Regulating Cannabis Markets

The construction of an innovative drug policy in Uruguay

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Abstract

Since a global War on Drugs was waged around forty years ago, many things changed in the Americas. Overall, by 2013, the manufacture, distribution and sale of illegal drugs widespread throughout these continents. Along with this rising market, the rising severity of convictions and expanded incarceration of the War on Drugs efforts led to increasingly overloaded penal systems. In this unequal region of the world, illegal drug markets expanded hand in hand with violence.

Because of being the most widely cultivated, trafficked and used illicit drug, a new generation of cannabis policies seems to be emerging from this critical state of affairs, either pushed by popular referendums or as an attempt to lower the burden on the criminal justice system. In some cases, cannabis use offences were pulled out of the criminal sphere into the administrative one, in order to create a more suitable legal framework for policy interventions. In The Netherlands, cannabis was de facto legalized through dispensaries euphemistically called "coffeeshops", relying on a discretionary enforcement of the law. Recent United States referendum-driven changes to legalize cannabis selling have forced to a conspicuous inconsistency between nationally endorsed prohibitions and locally arranged regulations. Within this increasingly diverse policy landscape, Uruguay surprised the world in December 2013, becoming the first nation in extensively regulating cannabis. Behind the approval of this law, an odd and conflictive combination of national civil society representatives, legislative and executive power entrepreneurs and transnational networks conflated, to make cannabis regulation happen.

Based on a ten years following of this political process, in this thesis, the nuts and bolts of Uruguayan reform are exposed. I show how political actors framed the problem of illegal cannabis in different ways and how this had significant connotations for the adoption of alternative policy designs. Causal process tracing is used to relate these dissimilar approaches to politics moral foundations and macro level factors, such as the rapid secularization process that Uruguay was going through or the resilience of increasing crime rates in economically prosperous societies. Further on, I show how this politically led change helps to understand important peculiarities of the implementation process. Accordingly, the selection of this case study attempts to contribute to the ongoing debate around how to improve drug policy under the assumption that in order to suggest alternative policies or alternative ways of making policy, it is essential to try to understand how policy is made in the first place.

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Chapter 1. Introduction

Cannabis markets are here to stay. According to the World Health Organisation, by 2017 cannabis is by far the most widely cultivated, trafficked and used illicit drug. Half of all drug seizures worldwide are cannabis seizures. The geographical spread of those seizures is also global, covering practically every country of the world. About 147 million people, that is 2.5% of the world population, have consumed cannabis in the last year compared with 0.2% consuming cocaine and 0.2% opiates (WHO, 2017). While cannabis users represent between 75% and 80% of the total illegal drug users worldwide, by 2013, 24% of the total cannabis users of the world live in the Americas -and as high as 81% of those live in North America (OEA, 2015). In Europe, the last estimates show that cannabis accounts for the largest share in value of the continent's illicit drug market. Cannabis offences account for close to three-quarters of all drug-related offences, the bulk of which are for use or possession for personal use (EMCDDA, 2016).

Compared to other types of illegal drugs, cannabis is relatively easy to produce. Cannabis female plants produce flowers or "buds" that are rich in tetrahydrocannabinol (THC), the main active component that can be used for psychoactive purposes. The cannabis plant booms in different climates and altitudes, from the sea level up to 3000 meters high, and it can be grown in every geographic zone. Cultivated outdoors, cannabis has an annual life period that goes from spring to autumn. Indoors, up to three harvests per year can be produced. The yield of a single plant depends on the quality of the cannabis and its THC concentration. All type of information around cannabis cultivation, germination, harvest and drying can be easily found in Internet. There is a wide range of growing techniques known, some of them highly sophisticated in order to improve the size, quality and potency of the flower, or to breed plants in order to get new aromas and flavours. Cannabis seeds and specialised equipment for growing can be easily purchased in the web as well (OEA, 2013)

When the THC enters the blood stream and reaches the brain, it binds to cannabinoid receptors which results in changes in the levels of various neurotransmitters, especially dopamine and norepinephrine. The most widely referred psychoactive effects of cannabis use are euphoria and relaxation, although self-reported studies expose considerable variation in the effects experienced by different individuals. Other reported effects of using cannabis are a general alteration of conscious perception, feelings of well-being, joviality, social and sexual facilitation and disruption of linear memory. Anxiety and loss of motivation are the most frequently reported side effects. The most common short-term somatic effects are increased heart rate, dry mouth, reddening of the eyes, a reduction in intra-ocular pressure and muscle relaxation (Ashton, 2001; Hathaway, 2003; Green, Kavanagh, & Young, 2003). Most frequently is consumed by inhalation, either smoking or vaporising it, although it is also consumed through edibles, ingestible oils, tinctures and topicals, among others. When smoked, the short-term effects of cannabis manifest within seconds, typically lasting for above an hour, varying by the person and the strain of cannabis. It has a delayed and prolonged effect when orally ingested (Ashton, 2001).

Both harms and benefits for health have been reported in the literature for using cannabis. On the one hand, cannabis has addictive potential, carcinogenic properties –especially when mixed with tobacco-, can have a negative interaction with diseases such as schizophrenia, and may produce cognitive impairment associated with early onset and long term intensive use (Murray *et al.*, 2007). On the other hand, cannabis also has long-standing therapeutic applications; it is included in the oldest Chinese pharmacopeia known. Currently, cannabinoids have approved therapeutic applications. As stated in the World Health Organisation's 2015 Update of cannabis and its medical use:

"the psychoactive cannabinoid, THC (e.g., within Marinol®), has approval for either its anti-emetic and appetite stimulating properties or as a treatment for multiple sclerosis in Canada, Denmark and the United States, and Sativex®, a combination of THC and CBD, has approval for spasticity in 25 countries. Preclinical research has suggested other potential therapeutic applications for non-psychoactive phytocannabinoids. For example, CBD has putative therapeutic applications for treating psychosis, affective and seizure disorders, inflammation, and neurodegenerative disease. Delta-9-tetrahydrocannabivarin, another phytocannabinoid, may also be useful for treating epilepsy and obesity." (Madras, 2015, p. 4)

In December 2013, the Uruguayan parliament voted for becoming the first country in the world to legally regulate the import, export, growth, cultivation, harvest, production, acquisition, storage, commercialisation, distribution and consumption of cannabis. This cannabis regulation law was so controversial that the widely known newspaper *The Economist* decided to declare Uruguay as 'The Country of the Year' for its "*path-breaking reform that do not merely improve a single nation but, if emulated, might benefit the world*" (*The Economist*, 18/12/2013).

Regardless of one's own personal position around the matter, it is unquestionable that this legal change deeply challenged the way in which governments traditionally deal with cannabis. Whereas cannabis market prohibition is currently the norm worldwide, the approved Uruguayan law n°19172 aims at a social integration of cannabis, looking for a new balance between formal and informal drug control mechanisms. The new law defines what the different types of cannabis use are –i.e. recreational, medical, scientific, and industrial- and the related institutional regulatory settings (see the diagram on p.9). It outlines three objectives set for the new legal framework: to reduce drug trafficking related violence; to promote cannabis users' health; and to promote a fair law enforcement. In order to achieve these objectives, four policy tools are commanded: (i) problematic drug use education and prevention; (ii) problematic drug users' treatment, rehabilitation and re-entry; (iii) police action over the illegal cannabis trade and (iv) a legal cannabis market system.

This new law states that the planting, growing, harvest and commercialization of cannabis is prohibited unless it is done under certain circumstances. Thus, only Uruguayan residents older than eighteen years of age can ask to be registered in the ad hoc Institute for the Regulation and Control of Cannabis (IRCCA) as cannabis users at the post office. The law states a purchase limit for non-medical cannabis of forty grams per month to be sell in pharmacies, six plants for domestic cultivation and ninety-nine plants for collective cultivation in social cannabis clubs. The law 19172 and its further regulatory framework also establish a number of conditions for cannabis use. Whereas in the retailing system only a few cannabis strains are available, no strain restrictions apply to personal cultivation. It is prohibited to smoke in indoor public spaces, to drive under the influence, and to advertise cannabis. In the cases where the established possession limits are surpassed, it is up to the judge's discretion to establish the existence of a crime, in accordance to the evidence found.

Thus, two types of violations to the law are included. For the administrative ones, the IRCCA is the organism in charge of monitoring compliance. The penalties imposed can range from plants destruction to an economic fine and the suspension of the habilitation. For the penal ones, the Uruguayan police forces -especially through the National Direction for Illegal Drugs Traffinking Repression- retain their responsibility. Complementary, the law also commands the constitution of an Executive Power Monitoring and Evaluation Unit, to produce annual reports on the law's progression for the legislative body.

Figure 1. Uruguayan Cannabis Regulation main features
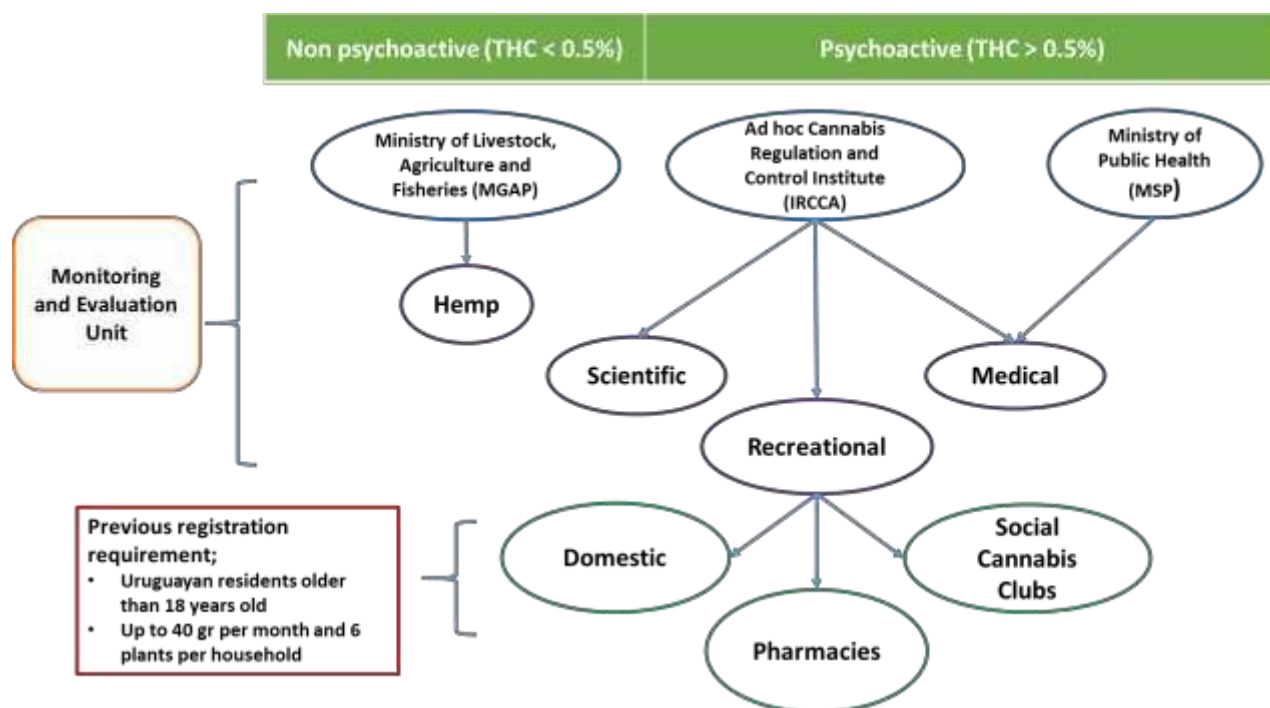
Source: own elaboration

As path dependency theorists point out, once in place, institutions tend to persist. One political choice will close off alternative options and lead to the establishment of institutions that generate self-reinforcing path dependent processes (Pierson, 2004; Capoccia & Kelemen, 2007). In other words, regulating cannabis is as atypical as prohibiting it once legal. Therefore, knowing and understanding the point of origin of this drug policy reform is crucial to understanding the dependent path. Within an international context increasingly sceptical about the cannabis prohibition orthodoxy, insights gained from this atypical change are quite relevant for policy-making, since the Uruguayan example might "*inform the design and implementation of any future cannabis policies*" (Pardo, 2014, p. 1). Accordingly, the selection of this case study attempts to contribute to the ongoing debate around how to control cannabis under the assumption that in order to suggest alternative policies or alternative ways of making policy, it is essential to try to understand how policy is made (Hill, 2009).

General aim and research questions

Thus, this thesis is generally aimed at understanding the political and social process that led to the approval of the Uruguayan cannabis regulation law in December 2013. More specifically, it attempts to answer the following research questions:

- Who were the main actors involved in the Uruguayan cannabis reform and how they networked?
- Why was cannabis regulated in Uruguay; that is, how were the problem of illegal cannabis and the suitable political solution framed?
- How did cannabis regulation come to prominence and set policy agendas?
- What are the implications of these stages for the implementation of the law and for cannabis policymaking?

In order to answer these research questions, gaining access to the actual political debates and deliberations that precede decision-making and action taking is as crucial as difficult, as former studies about drug policy-making have shown (Stevens, 2011). On the one hand, the political decision making process is much more complex, less linear and less rational than we may assume, involving far more actors than politicians alone. On the other hand, political decisions are usually surrounded by secrecy and important incentives may exist for actors to either overemphasise or understate their own role in cannabis regulation, as well as some of the conflicts, collusions and agreements involved in the process. As Taleb argues (2004), it is difficult to overstate the epistemological importance and challenge of an ex post explanation of this unexpected policy development and analyse the role that relatively hazardous events may actually have in historical transformations.

All these points to the critical importance of 'being there' when analysing the Uruguayan cannabis regulation case. Thus, I decided to engage in this research project because since 2007 I have been both, academically and politically engaged with drug policy reform in Uruguay. As an activist, I publically supported cannabis legal regulation, helped to organise conferences and demonstrations around the topic, attended meetings with decision makers, with political representatives of every political party and with international organisations working in the country. This personal background allowed me a peculiar opportunity to analyse this case very much from the 'inside' of the political world, providing important advantages and limitations for my research work.

Among the latter, I believe that the most important one was not being able of performing a detached attitude in several instances of my fieldwork as qualitative methods handbooks advice. Thus, many times I had to work out an internal dilemma between allowing the natural course of action to report it as accurate as possible, or intervening in a meeting, giving an opinion and trying to alter those possible roads for action. Sometimes it was very hard for me to realise how participant my observation should be.

At the same time, the main advantage of this standpoint was gaining access to data that it is hardly available merely through retrospective interviews. Furthermore, what I personally judge as the two most important contributions of my research thesis were possible due to my activist background. The first one is methodological, involving the network analysis of the reformers coalition. It was mainly due to my previous knowledge about the field that I was able to track down evidence of joint participation of political actors in cannabis regulation-related activities. Thus, this research thesis represents a step forward in our knowledge about the 'strong and diverse advocacy coalition' that previous works identified but failed to analyse at this level of formalisation. The other contribution motivated by my activist background is theoretical, and regards the inclusion of a moral politics perspective to study drug policy change. I started to explore this theory as an attempt to seek critical distance from the assumptions that have shaped my perceptions and convictions about the topic. Having concluded the thesis, I feel that been engaged in that enterprise was similar to walking through a one-way road, for it challenged my views about activism and policy change in unexpectedly extensive ways.

