

# **From ‘morality’ policy to ‘normal’ policy: framing of drug consumption and gambling in Germany and the Netherlands and their regulatory consequences**

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**ABSTRACT** Drug consumption and gambling are regarded as morality policies, especially in the American literature. Both are perceived as sinful and treated accordingly. This highly generalized assessment is rarely analysed systematically in a non-American context. Therefore, we investigate whether these policies are indeed framed morally and if this framing is stable over time in two European countries. Next, we analyse whether shifts in morality framing have consequences for regulation. In this way, we contribute to the literature on morality policies, particularly the ways in which these policies are defined and empirically identified. We identify morality policies based on how actors frame issues rather than by policies’ substantive content. We show that the morality framing was once prominent but has lost its importance over time, and we find a close connection between frame shifts and policy output, although this is not a uniform development and does not characterize all cases.

**KEY WORDS** Drugs; framing; gambling; morality policy; regulation; value change.

## **INTRODUCTION**

Recent years have seen the emergence of literature on morality policies that debates their main characteristics and investigates their consequences on the policy-making process (Engeli *et al.* 2012; Mooney 2001; Smith and Tatalovich 2003). Drug consumption and gambling have traditionally been located within the sphere of morality policies. Both were widely regarded as sinful and reprehensible and treated accordingly, especially with regard to the individual drug consumer or gambler, who was seen as an offender and whose crimes often entailed criminal prosecution (Kingma 2008; Reuband 2009). Both policy fields, drug consumption and gambling, are a good test case to compare if and to what extent classical morality policy issues experience noticeable

changes in problem perceptions over time. We argue that framing is central for making a policy a morality policy in the first place and for establishing policy categories and classifications in general.

We concentrate on three research questions. First, have gambling and drug consumption predominantly been framed morally in the European context? If so, can we detect a general relocation from the morality frame to other frames over time? Finally, has such a shift away from morality framing entailed any consequences regarding the degree of regulatory intervention? Theoretically, we assume an on-going trend of issue reframing largely driven by the development of a secular society in Europe that fosters a decline in the perception of drug consumption and gambling as morally wrong. As a result of liberalization tendencies, we expect the emergence of new ideas, actors and scientific evidence that provide incentives to re-frame morality policies in non-moral terms. This change is presumably accompanied by a less restrictive regulatory and penal approach owing to altered problem perceptions.

The contribution adds to ongoing discussions in the field of morality policy over whether policies clearly and constantly belong to the category of morality policy, or if changes arise owing to modifications in the prominent framing. Additionally, we take a systematic and empirically based approach to examining framing that has rarely been utilized in previous studies (Mucciaroni 2011).

In the following section, we justify the policy and case selection. The next section presents the theoretical framework and the expectations derived from that framework. Then we address the method and data. The policy developments in the Netherlands and Germany will be discussed and empirically analysed in the following two sections. We conclude with a critical discussion and an outlook for further research.

## POLICY AND CASE SELECTION

We examine drug and gambling policies in Germany and the Netherlands over six decades (1950–2010). The policies are chosen first because we aim to observe possible frame shifting over a long period, which would not be possible with ‘younger’ topics such as stem cell research or same-sex marriage. Second, both policies belong to the same subcategory of morality policies encompassing ‘addictive behaviour or substances’ (Heichel *et al.* 2013). Frame shifts are more likely in this subcategory than in others, for example, in the ‘life and death category’ (Knill 2013). Furthermore, non-morality frames are more similar and, hence, can be grouped and analysed in a coherent manner.

Germany<sup>1</sup> and the Netherlands represent two appropriate countries for our analysis. They are characterized by a similarly long history of regulating both fields under study. In addition, the parliamentary role of Christian Democratic parties has been of roughly equal importance during the observation period (Timmermans and Breeman 2012). Both countries also followed a similar process of secularization, with the number of Catholics shrinking from 40 per cent in the 1960s to 30 per cent in the 2000s (WVSA 2012: 1981 and 2006

wave). Following Engeli et al. (2012), the religious factor is crucial for morality policies. Morality framing is more likely in states where a pronounced religious party cleavage shapes the policy-making process.

Our focus is not on explaining but on tracing differences in framing and examining their regulatory consequences. We compare countries in which potential frame shifting is confronted with similar obstacles or accelerating factors, e.g., in terms of the openness of the political system to new actors, interests or ideas. For most of these relevant factors, the Netherlands and Germany are very similar.

## **THEORETICAL FRAMEWORK AND EXPECTATIONS**

Our theoretical framework is threefold. First, it is derived from the general discussion around the definition of morality politics and policy. Second, it is based on common theories of value shifts, secularization, new ideas and actors. Third, we rely on the concept of policy framing mostly when elaborating on the link between frame shifts and policy choices.

