoritarian and instrumental use of power, with fewer demands for public justification. In Britain, dominant stakeholders were more likely to stage a façade of pluralism by selectively involving third parties and presenting outcomes as products of science and evidence. In Poland, governing actors were more prone to rely on overt uses of institutional authority.

These differences invite the question of why power is exercised so differently in the two contexts. This article does not seek to provide a full answer, but it advances the proposition that these differences are best understood as socially structured. By this, the argument is not to invoke a full theory of structuration, but to point to historically and institutionally embedded differences in how political authority,

public justification, and policy-making are organised. In the present comparison, the British and Polish cases differ in the structure and historical development of their public spheres, civil services, and traditions of political accountability, and these differences shape both how power can be exercised and how it must be justified.

Seen in these terms, the British case can be understood as one in which strategic action is more often mediated through the performance of communicative procedures, consultation, and evidence-based policy-making, while in the Polish case it relies more openly on direct institutional and legal power. The difference is therefore not simply one of political style, but of the institutional and normative expectations that structure what counts as legitimate policy-making and public justification in each context. This helps to explain why actors involved in British drug policy appear to rely more heavily on reports, expertise, and claims to scientific neutrality. Habermas' (1989, 1992) account of the public sphere suggests that such practices are historically linked to longer traditions of pluralism and public justification. In Britain, these traditions have had more time to develop, whereas in Poland they were repeatedly disrupted by partitions, authoritarian rule, and only began to re-emerge after 1989, as noted by Śmiechowski and Marzec (2016).

It seems plausible, therefore, that stronger pluralist and democratic expectations in Britain create greater pressure on governing actors to justify decisions through procedures, evidence, and consultation, even when outcomes are tightly controlled. This does not mean that British policy-making is less strategic or less power-laden. Rather, it suggests that power operates through different, more mediated forms. In both countries, these different styles of power help to explain how prohibitionist responses to NPS were ultimately secured and alternative policy options marginalised.

Limitations

This study has several limitations. The analysis draws primarily on 33 semi-structured interviews with stakeholders in Britain and Poland. Although the sample was designed to capture a range of perspectives, access to some key actors was

limited, and certain viewpoints, including those of people who use drugs, may be underrepresented. The findings therefore reflect the perspectives of those available and willing to participate, rather than providing a fully comprehensive account of all actors involved.

The study also relies on illustrative documentary and media material rather than a systematic discourse analysis. In addition, the use of the policy constellations framework and Habermasian concepts shapes the analytical focus on power, legitimacy, and moral framing, meaning that other dimensions, such as policy outcomes, receive less attention. Finally, the analysis reflects the author's interpretive engagement with the field and should be read as a theory-informed reconstruction of policy processes rather than a neutral description.

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