That is the main reason why I decided to organise the presentation of my work about cannabis regulation in Uruguay in the present way. I will start characterising the changing international context in which Uruguayan cannabis regulation took place. In this chapter, I will provide a brief historical account of the inclusion of cannabis as a highly dangerous substance in the International Drugs Conventions Regime. I will show how this prohibition was adapted to Uruguayan cultural specificity, setting some longs standing foundations of the exceptionally liberal approach to drugs where, unlike

much legislation in Latin America, cannabis use was never punished by law. Further on, I will argue that the problem of illegal drugs markets significantly changed for Latin America from 1990s onward. In this period, the conflation of an increasing punitive drug control approach with ever-increasing drug use rates made the drugs problem to climb up political agendas. Thus, the beginning of the twenty first century brought an unprecedented concern about crime and drug trafficking related violence throughout Latin America. Finally, I will review the main innovative cannabis regulation experiences developed around the world. This will allow me to characterise the Uruguayan case as a new type of breakthrough within the increasingly prevalent systems of cannabis decriminalisation, because of being the first nationally endorsed law including not only personal cultivation mechanisms but also a strongly state oriented commercialisation system.

Having identified cannabis regulation as an atypical policy change, in chapter three, I will introduce the theoretical approaches selected for understanding the puzzling and dynamic web of decisions involved in the Uruguayan political process. I will first present moral politics perspective as the general theoretical approach to study how ideas, symbols and rhetoric on the one hand, and policy content and instruments on the other, evolved through imposition, negotiation and compromise to make cannabis reform happen. Following, I will introduce middle ground policy-making theories that have been used to study previous drug policy reform cases around the world. Here, I will discuss in some depth the relevance of including factors such as hierarchical belief systems, attention shifts and events 'external' to the drug policy subsystem itself to specify further the explanatory model, differentiating between atypical and incremental type of changes. I will show how this framework can be enhanced by addressing more precisely the role of politics moral foundations for a better account of the cultural variations in drug policy making, as well as the role of religion as an alternative source of resistance and promotion of change. Lastly, I will argue for the incorporation of an international dimension for a better comprehension of how national and sub-national drug control cultures interact with global influences that have historically significantly affected the available pathways for cannabis policymaking.

In chapter four, I will present the qualitative research design selected, locating within case causal process as the main epistemological tool to understand why and how cannabis was regulated in Uruguay. I will describe the data collection methods used, such as participant observation, open semi-structured interviews and documents, and the triangulation techniques employed to enhance the findings' robustness. Following, I will explain how I conformed my population of interest by combining purposive and chain-referral sampling methods and discuss important ethical and methodological issues faced to gain access to this political elite level group. Lastly, I will describe the narrative and network analysis procedures displayed to organise and formalise the data thus collected.

Chapter five is devoted to analysing the empirical information gathered around the sources of the conflict that shaped the filling up of the Uruguayan political debate. I analyse the role of structural variables such as the rapid secularisation process characterising the cannabis demand as a generational conflict related with the polarised second demographic transition in Uruguay. I introduce the idea that the cannabis legalisation movement started to flourish organically and highly disarticulated as a demand, gaining political leverage with the pace of its increasing use rates. In this chapter, I also show how cannabis activism conforms as a new type of political entrepreneur inserted in a wider reform movement –the 'new rights' political agenda- that included abortion rights and LGBTI rights. Finally, I analyse more specifically the role of Uruguayan political parties' reorganisation defining the Uruguayan as a religious world case of moral policy change.

In chapter six, the focus turns to the controversial role of the executive power in the debate. I will relate the attention shift of this actor with the resilience of 'paradox of crime' in Uruguay, and show how the irruption of the executive opened a chaotic moment by which cannabis broke into the macro political agenda. Thus, by analysing the politics moral foundations I will explain why, counterintuitively, the confluence of the government and civil society to regulate cannabis was so conflictive in this case.

In chapter seven, I deal with the role of international policy transfer dynamics that allowed the political debate to overcome the communicational chaos previously analysed. Thus, I present evidence by which knowledge of policies, administrative arrangements, institutions and ideas in one political system were incorporated into the domestic debate, informing and shaping the subsequent development of Uruguayan cannabis reform. I analyse specifically the role of international actors in three key areas of the political process, as the definition of the Uruguayan regulatory design, political campaigning and the international conventions arena.

Having exposed the role of national civil society representatives, the Uruguayan executive power members and international civil society representatives, in chapter eight I offer a network analysis based on the shared participation of these actors in cannabis related events, as in a reformers coalition. Thus, I analyse the role of both individuals and groups of actors, as brokers and entrepreneurs in the debate. I also show how key actors for the implementation of the law remained surprisingly apathetic throughout this process.

I finalise my empirical analysis questioning the derivations of the political process that made the approval of the law possible for the implementation stage. Thus, in chapter nine, I discuss the weaknesses of the law as a guide for policy reform, reviewing the main progressions and blockers found for the development of a legal framework for recreational and medical cannabis. I further show how the secrecy regarding the implementation rationale and the unaccountability of the main actors responsible for it, have conformed as important factors wakening the legal certainty under the new framework.

I conclude this thesis reviewing the main findings around my research questions, exposing the theoretical derivations of this research work for the understanding of drug policymaking problems from a cross-cultural perspective. I will review the main limitations of the study and recommend a future research agenda to gain a deeper and wider understanding of cannabis policy change.

Chapter 2. A changing international landscape

Although atypical, the Uruguayan cannabis regulation reform was not an isolated drop in a prohibitionist sea. As psychoactive substances markets expand and more resources have been accumulated to understand how they work, a progressively richer debate has established about how to better control them. Still, prohibitionist orthodoxy remains as the main supply side control approach of the international drug control regime, setting the longstanding foundations of cannabis prohibition.

2.1. The international drug control regime: long-standing foundations of cannabis prohibition

The international drug control regime as it is known today presents a large degree of continuities with the first International Opium Convention adopted in The Hague, 1912, under the sponsorship of the League of Nations. Yet, the decision to subject cannabis -or Indian hemp as it was known back then- to international legislation was a rather unexpected output of the Geneva Second Opium Convention of 1925 (Kendell, 2003). Like the Hague agreement, the 1925 convention was originally about controlling drug supply, in view of measures to limit the amounts of opium, morphine and cocaine to be traded and manufactured in the world. Conversely, demand control remained outside of diplomatic considerations (Carstairs, 2005).

As explained by Kendell (2003), the decision to assimilate cannabis with opium and cocaine as highly dangerous substances was firstly introduced by the Egyptian representative and further adopted quickly, with scant discussion and receiving little attention, at least in Western Europe and North America, whom at that point hardly knew about the problem. At that time, the 'Indian Hemp' cultivation to produce hashish was a relatively restrained tradition of southern Asian and North African regions, at odds with the Muslim religious ban applied to wine and other intoxicants. Furthermore, a generation before the Second Opium Conference, it was the government of India who commissioned "*what was probably the most extensive and well-documented investigation of the effects of cannabis ever carried out*" (Kendell, 2003, p. 149), in response to a question posed in the House of Commons in London, during Indian occupation by the British colonialist empire. The Commission's final decision was that:

> "*total prohibition of the cultivation of the hemp plant for narcotics, and of the manufacture, sale or use of the drugs derived from it, is neither necessary nor expedient. Instead, it recommended continuing the existing policy of control and restriction, aimed at suppressing the excessive use and restraining the moderate use*" (Kendell, 2003, p. 150).

Still, the concerns of the Egyptian diplomatic lobby about its association with deviant behaviours and insanity found strong support among Chinese and American representatives, which saw in the Egyptian petition an opportunity to further advance their own reformist crusade against drugs and alcohol consumption. In this way, and without any formal dissent, Indian hemp entered into the international framework subject to the highest repressive measures.

With the 1912 Hague International Opium convention, signed by Uruguay in 1916, a "*shy but persistent 'combat' to controlled substances at a political, medical, police and mass media level, with arguments and pressures that resound until today*" (Garat, 2012, p. 21) started in the country, setting the long-standing foundations of Uruguayan drug prohibition. Compared to other legislations in Latin America and the world, drug policy analysts have usually characterised Uruguay as relatively liberal.

As explained by the Uruguayan historian Barrán (1995), the secularisation process that Uruguay was going through, along with the presidencies from the *Partido Colorado* at the beginning of the twentieth century, become key pieces to understand this 'liberal' approach to drugs and other victimless crimes policies in the country. The Uruguayan political system has historically organized itself around a strong bipartisanism of the *Partido Nacional* and *Partido Colorado*, which count themselves as two of the oldest in the Occidental Hemisphere. With defined territorial affinities, the *Partido Nacional* has been the representative of rural areas, with a predominantly conservative ideology in the social sphere and a predominantly liberal one in the economic sphere. In opposition, the *Partido Colorado* typically represented urban areas, with workers and industrial bourgeoisie as its social base. Ideologically, they predominantly combined a liberal understanding of social life with a strongly state oriented economical approach. Yet, part of the explanation of the Uruguayan parties' exceptionally long-standing importance relates to their relative levels of internal ideological dispersion, forming a pluralist presidentialist democracy of compromise between both coalitions (Lanzaro, 2004). Moreover, as a dwarf in a giant's land, the Uruguayan political culture has typically attempted to achieve pragmatic balances in order to survive as a nation. Uruguay is the smallest independent country in Latin America, with the last census marking a population of less than 3 million and a half, while its neighbours Argentina and Brazil account for 40.117.096 (INDEC, 2010) and 190.732.694 million respectively (IBGE, 2010). In this small and "*hyper-integrated*" society, social conflicts never reached the high intensity normal to its neighbours, and political strains ultimately found a negotiated, middle road solution (Real de Azua, 1964; 1984).

The southern urbanised port and capital city, Montevideo, is the centre of political power due to its higher population rates, with international immigration as the most important push factor for population growth until 1930, especially from Italy and Spain. Towards the end of the nineteenth century, at the same time as most Occidental European countries and thirty years before the rest of Latin America, Uruguay went through its first demographic transition: modern mentalities and behaviours were incorporated, reflecting changes in family, gender relations and reproductive behaviours, that led to falling death and birth rates (Varela, 2008). In this historical context, political secularisation became a key variable in the electoral arena. The Catholic Church was relatively weak in Uruguay compared to other Latin American countries and had precarious economic resources. In the cities, both anti-Catholic Italian migrants and British freemasonry -strongly rejected by the Catholic Church for its rationalistic approach to life-, had strong influence among intellectual circles and have had a documented importance in the political history of the country until today[1] (Barrán 1995, Amado 2007, 2011a, 2011b). The demographic census conducted in 1908 reflected this situation, showing that Catholics accounted for 44% of those interviewed, a number significantly lower than in the rest of the continent (Alvariza & Cruz, 2014).

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[1] In fact, Uruguay have had Masonic presidents coming from every political party: the current president Tabaré Vázquez from the Frente Amplio (2005–2009 and 2015–2019); Daniel Fernández Crespo and Luis Giannattasio from the Partido Nacional (1963–1967) and Gabriel Terra, from the Partido Colorado (1931–1938).

The José Batlle y Ordóñez presidencies from the *Partido Colorado* at the beginning of the twentieth century played a key role in the secularised modernisation of the state. The second National Constitution, sanctioned in 1919, crystallised the aims of the moment, and Uruguay became one of the first Latin American countries to formally separate the State and the Church. Furthermore, authors such as Da Costa (2011), Caetano (2013) and Alvariza and Cruz (2014) have pointed out that for the Uruguayan case the term '*laicidad*' became a distinctive constitutive part of national identity. It is interesting to note here that *laicidad* is a word that does not have a direct translation into English; roughly translated as laity, it only has cultural relevance in countries with strong influence of Catholic confessions (Da Costa, 2011). Laity differentiates itself from secularisation because of its historical root; whereas the latter refers to the protestant reform that ended the Europeans wars of religion (The Peace of Westphalia), the former relates to the fights between Church and State during the French revolution. Accordingly, secularisation labels a wider social process by which European societies internally differentiated, reframing religiosity as a private institution. Conversely, laity points more specifically to a conflict between the political and religious spheres, which may reach a frontal anticlericalism (Martínez, 2013). Thus, for example, in contrast to secularised countries such as Belgium, The Netherlands or Germany, the Uruguayan state does not economically support religious institutions and explicitly prohibits the teaching of religion in public schools since 1909.

However, for the Uruguayan case specifically, historians also note that laity included an antagonism between religion and a "*civil faith*" in a paternalistic State, which should look after the public good independently of parties and ideologies (Da Costa, 2011). During the late 1920s and the 1930s, the Uruguayan state expanded its regulatory practices to a wide range of private activities in order to buffer potential social conflicts (Yaffe, 2001). Thus, "*state and public affairs melt with each other, and citizens see in the State the big protector and supplier of goods and services necessary for life*" (Andacht, 1992, p. 8). In this hyper-integrated society, local bourgeoisie conceived pleasure as something legitimate but that needs to be controlled, and problematic legal and illegal drug users started to be framed not as sinners that should be punished but as sick people that needed to be treated. Thus, priests were replaced by doctors, psychiatrists and lawyers as the legitimate authorities to deal with the issue, justifying the state's intervention from a community perspective as the protector of public health (Barran, 1995). Nevertheless, "*it is hard to distinguish who stigmatised them more, religious or scientific knowledge*" (Barrán, 1995, p. 26). The 1934 Public Health Ministry organic law defined its work as a "*policing of social vices*" (Garat, 2013, p. 5) and in 1937 a law was promoted to set up a state monopoly on "*coca, opium, morphine, cocaine, hashish and every substance with psychoactive action*" (Law 9692, 1937, p. 1), with a retailing system through pharmacies. Private drug commerce remained completely prohibited. Since this secularisation process was a crosscutting social trend, the same type of policy approach can be observed with other 'social vices' of the time. In this period, for example, sex work and gambling were also regulated with state monopolies under the guidance of Public Health authorities (Barran, 1995).

Thus, during the first half of the twentieth century the long-standing foundations of cannabis prohibition were settled, in a context of the country's first demographic transition that translated into a secularised state modernisation. Opposing religion as a main moral regulation institution, the political elites of the time relied on Science and the State as the rightful authorities to protect public health from drug use and other 'social vices'. Thus, a public monopoly for coca, opium, morphine, cocaine, hashish and every substance with psychoactive action was created with a retailing system through pharmacies. As a "*policing of social vices*", the Public Health Ministry was the key institution responsible of delineating the terms and limits of cannabis prohibition.