### **Morality politics and policy: the framing aspect**

We approach morality policy from the American research tradition, which emphasizes the politics dimension (see Knill [2013] for an overview of different concepts of morality policy). Policies are not *a priori* morality issues. Rather, morality policies result from the policy-making process, which makes the framing process crucial (Haider-Markel and Meier 1996; Mucciaroni 2011). Policies are considered morality issues if they are framed as such by at least one important advocacy group; however, the degree of morality framing that is required to label a policy a morality policy is still under debate. In a similar vein, authors outside morality policy research support the concept of 'blended issues'. They argue that policies can assume different dimensions, including those of economics, public health or morality. Depending on the framing of involved actors, one dimension prevails over the other at certain points of time, hence turning a non-morality issue into a morality policy (Studlar 2008: 394). On the basis of the theoretical discussion on morality policies and supporting evidence from American literature, our first expectation is as follows:

Expectation 1a: Gambling and drug policy were once predominantly framed as morality policies.

### **Value shifting and secularization as background factors**

Although we will not test any theories, we do have assumptions about the multiple avenues responsible for inducing frame shifts. The broader development relates to value change in society after the Second World War. Inglehart (1990) proposes a silent transformation of the Western value system from

materialism to post-materialism; Flanagan and Lee (2003) investigate a shift from authoritarian to libertarian values; and Smith and Tatalovich (2003) even speak of a ‘cultural theory’ that encompasses forces of status differentiation and status equalization. Incorporated in these views of value change is the idea of secularization: Western, economically developed countries experience a declining influence of religion in society and state affairs (Pollack and Pickel 2007). This is suspected to contribute to the process of societal value change, which influences attitudes towards morality policies. We assume that the number of citizens conceiving of gambling or drug consumption as sinful has been decreasing. Consequently, value-based arguments are convincing for a much smaller group of citizens, leading opponents of more permissive regulation (such as Christian Democratic parties) to select other frames to persuade larger parts of the society (i.e., by using arguments related to health and public order) (Engeli *et al.* 2012).

### **New ideas, interests and actors**

Broader societal developments are a necessary but no sufficient condition for frame shifts. We must also account for theories that explain frame shifting at the micro level. Theories such as the *punctuated-equilibrium theory* (Baumgartner and Jones 2009) provide factors that can explain this frame shifting. For example, changes in public opinion, scientific progress or the emergence of new actors with a specific set of ideas, beliefs and values lead to the development of ‘policy monopolies’ that enforce their interests and the framing of an issue in the political and public arenas. Therefore, the framing of issues can change over time. In connection with our assumption of secularization and a general value change in society, our next expectation is as follows:

Expectation 1b: If a morality frame has been observed, it is losing importance in favour of other frames over the observation period.

### **Framing and policy choices**

Finally, we are interested in the consequences of frame shifts for policy choices. Herein, we rely on a rationalist point of view, which conceives of politicians as office-seekers and assumes that their attitudes resemble those of their electorate owing to elections. Thus, secularization and value change intrude into the political sphere through re-election campaigns and the decision-making process. Issue framing moderates the interaction between a (secularized) society and policy change (see Hurka and Nebel [2013] for the interplay between external shocks, framing and policy change). If a group of actors is able to enforce its framing of a public issue within a policy subsystem, the existing policy monopoly is ruptured and replaced. The development of this process is strengthened by institutional venue shifts that allocate administrative and legislative responsibility to actors who were not formerly involved (Baumgartner and Jones

2009). The new policy monopoly shapes the process of problem definition by stressing one aspect and ignoring others, thereby illuminating a specific set of policy solutions (Larsen 2010; Studlar 2008). Meier (1999: 686) outlines this mechanism in more detail regarding alcohol policy: 'Viewing alcoholism as a disease suggests that treatment is the preferred policy option. Viewing alcoholism as a moral failing implies that law enforcement should be used to discipline the individual drinkers.'

Consequently, if we detect a shift from morality to non-morality frames, we expect at least incremental policy changes owing to new problem definitions and other sets of solutions. We rely on a conceptual measurement of policy change introduced in this collection (Heichel *et al.* 2013). The focus lies on the individual consumer, and we distinguish between criminalization and regulation of consumer behaviour. We expect that if consumption is seen as sinful, then criminalizing this behaviour seems necessary to stop the individual and to protect his or her environment. If consumption is seen as an individual right, however, then the behaviour should be legalized or permissively regulated. Consequently, we propose another expectation as follows:

Expectation 2: The declining importance of the morality frame is accompanied by a more permissive regulation of gambling/drug policy with regard to the individual.

