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How a Moral Panic Influenced the World's First Blanket Ban on New Psychoactive Substances

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Abstract

Ireland passed the world's first blanket ban on new psychoactive substance in 2010. This article traces the historical processes culminating in the Criminal Justice (Psychoactive Substances) Act (2010) through a systematic review of Irish media articles published between 2000 and 2010 (N = 338). The review found that head shops were largely tolerated when they sold cannabis paraphernalia (2000-2008), possibly indicating the normalisation of cannabis in Ireland. Some mild condemnatory language emerges between 2008 and 2009 when head shops began selling some new psychoactive substances. The review suggests that the 2010 Act was partly a product of a moral panic, driven and managed by a range of moral entrepreneurs and, involving both peaceful and violent protests. Unlike some traditional moral panics, young people were not identified as folk devils but rather as under threat from a new drug distribution model (head shops) and new drugs (NPS).

Key words: New psychoactive substances; head shops; legal highs; moral panic; folk devil; Ireland; protest; vigilantism

Introduction

Between 2000 and 2010, the Irish drug landscape was significantly altered by the opening of head shops and introduction of new psychoactive substances (NPS): colloquially called legal highs at the time. These shops, which evolved from selling cannabis paraphernalia to NPS, increased in number from approximately 24 in 2008 (Irish Times, 16/5/2008) to over 100 in 2010 (Irish Examiner 22/4/2010). In 2010, Ireland passed the world's first blanket ban on NPS: the Criminal Justice (Psychoactive Substances) Act (2010) (henceforth 2010 Act). This article employs a qualitative and quantitative review of media coverage of head shops (2000 and 2010) to trace the historical processes whereby attitudes towards heads shops shifted from one of toleration to the passing of this tough new law.

The findings suggest that the 2010 Act was partly a product of a moral panic, driven and managed by a range of moral entrepreneurs and, involving both peaceful and violent protests. Unlike many traditional moral panics, young people were not identified as folk devils but rather as under threat from a new drug distribution model (head shops) and new drugs (NPS).

While moral panics are often used as a critique of criminalisation, and suggest a disproportionate response (Waddington, 1986), this article does not present an argument for the regulation of NPS. Some substances scheduled in 2010 present physical and mental health risks (Fischer et al., 2017; Logan et al., 2017). Using the term moral panic does not downplay this harm, nor dismiss people's fears. We can hold two truths at once – many (not all) NPS were harmful and (arguably) should have been prohibited, *and* the type of prohibition created was partly the outcome of a moral panic. The study was also not designed to evaluate the 2010 Acts impact on the NPS market. This has been done elsewhere (Kavanagh & Power, 2014). While there is some support for the blanket ban (Smyth et al., 2020; Smyth, 2017) other researchers have highlighted how blanket bans produce 'unintended harms that are disproportionate to the benefits of control' (Stevens & Measham, 2014:1227; also Ryall & Butler, 2011). Rather the present article is concerned with the historical processes whereby

illicit drugs are prohibited, and the form of prohibition administered.

Moral panic theory

A number of studies have documented cases of moral panics around illicit drugs in the UK and Northern Ireland (see Critcher, 2000; Hollywood, 1997; Murji, 1998; Young, 1971). Ryall and Butler (2011) were the first to identify the 2010 reaction to head shops as a moral panic, which is defined by Cohen (1972/2011:9) as occurring when:

> A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions ... Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight.

According to Jewkes (2011:79) moral panics progress through a number of steps. The moral panic commences when a group engage in acts defined as deviant. The media then report the story and, to make it newsworthy, exaggerate and distort elements of the event while simplifying the process into familiar symbols. An escalation of public concern and fear is followed by demands for action. Politicians may exploit the event for political gain. The police and judiciary may respond to demands from politicians and the public by rigorously enforcing the law. Politicians may then create new laws or regulations, often under advice from criminal justice practitioners. While most moral panics last months before vanishing, a small number have 'more serious and long-lasting repercussions' (Cohen, 1972/2011:9): often involving the administration of 'popular' (i.e. tough) solutions (Jewkes, 2011:79). The head shop panic of

2010 was one such event.

A central element of the moral panic process is what Becker (1963:152; see Windle, 2014) has called moral entrepreneurs: individuals extremely troubled by challenges to their morals and values who attempt to affect changes which can direct others to conform to their values. They are often, but not always, driven by a desire 'to help those beneath them to achieve a better status'. Ryall and Butler (2011) have also identified moral entrepreneurs as central to establishing a moral panic around head shops in Ireland in 2010.

The concept remains useful, and heavily used, in the social sciences (see papers in Hughes et al., 2011) but is not without criticism. Some have argued that moral panics are misused and overused (Hughes et al., 2011), with few reported panics fitting Cohen's original concept (see Cohen, 1972/2011). Others, notably McRobbie and Thornton (1995:506), have suggested that the concept is 'outdated'. This is partly because the contemporary media landscape is very different than it was in the 1960s, as is the relationship between the mass media and public (also Hughes et al., 2011). McRobbie and Thornton (1995:565) argue that while moral panics were originally conceptualised as an unintended consequence of journalism, they are now often consciously constructed by journalists to generate newsworthy stories while being exploited by some industries to sell products related to youth culture. That is, moral panics may be used to sell the 'subterranean values' (Young, 2011) which have become commodified in night-time economies in Ireland and elsewhere (Leonard & Windle, 2020).

Furthermore, as Hier (2019:386) argues, while 'socially established activists' with close ties to the mainstream media have tended to exhibited the greatest influence over media discourse and policy making, the advent of social media and digital technology has shifted this relationship and widened participation. As such, while 'traditional moral panics are elite engineered' newer panics provide greater space 'to social movements, identity politics and

victims' (Cohen, 2011:241), and 'unwitting moral entrepreneurs' armed with cameras and social media accounts (Hier, 2019:386).