2.2. Contemporary illegal drugs geopolitics: the American context

After World War II, the responsibility for the international drug control machinery turned to the United Nations (UN), in a historical context of a newfound leadership status of the United States of America (Andreas & Nadelman, 2006; Bewley-Taylor, Blickman, & Jelsma, 2014). Whereas the international drug control regime was relatively successful in restraining and controlling legal drug production, illegal drugs markets significantly changed after the 1960s, consolidating as a pressing priority in the Occidental world. Use rates of cannabis, synthetic drugs (notably methamphetamine, amphetamine and ecstasy) and cocaine generally jumped from 1960s onwards in the global north countries, and from 1990s on in the global south, turning from a youth counterculture phenomena to a relatively common habit among new generations (Escohotado, 1983; Scheerer, 1997; UNODC, 2009; OEA, 2015).

Accordingly, the 1961 UN single convention on narcotic drugs, the 1971 convention on psychotropic substances and the 1988 convention against illicit traffic in narcotics and psychotropic substances, further enhanced the 'prohibitionist' approach of the international drugs control regime, setting subsequent deadlines to "eliminate or significantly reduce" the global illicit drug's markets (Jelsma, 2015).

Even though supply side control remained as the dominant focus of international considerations, during this period demand control in the form of treatment and criminalization of the individual user began to appear (Carstairs, 2005). In line with the previous agreements, in the 1961 Single Convention cannabis remained in the list of "highly addictive substances and liable to abuse with particularly dangerous properties and hardly any therapeutic value"[2], with heroin and cocaine (UNODC, 2015). To the signatary countries (i.e. most countries of the world), the Convention enforces an obligation to apply the most stringent level of control and criminal sanctions to combat all the aspects of cannabis production, possession and trafficking. In order to supervise the enforcement of the international law at the national level, an International Narcotics Control Board (INCB) was created, strongly supported by the US (Bewley-Taylor, 2003), to undertake the responsibility of issuing annual reports analysing the statistical information provided by individual countries and calling upon governments to fulfil their obligations under the conventions.

Furthermore, supported by the Christian rooted US conservative 'new right', in 1971 President Richard Nixon proclaimed in a landmark press conference that drug abuse was "America's public enemy number one" and that in order to fight and defeat this enemy, it was necessary to wage "a new, all-out offensive": an actual War on Drugs (Nixon, 1971). The three main pillars of this strategy were: firstly, the elimination of drugs through reduction in production, destruction of harvests, seizure of drugs at different points in the refinement process, and the interdiction of drugs' possession. Secondly, the elimination of traffickers by prosecution and confiscation of any assets, which would lead to the destruction of business operations for 'money laundering' (del Olmo, 1993). Thirdly, the adoption of incarceration as the key weapon of this war, through the imposition of mandatory

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[2] After the discovery of the psychoactive compounds of cannabis in 1963 -the delta-9-tetrahydrocannabinol (THC) - , it is only this component what is included in the Schedule.

minimums, reducing the use of alternatives to prison sentences to a minority and increasing the lengths of prison sentences for those convicted of drug offenses (Lynch, 2012). Thus, a generalised shift during the 1980s toward a more punitive culture of drug control was deployed leading to a new mass incarceration era (Garland, 2001).

Yet, in contrast to the early 1970s, when the problem was heroin and the targets Asian countries, in the 1980s attention focused mainly on Latin America and the Caribbean as the only source and major transfer point for all the cocaine, most of the cannabis, and significant amounts of heroin consumed in the United States (Del Olmo, 1993). Against a Cold War backdrop and with conservative civil-military dictatorships installed across the continent with the explicit support of the United States (Marchesi & Yaffé, 2010; Yaffé, 2010), Latin America started to be known as the '*US backyard*', referring to the strong political and economic influence of the country north of the border (Weintraub, 1992), for which the War on Drugs framework was not an exception but a case in point (Durán-Martínez, 2015). In this way, the US military participation in Latin America to eradicate drug trafficking became prominent, conceding more than 95% of its international cooperation budget to this affair (Labrousse, 2006). Furthermore, countries such as Bolivia, Peru, Colombia, Argentina, Brazil, Ecuador and Venezuela further urged the United Nations to declare drug trafficking a crime against humanity, and to consider renewed measures against it, as provisions on money laundering, asset seizure, agreements on mutual legal assistance and diversion of precursor chemicals (Carstairs, 2005).

The 1976 South American Agreement on Narcotic and Psychotropic Substances (ASEP) defined the blueprint for a legislative harmonisation to the 1961 and 1971 international conventions in the region (Garat, 2012). Accordingly, the national law was subsequently updated in Uruguay in 1974, settling the "*foundation for drug policy in the country for the next 30 years*" (Walsh & Ramsey, 2015, p. 2). Strict prison sentences ranging from three to fifteen years were introduced to punish illegal drugs sellers and producers, and illegal drugs based medicines vanished from pharmacies. However, in contrast to most other regional legislations of the period, the Uruguayan historical approach of framing the consumer as a sick person prevailed and drug use remained decriminalized (Reta, 1973). The road chosen was one of an intentional non-determination principle, leaving it up to the judge's "*moral conviction*" (Law 14294, 1974, p. Art. 31) when drug possession should be considered solely for personal use, and to a doctors' committee to deliberate the possibility to command the drug user's compulsory treatment.

In 1988, an Uruguayan National Drugs Committee was created within the executive power to especifially deal with the pressing issue of the drugs markets, "*with the objective of addressing efficiently the fight against abusive drug use and drug trafficking*" (N° 346/999). Directly dependent on the Presidency, the National Drugs Committee is composed of representatives of the Ministeries of Interior, Foreign Affairs, Economy, National Defence, Education and Culture, Labour and Social Security, Public Health, Tourism and Social Development. The National Drugs Committee Secretary was meant to be in charge of defining Uruguayan War on Drugs guidelines and to coordinate the implementation of drug policy by the member Ministeries.

The rising severity of convictions and expanded incarceration of the War on Drugs efforts in South America led to increasingly overloaded penal systems (Nowak, 2009; Méndez, 2013; WOLA / TNI, 2010). In the case of Uruguay, drug offences accounted for 2% of the prison population in 1999 and by 2013 the proportion rose to 13%; whereas the general imprisoned population grew 15% throughout this period, the increment rate for drug related offenses more than doubled at 39%

(Bardazano, 2014). During this period, a number of related laws were passed aimed at updating Uruguayan legislation according to the 1990 and 1998 UN General Assembly Sessions on Drugs requirements. Thus, in 1998 a new 'Narcotics' law was approved (nº 17016) adding the States' economic order as a protected legal property, on top of the protection of public health, including drug related financial crimes in the legal framework (WOLA / TNI, 2010). A differentiation between organized and unorganized drug trafficking was introduced, raising penalties for organised groups members. In the following years, an anti-money laundering board was formed, nine related laws were approved and two criminal courts specialising in organized crime were created in 2009.

However, the repressive efforts ultimately failed to stop the expansion of the illegal drug markets and the beginning of the twenty first century brought an unprecedented concern about crime and drug trafficking related violence throughout Latin America (Lagos & Dammert, 2012). Empirical evidence consistently shows that crime incidence is highly concentrated in the world, and identified Latin America as one of the most violent regions on the planet, currently reaching epidemic proportions according to World Health Organization standards (Briceño-León, Villaveces, & Concha-Eastman, 2008; Imbusch et al., 2011; UNODC, 2014). Accounting for only 8% of the global population, one third of world homicides take place in Latin America and the Caribbean, and fourteen of the twenty most murderous countries on the planet are located in this region (Eisner, 2015, p. 5). As the graphic below shows, South America in particular can be considered a worldwide outlier since it has been one of the few regions where homicide rates have increased in the last few years without being the homeland of war related episodes, besides the War on Drugs.

Figure 2. Homicide rates by sub region (2008 – 2012)
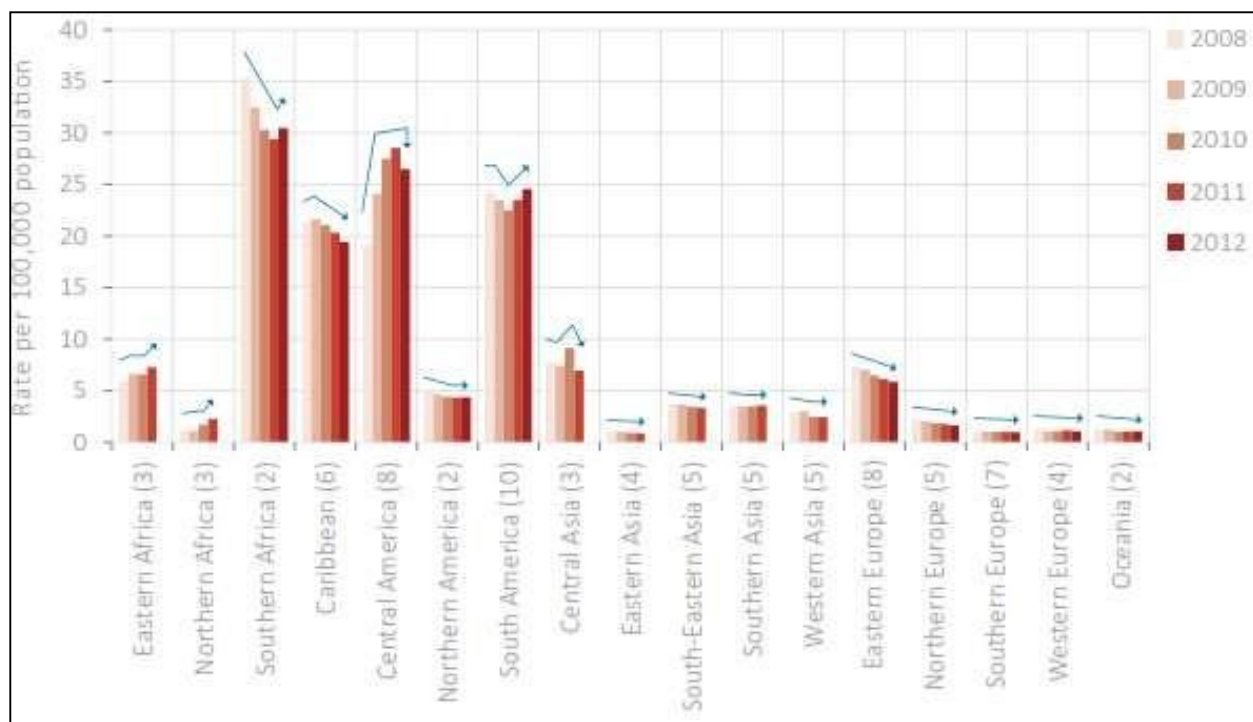
Source: (UNODC, 2013)

The comparative literature on violence across the American continent posits that organized crime, drug trafficking and the war on drugs are key factors for explaining the high homicide rates in certain

parts of the region. Yet, when comparing the situation within the continent and with other parts of the world, it becomes clear that the relationships between different drug markets and violence are not straight-forward (Fajnzylber, Lederman, & Loayza, 2002; Eisner, 2015; Rivera, 2015; Garzón, 2016; Snyder & Durán-Martinez, 2009). Thus, although the Andean region leads the world in cocaine production, there are important contrasts between high prevalence of lethal violence in Colombia (33 homicides per 100,000 inhabitants in 2012) and the comparatively low homicide rates in Peru (6.5 per 100,000) and Ecuador (11 per 100,000). At the same time, trafficking routes in Central America - especially the so-called 'northern triangle' countries (El Salvador, Guatemala and Honduras)- feature murder rates above 30 per 100,000, but countries like Costa Rica and Panama have less than 15 per 100,000. Still, these comparatively 'safe' countries reported very high rates of cocaine interdiction in 2013 as compared to low rates in their more violent neighbours in the triangle. Moreover, countries such as Afghanistan, the leading heroin producer in the world, registers a homicide rate of 3.5 per 100,000 inhabitants, and Morocco, one of the leading exporters of hashish, has a homicide rate of 1.4 per 100,000 inhabitants (Garzón-Vergara E. , 2016, p. 3).

The literature on illegal drug markets in Latin America is abundant for countries such as Colombia (Gaviria, 2000; Thoumi, 2002; Kenney, 2007; Mejıa & Restrepo, 2013; Zaitch, 2001) and Mexico (Lupsha, 1995; Edberg, 2001; Campbell, 2005; Astorga & Shirk, 2010; Olson, Shirk, & Selee, 2010; Beittel, 2012; Robles & Calderón, 2015), but it is much scarcer for the Southern Cone countries. The studies reviewed point out that whereas during the 1970s and 1980s drug trafficking as a problem was fairly focused within the Andean and Mesoamerican area, the drug trafficking panorama changed in significant ways over the last few years. Firstly, a 'balloon effect' has been related to the substitution of different areas of drug cultivation and of drug smuggling routes throughout the hemisphere. The balloon effect concerns the idea that when law enforcement is increased in certain regions and manages to effectively reduce the illegal drugs production, a correlated increase in other parts of the region is observed. The balloon effect has been used to explain the evolution of the cocaine production in the Andean area. According to the UNODC figures, when coca production repressive efforts strengthened in Peru and Bolivia (that in early 1990s concentrated 87% of production potential worldwide), production rose in Colombia and by 2010 it was this last country which made up 79% of the cocaine production potential. When the US sponsored *Plan Colombia* was put in place (from 1999 onwards), the boomerang returned, and the decrease in the Colombian coca cultivation area was offset by new increases in Peru and Bolivia. Along with the balloon effect, the 'cockroach effect' has been used to explain the increasing dispersion and fragmentation of organized drug trafficking groups or networks as an effect of the increment in repression efforts. The cockroach effect refers to the division and displacement of criminal networks from one locality to others within a given country or from one country to another in search of safer havens and more pliable state authorities (Bagley, 2012). Thus, for example, at the level of trafficking networks, today more countries in South America appear as transit points in trafficking routes than in the 1970s and 1980s. While at the beginning of the War on Drugs most of the routes connected Colombia to US via maritime routes in the Caribbean, nowadays Central America, Mexico as well as the Southern Cone countries have increased their importance as transit points (Durán-Martínez, 2015; Miraglia, 2015; De Simone, 2014; Garat, 2016).

Overall, the literature considers drug trafficking as the most advanced manifestation of organised crime in the region and political corruption as the main threat to democratic development. Authors such as Garzón (2012), for example, argued that current times are characterised by a 'rebellion' of criminal networks in the continent. This rebellion is associated to the increased fragmentation level and territorial disputes among criminal groups, the increase in retaliations against public actors going

alongside endemic corruption and a refinement in the intertwinement between the illegal and legal economy. Confronted with the rebellion of the criminal networks, by 2012, only 5% of Latin Americans consider that current drug control policies have benefited them in some way. Yet, in those countries where drug trafficking has not penetrated that much, people still believe that the State may be able to tackle the problem. The more serious the drug trafficking problem is perceived in a country, the less trust there is that the State can solve it. As Lagos and Dammert conclude (2012, p. 50) *"as an indicator of a failed State, we could not have found a more correlated 'proxi' than drug trafficking incidence"*.