## METHOD AND DATA

Our analysis of the framing and regulation of gambling and drugs applies a qualitative methodological approach that draws on primary and secondary sources. The framing analysis is based exclusively on the examination of governmental and parliamentary documents published between 1950 and 2010. We concentrate especially on the preambles or explanations of laws and on policy reports. Thus, we do not consider the entire politics sphere to be important for our purposes. Instead, we focus on the 'aggregated' policy framing by the legislative majority at a given time.

We conduct the framing analysis via an inductive procedure. First, we scan all documents to find those arguments justifying policy choices and describing the underlying problem. We find 31 relevant documents, 16 in the Dutch case and 15 in the German case.<sup>2</sup> Next, we sort the arguments and derive the frames from them. Where more than one frame is found in a document, we rank the frames according to their prominence, frequency and position in the text. Thus, our units of analysis are frames identified via thematic distinction (Krippendorff 2004: 107). We code only those syntactical entities that incorporate any statement on the motives and exclude purely neutral claims (i.e., technical comments on the legislative procedure). We are aware that the coding procedure is prone in terms of reliability. We tried to address this problem by performing the coding by ourselves and by discussing critical cases.

We identify four basic types of frames that appear in varying combinations or alone in the documents: the *morality frame*, the *health and social frame*, the *security and public order frame*, and the *economic and fiscal frame*. The frames are introduced briefly below (see also Table 1), while all other empirical results are presented in subsequent sections. Following Mucciaroni (2011), our distinction between morality and non-morality framing is based on the involvement of core values or ‘first principles’ in the arguments.

The *morality frame* judges drug use and gambling as a wrong and inherently bad behaviour. Morally framed justifications of policy choices are therefore value-based and target first principles. Drug consumption and gambling are regarded as generally contrary to (traditional) norms and values. Their spread is seen as a threat to society’s value system that must be prevented. Additionally, it is argued that both behaviours endanger the individual in a fundamental and existential way because they curtail an individual’s personality and human dignity. Protecting the individual from his or her own deeds becomes the central goal.<sup>3</sup>

In contrast to the morality frame, the other three frames identified are less value-based and are characterized by reasoning that refers to negative health and social consequences as well as to the effects of drugs and gambling on public security and on the national economy. Actors relying on the *health and social frame* stress the need to protect consumers’ health and social conditions. The risk of addiction is emphasized, and the behaviour in general is considered to be a disease. Consumers are referred to as patients. Aspects such as misuse prevention and treatment are central. Drug consumption and gambling are both seen as having severe negative social consequences.

The *security and public order frame* summarizes arguments related to all kinds of threats from criminal activities in both fields. These are, in particular, the national and transnational drug trade, gambling fraud and money laundering. This frame also includes arguments referring to the aspect of public safety, aiming, for example, to prevent drug-related crime, ensure public safety and avoid public disturbances (‘nuisances’) caused by drug consumption and gambling.

The *economic and fiscal frame* is more relevant for gambling than for drug policy. According to this frame, gambling is accepted as a regular leisure and economic activity (albeit one requiring regulation). The state does not, however, surrender its claim for political steering. The fiscal side of the economic frame includes the aspects of licensing and taxation, and thus, the opportunity for the state to extract fiscal resources from gambling. Theoretically, this is also relevant for drug consumption, as the state could extract fiscal resources by taxing (certain) drugs after legalization.

In a second analytical step, we assess the degree of restrictiveness of a given regulatory provision. Here, we focus on the impact on the individual. We apply the following logic to measure the direction of change:

- (1) The regulatory *status quo* becomes more restrictive if the new law limits the activities, freedom or behaviour of a person to a larger degree than before;

Table 1 Frame types, main features and examples

<i>Frames</i>		<i>Features</i>	<i>Examples</i>
Morality		Gambling/drug use as an inherently bad behaviour that (a) does not conform to societal norms and values, and (b) threatens the user in a fundamental and existential way	Drug use contrasts with a positive way of life and traditional norms and values; casinos are threatening the social order and deteriorate personality and character
Non-morality	Health and social	Gambling/drug use as threats to user's health and social conditions	The main task of drug policy is to control the negative consequences that affect the consumer's health; the main task of state gambling policy is to fight gambling addiction and to fight preconditions for addictive behaviour
	Security and public order	Gambling/drugs as threats to public security and order because of illegal activities or nuisance committed by (a) users/addicts, or (b) suppliers	The trade in illegal drugs and drug-related crime are a serious disturbance of public order and security; public order and security have to be defended; gambling is not a normal economic market; the protection of the consumer is of central concern
	Economic and fiscal	Gambling/drugs as damage (healthcare costs, missing workforce caused by addicts) or benefits (revenues through licensing, taxation) to national economy	Drug abuse and addiction cause significant economic damages; gambling laws should generate state income; illegal gambling should be restricted because it causes economic damages

Source: Authors' compilation.

this would include an increase in sanctions for prohibited actions. For example, we consider the enactment of a law that prohibits the consumption of a substance or increases the sentences for illegally dealing in certain drugs as making the country's drug regulation more restrictive.