Method

Ryall and Butler (2011) explored whether head shops were the subject of a moral panic, through semi-structured interviews with 15 customers and stakeholders. The current article moves beyond this initial investigation with the objective of uncovering the historical processes behind Irelands blanket ban on NPS. All local and national Irish media sources published between January 2000 and December 2010 were systematically reviewed. A search of the Nexus newspaper database was conducted in September 2019 using the search term 'head shop'. The search was limited to English language Irish media sources, and included broadsheet, tabloid, local and national newspapers, and the RTÉ website.[1] The initial search generated 1,935 hits (excluding duplicates). These were then filtered to exclude articles which did not cover shops selling NPS[2] or discussed heads shops in other countries. Articles in local newspapers were often published simultaneously across several local newspapers: these articles were only recorded once. After filtering, 338 articles met the inclusion criteria and were analysed (Table 1). The date of each article was recorded to identify the frequency of mentions across 2007 and 2010, as a quantitative indication of public interest (Figures 1-3). A qualitative analysis was then conducted to identify key themes relevant to the process culminating in the moral panic.

[1] RTÉ (Radio Telefís Éireann) is the state public service broadcaster, it provides television, radio and online services.

[2] For example, a large number of articles included in the initial search were identified through phrases such as 'head to the shops'.

Table 1: media sources used in content analysis with frequency of head shop mentions (2000-2010)

Publication	No.
Local newspapers	106
Irish Examiner	63
Irish Times	57
Irish Independent	46
The Mirror	18
Sunday Mirror	14
Sunday Independent	13
RTE News	12
Sunday Tribune	9
Total	338

The use of media sources in this article is not intended to provide a realistic representation of events. The 'media is not a window on the world, but a prism subtly blending and distorting our picture of reality' (Jewkes, 2011:47). The media may distort events for any number of reasons, including the commercial, cultural or ideological preferences and objectives of owners, editors or journalists (Windle & Silke, 2019), and because stories must be compressed into limited space and made 'newsworthy' (Jewkes, 2011). This said, journalists draw heavily on press releases from government bodies and this can result in them repeating, or being influenced by, the official line (Manning, 2006; Reiner, 2000). As such, media portrayals can present a version of government attitudes (Windle & Silke, 2019). Ideological orientation between media outlets should not significantly affect our analysis as most Irish newspapers of the time took 'a broadly right-of-center line' with little ideological variation. All were privately owned, except RTÉ News, which is partly financed by the state (McMenamin, 2013).

As journalists can exaggerate public responses (Jewkes, 2011) head shops may have concerned the public less than media reports suggest; although public perceptions may have been influenced by media reporting (Black, 2015). Furthermore, any analysis which limits itself to mainstream media may inadvertently exclude some voices. For example, the database search did not include mainstream or underground music magazines (see McRobbie and Thornton, 1995:568) or social media outlets (Hier, 2019), both of which may have presented alternative narratives. A final limitation is that some journalists nudge interviewees into providing answers the journalists want to hear and/or misquote people they have interviewed, either directly or through selectivity of quotes. As such, it is possible that some people quoted in media articles may have held less extreme views than were reported. With these limitations in mind, media reports can uncover the rhetorical processes contributing to the creation of a particular form of prohibition.

Results

2000-2007: The emergence of head shops and ambivalence towards cannabis

Ireland's first head shops emerged in the early-2000s. While they initially sold paraphernalia to consume cannabis, and artefacts of cannabis culture, in 2002 some began exploiting a legal loophole by selling psilocybin mushrooms (Sunday Business Post, 16/12/2017). The Irish press first used the word 'head shop' in January 2004 with an Irish Times (31/1/2004:51) article titled 'prohibition has been proven not to work' which described head shops as representing 'the twilight zone that is the attitude to cannabis in Ireland'.

Head shops are not mentioned again for two years when the Irish Times (11/2/2006) published a light-hearted portrayal of old hippies who are 'constantly badgered by the Gardaí'[3] for selling harmless drugs and cannabis paraphernalia. Head shops are mentioned in just three more articles in 2006. All focused on the medical harms of 'pep pills' (Sunday Mirror, 24/9/2006) and psilocybin mushrooms (Sunday Mirror, 7/1/2007). Two articles did signal the emergence of an important moral enterprise in what would become the campaign to close head shops when Europe Against Drugs Network (Eurad) argued for a new 'offence of incitement to use drugs' (Irish Times, 3/1/2007; also Sunday Mirror, 7/1/2007).

Head shops are not mentioned again for ten months until the Irish Times (11/12/2007) warned parents to be aware of the 'new wave' of NPS. This article is the first to mention BZP (Benzylpiperazine) or use of the term 'legal high'. A follow-up Irish Times (15/12/2007) article reported that heads shops were a bit sleazy, a 'trickle of' people were presenting to Accident and Emergency departments after consuming BZP, and warned of the health risks from consuming the drug. The article, however, concludes with a positive: that kratom, an NPS, was being used by some to detox from heroin.

The following day the Sunday Business Post (16/12/2007) claimed that the owners of Ireland's 24 head shops were being harassed by the Gardaí and, Customs and Excise, and unfairly treated by credit card companies who deemed them high risk. The article included quotes from a BZP manufacturer and an Irish head shop owner that NPS were 'as safe as possible' and diverting people from the black-market.

[3] An Garda Síochána are the Irish police force. Individual officers are called Garda with the plural being Gardaí.

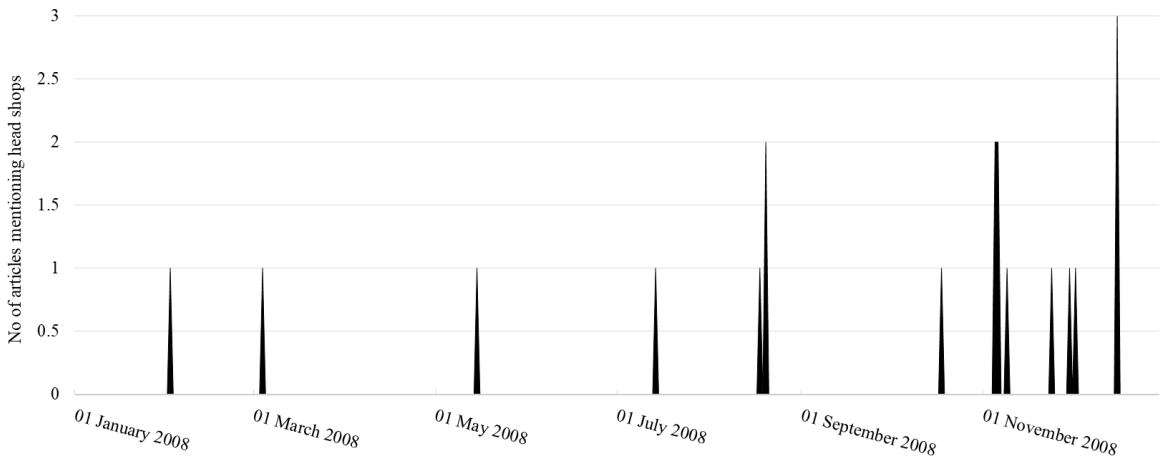
In summary, most of the small number of articles published between 2004 and 2007 view head shops as harmless. This early press coverage is indicative of the normalisation (Parker et al., 1998) of cannabis culture. That is, head shops flew under the radar when selling cannabis, and paraphernalia to consume cannabis, but a trickle of condemnation began once they started to sell NPS.