Within this critical context, an increasingly assertive role started to be played by Latin American leaders, treading a troubled track "*from acquiescence to rebellion*" against the international drug control arena (Durán-Martínez, 2015). In 2009, former presidents of Brazil (Fernando Henrique Cardoso), Colombia (César Gaviria) and Mexico (Ernesto Zedillo) nucleated along with other 17 well-known independent personalities, pushing for an in-depth paradigm shift in the strategy to deal with the drug problem in Latin America (Latin American Commission on Drugs and Democracy, 2009). In 2011, after a long-standing conflict on Andean coca leaf chewing traditional uses, the Plurinational State of Bolivia decided to critically withdraw from the UN conventions to re-adhere the following year, but reserving itself the right to use coca leaf in its natural state for cultural and medical purposes. United States, United Kingdom, Sweden, Italy and Canada objected Bolivia's right to traditional use of coca (Telleria Escobar, 2014). A year later, under the initiative of three historically devoted War on Drugs soldiers as Colombia, Guatemala and Mexico, and with the support of 95 other UN member states, the General Assembly Special Session (UNGASS) was called for 3 years earlier than originally planned *"to imagine, propose and agree globally new strategies to face the drug problem more effectively. With an open mind to new approaches that may help us to recover the control; because drug markets are currently regulated but by criminal organizations*" (Reyes, UN Commission on Narcotic Drugs 58th session, March 2015). Over this period, not only a growing group of like-minded revision oriented states have been calling for a regime review to allow larger room for policy innovations, but also transnational activism networks became an important factor advocating for drug policy change, circulating ideas about how countries might amend, modify, denunciate, or disregard the treaties (Keck & Sikkink, 1999). Yet, as previous experiences alternative to the prohibitionist approach have shown, shifting the international drug control regime has proven to be fraught with difficulties.

2.3. Alternatives to the prohibitionist approach

Confronted by the continued signs of resilience of illegal drug markets, not only Uruguay but also a number of governments have followed a somewhat more tolerant approach to drug use, either pushed by popular referendums or as an attempt to lower the burden on the criminal justice system. Currently, countries as diverse as Portugal, Australia, Belgium, Luxemburg, Switzerland, Germany, Denmark, Latvia, Slovenia, Malta, Spain and Croatia in Europe; Chile, Colombia, Costa Rica, Ecuador, Peru and Mexico in Latin America and Jamaica in the Caribbean, among others, have decriminalised using or possessing small amounts of cannabis and, in some places, the cultivation of a few plants at home.

Most of these alternatives to the War on Drugs approach have been politically endorsed as drug's 'harm reduction' tools (Newcombe et al., 1992). The harm reduction perspective is based on the idea that the way we relate to drugs not only depends on the pharmacological properties of the

psychoactive substance itself, but also on individual traits of the user mindset -as their past experience and physical and psychological conditions- and the setting, that is, the social environment that compose the 'drug scene'. Thus, harm results not only from drug use, but also potentially from measures taken to combat it, which affect its setting (Korf, Riper, & Bullington, 1999). Favoured policies embrace efficiency and effectiveness in the use of public resources and realism in the success criteria -which involve modest improvements at the margin rather than utopian goals such as the eradication of drug consumption.

During the 1980's harm reduction gained rapid legitimacy in the US and Occidental Europe as a policy approach for controlling HIV infections among injecting drug users. Since then, the kind of programmes developed within this framework included needle exchange -directly targeting those at risk of AIDS/HIV-, methadone treatment and heroin maintenance, to ensure high access to treatment for the drug dependent, peer based prevention, safe use messages, drug checking services and the definition of "zones of tolerance" for drug markets. This approach also built up the perception that cannabis is less dangerous to health compared to other legal and illegal drugs (Stimson, 2000). Thus, decriminalisation of drug use (mainly but not only cannabis), "*although it is seldom legislated is informally practised by many countries, if only partially and for practical reasons*" (Dorn, 1992, p. 111).

A vast branch of international literature around drug policy has focused on identifying the similarities and differences among policy designs, as well as some of the expected and unexpected consequences that might be associated with them in terms of availability, prices, quality of the products, crime, health, etc. (see, among others, MacCoun & Reuter, 2011; LSE, 2014; Pacula & Sevigny, 2014; Caulkins & Kilmer, 2015; Hall & Lynskey, 2016; Choo & Emery, 2017; Felix & Portugal, 2017; Wong & Manning, 2017). The main conclusion arrived is that the data available in most countries are inadequate for rigorously evaluating the changes in drug policy. Evidence is weak, remain largely descriptive and no baseline data was set before or after the changes, which could led to meaningful comparisons through time and across jurisdictions. The systematic information collected by administrative institutions and population surveys largely focuses on general prevalence rates but the effects of different policy approaches are also shaped by how it affects quantity consumed, mode of consumption and the consumption of other psychoactive substances. Besides of that, there are other outcomes of interest to be considered such as the size of the illicit markets, the effects on government budgets, public safety and criminal justice outcomes, legitimacy of the law, corruption and people´s right to self-determination. However, is even less what we know about the political and social processes that made cannabis innovations possible, the focus of this work. Hence, the present section reviews specifically the causal narratives built around some paradigmatic previous innovative experiences and what tensions they had to compromise to allocate themselves within international conventions, informing cannabis policy making from below.

De facto retailing system: the Dutch Coffeeshops

The first and traditional case in point regarding cannabis policy divergence is the Dutch legal reform of 1976 and the further development of the coffeeshops retailing system. Authors such as De Kort (1995) and Grund & Breeksema (2013) have pointed to a wider structural process at the base of this policy change, where drug use first came to the Dutch public consciousness in the much broader cultural context of the diversification of lifestyles and value systems. Thus, "*during the 1960s and*

1970s, the Netherlands changed from a rather closed and segregated society, organized along ideological and religious lines, to a more secular and individualized social order" (Grund & Breeksema, 2013, p. 55). In this setting, cannabis use firstly became a symbol of a counterculture, playing a role in a broader social and political movement that made the stretching of the borders of personal liberty its explicit aim, against a backdrop of a surprisingly repressive stand enforced towards cannabis users (Korf *et al.,* 1999). Hence, not only cannabis use but also a wide variety of moral constraints and normative expectations about lifestyle and sexual behaviours were politically challenged. During the 1970s cannabis use became normalised, expanding among lower-class youth, marginal youth, and ethnic minorities. At the same time, people in their 30s and 40s, already economically and socially integrated, continued their use outside any specific socio-cultural group. Yet, as economic conditions worsened, leaving a growing streak of unemployment behind, by the second half of the 1970s heroin entered the scene as "*the first drug to be experienced as a social problem in Dutch society",* it *"became the object of the first moral drug panic in the Netherlands*" (Grund & Breeksema, 2013, p. 26). This moral shock related with a renewed concern about the link between drug use and crime, redefining the drug problem into something more than a public health problem.

In this context, and ahead of popular opinion (Korf *et al.*, 1999), a diverse coalition of liberal youth groups (such as the Junkie Unions), professionals and political administrators successfully pushed for a "*politically oriented approach to the law*" (Van Swaaningen & Zaitch, 1996, p. 241). Inspired by the increasing number of victimless crime related cases and in a wider context of increasing crime rates and an overloaded penal system, a tolerant approach ('*gedoogbeleid*') towards behaviours such as soft drugs use, abortion, euthanasia, pornography and sex work was already in place before formally introducing legal changes. In 1968, two commissions were to set a blueprint for revisiting Dutch drug policy under this framework. These were the *Hulsman Commission*, established by the National Federation of Mental Health Organizations, and the *Baan Commission*, called by the governmental Secretary of Health. Their final reports were presented in 1971 and 1972 respectively.

Both reports crystallised the aims of the moment, calling for a moral free approach to drugs (Cohen, 1994). This amoral approach to drugs included a Revised Opium Act with a scheduling system different to the one consecrated in the international regime previously reviewed. This Act ruled that cannabis and barbiturates were soft drugs involving 'acceptable risks', whereas harder drugs such as heroin or cocaine were still considered as involving 'unacceptable risks' for their users and the wider society. For harder drugs, the penalties were considerably increased following a very similar penal approach to the rest of Europe. Thus, repression towards traffickers intensified, even if involving small quantities, and especially when linked to other types of crime (Van Swaaningen & Zaitch, 1996). For soft drugs, building up from the relatively successful experience of tolerated youth clubs' '*house dealers*'[3], a cannabis coffeeshops scheme was framed as a pragmatic, market separation measure, to break the formation of deviant sub-cultures by pulling cannabis away from the rest of the harder drugs commerce. Nevertheless, the *Baan Commission* also acknowledged that cannabis regulation would be inconsistent with Holland's international legal commitment to the Single Convention of 1961, further reasoning that waiting for possible but uncertain treaty changes was too impractical for achieving the short-term policy goals (Cohen, 1994). To bypass this obstacle, a de facto legalisation was put in place

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[3] Before the formal existence of coffeeshops, youth clubs' 'house dealers' were not prosecuted as long as they met the following criteria: no overt advertising; no hard drugs; no nuisance; no underage clientele; and no large quantities (Korf, 2002).

through a principle of expediency that assigns the lowest judicial priority to the investigation and prosecution of cannabis for personal use. The judiciary would then tolerate the possession of up to five cannabis plants for domestic cultivation, and the purchase of up to 5 grams from authorized 'coffeeshops', a euphemism for café-like places where the sale and sometimes also the consumption of cannabis has been tolerated (Leeuw, 1994). Standing mostly silently against these changes, Dutch society lacked moral entrepreneurs opposing the reform (Leeuw & Haen Marshall, 1994; Scheerer, 1978). Thus, as Korf (2002) argues, although they were not originally intended to exist, coffeeshops have consolidated as the widest known example of the Dutch harm reductionist approach to drugs.

Still, the constrictions imposed by international conventions resulted in a contradictory scenario for the coffeeshops system known as the '*back-door problem*' (Korf, 2008) given that the cultivation, processing, and wholesale provision of cannabis continues to be strictly prohibited and enforced as per national law. Although a maximum of 500 grams 'in stock' is tolerated, coffeeshops can still be prosecuted for sourcing the cannabis into their locality. In fact, a large increase in the number of plants seized in the Netherlands has been reported, reflecting possible changes in law enforcement priorities (EMCDD, 2017). Furthermore, the coffeeshops are not endorsed as a national policy but it is instead the local communities the ones that own the legal instruments to regulate the number of coffeeshops, including the option of not allowing cannabis selling at all. Overall, in the mid-1990s an effort was made for restricting coffeeshops, which significantly declined from about 1500 to 846 in 1999. By 2014, there were 614 dispensaries working in the country, approximately half of them situated in the four biggest cities; Amsterdam, Rotterdam, The Hague and Utrecht (Boekhout van Solinge, 1999; Koopmans, 2011; Bewley-Taylor *et al.*, 2014; Van Ooyen-Houben *et al.*, 2015).

Evidence around the coffeeshops retailing system tends to support success of the 'separation of the markets' aims of keeping cannabis detached from the rest of the illegal drugs trade, while records on drugs prevalence remain generally in line with European trends (Korf, 2008; Chatwin, 2016). Regarding the quality of the cannabis available, each coffeeshop decides which and how many cannabis strains are sold. Whereas until the mid-1980s most of the cannabis used in the Netherlands was resin imported predominantly from Morocco, domestically grown herbal cannabis became more and more popular and nowadays is the product sold most often in coffee shops. In average, the monitoring of THC/CBD concentrations shows that the potency of domestically grown herbal cannabis began to increase in the 1990s, going from 8.5% in 1999 to more than 20% in 2004, and it has been declining since then. In recent years, the average THC content in locally grown samples has fluctuated between 15 and 17% (Freeman, et al., 2018). Yet, as an illicit drug, cannabis is not subject to quality or product control by Ducth authorities.

Collective personal production: Spanish Social Cannabis Clubs

In Spain, social activism took cannabis decriminalisation a step further in the political debates through the foundation of the Social Cannabis Clubs (SCCs) model. According to Spanish law, cannabis cultivation is not a criminal act when undertaken for personal consumption, and yet no formal regulation is issued regarding how many plants a user may have or what type of evidence is needed to consider its commercialisation, opening a significant discretionary gap on how to enforce cannabis prohibition. Thus, Social Cannabis Clubs have been endorsed as a way of non-profit production and distribution of cannabis among a closed circuit of adult cannabis users. Overall, the literature available reports a large degree of heterogeneity regarding their concrete methods and venues of operation, cultivation techniques and distribution schemas, depending on the local legal, political and cultural

standards; ranging from very small clubs of dozens of members to very large enterprises of hundreds (Barriuso, 2011; ENCOD, 2013; Decorte, 2015; Decorte *et al.*, 2017).

Like in the Dutch case, authors such as Romaní (2005), Barriuso (2011) and Pere (2015) have pointed to the increasing normalisation of cannabis as the base of this reform, tracing it from the first "hashish cultures" of the 1960s. Spain has had relatively high rates of psychoactive substances use in general and of cannabis in particular, compared to other European countries. Cannabis use in the last month risen from 4.6% in 1997 to 6.6% in 2013 and, by 2017, Spain is by far the European country that most cannabis resin seizes in the continent (EMCDD, 2017; OEDT, 2015)

Supported by a diverse coalition of cannabis activists, scholars and professionals, a number of grassroots initiatives for collective cultivation were endorsed over the 1990s, opening successive cracks in the prohibitionists' wall until the first formal Social Cannabis Club was founded in Barcelona, in 2001. Growing within legislative grey areas of use decriminalisation, Social Cannabis Clubs have spread fast not only in Spain but also elsewhere, illustrating the importance of cannabis activism as transference agents. Thus, the appearance of this model has also been observed in countries such as Belgium, England (Decorte, 2015), France, Switzerland (Blickman, 2014), Argentina and Chile (Bewley-Taylor *et al.*, 2014). However, "*the ambivalence between cannabis integration and repression continues to hold*" (Romaní, 2005, p. 8) as legal conflicts related to cannabis clubs are still recurring.

On one hand, Spanish national law remains strongly aligned with the prohibitionist approach of the international drug control regime, and thus the number of cannabis use and possession administrative offenses has kept constantly increasing in the last years (Pere, 2015, p. 105). Cannabis Clubs depend in this way on the local enforcement of such legal frameworks and the judge's personal interpretation of international conventions.

On the other hand, in recent years a 'cannabis boom' has been discussed in the literature, especially in touristic places such as Barcelona, related to the "*massive and almost indiscriminate opening of clubs. (…) Many of them, working under a questionable framework where the legal grey zone of cannabis use decriminalisation is used to hide criminal practices of commercialisation under the facade of a non-profit cannabis club*" (Pere, 2015, p. 100). Thus, once constituted as an alternative, the same poorly defined legal conditions that were strategically used by activism to boost cannabis clubs are, at the same time, their greatest weakness (Barriuso, 2011).