- (2) The regulation becomes more permissive if the new law removes or loosens restrictions concerning a specific behaviour or enhances a person's opportunity of action. An example from gambling policy is the legalization of games such as slot machines or profit-oriented lotteries.

## EMPIRICAL ANALYSIS

Next, we analyse the framing of drug and gambling policy in the Netherlands and Germany over time to make assumptions regarding our expectations. If we do find a morality frame prevailing in one case, we will go one step further and investigate potential regulatory consequences.

### Drug policy in the Netherlands

In the few documents found on illegal drugs published during the 1950s and 1960s, we could not detect any specific framing. The numerous documents found for the period after 1970 provide a clearer picture. Since that time, the health and social frame and the security and public order frame have prevailed. While the former played a dominant role in the 1970s and 1980s, the latter became central in the 1990s. In what follows, we describe the dominant arguments in more detail.

Since the 1970s, drug consumption has primarily been framed as a health and social problem. The permissive regulatory approach towards 'soft' drugs established in 1976 was justified with the varying dangerousness of drugs. The legislators distinguished between drugs with 'acceptable' and 'unacceptable' (Kamerstuk 13407, nr.3: 15<sup>4</sup>) risks to the health of the consumer and the society. The potential damages caused by 'soft' drugs (especially cannabis products) were considered less serious in contrast to risks related to the use of 'hard' drugs (e.g., heroin). The legislators also highlighted the threat to public health and security through increasing international trade in hard drugs and its links to organized crime (Kamerstukken 13407, nr.3: 13; 17975, nr.3: 4).

In 1985, the introduction of 'normalization' as a new principle in Dutch drug policy reinforced the dominant framing of drugs as being mainly a health and social problem. The central document opposed the moralization and mystification of hard drug use and proposed a "cultural' integration' of addicts. Drug use was described as a "normal" social phenomenon' that should be treated as an 'ordinary social problem' (ISAD 1985: 35ff.).

In the mid-1990s, the security and public order dimension gained prominence. In 1995, the government identified organized drug trafficking and especially 'nuisance' as the new main problems. Hard drug addicts and coffee shops were understood as causing such nuisance (Kamerstuk 24077, nr.3: 51,

9f.). Similar arguments were used to explain modifications to drug legislation enacted in the late 1990s and 2000s. The new regulations were intended to reduce and combat ‘side effects of ... coffee shops’ (Kamerstuk 25324, nr.3: 1), ‘serious nuisance ... committed by drug addicts’ (Kamerstuk 26023, nr.3: 1) and professional, large-scale cannabis cultivation and trafficking (Kamerstukken 25325, nr.3: 2; 30339: 7).

Only in 2009 was morally framed rhetoric used in an official document. In a letter by the Dutch Minister of Health, drug use was described as a behaviour that is ‘not normal’ (MvVWS 2009: 6). The letter referred to a report of the Advisory Committee on Drug Policy that demanded a ‘more restrictive approach ... based on clearly defined social norms’ and regarded drug use as a ‘deviant lifestyle’ (Adviescommissie 2009: 21f.).

Apart from this weak moral reasoning in the late 2000s, we could not find any evidence for a morality framing of Dutch drug policy during the period of analysis, either before the change towards the permissive drug regime in 1976 or afterwards. Consequently, we are unable to confirm Expectation 1a or to make assumptions regarding Expectations 1b and 2.

### **Drug policy in Germany**

In Germany, the drug issue appeared on the political agenda in the late 1960s. The morality frame, the health and social frame and the security and public order frame were central during the 1970s and 1980s. Afterwards, the morality frame disappeared, while the other frames remained prominent. Although a largely restrictive regulatory regime towards both the demand and supply of drugs was established and expanded in the 1970s and 1980s, a moderate liberalization on the demand side followed in the 1990s and 2000s.

Until the early 1990s, drug policy was framed in three ways. First, moral arguments were used to justify a harsh approach against drugs. In 1971, the government explained that drug misuse would destroy not only the ‘personality, freedom and existence’ of consumers but also their families and the ‘viability’ of society as a whole (BT-Drs. 6/1877: 5<sup>5</sup>). According to the explanation of the drug law revision in 1981, only youths with a ‘well-marked self-esteem’ would be able to ‘successfully resist the temptation to consume drugs’. Drug consumption was regarded as ‘failing in life’ (BT-Drs. 9/27: 26). In the National Plan on Combating Drugs (1990), the government judged drug use as being contrary to a ‘positive way of life’. The plan identified individuals who followed a modern, individualized lifestyle characterized by the absence of ‘traditional roles, norms and values’ as potential drug consumers (Gesundheitsminister 1992: 15ff.).