2008: BZP and a widening focus on head shops

Head shops were sporadically covered in the news throughout 2008, although most articles focused on BZP specifically. The database search found just 19 articles: an average of 0.365 articles per day. There were often gaps of several months between stories. Over half of articles were published after November: 15% came from one newspaper on one day and 26% covered one Gardaí raid (see Figure 1). The language was strictly prohibitionist, but relatively timid and there was an air of, to quote Father Ted, 'down with this sort of thing'.

In May, the government reported that BZP would be scheduled as a controlled substance by March 2009 (Irish Times, 16/5/2008), as requested by the European Union Council of Ministers (Irish Times, 5/3/2008). The Minister with Responsibility for Drug Strategy, however, reported that there were no plans to ban head shops (Sunday Independent, 15/6/2008).

Figure 1: frequency of head shop mentions in the Irish media 2008

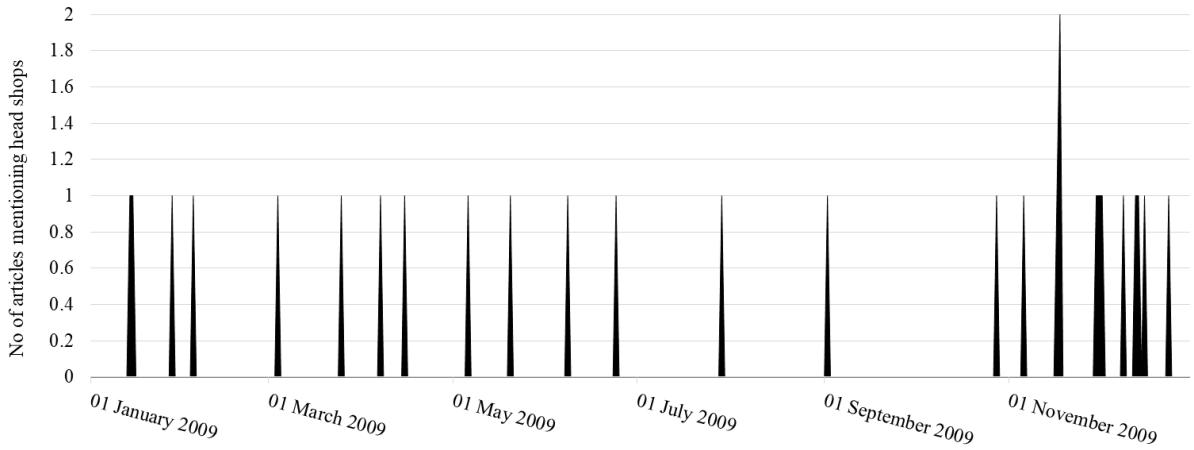


While a small number of councillors and local newspaper articles were critical of head shops towards the end of 2008, the low frequency of coverage (Figure 1) and mostly mild condemnatory language does not indicate a moral panic. The only real nod towards this becoming a future political issue came when the Minister for Health expressed support for scheduling all NPS (Irish Times, 1/12/2008). A key moral entrepreneur did, however, enter the debate in August: Dr Chris Luke, a consultant in Emergency Medicine, reported that three youths had been hospitalised after consuming BZP and, that the drug presented physical and mental risks to young people (Irish Times, 19/8/2008). A local newspaper also reported that Wexford Borough Council had written to the Minister of Justice expressing concern that a head shop had opened in the town: 'children being children are curious and curiosity killed the cat' (Wexford Echo, 7/11/2008). This was the most stringent language to date.

2009: growing concern

While media interest in head shops increased slightly in 2009, the language continued to be relatively timid. The database search found just 27 articles: an average of 0.519 articles per day with 40% published after November and 18% covering the government's announcement that they would consider closing head shops (Figure 2).

Figure 2: frequency of head shop mentions in the Irish media 2009



In April, the government scheduled BZP under the Misuse of Drugs Act (1977). While BZP seizures were reported (Irish Independent, 7/4/2009; RTE News, 26/6/2009; Mirror, 18/112009) the ban received minimal media attention.

Then, in May, a local councillor argued for the closure of a head shop (Bray People, 6/5/2009) and later called head shops a threat: 'There is no greater *threat to society* today than the drugs issue' (Enniscorthy Guardian, 20/5/2009; italics added). The Wickow People (8/7/2009, italics added) followed with the headline: 'councillors *declare war* on head shops'. These were the first declarations that head shops were a threat – a core feature of moral panic language.

These were, however, isolated incidents. Most politicians and journalists expressed their unease while avoiding sensationalist language. Commentators voiced: their 'great, great disappointment'; that they were 'shocked' and 'very disturbing' by head shops; and that the community was 'angry and uncomfortable'. The more severe condemnation was limited to not wanting 'this business in town' and noting that people could 'become seriously ill' (quoted in Bray People, 2/9/2009; Kildare Nationalist, 18/11/2009; Wicklow People, 8/6/2009, 28/10/2009; 29/7/2009). In November, the Irish Examiner (30/11/2009) reported that 'a number of TDs have expressed concern … [at] the explosion of head shops'. The Junior

Minister with responsibility for drug strategy called head shops 'an area of concern' and another politician called for them to 'be barred in the interest of public health' (Irish Examiner, 30/11/2009). Two isolated local protests against head shops were reported in 2009 (Bray People, 2/9/2009; Fingal Independent, 25/3/2009).