In this regard, the Spanish political system has remained relatively apathetic about pushing cannabis reform forward by formalising cannabis clubs. As noted by Pere (2015) in spite of the fact that according to polls, 52.2% of the Spanish population support some type of legal access to cannabis, its regulation has remained off the political national agenda. In fact, by 2014, only 0.1% of the Spanish regard illegal drug commerce as a public problem at all, and thus neither the leftist Socialist Party (PSOE) nor the conservative Popular Party (PP) governments have included cannabis reform in their programmes (Pere, 2015, p. 99). On the contrary, cannabis restrictions were further reinforced in the 2015 review of the "Citizen Security" law during the PP government, and thus only regionally-based regulation proposals have reached the political agenda.

Market regulations: US inside job

On the other side of the Atlantic Ocean, the Americas, traditionally the home ground of War on Drugs policies, have in fact become one of the most active continents passing less restrictive cannabis models at the local level. By 2013, the United States experience itself shows how flexible international conventions interpretations can be while endorsed at the local level.

Bewley-Taylor, Blickman and Jelsma (2014), for example, locate the US trajectory as a key engine in a trend '*from soft to hard defections*' from the international convention status quo. These authors identify three stages in this process. The first occurred during 1970s and related with the repression of cannabis use. Fuelled by the crucial role of judicial actors denouncing the incompatibility of use criminalisation with freedom and privacy Constitutional rights (i.e. Alaska Supreme Court, 1975) a number of U.S. states relaxed their policies regarding possession and decriminalized personal use in this decade. Prison was subsequently substituted by "*fines, drug education, treatment or assigning the lowest priority to various cannabis offences for law enforcement.*" (Bewley-Taylor *et al.*, 2014, p. 28).

Twenty years later, in the 1990s, a second trend of legalising medical cannabis in states across the US began, when in 1996 California passed a voter initiative that legalised medical use, possession, and cultivation with a doctor´s approval. Oregon and Washington followed two years later. By 2012, 17 states and the District of Columbia have adopted different versions of medical cannabis legal regulation, 10 of those laws being passed directly by direct democracy mechanisms –in initiative or referenda elections (Bewley-Taylor *et al.*, 2014).

Still, like authors such as Lynch (2012) have shown, in parallel to the relaxation of laws, a 'net widening' effect have resulted in a greater number of individuals being controlled by the criminal justice system in this country. Cannabis law offenses increased significantly over this period, accounting for half of the total drug-related arrests. Between 1990 and 2002, it was estimated that 79% of the increase in drug arrests were for cannabis possession alone, accounting for 39.9% of all drug arrests in 2002, while cannabis sales and cultivation offences accounted for only 5.4% the same year (Ramchand *et al.*, 2006). Thus, the net widening effect reflects the greater ease with which police can process minor cannabis offences. Concerns about the discriminatory social biases in drug law enforcement have been consistently posed in the literature, as well. This is because, as with drug violations in general, African and Spanish Americans continue to show higher arrest rates for cannabis possession, despite the fact that by all available numbers, minorities are not any more likely to use cannabis than their white counterparts (Drucker, 2002; Iguchi *et al.*, 2005; Provine, 2007; Curry & Corral-Camacho, 2008; Hartley & Armendariz, 2011).

In this context, a third new era of cannabis policy innovations started in 2012 when, championed by advocates from civil society and the business community, referendum-driven changes in Colorado and Washington took many legislators and policy-makers by surprise, becoming the first jurisdictions in the world in legalising the processing, sale, distribution, possession and consumption of cannabis (Pardo, 2014). During this stage, a new cascade of hard defections was facilitated by direct democracy mechanisms further pushing the creation of regulatory frameworks for recreational cannabis use in Oregon, Alaska, and Washington D.C. in 2014, and in California, Maine, Massachusetts and Nevada in 2016. Underpinning this stream of popular reforms, a steady and persistent change in public opinion positions can be traced. According to Gallup, since 1993 public support for some sort of cannabis legalisation has been increasing and, from 2013 on, has averaged above the majority level. The key

variable correlating with this change is age; younger Americans are more in favour of legalizing while

older Americans are least likely to do so. Yet, as result of generational replacement*,* older generations are nowadays more supportive than they were in the past (Gallup, 21/10/2015)*.*

As I discuss in more central chapters of this thesis, because of their importance for the Uruguayan process, in this literature review I opt for highlighting the first two regulation frameworks working in the United States: Washington and Colorado cases. Cannabis reforms started in 2000 in Colorado when voters passed Amendment 20 for the legalisation of the possession of up to six plants and selling of small amounts of cannabis for medical purposes. Although its regulation developed slowly, by 2009 a significant expansion of medical dispensaries could be observed in this state. Standing on the shoulders of this readily developed industry, in 2012, Amendment 64 "*To Regulate Marijuana Like Alcohol*" passed with 55% of the votes. The production system in place borrows from the medical model in its vertical integration, meaning that retailing shops must also produce at least 70% of the total quantity sold, for the sake of its control (Brohl *et al.*, 2013; Crick *et al.*, 2014; Montañés, 2014; Pardo, 2014).

Washington's passage of Initiative 502 with 55.7% of the votes was more of a surprise. In this state, the legal framework only provided an 'affirmative defence' for a medical cannabis user that could be raised at trial, but did not prevent the arrest, search, and prosecution of patients. State authorities were generally reluctant to develop the medical cannabis market further, hence, medical outlets were not licenced or registered, operating in a legal grey area. In this case, sponsored by a number of politicians and high profile supporters, a well-funded, thoroughly thought out public campaign was led for '*A New Approach*' to recreational cannabis. Unlike Colorado, vertical integration of stores is not allowed. Alternatively, Washington legal framework developed a three-tier supply licence system for production, processing and retail of cannabis exclusively -similar to the one already working for alcohol; although subsequently the state allowed for production and processing to be integrated. Additionally, the law imposed a 25% tax at each level of supply, which was further transformed into a 37% tax on all the "taxable sales" of cannabis and its derivates. Cultivation for personal consumption is not allowed in any form (Crick *et al.*, 2014; Pardo, 2014). The agency in charge of its control is the state's Liquor Board who already had in place a tight, "*even conservative*", regulatory framework for alcohol selling (Garza & Simmons, 2013, p. 6).

It took over a year for both states to set up the regulatory framework that would enable the opening of the first cannabis stores in 2014. As explained by Kleiman (2016), although both Colorado and Washington had similar initial conditions regarding medical cannabis supply, they were different in the degree of public involvement in the markets. Whereas medical outlets in Colorado were state licensed and somewhat regulated, the participation of unlicensed retailers and growers was more prominent in Washington. Thus, Colorado was able to create a commercial-supply system simply by issuing new licenses to some existing licensees, while Washington had to start more or less from scratch which translated in significant timing differences for the implementation stage. In both states, anyone aged 21 years or older can purchase cannabis for any reason. Both states also have thresholds for the amount of cannabis products that can be purchased at one time.

The differences in Colorado and Washington starting points regarding the cannabis market, as well as their regulatory designs have been correlated with dissimilar self-reported past month cannabis use evolution. While at the US national level past-month cannabis prevalence for those aged 12 or older increased by 4.8 %, from 7.96 % in 2013/2014 to 8.34% in 2014/2015 in Colorado the increment was of 11% over this period, from 14.93% to 16.57%, and in Washington decreased by 12%, from 12.79%

to 11.22% (Kilmer, 2017). Still, beyond general use rates, total use days, total grams consumed, what types of cannabis products are used (e.g. flowers, edibles, oils) and the typical potency per dose consumed, are all important unknown factors when trying to evaluate health consequences of different regimes.

Figure 3. Past-month cannabis prevalence Washington, Colorado and the US (2002 - 2015)
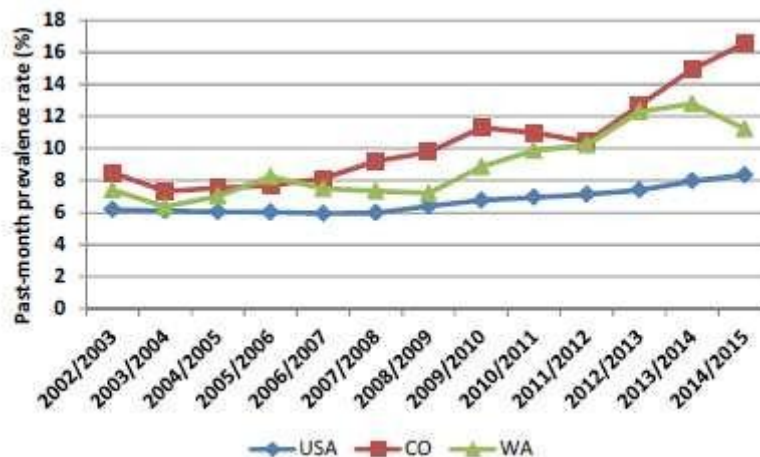
Source: Kilmer, 2017, p. 12

The advent of these referendum driven legal changes made the United States to lose the credibility to defend the global prohibitionist approach that once championed (Felbab-Brown & Trinkunas, 2016). At the same time as the US federal government remains aligned with the international convention status quo, more and more evidence is generated in this country on how a wide arrange of cannabis control approaches work, politically and empirically, changing deeply the contemporary geopolitics of the drugs problem.

Uruguay; a breakthrough in the process?

A review of recent developments in the drug policy field indicates that a mixed approach to this market, where is not prohibition itself but a selective combination of repression and harm reduction oriented initiatives what better characterises the current international policy framework. Thus, for example, despite harsh criticism in the beginning, leading to the proposed abolition of the use of the term harm reduction in the mid-1990s, by the 2000s the head of the UNODC himself *"even co-opted the term to describe the efforts of the international drug control system"* (Carstairs, 2005, p. 63). Still, this increasing legitimation of harm reduction as a policy perspective came with some costs.

Since supply side control measures were always emphasised to the detriment of demand policies at the international cooperation schema, harm reduction reforms have largely restrained to the individual user sphere at the national level. As Zaitch (2009) points out, restrained to the consumer's world, harm reduction approach is already part of official practices within a prohibitionist framework, not as a critical alternative but as a complementary tool of a war against drug producers and traffickers. Furthermore, despite widespread decriminalization efforts towards cannabis, the number of cannabis users prosecuted by the criminal justice system has actually increased in the last years.

Authors such as van het Loo *et al.* (2002) Room and Reuter (2012), Lynch (2012) and Chatwin (2017),

among others, have pointed to the constrains imposed by the international convention framework to explain this counter intuitive result. Since minor penalties are actually easier to enforce, the decision of governments of turning drug use from a penal to an administrative offense in order to not frontally contravene the international status quo resulted in a 'widening of the net', bringing more people into contact with the criminal system. Even in the two extreme cases of decriminalisation reviewed, the facto retailing system via coffeeshops and collective personal production via social cannabis clubs, the models remain in a precarious semi-legal position that did not entirely prevented legal conflicts in the development of these schemas. The "half baked" characteristic of these experiments helps to understand why, although "controversial within the counternarcotics regime, their approaches were nonetheless regarded as idiosyncratic and did not precipitate system-wide effects" (Felbab-Brown & Trinkunas, 2016, p. 4).

Unlike the previous innovative experiences reviewed, the Uruguayan law did not necessarily attempt to accommodate itself within the International Drug Control Regime scope. It is the first national level law that implicitly recognises and regulate different cannabis uses; recreational, medical, industrial and scientific. It allows domestic cultivation, social cannabis clubs and a state-centred selling schema. By doing this, the Uruguayan government aimed at paving the way for a Latin American conversion from acquiescence to rebellion against the international status quo. Hence, insights gained from this atypical policy change might be fruitful for global learning, by adding knowledge about different methods and contexts of cannabis markets' regulation.

Concluding remarks

In this chapter, I reviewed some longstanding trends of the international conventions' prohibitionist approach to drugs. I started providing a brief historical account of how cannabis was assimilated to opium and cocaine as a highly dangerous substance and thus subject to the highest repressive measures. However, I also showed how supply side control measures were always emphasised to the detriment of demand policies at the international cooperation schema. I further contended that although this international drug control regime did have a decisive influence on domestic policies, the Uruguayan cultural characteristic of laity has historically played a role in the policymaking process, shaping drugs –and other victimless crimes'- legal frameworks. Thus, unlike most of the legislations of the time, in Uruguay users have always been conceived as sick people in need of treatment and thus not amenable to punishment by law.

I then argued that the illegal drugs problem changed significantly from 1960s on, climbing up in the Occidental political agendas. Firstly, because of the expansion of illegal drugs consumption in the Global North countries and in the south from 1990s onwards. Secondly, because a War on Drugs was internationally endorsed, a war which turned Latin America into one of the most violent regions in the world. At this stage, a military-based approach to drugs trafficking, ultimately aimed at creating a drugs-free world, and incarceration as a deterrence tool toward users, were pushed forward at the international cooperation schema. In views of harmonising domestic legislations to international

policy guidance, an International Narcotics Control Board (INCB) was created, strongly supported by the US, to produce statistical information and call upon governments to fulfil their obligations under conventions. Thus, the regional update of legislations in the 1970s and in the 1990s resulted in increased penalties for drug related crimes.

Still, and not without controversy, confronted by the resilience of the drugs markets, a number of countries have been challenging the international drug control regime's orthodoxy by a selective application of cannabis prohibition. Thus, in Europe, Dutch coffeeshops rely on a discretionary enforcement of the law, de facto legalising cannabis by establishing consensual guidelines to assign the lowest judicial priority to the investigation and prosecution of cannabis for personal use. In other cases, as Portugal or Jamaica, cannabis use offences were pulled out of the criminal sphere into the administrative one, in order to create a more suitable legal framework for policy interventions without radically questioning international conventions. Further on, US referendum-driven changes in a number of states rely on a conspicuous inconsistency, if not contradiction, between nationally endorsed prohibitions and locally arranged regulations.

These different models of cannabis regulation are distinctive not only due to the content of their normative framework, but also because of the political and social processes that made them possible in the first place. They are outputs of singular 'causal configurations' (Ragin, 1987) of structures, events and actors that struggled in each historical moment to shape the decision making process, defining the problem of cannabis use and attaching solutions to it. Overall, in the last sixty years, cannabis use spread throughout occidental societies, turning from a counter cultural symbol endorsing people's freedom in the 1960s to a massive incarceration problem in the new century. This process of normalisation of cannabis interacted in different ways with issues such as the moral shocks in reaction to heroin use in the 1980s and 1990s, which as it was reviewed usually allowed the drug problem to reach political agendas. In the cases of the Netherlands, Spain and the US, a new type of political actor, consisting of cannabis and liberal youth activism as well as cannabis businesspersons, were reported to have important roles in the political process, leading to cannabis centred innovations. Within the increasingly prevalent wave of cannabis reform, the Uruguayan case meant a new type of breakthrough in the process because of being the first nationally endorsed legislation including not only personal cultivation schemas but also a tightly state controlled commercialisation system.