Second, most policy modifications were justified by negative health effects for the consumer. Nearly all of the documents emphasized health damages as one of the main problems linked to drugs (e.g., BT-Drs. 6/1877: 5; BT-Drs. 9/27: 25). Since the 1980s, policy-makers have increasingly pointed to the negative social consequences of drug abuse but also of tough prison sentences for

addicted offenders (BT-Drs. 9/27: 25ff.). In 1990, for the first time, addicts were officially characterized as 'sick persons' (Gesundheitsminister 1992: 23).

Third, arguments based on the disruption of security and public order have been present since the early decades under analysis. Political actors regularly emphasized the continuous increase in drug-related crime committed by addicts who were described as 'criminals' (e.g., BT-Drs. 9/27: 27) and as committing 'significant disturbance[s] of public security' (Gesundheitsminister 1992: 12). The government also stressed the expansion and transnational diffusion of drug trafficking, which was identified as the 'core' of organized crime (BT-Drs. 6/1877: 5; BT-Drs. 12/989: 1).

During the 1990s, the morality frame disappeared, whereas the security and public order and the health and social frames remained prominent. Legal amendments were justified with arguments such as the need to combat drug crime more effectively (BT-Drs. 12/989: 20) and to provide better medical assistance to addicts (BT-Drs. 12/934: 5). In the 2000s, arguments related to the poor health and social conditions of addicts remained crucial (BT-Drs. 16/11515: 9; Drogenbeauftragte 2003: 16ff.).

The shift from morality to non-morality framing is reflected in German regulatory development (Böllinger 2004). The disappearance of the morality frame during the 1990s was accompanied by a more permissive approach regarding drug consumers, including an expansion of treatment measures and the introduction of harm reduction elements (Kalke 2001: 30ff.). In 1992, amendments of the restrictive Narcotic Drugs Act facilitated the suspension of addicted offenders' sentences and a refrain from prosecution in cases of small amounts of drugs. Substitution treatment with methadone and the supply of syringes were legalized. Further amendments in 2000 and 2009 allowed the operation of drug consumption rooms and the use of diamorphine as a substitution substance. The new governmental strategy on drugs, published in 2003, incorporated harm reduction as the fourth pillar of German drug policy (in addition to law enforcement, prevention and treatment; Drogenbeauftragte [2003: 20]).

In conclusion, the empirical development largely confirms our expectations. While the morality frame was one of the three dominant frames in the 1970s and 1980s, it disappeared in the 1990s. This shift was accompanied by a gentle liberalization of regulation and penal provisions regarding the individual consumer.

### **Gambling policy in the Netherlands**

Morality framing in Dutch gambling policy was prominent until the mid-1960s. Thereafter, the morality frame lost importance and finally disappeared in favour of the economic and fiscal, health and social, and security and public order frames. The shift from morality to non-morality frames coincided to a large degree with a more permissive regulatory regime with respect to the individual gambler.

During the 1950s, the morality frame prevailed in legislation, in combination with arguments related to security and public order. The lottery act of 1905 was still valid, and its understanding of gambling remained prominent. The act introduced the concept of 'Kanalisation', which is based on three objectives: first, protecting the individual from fraudulent and misleading lotteries; second, protecting the individual from having his or her desire to gamble taken advantage of by fraudulent or misleading lotteries; and third, reducing the desire to gamble (Kamerstuk 213, nr.3: 2f.). The first two arguments are in line with our understanding of security and public order framing owing to the emphasis on the need to protect the consumer from fraud and other criminal activity. The last element coincides with our understanding of morality framing because the government aims to protect the individual from him or herself and his or her desire to gamble. Thus, gambling is considered to be an undesirable behaviour that has negative consequences for both the individual and society as a whole (Littler 2011: 109).

In the 1960s, the morality frame took a back seat in favour of the economic and fiscal frame. The Ministers of Justice, Agriculture and Fishery argued that the lottery branch was confronted with a turnover decrease of approximately 8 per cent in the first quarter of 1964 owing to increased gambling activities abroad. Furthermore, increasing the number of lottery draws would lead to new public revenues. Arguments such as reduced costs and workload were also decisive (Kamerstuk 7603, nr.3: 9f.). Morality reasoning surfaced again when the ministers discussed the regulatory approach of slot machines that would constitute a 'temptation', particularly for minors (*ibid.*: 8).