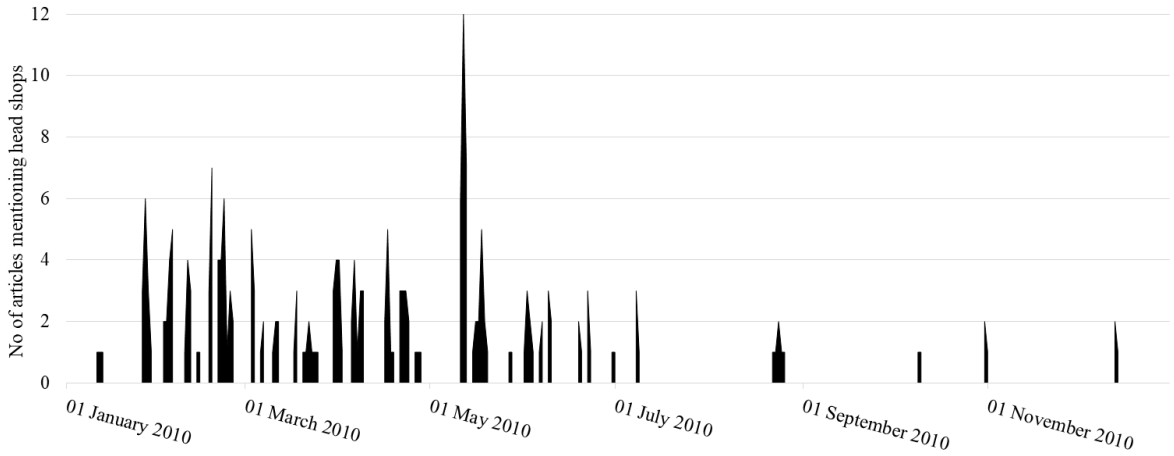
In December, Dr Luke was interviewed after six young people, in two separate incidents, were hospitalised in Cork: 'This fake cocaine and ecstasy is no less dangerous than illegal drugs'. The article quoted the Simon Community as reporting that Dublin's homeless were injecting NPS (Irish Examiner, 14/12/2009). A key theme which emerged in this article is that head shops exploit vulnerable populations, who are in need of state protection.

In summary, coverage in 2009 centred upon politely expressing concern and identifying health threats. The lack of sensationalist language and low-level of media coverage shows that a moral panic had yet to ensue.

2010: panic ensues

Media interest in head shops increased significantly in 2010 with very few gaps between stories: 286 articles were identified, representing a 959% increase in coverage from 2009 with an average of 5.5% articles per day (Figure 3). The language gradually became more forceful, with some highlighting the threat NPS and head shops posed.

Figure 3: frequency of head shop mentions in the Irish media 2010



While head shops had predominantly been covered by tabloid and local newspapers, broadsheet national newspapers entered the field in 2010. The year started with the Irish Examiner publishing coverage of heads shops over three consecutive days (11, 12, 13/1/2010). The first reported that mephedrone sales had 'skyrocket', the second that Youth Work Ireland had asked government to ban head shops, and the third included an interview with key moral entrepreneur, Dr Luke: 'these shops are creating misery … seems the only way we learn is when we have deaths' (Irish Examiner, 13/1/2010). He would later tell the Irish Medical Organisation annual conference:

> … anecdotally I'm hearing of two or three patients a week being seen in most emergency departments as a result of taking head shop products … They may lead to far more deaths than the 24 or so we saw with swine flu (Irish Times, 12/4/2010).

Just over a month later, Dr Bobby Smyth, a consultant child and adolescent psychiatrist, reported a 20% increase in patients 'presenting with head shop related problems'. He reported teenagers presenting with 'depersonalisation and derealisation' after using Spice once (Irish

Times, 19/2/2010). The Irish Examiner (22/2/2010) argued that Smyth's comments obliged the government 'to take some sort of action'.

Head shops began attracting high-level political attention when, in January, the Seanad[4] passed an all-party motion urging the regulation of head shops and NPS (RTÉ News, 26/1/2010). This was spurred by the UK scheduling a number of NPS, including BZP and Spice (Irish Times, 27/1/2010). Politicians from across the political spectrum begun pressuring the government to close head shops and prohibit all NPS. For example, a spokesperson of the government's main opposition party said:

> The warning signs about products being sold in head shops have been clear for well over a year. However, nothing has been done since March 2009, when the Health Minister banned the drug, BZP … Since then head shops have mushroomed all over the country and other drugs have emerged to replace BZP (Irish Examiner, 27/1/2010).

The media database search found just two politicians who openly opposed a complete ban. Jim McDaid argued that the ban on BZP had made it a 'street' and 'gateway drug', that calls to prohibit all NPS were 'purely populist' and banning BZP was 'a huge mistake' (Irish Examiner, 5/2/2010; Mirror, 5/2/2010). Sean Connick said in a Hot Press article that he was unsure about banning NPS and was 'open to a wider debate on it'. He later distanced from this rather innocuous statement by announcing that he had 'briefed himself fully on the issue and is now strongly in favour of legislation to shut down head shops and ban the products that they sell' (Enniscorthy Guardian, 14/4/2010).

[4] Seanad Éireann is the upper house of the Irish legislature (the Oireachtas).

The language used to describe NPS risks became gradually more stringent and sensationalist throughout 2010. Some NPS are harmful (see Fischer et al., 2017; Logan et al., 2017), however, the sensationalism of the media coverage was less the identification of harm but rather the frequency that claims about harmfulness were reported and the grouping of all NPS as carrying equal harm. Furthermore, the media employed 'panic messages' – symbols which help 'audiences decode the suggested threat in accordance with an interpretation scheme defined by previous drug panics and repressive drug policies' (Alexandrescu, 2014:24). These included, for example: 'we have heard horror stories from parents, concerns have been expressed by medical experts' (politician, Mirror, 22/1/2010); 'head shops will only further exasperate the existing problems we already face. Our streets are not safe, not anymore' (priest, Sunday Independent, 7/2/2010); 'I am afraid that young people will die ... Some have already died and some have had very severe mental problems as a result of taking these substances' (local politician, Nationalist & Munster Advertiser, 11/2/2010); 'we should not wait for the first death from these drugs before taking urgent action to outlaw them' (psychiatrist, Irish Independent, 19/4/2010).