Chapter 3. Theoretical perspectives to understand cannabis policy making

Uruguayan cannabis market regulation is a case of atypical drug policy change, since the new legal framework aims at facilitating the best public safety and health conditions possible for this market to develop, and not to just restraining it, as cannabis prohibition does. It is, also, an interesting criminological problem. This because whereas most criminology assumes deviancy as a property inherent in any given deviant activity, cannabis regulation is a good example of how crime is a label conferred upon it by others. Thus, by studying cannabis regulation one might shed light over the power struggles around justice decisions as well as exposing the biased –and many times directly classist, racist and sexist- functioning of the criminal justice system.

However, as noted by authors such as Jones & Newburn (2006) and Matthews (2014), the study of the actual policy-making dynamics in criminal justice is relatively rare in criminology, leaving policymaking studies for political scientists, who have largely not shown a great deal of interest in this field. Furthermore, with notable exceptions "*when criminologists do talk about policy-making, in much criminological work there is a tendency to assume that the intentions of policy makers are contiguous with policy outcomes: policy instruments frequently being read as a straightforward representation of policy makers' aims and objectives. In practice, (…) it is often a messy result of unintended consequences, serendipity and chance*" (Jones & Newburn, 2006, p. 18). In this regard, this research aims to contribute to the criminology field taking the alternative stand of questioning why and how a concrete behaviour ceased to be defined as a crime by law, unpacking the policymaking hazards of atypical change in Uruguayan cannabis policy.

In this project, previous works have productively illuminated the interplay between morality and drugs policy making. However, most of this research has been better adapted when aiming at explaining the increasing punitiveness in drug and crime control approaches (Becker, 1963; Young, 1971; Baratta, 1986; Hulsman, 1986; Del Olmo, 1989; Scheerer, 1997). Thus, for example, the extremely fertile concepts of 'moral panics' (Young, 1971; Cohen, 1972) and 'moral entrepreneurs' (Becker, 1963) have mostly been researched as factors leading to restrictive drug policy outputs, usually associated with a penal populism political context (Goode & Ben-Yehuda, 1994; McRobbie & Thornton, 1995; Hawdon, 2001; Lundström, 2011). In this way, a common sense seems to have established among drug policy analysts opposing a moral-based War on Drugs to a moral-free Harm Reduction schema.

In what follows, I aim to criticise the argument that an amoral approach to drug policy reform is either possible or desirable. Alternatively, I will propose that explicitly addressing the moral foundations of drug policy is a more fruitful stand to better account for cannabis reform from a cross-cultural perspective. I will first introduce the moral politics perspective for a more adequate understanding of the role of culture in highly controversial justice issues. Secondly, I will present the policy analysis perspective that differentiates between incremental and atypical reforms to explain policy-making and discuss its usefulness and shortcomings for analysing the Uruguayan case. Thus, I will expound how policy change literature may benefit by including more specifically politics moral foundations theory to better account for cross-cultural variations in political debates. Thirdly, I will focus on the intersection between the local and the global context in the explanation of this particular process, incorporating the policy transfer perspective for a better account of how cannabis policies are

imported from the developed world and adapted to the cultural singularities of Uruguay´s cannabis problem. I will conclude posing the major ways in which my research attempts to contribute to the current understanding of the Uruguayan cannabis regulation case.

3.1. Moral politics perspective: debating morally controversial issues

Should the state punish those who interrupt their pregnancy or should it guarantee legal access to abortion? Should the state socially protect sex workers, just tolerate them, or punish those involved in prostitution? Should the citizens have the right to keep and bear arms for their own defence? Should be people allowed to use tobacco, alcohol, cannabis, cocaine, LSD or MDMA? And to sell any of them? While there is not much controversy about defining a set of behaviours that directly produce harm to others as criminal offences, such as robbery, assault, etc., there is a special type of acts that criminological literature frames as 'victimless crimes', for which the social consensus is significantly less clear, bringing into question our ideas of justice, principles of harm and state intervention into our private lives and practices (Braithwaite, 1989; Meier & Geis, 1997). Victimless crimes are behaviours where there is no easy way to define whom is the offender and whom is the victim, because there is a mutual agreement between both sides to engage in this act (Braithwaite, 1989; Meier & Geis, 1997). To make things more complicated, different foundational moral values may be triggered when you think about somebody that uses psychoactive substances illegally –'the victim'?- and the one that sells them –'the offender'? Accordingly, as it was reviewed in the previous chapter about the international context, different options have been endorsed worldwide regarding drugs' legal frameworks, ranging from total prohibition, use decriminalisation, personal or collective production, and, more rarely, entirely regulated markets.

Empirical research about victimless crimes has shown some interesting special features that seem to characterise these political debates. The first thing to note, with honesty, is that it is very hard for people to change deeply their minds about them. Does not matter if in favour or against, it is highly unlikely that any statistic or datum does not matter how scientifically sound, will change significantly your opinion about a topic such as cannabis regulation throughout your adult life. Usually, the few "converted" people, will have changed their mind about these type of topics, through significant interaction with other people, particularly if there is an attachment of affection, admiration, or a desire to please the other person (Haidt, 2012).

Still, people are likely to have a strong opinion about them. As public opinion surveys show (Bottinelli & Buquet, 2010; Zuasnabar, 2013; Bioidi *et al.* 2015), when asked about topics such as cannabis, abortion or gay marriage, there is a very low level of 'no opinion' compared to other issues. Whereas in most other political controversies surveyed the 'no opinion' represents around 20% of the answers, for these topics the rate is less than 10%. Furthermore, "*the pollsters observe that in other topics the respondents take their time to reflect; appears the 'well, I think that…', whereas in issues such as abortion the answer is, most of the times, instantaneous, which shows a consolidated pre-established position*" (Bottinelli & Buquet, 2010, p. 25).

Using the metaphor of an elephant and a rider, Jonathan Haidt (2012) proposes that to aim at understanding this type of political controversies one needs first to address that: "*Intuitions come first, strategic reasoning second; people make moral judgments quickly and emotionally. Moral reasoning is mostly a post hoc search for reasons to justify the judgments people had already made (…) I can't*

call for the community to punish you simply because I don't like what you are doing. I have to point to something outside of my own preferences, and that pointing is our moral reasoning" (Haidt, 2012, p. 51). The elephant is the moral judgment; it is sparked rather quickly and intuitively. The rider is the moral reasoning; responsible of fabricating sensible justifications of our gut feelings.

Thus, for example, cannabis prohibitionists would tend to emphasise the problem definition derived from cannabis use itself, as their addictive potential, carcinogenic properties, interaction with diseases such as schizophrenia and cognitive impairment associated with early onset and long term intensive use, among others (Murray *et al.*, 2007). In the same way, beliefs about the link between cannabis use and other undesirable behaviours might be posed, as for example irresponsible attitudes about sexuality (Kurzban, 2010), use of other legal and illegal drugs (Kandel *et al.*, 1978; Cohen & Sas, 1997; MacCoun & Reuter, 2001) and involvement in crime (Wilson & Kelling, 1982). From this point of view, prohibition not only restrains the cannabis market compared to regimes that are more permissive but also, at a more symbolic level, gives citizens the message of what values should be validated as a community, such as having healthier lifestyles. On the other hand, legalisers would privilege the problems that cannabis prohibition implies, as the consolidation of criminal enterprises of cannabis supply, prison-overcrowding, circulation of uncontrolled quality substances and social stigma, among others (Buxton *et al.*, 2008). From this point of view, cannabis use is a 'normal' social behaviour, with positive and negative consequences as many other behaviours (Boekhout van Solinge, 1999). Therefore, it is not the use itself as much as the market conditions what the law should aim to target.

This is not to say that prohibitioners and legalisers are not open to reason, however, the elephant - the moral arena- is far more powerful than the rider -the reasoned judgment-. Thus, for example, in their analysis of the Portuguese drugs decriminalisation case of 2001, Hughes and Stevens thoroughly noted how the evaluation of this policy depends largely on the production, selection and interpretation of the data available. Positions as diverse as considering Portugal decriminalisation "*a resounding success*" or "*a disastrous failure*" (Hughes & Stevens, 2010, p. 1) can be found in the political debate. In part, this is explained by the fact that at the moment the reform took place, data on the extent of the drug problem was not even available in Portugal. As a case in point, the first national survey of drug use was not conducted until 2001 (van het Loo, van Beusekom, & Kahan, 2002; Hughes, 2007). If the Portugal decriminalisation experience has conformed as a '*battleground for competing ideas',* as Hughes and Stevens show, is because in most of the cases, through moral reasoning people use empirical data to justify further pre-established positions. However, as Kilmer and Pacula (2017) most recently concluded for the cannabis case specifically, the data that is actually available in most countries is inadequate for rigorously evaluating the changes in cannabis supply laws. Hence, if moral foundations are the glue binding and blinding political actors behind such dissimilar claims as a resounding success or a disastrous failure, to understand why cannabis production ceased to be defined as a crime per law in Uruguay, it is key to explore what moral foundations are and how they might change.

From a criminological perspective, Meier and Geis (1997) argue that "*the idea of harm is one of the key elements involved in an understanding of why certain behaviours are forbidden by criminal law and are subject to punishment by the state (…) Criminal law draws its dictates from the moral preferences of those in a position to determine its content. Beliefs about morality interact with beliefs about harm in determining the roster of 'victimless' offenses*" (Meier & Geis, 1997, p. 10). Following the approach taken by the social psychologist Haidt in his analysis of American culture wars, this research takes a different stand considering that "*there is more to morality than harm and fairness*"

(Haidt, 2012, p. 109). Furthermore, it is contended that "*the WEIRDer you are [as for Western, Educated, Industrialised, Rich and Democratic], the more you perceive a world full of separate objects, rather than relationships and contexts. You will have less sociocentric morality, which means that you place the needs of individuals before those of groups and institutions*" (Haidt, 2012, p. 145). Within drug policy literature, this 'ethics of autonomy' is usually exemplified by the liberal tradition rooted in John Stuart Mill's statement that: "*The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant*" (Mill, 1859, p. I.9).

However, in most other societies, and within religious and conservative moral matrices within WEIRD societies, there is mainly a prevalence of an 'ethic of community', placing limits on people's autonomy while endorsing order, stability and traditions (Haidt, 2012). Thus, cannabis law might be perceived as a defence of societies' cohesion, and since drug use is risky and harmful, people cannot simply have a right to use drugs.

Within this general framework, Haidt proposes six politics moral foundations developed as adaptations to long-standing threats and opportunities in social life. Two of these foundations; liberty vs. oppression and care vs. harm have been found to be generally associated with progressive victimless crimes political positions. Alternatively, conservative policy positions are usually related with a wider spectre of moral foundations; involving ideas of fairness vs. cheating, loyalty vs. betrayal, authority vs. subversion and sanctity vs. degradation. While the moral domain varies across and within cultures, within any given culture cannabis politics controversies would involve competing ways to link cannabis to one of these foundations.

Thus, the 'liberty vs. oppression' foundation was originally developed to resist aggressive domination. It triggers a motivation to unite as equals with other oppressed individuals to resist tyranny and oppression. The drugs political debate, involves moral considerations about people's freedom to use cannabis. This appeal is nicely exemplified in the renowned Spanish liberal philosopher Antonio Escohotado 'Learning from drugs' book epigraph: "*Within my skin starts my exclusive jurisdiction. I'm the only one to choose what can or cannot cross that border. I'm a sovereign state and my skin margins are much more sacred than the political boundaries of any country*" (Escohotado, 2005, p. 1). This anonymous quote is usually considered a drugs legalisation slogan in that it contraposes individual freedom to use substances against the oppression of national traditions and values.

Secondly, the 'care vs. harm' foundation works to meet the adaptive challenge of protecting and caring for the vulnerable. It primes us to care, nurture, protect and interact. Care is usually appealed to by prohibitionist rhetoric arguing for cannabis prohibition to protect young people from drug abuse. Conversely, along with liberty, it is easy to see how care is also an important moral foundation for the political rhetoric surrounding harm reduction, marking the necessity of caring for people and their right to health improvements regardless of cannabis consumption.

The 'fairness vs. cheating' foundation focuses on issues of proportionality and reciprocity. It relates with moral emotions that make us play "tit for tat"; we feel pleasure, liking and friendship when people show signs that they can be trusted to reciprocate. We feel anger, contempt, and sometimes disgust when people try to cheat us or take advantage (Haidt, 2012). It appeals to elements of fairness, justice and trustworthiness for moral judgments. The fairness vs. cheating foundation is key to understand important issues of "*mutual mistrust in the medical care of drug users*" (Merrill *et al.*,

2002, p. 327), where neither the physician nor the drug user is perceived as morally trustworthy by the other. Alternatively, the (dis)proportionality of sentencing for drug offences has become a critical issue in drug policy debates. As noted by Lai (2012), "*proportionality is a critical consideration in many governmental reviews of drug laws and policies. In recent years, there has been greater discussion on the principle of proportionality in sentencing policies for drug offences. The governments of Argentina, Ecuador, Brazil, the United Kingdom (UK), South Africa and New Zealand all have initiated reviews of drug laws that consider proportionality as an important standard that sentencing frame works should meet. The European Union has also used proportionality arguments in its harmonisation efforts of sentencing levels for drug trafficking offences*" (Lai, 2012, p. 2).

The 'loyalty vs. betrayal' foundation responds to the adaptive challenge of forming cohesive coalitions, boosting group pride, rage at traitors, patriotism and self-sacrifice. Loyalty is a key politics moral foundation because it mobilises people behind a project or proposal. As with every war, loyalty and betrayal have been essential to the War on Drugs rhetoric, as posed by US former president Richard Nixon himself: "*in order for this program to be effective, it is necessary that it be conducted on a basis in which the American people all join in it*" (Peters & Woolley, 1971). As noted by authors such as Christie (1986), drugs are suitable moral enemies to unite the other side, since "*a good enemy is one seen as being so important that those fighting him/her can demand absolute loyalty as well as the use of extra-ordinary powers; criticism becomes treacherous*" (Christie, 1986, p. 44).

The 'authority vs. subversion' foundation aims at forging beneficial relationships within hierarchies. It relates with feelings of respect and fear. The existence of respected leaders many times allows to resolve some disputes and suppress much of the violent conflict that erupts when there are empty thrones, as research on drug trafficking organised networks have empirically shown (Garzón, 2016). As with loyalty to the War on Drugs cause, reassuring authority has been emphasised as a key moral foundation of prohibitionist policies. Thus, the 'drug and crime crisis' (Garland, 2001) that began in the United States during the 1960s was defined by the mainstream politics as a "crisis of authority", the result of a too permissive and hedonist ethos of modern society. For the neoconservatives in power, the law was seen as a tool for a 'remoralization' of society, to set the limits and confront those who transgressed them (Bennett, 1989). As illustrated by the authors of the Broken Windows theory arguing for cannabis prohibition: "*This wish to "decriminalize" disreputable behaviour that "harms no one"- and thus remove the ultimate sanction the police can employ to maintain neighbourhood order— is a mistake. Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is. But failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community*" (Wilson & Kelling, 1982, p. 5).