Economic and fiscal framing was further cultivated in the 1970s and 1980s, while the morality frame disappeared completely. The argument for reducing individuals' desire to gamble did not reappear. The Ministry of Economic Affairs and Finance gained importance as the Ministry of Justice initiated closed co-operation in the form of an inter-departmental working group (Kamerstuk 16481, nr.3: 1). In 1981, when the tax burden for casinos was first being discussed, one of the main arguments in favour of revision was that the current regulation reduced the gross profit to such an extent that the casinos in Zandvoort and in Valkenburg would have to be closed (Kamerstuk 15358, nr.3: 3). In the late 1990s, the health and social and security and public order frames gained prominence (Kamerstukken 25646, nr.3; 375).

The shift from morality to non-morality framing that began in the 1960s and was completed in the 1980s coincided, to a large degree, with more permissive regulatory changes. In the mid-1960s, the Dutch started to follow an approach overwhelmingly directed towards more permissive regulation handling of gambling, especially regarding the individual gambler. As the objective to reduce the individual's desire to gamble lost importance and other problem definitions, such as gambling abroad and public revenue deficits, became more prominent, different problem solutions arose. The Gambling Act of 1964 legalized, for example, the profit-oriented state lottery and opened up the opportunity for charity lotteries to award cash prizes. Only cash payout slot

machines remained prohibited. Thus, the freedom of the individual gambler increased considerably. This regulatory trend was further cultivated during the 1970s and 1980s: in 1974, the government introduced Lotto as a monopoly and legalized casino games; a 1986 amendment allowed the commercial operation of cash payout slot machines in bars and arcades and of slot machines in casinos; and the 1981 tax reform levied a tax of 33.3 per cent on gross gaming revenues generated by casino gaming. Although this last reform also constituted a restrictive step for the individual gambler, it was of little importance in comparison to the path-breaking reforms implemented during earlier years.

In conclusion, the findings confirm our expectations. The morality frame was prominent in the early decades but lost importance and, thus, opened up new perspectives on gambling. This brought about new policy solutions that positively affected individual freedom in the gambling market.

### **Gambling policy in Germany**

In Germany, although policy-makers relied on the morality frame when discussing the regulation of casinos in the 1950s, moral arguments were not dominant at any point during the whole period examined. The economic and fiscal frame and security and public order frame were central first, while the health and social frame arose later. Slightly more permissive regulation accompanied these frame changes over the decades.<sup>6</sup>

During the 1950s, the gambling acts of the 1920s, which were mainly justified by moral arguments, were still valid (Reichstag No.331.1919/20; Reichstag No.369.1920/24).<sup>7</sup> In 1952, the *Bundestag* had an intense debate over a proposed bill banning all casinos. The Christian Democrats argued that gambling would pose ‘not only a threat to people’s personality but also to their families and society as a whole’ and that casinos would lead to a general ‘moral decline’ in society. Other parties’ representatives refused the bill, arguing that ‘casinos generate foreign currency’ and that closing the casinos would lead to a ‘decline in the employment rate’ (BT-Drs. 1/2996: 8287ff.). Finally, the bill was rejected. Morality framing has not appeared in discussions about gambling regulation since that debate. Any remaining moral arguments, which were out of date even in 1952, were erased from state documents in the mid-1970s (Belz 1993: 9).

Until the 1980s, the economic and fiscal and security and public order frames dominated governmental reasoning. The governments stated that uncontrolled gambling halls could lead to an environment fostering criminal acts (BT-Drs. 3/318). Changes to the Criminal Code in 1998 were framed as essential for maintaining security and assuring state incomes from gambling (BR-Drs. 164/97). The modification of the horse betting and lottery laws in 1999 were justified as being fiscally necessary (BT-Drs. 14/2271).

The health and social frame first appeared in the mid-1980s and gathered increasing attention at the expense of other frames. For example, the Protection of Young Persons Act was justified by protecting youth from gambling offers

(BT-Drs. 14/243). In 2003, the governmental Action Plan on Drugs and Addiction defined individual pathological gambling as a discrete disease and warned against the dangerous consequences of gambling (Drogenbeauftragte 2003: 16ff.). The 2004 State Treaty on Lotteries and the 2008 State Treaty on Gambling aimed to protect gamblers, especially younger ones. Similar arguments were used in the preamble of the statutory order on gambling in 2005 (BR-Drs. 655/05).<sup>8,9</sup>

The decreasing persuasiveness of the morality frame in the 1950s coincided with the enactment of more permissive regulations. While the reform of the Industrial Code in 1960 led to an increase in the requirements necessary to obtain a license for gambling halls, the consolidation of non-morality frames in the 1970s occurred together with other liberalizing law amendments concerning the individual. The reform of the Criminal Code (1975) decreased sanctions for illegal slot machine gambling and erased punishment for regular gambling (Belz 1993: 8f.).