Several articles included interviews with people who had consumed NPS, including one who had attempted suicide (Irish Times, 24/3/2010), or family members, including the mother of a teenager who had completed suicide after taking mephedrone (Mirror, 27/3/2010; also Sunday Mirror, 14/2/2010). From January, RTÉ Radio's Liveline, a popular current affairs programme, started taking calls from worried parents (see Irish Examiner, 13/1/2010) including one who reported her son's 'friend had broken a bottle and tried to eat the glass after taking the drugs' (Irish Examiner, 27/1/2010). The Irish Independent (5/2/2010) argued that while 'hysteria has been organised … by Liveline … They have a point … anyone can see that that these places are a recipe for disaster'.

According to Cohen (1972/2011:9) moral entrepreneurs often argue that the act/group is 'a threat to societal values and interests'. This line of rhetoric was clear. Many, including the Garda Commissioner (Irish Independent, 23/2/2010) and Mirror newspaper (12/5/2010), described head shops as 'a threat'. The chair of the National Advisory Committee on Drugs called NPS an 'immediate *threat* to public health' (Irish Times, 4/3/2010, italics added) and one physician called them 'the greatest single *threat* to the safety and welfare of young people in this country' (Irish Times, 11/5/2010, italics added). Two politicians respectively called NPS 'a *clear and present danger*' (Mirror, 10/6/2010, italics added) and 'a *danger* to health and to society' (Irish Examiner, 11/5/2010, italics added). The most high-profile speech act came when Taoiseach Brian Cowen justified the banning of 200 legal highs:

> The Government is not prepared to countenance this *threat* to the public health. This Government is determined to tackle with every means at our disposal those irresponsible people who recklessly and dangerously supply drugs (Mirror, 12/5/2010, italics added).

Drugs and crime

A number of articles linked NPS to violent crime. For example, Dr Luke wrote a letter to the Irish Times (11/5/2010) describing a double murder as something that:

> Comes as no surprise to those contending with the present plague of drug misuse. Indeed, the case offers a textbook example of limbic violence, that drug-fuelled derangement of the limbic system the appetite and impulse-controlling network within the brain which is so commonly responsible for the atrocities of war

He presented himself as moral entrepreneur par excellence (see Cohen, 1972/2011) by using a platform of prestige to suggest that NPS were producing 'maniacal young drug-takers with

temporary but truly superhuman strength'. He continued that 'drug-taking leads inevitably to extraordinary and terrifying levels of violence' and that there was a 'clear picture of the correlation between drug and alcohol consumption and violence' (Irish Times, 11/5/2010; also Irish Times, 4/2/2010). Chief Superintendent Pat Leahy argued that head shops caused an 'unsustainable' increase in violent street robbery and 'had the potential to create more damage than anything seen from a drugs perspective previously' (Sunday Independent, 30/5/2010).

There is not space within this article to engage with the extensive literature on drugs and crime, however, while the correlation between drugs and crime is well established, it is a more complex than these statements suggest (see Stevens, 2010). The psychopharmacology literature tends to reject drugs as a direct cause of violence (Hart, 2013) while the social science literature highlights individual dispositions, culture and setting as having a greater impact than pharmacology (Zinberg, 1984). Indeed, much Irish and international research points to the concentration of both problematic drug use and street crime in economically deprived and socially excluded areas (see Leonard & Windle, 2020; O'Mahony, 1993; Stevens, 2010). That head shops proliferated during the peak of the Great Recession may be indicative of an important mediating factor if violence and crime did rise. That is, while the consumption of some NPS may have contributed to changing offending patterns, an explanation which identifies one causal mechanism without consideration of wider structural factors is lacking in explanatory power.

Vulnerability and youth

Another common theme was that head shops were selling to, and NPS were consumed by, vulnerable people, especially young people (for a similar discussion in the UK and Romania see Alexandrescu, 2014). In 2008, Dr Luke helped ignite the debate around head shops by identifying BZP as being consumed 'typically [by] young men in their late teens or early 20s

who might be a little bit *vulnerable* and who are most at risk, people with mild psychological ailments' (Irish Times, 19/8/2008, italics added). In 2009, a local councillor argued for the closure of a head shop because they were 'the first steps towards ensnaring young teenagers into the drugs culture' in which children sold drugs to other children (Bray People, 6/5/2009).

Several articles highlighted the sale of NPS to young people, especially school children. A school principal in Ennis, for example, said 'we want to act to prevent something happening. The age group is very *vulnerable*' (Irish Examiner, 4/2/2010 italics added). The Irish Times (6/4/2010 italics added) reported that '*vulnerable* young people' were consuming legal highs and the Sunday Mirror (21/2/2010) reported 'young people might not be dropping down dead in the street but how many are being turned into zombies'. Senior politicians joined the chorus when the Minister for Health reported that head shops 'targeted at *vulnerable* and young people especially' (Irish Examiner, 5/2/2010 italics added).

Some articles focused on vulnerable peoples in general. Legal highs were, for example, reported to be consumed by the homeless and two young men were reported to have become homeless after consuming them (Irish Examiner, 14/12/2009; Irish Times, 6/4/2010). A healthcare worker complained to RTÉ Radio's Liveline programme that head shop owners were 'taking advantage of *vulnerable* people by holding on to their dole cards as collateral to make sure they were paid' (Irish Examiner, 13/1/2010 italics added) while the Irish Independent (19/6/2010) wrote of 'evil shops' which pose a 'danger … to sad individuals … Their only purpose is to make money out of weak and gullible people'.

Some articles identified the vulnerability of patients with pre-existing mental health issues, or that legal highs were causing psychological problems (Irish Examiner 9/4/2010; RTE News, 16/4/2010). The Irish Independent (9/4/2010) reported that:

> Every psychiatrist is now confronted with patients, already suffering from a variety of psychiatric illnesses, feeling at liberty to consume 'highs' simply because they are legal.

There are parallels here with a moral panic in Northern Ireland over Ecstasy consumption during the mid-1990s which depicted ravers as 'dissolute, misguided, drop-out drug user preyed upon by nefarious dealers' (Hollywood, 1997:66).

Who were the folk devils?

The manufacture of NPS were seldom discussed. Indeed, this review found just two articles mentioning where NPS are manufactured. Both published in January 2010 by the Irish Examiner (13, 26/1/2010). The first article reported that NPS are produced in Asia and Eastern Europe, in the same factories which produce methamphetamine. The second reported that mephedrone 'can be easily bought in bulk online from distributors in China, Paraguay or Pakistan'. Prohibitionist rhetoric has often positioned the foreign 'other' as central to the problem, whether as suppliers or dealers (Murji, 1998; Windle, 2018). In Ireland, however, there was little portrayal of foreigners as folk devils: nationality and ethnicity were seldom mentioned. Rather the folk devils were head shops and new drugs.