Originally triggered to avoid intoxicants and preventing infections, the 'sanctity vs. degradation' foundation resounds with ideas of purity and virtuosity. It makes some things 'untouchable', both in a bad way, because of being dirty, sick or polluted, and in a good way, to show respect and to prevent degradation. Rhetorically, it is usually connected with metaphors of elevation and fall, as in the idea of 'the spiral of decline' where cannabis is perceived as a first step to harder drugs and eventually of a decay. Furthermore, this sanctity vs. degradation moral foundation has been found to be "*crucial for understanding the American culture wars, particularly over biomedical issues*" (Haidt, 2012, p. 177). Interestingly enough, other cultural groups also strongly base their political discourse on this foundation, locating, on the contrary, cannabis as a key vehicle for purity and virtuosity -reaching the status of a 'holy herb'-, as in the Rastafarian religion (Benard, 2007).

Religion as a source of resistance and promotion of victimless crimes changes

This correlation between religion and political positions over victimless crimes made authors such as Engeli *et al.* (2013) question more widely the role of this variable in victimless crimes changes. What these authors found was that one basic assumption in the existent empirical studies addressing this issue is that the secularisation process that many occidental countries are going through should lead, sooner or later, to a permissive policy shift. This hypothesis was then typically tested trying to correlate some religiosity measure informed by the World Values Surveys (WVS) to moral politics reforms. Thus, for example, a pioneering study about the impact of culture on acceptance of soft drugs, including cannabis, across Europe concluded that: "*residents in nations with higher levels of human development also demonstrate higher levels of expressionism culture and both are more tolerant toward deviance behaviour and different lifestyles, such as soft drug use. (…) Another important finding is that religiosity has significant constraining effect on the public's acceptance of soft drugs. (…) Religiosity even remains a constraining factor of ascetic deviance even among the most industrialised nations in the world*" (Cao & Zhao, 2012, p. 303). In other words, the autonomy ethics prevalent in WEIRD people tend to favour more permissive regulations in cannabis as in a number of related victimless crimes areas, whereas "*more religious, less educated and less individualistic are less tolerant of soft drug use and other types of ascetic deviance such as prostitution and homosexuality*" (Cao & Zhao, 2012, p. 303).

However, comparing a number of European countries on topics such as same-sex marriages, abortion, new reproductive technologies, stem cells research and euthanasia, Engeli *et al.* found that the move towards permissiveness poses more of a puzzle than a simple shift. More specifically, it is argued that although important causal contributors, "*religion and secularization do not impact on regulation directly, but are filtered through a policy dynamic in which the essential factor is whether or not the party system contains a conflict line between secular and confessional parties to politicize*" victimless crimes (Engeli *et al.*, 2013, p. 1). This secularisation trend may or may not influence political outputs, depending on whether the specific conflict is installed among the political system.

In the 'secular world' -as they labelled the cases of United Kingdom and Denmark-, these issues are often seen as being essentially non-political but individual ethical questions. Thus, the composition of parties in government is not central to understanding cannabis reforms, which largely depend on issue-specific coalitions with no unifying tendency towards permissive regulation across the different sub-fields of victimless crimes, as abortion or sex work. Conversely, in the 'religious world' -as they labelled the cases of the Netherlands and Spain-, the party system embodies a significant conflict between secular and confessional oriented parties. Here, the opening of political windows when confessional parties are not in government becomes an important causal contributor and the varying degrees of secularization can explain cross-national differences in political outputs, since it provides secular parties with electoral support for increasingly permissive regulation. Furthermore, the different victimless crimes issues are likely to follow a similar policy process (Engeli *et al.*, 2013).

In this way, moral theory offers a first important insight into the cultural dimension of cannabis debates. This perspective can be used to explore how the problem of illegal cannabis was framed in Uruguay in terms of conflicting moral foundations, pointing to religion and secularisation as alternative sources of resistance and promotion of change at the macro level. In this regard, it is worth noting that criminological empirical research has systematically conceptualised religion as a

"protective" factor that restrains people from using drugs (DalgalarrondoI et al., 2004; Chitwood *et al.*, 2008; Johnson & Jang, 2010; Bioidi M. *et al.*, 2015), but has not provided an adequate insight to the wider role of religion in the cannabis policy making process.

In this thesis, cannabis regulation is generally defined as a special type of policy change that involves a deep questioning of the way we understand a political issue. Hence, it is unlikely to be the result of a merely rational evaluation of interests, information and knowledge available but conversely an arena where moral emotions are being under question. In what follows, I will present three middle ground theories of policy change that articulate with this premise, under the assumption that as a general rule people tend to dismiss or reframe events contrary to our own core values. Thus, I will discuss particularly factors such as advocacy coalitions united by belief systems hierarchically organised, public attention shifts and events 'external' to the drug policy subsystem itself.

3.2. Policy analysis perspective: understanding atypical changes

In her research on drug policy change in Portugal and Australia, Hughes (2007) argues that despite the recognition that policies are driven by both incremental and atypical reforms, there are few theories that seek to differentiate and explain both processes. The three most notable exceptions that will be used in this thesis are Kingdon's Multiple Streams theory (1995), the 'Punctuated Equilibrium Model' (True *et al.*, 2007) and the Advocacy Coalition Framework developed by Sabatier and Jenkins-Smith (1993). Incremental reform is the norm, but atypical change is also possible. Yet, since atypical changes imply a deep questioning of the way we understand a political issue, they are unlikely to be the result of a merely rational evaluation of interests, information and knowledge available. Conversely, they are seen as an arena where emotional and value biases are equally important causal contributors. Hence, this literature argues for the necessity of including these types of constraints in the information-processing capacities when trying to explain atypical change.

The starting point in Multiple Streams theory comes from a rather simple observation: the mere existence of a problem is unlikely to provoke atypical changes unless the problem is recognised, the political climate is receptive, and a policy proposal or solution is available. Each of these streams spurs or constrains policy change by placing a proposal on or off the agenda (Kingdon, 1995).

More specifically, problems are defined as public matters requiring attention, which may or may not get defined as important. Given that no objective fact constitutes a problem in and of itself, it is important to analyse the sources of the issues that are added to the political agenda, as well as the perceptions and values of the actors concerned which shape how a problem is defined. Thereby, exploring the translation of individual issues into social problems and then into public problems –or matters of political controversy.

How problems are defined and publicly recognized is not only important by itself but also because it shapes suitable solutions to it. More generally, policies are proposals for change based on the accumulation of knowledge and development of interest among specialists in a policy sector. As scepticism regarding the success of the prohibitionist approach has grown, new voices started to assert the necessity of debating and evaluating alternative solutions to the drugs problem. Yet, as reviewed in the previous chapter (see section 2.3), there is not necessarily a consensus regarding what

the 'best' regulatory practices are and different types of systems have been experimented with worldwide.

Lastly, the political process determines the pertinent actors involved in the debate, and how these actors try to influence the perception of the problems and provide specific solutions to them. There is an ongoing controversy in the literature about Uruguayan reform regarding this issue. Authors such as Pardo (2014) and Repetto (2014) have defined Uruguayan cannabis regulation mainly as a top-down initiative. Thus, for example, in the comparative analysis of Washington, Colorado (US) and Uruguayan cases it is stated that one of the "*three important things to note about Uruguay [is that the] regulatory reform is a government-led initiative, not a public referendum. According to polls, the public is not in favour of this policy change*" (Pardo, 2014, p. 3). Conversely, authors such as Castro (2014), Walsh and Ramsey (2015), Von Hoffmann (2015) and Arocena and Aguiar (2017) have contended for a more protagonist role of civil society, highlighting the importance of actors other than politicians themselves to fully understand the regulation process.

Having differentiated between problem definition, solution building and political process (actors and strategies), understanding cannabis regulation requires analysing the circumstances under which these different streams combine to make a policy happen. Furthermore, the linking of these streams depends on the presence of policy windows and policy entrepreneurs (Kingdon, 1995).

Policy windows refer to contexts of opportunity for advocates to press home their ideas, either triggered by the appearance of a particularly problematic, visible or compelling problem or by happenings in the political stream -such as a new administration in power (John, 1998). Capitalising upon these emerging opportunities requires the presence of policy entrepreneurs to link the three streams, attaching and re-framing policy proposals to fit emerging circumstances. In other words, it is about finding an available, rather than the 'best' solution (Hughes 2007). Previous research has identified the importance of this type of actor leading cannabis reform both at the governmental level -as in the case of the Netherlands- or within civil society -as in the cases of Spain and the US-. Like a surfer, "*entrepreneurs are ready to paddle, and their readiness combined with their sense for riding the wave and using the forces beyond their control contributes to success*" (Kingdon 1995, p. 190).

The 'Punctuated Equilibrium Model' (True *et al.*, 2007) bears some resemblance to the previous one, yet questions the streams approach in three major ways: emphasising the emotive elements of problem definition, the role of mobilisation, and the attention shifts provoked by the issue's expansion into the macro political agenda. From this perspective, atypical change is built not only over a disagreement in the proper way to describe or understand the cannabis problem, as Multiple Streams theory implies, but also in the set of images attached to it –that is, a mixture of empirical information and emotive appeals. In terms of politics moral foundations theory introduced above, cannabis problem definition would involve competing ways to link cannabis to certain moral foundations. More precisely, it is expected for conservative policy positions to be related with ideas of fairness, loyalty, authority and sanctity. Conversely, defining cannabis as a liberty and care problem will be expected to be associated with more progressive political positions.

According to the 'Punctuated Equilibrium Model', it is through mobilisation that a pre-established image and the corresponding policy venue where authoritative decisions about cannabis policy are made can be redefined. There are two main methods for this: (i) mass mobilisation, aimed at successively broadening advocacy efforts to mobilise larger and larger groups, beginning with

specialists and working to eventually include the general public; and (ii) strategic venue shifting. In this strategy, policy entrepreneurs use more private means of mobilisation of key sectors and "*venue shopping by strategically minded political actors*" (Baumgartner & Jones, 1993, p. 36). If successful, mobilisation destabilizes a current policy equilibrium by expanding or shifting the scope of conflict beyond its traditional venue (Robinson, 2014).

Yet, Jones (1994) argues that atypical cannabis change does not spring from rapid flip-flops of preferences or from basic irrationality (choosing to go against your own preferences); they spring from shifts in attention. Typically, cannabis policy-making operates out of the political spotlight, dominated by a single interest with a policy monopoly, which has a definable institutional structure responsible for the decision-making in an issue area. Thus, for example, as reported by Garat (2012) the 1976 South American Agreement on Narcotic and Psychotropic Substances that defined the regional blueprint for a legislative harmonisation to the 1961 and 1971 international conventions was made behind closed doors and without much public discussion around it. Whereas doctors, lawyers and police forces had a leading role shaping this legal framework, cannabis users themselves hardly had a voice in the political process, a fact also noted for other countries (see for example Stevens, 2011; Arana & Del Olmo, 1996). When mobilisation occurs, new participants become interested in the debate, the agreed-upon images and authoritative venues become contested, and eventually a policy shift may occur towards macro-political institutions. When an issue is on the macro-political agenda, small changes in objective circumstances can cause large changes in policy, in a process of positive feedback (Baumgartner & Jones, 1993).

In this way, whereas the idea of Multiple Streams policy windows implies entrepreneurs negotiating and re-framing policy proposals to fit emerging circumstances, Punctuated Equilibrium argues that atypical changes break into the macro-political agenda through a 'chaotic moment of punctuation'. These chaotic moments of punctuation, characterised as communication turmoil, are usually a disproportionate response to the specific event that triggered it, fuelled by heightened attentiveness by the media and broader public, and disputes over new dimensions of the debate becoming more salient. However, since attention spans are limited, controversy over an issue is a necessary but not sufficient condition for atypical reform to happen; if the citizens excluded from a monopoly –i.e. cannabis users- remain apathetic, the institutional arrangement usually remains constant, and policy is likely to change only slowly and incrementally in a process of negative feedback. Thus, from this perspective, it is only when an issue breaks into the public light and the ways in which the problem is defined become contested by the involvement of new actors in the political arena, that atypical change becomes possible (Baumgartner & Jones, 1993).

In contrast with the reviewed theories, the last middle ground theory used in this thesis –the Advocacy Coalition Framework developed by Sabatier and Jenkins-Smith in 1993- contends that political processes are driven not only by individual actors but mainly by groups coordinating actions over time, for atypical change to happen.

Previous works on drug policy have successfully applied this concept to analyse policy change. It has been employed by Kübler in his analysis of the Swiss harm reduction reform (2001), and by Hughes' research on two "harm minimisation proposals" (Hughes, 2007, p. 16); drug use decriminalisation in Portugal and the Australian Illicit Drug Diversion Initiative. Von Hoffmann (2015), Castro (2014) and Repetto (2014) have also found evidence of this type of dynamic in their analysis of the Uruguayan case. Von Hoffman, for example, stated that "*a strong and diverse advocacy coalition, consisting of*

cannabis activists, legislators, members of the executive and international actors, came into being and successfully pushed for cannabis reform. President Mujica's support was crucial, but cannabis legalization was not 'his'." (von Hoffmann, 2015, p. 11).

According to this theory, 'advocacy coalitions' share a hierarchically organised three level beliefs system that defines how a given public problem and the suitable solution to it are framed. More specifically, advocacy coalitions will tend to share a deep core of fundamental normative and ontological axioms, which define a vision of the individual, society and the world. Different normative foundations will be associated with a policy core of causal perceptions, basic strategies and policy positions for achieving those deep core beliefs. Lastly, secondary aspects would comprise instrumental considerations on how to implement the policy core (Sabatier & Jenkins-Smith, 1993).

In this thesis, I propose that by engaging moral foundations theory we can take the advocacy coalitions framework a step further, specifying what the coalitions' deep core foundations are and how they vary across and within societies. As Figure 3 displays, this reformulated version of the Advocacy Coalitions' belief system places these six moral foundations as the 'deep core' glue that unites and divides groups, binding and blinding political actors. The moral foundations apply for all political areas, and within any given culture, cannabis politics controversies would involve competing ways to link cannabis to these foundations. As it was previously discussed, believing that cannabis use is ultimately a personal freedom or alternatively an authority problem is a political stand highly unlikely to be changed by scientific evidence or knowledge available. These different normative foundations will be associated with a 'policy core' of causal perceptions, basic strategies and policy positions for achieving those deep core beliefs, specific to the policy area of interest. Thus, if cannabis use is framed as a personal freedom matter then logically cannabis policies cannot be targeted to punish its users, but to benefit them through health improvements. If, on the contrary, it is framed as an authority problem, then the law may be considered as a tool to reassure the limits of what is right and wrong to do. Thereby, if cannabis is risky and harmful people cannot have a right to use it. Changes at this level are still difficult but can occur, particularly by compelling close experiences or continued serious anomalies on expected policy outputs. Lastly, the 'secondary aspects' relate with instrumental decisions on how to implement those goals. If, for example, cannabis is appealed to as a holy herb and not just as a regular consumer good, then a legal regulation with private profit restrictions might be considered necessary. Instrumental decisions are specific to the drugs area and its susceptibility to change is moderately easy, usually involving technical and administrative issues. Within and between advocacy coalitions, policy brokers are actors mediating in the debate, undertaking the important role of keeping the conflict within acceptable limits, working for reaching some 'reasonable' solution to the problem among the parts for the coalition not to dissolve.