Overall, we did find evidence for a vanishing morality framing of gambling policy during the examination period. In the last six decades, Germany has followed a path towards more permissive gambling regulation in terms of the individual. Thus, we find empirical support for our hypotheses.<sup>10</sup>

## INTEGRATED ANALYSIS

In this section, we present an integrated analysis of our results that addresses if and to what extent our expectations have been confirmed empirically. First, for three of the four cases analysed, we indeed did observe the initial dominance of a morality frame. Gambling and drug consumption were regarded as morally wrong and threatening traditional norms and values. Slot machines constituted a 'temptation', and drug abuse destroyed not only the 'personality, freedom and existence' of drug consumers but also their families and the 'viability' of society as a whole. The only exception is Dutch drug policy-making, which never used a morality framing.<sup>11</sup> Against this background, we interpret these findings as mostly confirming Expectation 1a.

Second, policy frame shifts for drug consumption and gambling were observed. We found a shift from a dominant or at least equally important morality frame towards non-morality frames in three cases. These frame shifts partly occurred early in our observation period (gambling in both countries during the 1950s and 1960s). German drug policy-making displayed the expected abandonment at a later point in time, during the 1990s. Frame shifting appears to be an incremental process rather than an abrupt change. First, moral arguments become less significant; then they disappear completely. Overall, the cases show that if a morality frame did exist, it has lost importance in favour of other frames. Thus, the developments largely confirm Expectation 1b. In other words, we can assume that, owing to secularization and value shifts in the society, policy-makers have decreasingly conceived of drug consumption and gambling as sinful behaviour and have therefore ceased relying on moral

reasoning to justify the regulation of those activities. Country- and policy-specific sets of actors, ideas and interests ultimately seem to determine the precise moment of frame shift. For example, in the field of gambling, the trend towards legalization in several neighbouring countries of Germany and the Netherlands evoked the problem of losing potential tax revenue and control over gamblers and their behaviour (Kingma 2008). These changed circumstances yielded new ideas and interests that enlightened gambling from a different perspective and initiated the shift towards non-moral reasoning. The late disappearance of morality framing in German drug policy might have been caused by an extraordinary increase of drug consumers during the 1970s and a youth movement explicitly fighting against traditional norms and values (Reuband 2009). Although secularization was advancing, the movement provoked the maintenance of a morality-led perspective. Continuing problem pressure and newly involved actors during the 1980s and 1990s gave rise to the abandonment of moral arguments.

Finally, we investigate the connection between shifts towards non-morality framing and more permissive regulations. We can confirm this expectation for the three cases that feature a morality framing during the period analysed. In the Netherlands, for example, lottery gambling was discussed in relation to the problem of illegal gambling abroad and the loss of public revenues in the 1960s. The new problem definition led to a new set of potential policy choices and finally opened up the opportunity for charity lotteries to award cash prizes and for profit-oriented state lotteries. In general, policy change appears in the field of gambling in the form of legalized games, whereas in the field of drug consumption new forms of treatment and harm reduction are proposed as policy solutions. Thus, the shifts in problem definition