Many traditional moral panics have centred upon young people (Cohen, 1972/2011). Pearson (1983) has shown that each generation have tended to portray young people as more dangerous, immoral and lazy than in the past. These often media driven portrayals inflate public fear of 'new' youth grouping and, consequently, politicians enact more repressive legislation to combat this 'new' threat.

There has, however, been a fairly recent shift from youth as a threat, to youth under threat (for example Manning, 2006). Accounts of head shops during 2010 portrayed young people as victims of unscrupulous entrepreneurs exploiting a loophole which a weak government was

unable or unwilling to close. That is, the folk devils were not young people or foreigners but domestic adult entrepreneurs selling licit goods to young people.

This said, the focus was not necessarily on entrepreneurs as individuals but of new drugs and a new supply model. This parallels the current narrative around county lines drug dealing in the UK (see Windle et al., 2020) which also frames young people as vulnerable actors in need of protection against new models of drug distribution (Spicer, 2020a). In short, the head shop moral panic of 2010 may be viewed as an example of a general shift in the use of moral panics with young people being increasingly seen as the victim of, rather than incarnation of, folk devils.

Peaceful protests

Hollywood (1997:67) has argued that 'for a moral panic to be discerned, a substantial amount of public agreement on what the threat actually is should exist'. While this cannot be ascertained through media reports, the level of protest does suggest that a sizeable, and vocal, number were aggrieved.

While there were two isolated protests in 2009 (Bray People, 2/9/2009; Fingal Independent, 25/3/2009) the number of protests rose significantly during 2010 (see Table 2). One Roscommon meeting, organised by Sinn Fein, included speakers from Eurad (Bray People, 3/2/2010) who, according to a letter printed in the Roscommon Herald (3/2/2010), suggested people:

> Stand outside the premises in question complete with our own cameras with the goal of intimidating would-be punters. Some people may need reminding that this is the 21st century, and not 1960s Alabama.

Eurad also supported protests in Newbridge and Kildare (Irish Examiner, 5/4/2010, 9/4/2010).

Some politicians rallied communities to protest. The Mayor of Castlebar, while speaking at a picket, urged property owners to refuse head shop lets (Irish Independent, 18/2/2010). A Councillor in Drogheda asked locals to picket head shops and, publically name landlords and owners (Drogheda Independent 24/2/2010). A march in Donegal was supported by local politicians from all three main political parties: demonstrating cross-party support of the issue (Irish Times, 5/4/2010).

Table 2: summary of reported protests

Location	Month	Type of protest	No. in attendance	Reference
Roscommon	January	Picket	140	RTE News, 27/1/2010
Castlebar	February	Picket	Unknown	Irish Independent, 18/2/2010
Drogheda	February	Picket	Unknown	Drogheda Independent 24/2/2010
Kerry	February	Meeting – letter to government	Unknown	Irish Examiner, 5/2/2010
Wicklow	March	Unknown	Unknown	Bray People, 17/3/2010
Cork	March	Picket	20	Corkman, 18/3/2010
Carrick-on-Suir	March	Meeting	200	Nationalist & Munster Advertiser, 18/3/2010
Contarf	March	Picket	200	Irish Examiner 22/3/2010
Dublin (outside the Dáil)	March	Picket	Large numbers	Irish Examiner 22/3/2010
Donegal	April	March	200	Irish Times, 5/4/2010
Newbridge	April	Unknown	Unknown	Irish Examiner, 5/4/2010

Kildare	April	Unknown	Unknown	Irish Examiner, 9/4/2010
Malahide	May	March	400	Carlow People, 4, 11/5/2010
Waterford	June	Picket	Unknown	Waterford News and Star, 12/5/2010

Some communities created dedicated groups. For example, the Malahide Against Head Shops group organised a march attended by 400 people. The group planned to picket a head shop for three days, march to the owner's home and deliver a petition with 900 signatures (Carlow People, 4, 11/5/2010). A spokesperson said, after the head shop closed:

> There was a wide section of the community involved from young families to grandparents. All were concerned about the easy availability of these substances. Sports and community groups also got involved with this and it shows what can be achieved when communities join together to achieve something (Carlow People, 3/8/2010).

Some communities used the law to close head shops. A number of local councillors contacted letting agents to prevent leases being renewed (Bray People, 10/2/2010) and two head shop were closed by court injunctions at the behest of landlords. Both argued that insurance companies had terminated the head shops cover due to the risk of vigilantism (Irish Independent, 1/4/2010, 23/3/2010; Irish Times, 1/4/2010).

The British press have used stigmatising class-based symbols in their portrayal of NPS (see Alexandrescu, 2018). The Irish press largely avoided *overt* stigmatising language and symbols, however, a well-documented protest in the middle class area of Clontarf does provide a good example of a clearly class based opposition: suggesting that head shops may be expected in the inner city, but were not to be tolerated in middle class suburbia. This parallels Manning's (2006:55) suggestion that:

> Something that is perceived as a 'threat' to everyone, including 'ordinary', 'decent' newspaper readers, is considerably 'sexier' in terms of news values than the substance misuse of the marginalized.

A local journalist wrote for the Sunday Independent (21/3/2010) that a flower shop closed and 24 hours later 'popped back up as something more unsavoury but just as legal'. The journalist:

> … was horrified … This is suburbia. The head shop craze has been sweeping the city centre, but if these businesses start popping up near schools in every suburban locale, we're in for trouble … Clontarf is a very tight-knit parish with innate family values, good schools and we pride ourselves on our strong community, like many suburbs in Ireland. We want this shop shut down.

Another resident reported how the shop is attracting 'a lot of undesirables… Everyone is now living in fear'. The article revolved around a blunt call to action: the shop is 'here to stay unless we do something about it' (Sunday Independent, 21/3/2010). Local councillor Aodhan O'Riordain, later a key proponent of decriminalisation, organised a protest against the Clontarf shop:

> We've sent out a strong message. We're here because we're against head shops in general. We're against what they sell. We're against what they're trying to promote (Sunday Independent, 21/3/2010).