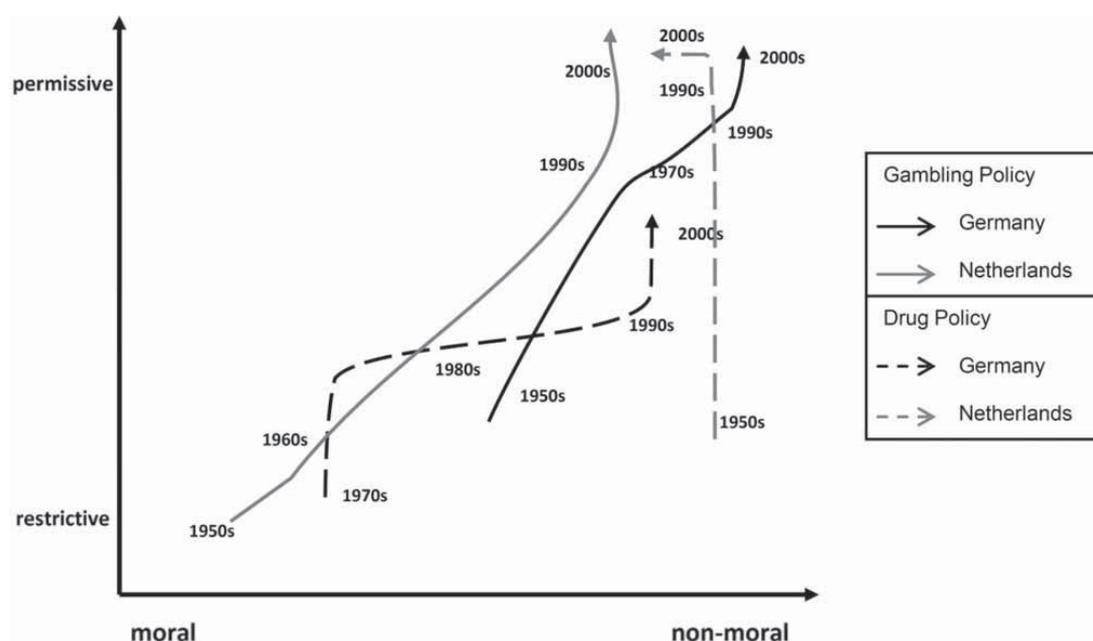


Figure 1 Frame and regulatory development (demand), 1950–2010

overwhelmingly and positively affect the demand side. Figure 1 summarizes the empirical findings, contrasting the regulatory development on a restrictive–permissive axis with the development of frames along a moral- to non-moral axis.

## CONCLUSION

Our comparative analysis of the framing and the development of drug and gambling policy over six decades in the Netherlands and Germany provides several important insights. Frames matter for policies commonly assigned to the morality type. Morality frames are indeed observable here. Furthermore, shifts in the dominant frame are real and observable. Thus, we conclude that our assumptions concerning value changes in society, secularization and new interests and actors in the policy arena can provide a good explanation for these shifts. There is also a close connection between frame shifts and policy output. Shifts from morality to non-morality frames often lead to more permissive policy change. This seems closely related to new problem definitions, which bring about new policy solutions. Nevertheless, further examinations of these links should be performed because our analysis lacks a detailed investigation of country- and policy-specific sets of actors, ideas and interests, which ultimately determine the exact moment of change. Knill (2013) refers to this set as the ‘cultural opportunity structure’, which is one factor that determines the ‘morality charge’ of an issue.

In consequence, policies that are often labelled as ‘moral’ in the American literature are not coherently framed that way in the European countries we analysed. Drug and gambling policies shifted from morality policies to so-called ‘normal’ policies or – as in one case – were never discussed as morally wrong. Therefore, we argue that framing analysis is essential for the identification of morality policies, particularly in the European context, in which the religious–secular cleavage differs considerably across countries and over time. If morality framing is not dominant, not constantly observable or not present at all, then the very research endeavour of making the case for ‘one type’ of policy compared with ‘other types’ of policy becomes questionable.

Our research, therefore, has several important implications. First, researchers of morality issues should pay close attention to how policies are framed in countries over time. This is of particular relevance in analyses of European cases. Framing analysis helps the researcher grasp the particularities of this policy type and may guide the research by enlightening the role of important factors for policy change, such as structure (e.g., problem pressure) and agency (e.g., policy monopolies). Perhaps we are already able to explain many changes in morality policy with ‘conventional’ theories and independent variables.

We also recommend that such analyses be undertaken with even greater precision than we were able to provide here, i.e., by conducting quantitative content analysis across all parliamentary debates or by examining how policy frames differ for the demand and supply side. Another fruitful approach

would be to emphasize the cross-sectional perspective and shed a more nuanced light on the set of actors, ideas and interests that bring about frame shifts and policy change.

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## NOTES

- 1 Until 1990, West Germany only.
- 2 Please see the website [http://www.polver.uni-konstanz.de/knill/working\\_papers\\_downloads/](http://www.polver.uni-konstanz.de/knill/working_papers_downloads/) for a comprehensive overview.
- 3 We expected to find arguments emphasizing the fundamental right of individuals to decide on their own whether to gamble or to consume drugs. However, such arguments did not appear in the documents.
- 4 'Kamerstukken': Dutch parliamentary documents, available from <http://www.overheid.nl/> and <http://www.statengeneraaldigitaal.nl/>.
- 5 'Bundestagsdrucksachen' (BT Drs.): Documents of the German *Bundestag*; 'Bundsratsdrucksachen' (BR Drs.): Documents of the German *Bundesrat*; both kinds of documents are available from <http://www.dip.bundestag.de> (1976 onwards).
- 6 We focus on national legislation; legislation of the *Bundesländer* was not analysed.
- 7 'Reichstag' refers to the German parliament and its documents between 1918 and 1933, available at <http://www.reichstagsprotokolle.de>

- 8 See Note 5, above.
- 9 In light of European law, Germany tried to defend its state monopoly from the 2000s onwards by arguing that only nation states are able to control illegal gambling. This is one reason why the economic frame diminished in favour of the health and social frame.
- 10 We do not expect contradictory framing and regulation in the German *Länder* owing to vertical and horizontal linkages.
- 11 Dutch drug policy constitutes an extraordinary case; one might argue that the empirical finding was expectable in advance. However, the picture is much more complex because (1) the permissive regulations primarily refer to *soft* and not to *hard* drugs, and (2) the particular approach was not established before the mid 1970s.

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