Broadcaster Gerry Ryan, another resident of Clantarf, defended the communities 'right to peaceful protest if something comes into their community that threatens them or the lives of their children' (Sunday Independent, 21/3/2010).

The Irish Independent (12/5/2010) later argued that the ban was an outcome of 'people power' involving 'an uprising of the common people united in a single crusade'. There were indeed well-organized peaceful protests and press campaigns, with some local communities coming

together to work with a transnational moral enterprise (Eurad), health workers and, local and national politicians from all political parties.

Violent protests

While most protests were peaceful, there was a darker side: approximately ten head shops were the victim of arson and bombings, and at least two head shop owners were assaulted. Consequently, even peaceful protests could induce fear amongst owners and employees. The owner of one head shop reported being worried 'about bombs being planted at the door' (Irish Times, 5/4/2010).

At the start of February, a Dublin head/sex shop was set on fire with two employees and a customer locked into a back room (RTÉ News, 12/2/2010; Sunday Tribune, 21/2/2010). A week later there was an attempted arson attack on another Dublin head shop (Irish Independent, 18/2/2010). In March, pipe bombs were found outside two head shops in Athlone (Irish Independent, 11/3/2010; Irish Times, 11/3/2010) and another was set alight in Sligo (Irish Independent 12/3/2010; Irish Times, 12/3/2010). In April and May, head shops were petrol bombed in New Ross and Dundalk, one was occupied, (Corkman, 6/5/2010; Irish Times, 16/4/2010) and a car parked outside a Balbriggan head shop was set on fire (Corkman, 6/5/2010).

The motivation for these attacks was not always uncovered. One politician suggested that a Dublin attack could have been orchestrated by drug dealers who 'don't want to see other people taking their clientele' (Irish Independent, 18/2/2010; also Sunday Independent, 21/2/2010). The Gardaí agreed that, while they were 'keeping an open mind about the attacks, suspicion has fallen on disgruntled drug dealers' (Irish Independent 21/4/2010).

The Gardaí also identified dissident republican paramilitaries as suspects. One paramilitary group claimed responsibility for attacks in Northern Ireland. Republican Action Against Drugs

claimed responsibility for shooting Raymond Coyle outside a Derry head shop after warning him to stop selling legal highs (Mirror, 30/1/2010). The group also claimed responsibility for leaving a 'timed bomb' outside a Letterkenny head shop, as the 'owner's first and only warning' and, 'arrested' a person who was given 'an undertaking to cease his activity immediately' (Derry Journal, 30/3/2010). The Sunday Independent (15/8/2010) reported that another republican paramilitary group was involved in a grenade attack on Jim Bellamy, a Dublin head shop owner, and that two of his shops 'had previous been fire-bombed by the group'.

Paramilitaries may have been motivated to build political capital and/or for protection money (Irish Examiner, 18/2/2010). One unnamed Gardaí reported that they were 'showing muscle for the local community "we're doing this on behalf of the community" thing' (Irish Examiner, 22/2/2010). The Sunday Independent (20/6/2010) reported that paramilitaries had 'extorted money from traders' and burned down shops at 'the behest of drug dealers who, while paying protection to the dissidents, were losing trade to the "legal-high" shops'. This theory was repeated in the Sunday Independent (9/9/2010):

> The dissidents were also behind the campaign of arson and grenade attacks on head shops. They carried out the attacks, Gardaí believe, as part of their "protection" duties for the drug dealers.

Some paramilitary groups have been involved in a wide-range of criminal activity, including smuggling of commodities and extortion, and have been known to subcontract for criminal networks (Hourigan et al., 2018). Paramilitaries have also sought to build political capital (Morrison, 2016) through vigilantism against drug dealers (Hollywood, 1997; Hourigan et al., 2018), often justified 'as the protection of the vulnerable citizens of the republican communities' (Morrison, 2016:599). Indeed, the Sunday Tribune (21/2/2010) reported significant support for vigilantism in parts of Dublin:

> Some local people living in the vicinity of North Frederick Street are unhappy with the proliferation of headshops in the area and supported the criminals in their arson attack, though not the attempted killings.

This said, while some paramilitaries may have been motivated for financial or political gain, others may have simply been morally opposed to head shops.

Some politicians and lobbyists used arson attacks as justification for banning head shops. One opposed the opening of a new head shop because they 'have been firebombed or stoned … People aren't happy' (Carlow People, 30/3/2010; also Carlow People, 13/7/2010) while another condemned the attacks whilst simultaneously laying the blame on the states inability to close down head shops:

> The problem is the Government dithered while genuine fears about the dangers of head-shop products have gripped communities. Criminal gangs taking the law into their own hands can never be a solution and these arson attacks no doubt have sinister ulterior motives (Mirror, 17/4/2010).

Grainne Kenny[5] of Eurad said:

> What is now happening is that insurance companies are pulling the plug because they view these premises as no longer safe to insure - and rightly so (Kildare Nationalist, 8/4/2010).

After two attacks in April, the Garda Commissioner ordered an investigation into both the attacks and the activities of head shops (RTÉ News, 21/4/2010). The Gardaí then conducted

[5] Kenny was a key moral entrepreneur who spoke at, and helped organise, many public protests. She was, according to the Irish Independent (12/5/2010) 'one of a small army of people who began phoning radio shows … and organising campaigns' against head shops.

'covert and overt monitoring operations' of around 70 head shops (Irish Independent 22/4/2010) and Revenue Commissioners ran spot-checks of 22 head shops (Irish Examiner, 23/4/2010). The Alternative Traders of Ireland Association[6] complained to the Irish Examiner (24/4/2010) that media coverage had created 'the perception … that we somehow deserve to have our business burnt down' (see Ryall & Butler, 2011).

Goode and Ben-Yehuda (1995) have argued that moral panics can allow members of the public to justify their disapproval, creating an environment where hostility is demanded, which can facilitate extreme action (see Hollywood, 1997). In Ireland, some responded to incredibly violent attacks by simultaneously condemning them and exploiting the opportunity to lobby for a ban.

The state response

Cohen (1972/2011) observed that moral panics often result in stricter law enforcement. This was witnessed before the passing of the 2010 Act. For example, by April 2010, some head shops reported Gardaí being stationed outside to deter customers (Irish Times, 6/4/2010). The Gardaí also warned head shop owners in February that they could be charged under the Non-Fatal Offences Against the Person Act (1997) for causing harm through mislabelling of products or providing misinformation (Irish Examiner, 20/2/2010).

In May, three months after the Minister of State for Drugs Strategy suggested that closing head shops would not likely be effective (Irish Independent, 27/2/2010), almost 200 'specifically

[6] The Alternative Traders of Ireland Association represented head shop owners. It was established to lobby the government, and promote head shops as socially responsible legitimate businesses. This included the development of a voluntary code of practice (Irish Examiner, 22/2/2010, 24/4/2010; Ryall & Butler, 2011).

named compounds and generic compound groups' were scheduled (Kavanagh & Power, 2014:6) under the existing Misuse of Drugs Act (1977). This immediately criminalised possession and supply: 50 shops closed the following day and, the Gardaí seized newly scheduled drugs from 102 head shops and warehouses (Irish Independent 12, 13, 14/5/2010). On the day that these drugs were scheduled, the government proposed the Criminal Law (Psychoactive Substances) Bill to be debated by the Oireachtas (Irish parliament).

Declan Lynch wrote in the Sunday Independent (9/5/2010) that scheduling benefitted 'criminal gangs, who are no doubt praying every night' for a ban. This was, however, a solitary voice amidst a media critical of the ban for being insufficiently stringent (see Carlow People, 18/5/2010; Irish Mirror, 16/5/2010; Irish Independent, 13, 18/5/2018). Many argued that scheduling existing drugs was insufficient as new drugs were being developed (see Irish Examiner, 8/7/2010; Irish Times, 10/6/2010; Mirror, 10/6/2010). One politician called scheduling 'tardy and incomplete' before pressing home political points with: 'We cannot wait for the Justice Minister Dermot Ahern's promised legislation while such drugs are a *clear and present danger*' (Mirror, 10/6/2010).

The Criminal Justice (Psychoactive Substances) Act came into effect in August 2010. It provided a blanket ban on NPS with a specific focus on vendors (Kavanagh & Power, 2014) by making it an offence to 'advertise, sell or supply, for human consumption, psychoactive substances not specifically controlled under existing legislation'. The Irish Independent (24/8/2010) called the Act 'tough' and 'ground-breaking'. The Justice Minister cemented the Act with a speech act focused on the threat of NPS to young people:

> This act is indicative of my determination that those who engage in the sale of unregulated psychoactive substances for human consumption will not be allowed to escape the rigours of the law… The sale of such substances,

> especially to the younger members of our society, is a dangerous trade which operates without regard to the consequences for the health and safety of its customers or of society generally.

The Sunday Tribune (19/9/2010) reported a month later that the ban had closed all but 19 head shops which were now selling 'a range of ornaments and drugs paraphernalia including pipes and bongs'. Head shops were once again innocuous outlets selling cannabis culture.

Conclusion

The concept of moral panic has received much criticism, especially from critical realists who view constructivist approaches as ignoring the impact on, and downplaying the opinion of, affected communities (Young & Matthews, 1992). Others have argued that moral panics inherently infer disproportionate responses 'more severe than' necessary (Waddington, 1986:245). This article does not argue that the response was disproportionate – that would require altogether different data.

Instead, this article is part of a series of papers by the first author which have explored how particular forms of prohibition have been constructed (Windle, 2013, 2014, 2016, 2018). These previous studies, and work by drug policy scholars such as Monaghan (2011) and Stevens (2010, 2020; Stevens & Measham, 2014), show that drug policy is too complex to be compressed down to just a moral panic – there will often be an interaction of bureaucratic, economic and cultural considerations. This said, while changes to drug policy can take years, or even decades (Windle, 2013, 2014), they can be accelerated by moral panics (Cohen, 1972/2011).

To draw parallels with another drug policy issue, safe injecting facilities have been debated in Ireland for several years and have garnered much high-level political and media support. While they were legislated for in 2017, the process has been slow and involved lobbying from many

different actors. Indeed, three and a half years after the legislation was passed the pilot facility has yet to open (see Gatto & O'Sullivan, 2021/forthcoming; Leonard & Windle, 2020). The Criminal Justice (Psychoactive Substances) Act (2010) was, conversely, passed under extreme pressure within a very short timeframe.

Head shops / NPS had all the hallmarks of a moral panic – they were 'defined as a threat' and 'presented in a stylized and stereotypical fashion by the mass media' (Cohen, 1972/2011:9). Indeed, even senior Gardaí and a member of the National Advisory Council on Drugs, interviewed by Ryall and Butler (2011), agreed that media coverage was sensationalist. Following Jewkes (2011:79) breakdown of the steps inherent within moral panics: Communities called for something to be done; moral entrepreneurs mobilised; politicians (and paramilitaries) jumped on the bandwagon for political gain; the police responded to these demands by rigorously enforcing existing laws; and a tough new law was finally created.

This said, providing tough new laws, or practices, is not an outcome unique to moral panics. Stevens and Measham (2014) discuss how policy makers are committed to 'totemic toughness': policies which show that the government is tough on drugs. Similarly, Coomber and colleagues (2019) suggest that much drug policing represents a symbolic attempt to demonstrate toughness rather than actually preventing drug consumption (also Spicer, 2020b). As such, it may be that the government response to media presentations and public protests already fitted its 'pre-existing bureaucratic and cognitive structures and interests' (Stevens, 2020:12).

As Irish drug policy has historically been relatively conservative, favouring a harm reductionist form of prohibition (Leonard & Windle, 2020; O'Mahony, 2019), heads shops were always going to be closed down, or greatly restricted, and NPS were always going to be prohibited. Indeed, as Stevens and Measham (2014:1226) argue, much drug policy involves a 'ratcheting process' whereby new drugs are 'likely to face tighter rather than looser control'. It is, however,

possible that if a moral panic had not emerged then the legislation would have been somewhat less stringent, but still prohibitionist.

A final consideration is that moral panics often arise during periods of social change or distress (Hollywood, 1997; Pearson, 1983). The head shop panic was no different: 2010 was the peak of the Great Recession. National income had dropped by over 10%, unemployment was high and many were forced to migrate for work (Callan et al., 2013). NPS and head shops may have been harmful, however, the extent of the anger some felt may have been, at least partly, displaced from the stress and frustration of living within recession.

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