Figure 4. Structure of the Belief System of Advocacy Coalitions

	Deep (Normative) Core	Near (Policy) Core	Secondary Aspects
Defining characteristics	Politics moral foundations: liberty, care, fairness, loyalty, authority and sanctity	Fundamental policy positions concerning the basic strategies for achieving normative axioms of deep core	Instrumental decisions and information searches necessary to implement policy core
Scope	Part of basic personal philosophy. Applies to all political areas	Applies to policy area of interest (and perhaps a few more)	Specific to policy area/subsystem of interest
Susceptibility to change	Very difficult; akin to a religious conversion	Difficult, but can occur if experience reveals serious anomalies	Moderately easy; this is the topic of most administrative and legislative policymaking

Source: Adapted from Sabatier and Jenkins-Smith (1999, p. 31)

Since the belief system is hierarchically organised, actors tend to reject information that questions core beliefs; hence, policy-oriented learning is most likely to concern only secondary aspects of a belief system. Thus, for atypical drug policy change to happen, the presence of 'external events' that change power relations within a subsystem or shift public attention (and thus resources) toward or away from a policy subsystem become necessary. These external events are loosely categorised as: (i) major socioeconomic changes; (ii) changes in public opinion; (iii) changes in the systemic governing coalition; and (iv) policy decisions and impacts from other subsystems. Yet, even if defined as external, it is not these events by themselves but their interpretation and exploitation with greater or lesser skill by the coalition that matters, for policy change to happen (Kubler, 2001; Sabatier & Jenkins-Smith, 1993).

In this thesis, I will argue that although previous research on drug policy change has provided a convincing picture of the importance of advocacy coalitions for the cannabis reform, they portray an overly optimistic narrative of the collective dynamics involved, overlooking both the conflicts within groups as well as the strategies displayed to deal with them. More generally, although atypical change theories have the virtue of pointing to values and beliefs as an important factor informing drug policy making, this is a category that has been theoretically underspecified in the literature. Most of the time, researchers just assume it exists, yet they overlook its actual empirical derivations (Ripberger *et al.,* 2014). As it was explained, this thesis aims to make a theoretical contribution in this regard by engaging with the moral politics perspective as a way to specify further missing elements in atypical change theories, as the content and cultural variation of Advocacy Coalition's deep core beliefs, and alternative sources of resistance and promotion of change.

3.3. Policy transfer perspective: the role of international actors

Moral politics and atypical change perspectives are important theoretical insights to understand cross-cultural variations in drug policy development. Yet, as it should have come across from the literature review (chapter 2), the cannabis debate is a two-level political arena. National and sub-national drug control cultures interact in different ways with global influences that have significantly affected the available pathways for cannabis policymaking.

On the one hand, international treaties have been used as a powerful tool for the expansion of cannabis prohibition and the War on Drugs framework from the countries of the north to those in the south. As noted by Jones and Newburn (2006), a generalised shift during the 1980s toward a more punitive culture of drug control has received widespread criminological attention in Latin America as elsewhere. Drug policy analysts have repeatedly pointed to the importation of ideas and legal frameworks from abroad, particularly from the United States, when explaining this general shift. Thus, for example, authors such as Jock Young (2003), Bewley-Taylor (2003), Youngers and Rosin (2004), O'Malley (2004) and Durán-Martínez (2016), to mention a few, have consistently showed how North American political actors were key for the adoption of the war on drugs metaphor, and incarceration as the key weapon of this war, in a number of different countries.

On the other hand, increasing critiques of such treaties emerge at the same time as an array of divergent experiences of drugs regulation start to develop at the local level. Furthermore, one of the main alternatives to this punitive approach, harm reduction, is also a well-travelled concept. Since its development in Europe, Australia and North America two decades ago, harm reduction has been increasingly accepted by many governments and the international community as a policy proposal (Stimson, 2007).

Regarding cannabis policy more specifically, previous works have already identified a number of significant similarities and differences between recent regulation frameworks. In his research on the Uruguayan case, for example, von Hoffman states that although the existing literature conceptualized Uruguay's cannabis regulation as an almost exclusively domestic phenomenon, an international dimension needs to be incorporated in an explanatory account. More precisely, "*the changing international context, epistemic communities, transnational activism and positive international response contributed to the success of cannabis policy reform*" (von Hoffmann, 2015, p. 2). Yet, the concrete mechanisms of policy transfer in this field remain relatively unexplored. Overall, as proposed by Nelken (2010) and Jones & Newburn (2006) in their works on international policy convergence and national punitiveness patterns, most of this literature is more concerned with who is in charge of policy transfer and where it may lead, while there is much less focus on discussing how it is even possible (Nelken, 2010; Jones & Newburn, 2006).

The analysis of policy transfer mechanisms regards the intentional actions of significant actors to engage in a "*process by which knowledge of policies, administrative arrangements, institutions and ideas in one political system (past or present) are used in the development of policies, administrative arrangements, institutions and ideas in another political system*" (Dolowitz & Marsh, 2000, p. 5). Here, the term 'use' is particularly important because the apparent similarity of policies adopted in different jurisdictions is not a sufficient guaranty of policy transfer, since it might have occurred simply by chance, as result of parallel endogenous policy developments or even as a tool for legitimizing decisions that political actors had already made. Thus, it is not always easy to empirically determinate the existence of policy transfer, separating external influences from endogenous policy development and its possible 'cross-fertilization'. It is not only important to identify significant similarities between Uruguayan cannabis reform and reforms occurred in other jurisdictions but also to detect the agents who have transferred this knowledge and made politicians aware of them, exploring the reasons why Uruguayan legislative actors utilized such knowledge (Jones & Newburn 2006).

Typically, research on policy transfer has primarily focused on the role of official actors and networks in this type of process. More recently, a growing body of work has been enhancing our understanding

of non-governmental actors and transnational activism as transference agents (Stone, 2000; Keck & Sikkink, 1999). Since non-governmental actors cannot impose policies on a political system, their place in policy transfer dynamics is not self-evident, usually playing a role akin to that of policy entrepreneurs, encouraging policy lesson-drawing and advocacy efforts.

Further on, it is important to question by what means and why policy transfer is possible, exploring the existence of structural, contextual, institutional and cultural factors that may block or enable this kind of process (Dolowitz & Marsh, 2000; Jones & Newburn, 2006; O'Malley, 1999). In this regard, Bennett (1991) outlines four possible types: emulation, harmonization, elite networking and policy communities, and penetration. Only the last one entails a non-cooperative mechanism of transference involving the imposition of a particular political pathway by some powerful agent. Thus, emulation implies the deliberate use of lessons of a program used in another society, whereas harmonization concerns the efforts of intergovernmental organizations to develop processes of international integration to synchronize common policies. Finally, elite networking refers to the coordination of governmental and non-governmental actors sharing information about a common problem and possible political solutions to it. Overall, the difference between these types is a matter of degree.

In the context of this research, policy transfer is discussed as both a causal contributor that might help to understand why cannabis regulation was possible in Uruguay. I will discuss the specific policy transfer mechanisms, blockers and facilitators that might have been underpinning the diffusion of cannabis innovations that the literature centred on policy design has empirically identified but fails to analyse.

Concluding remarks

Cannabis regulation is an atypical and surprising reform, in that it not only involves a questioning of policy tools but also interrogates deeply the moral foundations of policy making. Unlike most of the cannabis control models developed in the world, the Uruguayan new legal framework aims at facilitating the best public safety and health conditions possible for this market to develop, and not to just restraining it, as cannabis prohibition does.

Because of the high moral controversy surrounding this decision, this type of change is not expected to come as an endogenous policy learning process. Thus, the present thesis aims to contribute to the criminology field by discussing why and how a concrete behaviour ceased to be defined as a crime by law, exposing the interplay between morality and law-making.

Theoretically, it aims at a specific understanding of drug policymaking by engaging moral politics, atypical change and international policy transfer perspectives to explain Uruguayan cannabis regulation. More specifically, a revisited advocacy coalitions' belief system framework was proposed, including Haidt's six moral foundations for a better account of political debates within and across societies. An ethics of autonomy was related to progressive political stands on cannabis and other victimless crimes, generally emphasising elements of liberty and care in policy reforms. Conversely, an ethics of community was associated to conservative positions, endorsing prohibition as an authority issue placing limits on people's autonomy while endorsing order, stability and traditions. Additionally, the role of religion and secularisation in victimless crimes political processes was discussed in some depth, pointing to the existence of two different 'worlds' of cannabis reforms; the

secular type, characterised by issue-specific coalitions where the composition of parties in government is not central to understanding cannabis reforms. In the religious type, different victimless crimes issues are likely to follow a similar policy process. In this case, varying degrees of secularization and the absence of a confessional party at the government are important factors to understand cross-national differences in political outputs. Hence, at the macro level, structural and contextual variables such as a secularisation processes affecting public opinion on cannabis, changes in the systemic governing coalition, the appearance of new political actors, and policy windows opened during the electoral competition creating chaotic moments of punctuation were all highlighted as relevant factors to explore in the Uruguayan case.

At the micro level, the constitution of advocacy coalitions around cannabis reform, as well as the presence of policy brokers and entrepreneurs mediating the conflict and re-framing the policy proposals to fit emerging circumstances were identified as important concepts to research. Lastly, the study of the political process itself necessitates exploration of the pertinent actors involved in the debate, and the mobilisation strategies used to change the power balances within the illegal drug policy subsystem. It involves the analysis of how the image of illegal cannabis was framed in Uruguay as a mixture of empirical information and emotive appeals, and how this shaped the policy design to resolve the problem.

Lastly, the role of international actors and experiences is under question, looking at how the international accumulation of knowledge about cannabis legal regulations might have been transferred to Uruguay, and what were the main blockers and facilitators for political actors to engage in this process.

Thus, having outlined the theoretical strategy to understand Uruguayan cannabis regulation, the following chapter delves into the corresponding methodological challenges attached to this case study.

Chapter 4. Methodological framework

The present chapter outlines the methodological strategy selected for the study of Uruguayan cannabis regulation. I will start by introducing qualitative case analysis and causal process tracing as the general approach guiding the fieldwork process and its subsequent analysis. I will review the main strengths and limitations derived from the research design and introduce the strategies deployed to enhance the internal validity of my findings, as the examination of other policy options that were available and considered by the Uruguayan parliament in the period under study.

Following, I will present the data sources that the analysis of the case relies on. I will locate participant observation as the privileged tool for studying cannabis policymaking in the place where policy is made. I will differentiate the two main periods of participant observation aiding this research; one starting before the arrangement of the PhD (2007 – 2013) and the second corresponding to this research fieldwork (2014 – 2016). Over this eight-year period, a significant network of around 50 informants was built; some of these were long-term personal relationships with whom I kept regular contact throughout the research process. Open semi-structured interviews were a central data source used to thoroughly review the position of the research participants over certain topics. It was a particularly important method to explore opposition to the reform. Alongside a topic list, a history calendar including dates of important events occurred between January 2011 and December 2013 was used as a guide during interviews to enhance the temporal validity of the data thus collected. Analysis of previous interviews conducted for a documentary on the topic was used as a triangulation method to review the position of a number of research participants through time. Lastly, a diverse set of public and private secondary data was also employed, consisting of legislative transcripts, political parties' programmes, governmental documents, news, and public congregations' manifestos.

The next step will be defining the population of interest and sampling procedures followed to identify my research participants, combining purposive and chain-referral methods. Thus, six types of actors of interest were distinguished: legislative power members, executive power members, judicial power members, Uruguayan civil society representatives, International civil society representatives and a group of professionals ranging from journalists specialised in the topic to members of the academy (an historian, a sociologist, political scientists). I will characterise this 'elite level' group as an over-researched population due to the extraordinary interest that Uruguayan cannabis regulation attracted world-wide, and the consequences that followed for entering and leaving fieldwork. In this context, I will argue for attending to reciprocity in method in order to gain access and enhance the trustworthiness of the research results. I will also discuss some important ethical issues that arose while researching the policy-making process, including my role as a drug policy reform activist and the validation strategies deployed to use data that occurred before my PhD fieldwork.

Lastly, I will delve into the procedures employed for data analysis. I will introduce the thematic codes of interest defined organising the data collection and explain how they related to the research questions. I will also present the strategy followed for the inclusion of religion as an emerging code that evolved as a category of interest as I started to delve into the data collected. I will explain how the narrative analysis of these codes interacted with time as a key analytical dimension. Lastly, I will explain how a network analysis of the reformer advocacy coalition was constructed within this framework, based on the shared participation of actors in cannabis regulation related events. I will

conclude by summing up the array of tools presented and their relationship with the research questions guiding the study.

4.1. Research design: within-case causal process tracing

As the theoretical framework selected describes it, Uruguayan cannabis regulation is an atypical policy change. It is atypical because it was surprising to observe for the first time a country explicitly challenging the prohibitionist international drug control conventions status quo in order to deploy a regulated market in which Uruguayan residents older than 18 could buy or grow their own cannabis legally. In this way, unlike most of the criminological work centred on understanding deviance amplification in the form of increasing punitiveness, the Uruguayan case represents a unique opportunity to study why and how a behaviour ceased to be defined as a crime by law.

The literature on cannabis models is abundant, both centred on the Uruguayan case or comparing it with other designs worldwide (Boidi *et al*., 2015; Pardo, 2014; Montañés, 2014; Room, 2014; Kilmer *et al.*, 2013). However, our knowledge of the social processes that made these different models possible is still relatively limited and largely descriptive. This circumstance might be explained by the methodological difficulties faced for studying political elite level populations. Identifying the overt and covert actors involved, gaining access to them as well as to the moments where policymaking is actually made, is not an easy task for researchers. Moreover, even when possible, it takes time to build the trust necessary to avoid 'politically correct' answers from the research participants. Hence, this qualitative case study is specifically devoted to understanding how and why cannabis was regulated in Uruguay by subsequently asking:

- Who were the main actors involved in the Uruguayan cannabis reform and how they networked as advocacy coalitions?
- Why was cannabis regulated in Uruguay; that is, how were the problem of illegal cannabis and the suitable political solution framed?
- How did cannabis regulation come to prominence and set policy agendas?
- What are the implications of these stages for the implementation of the law and, more broadly, for cannabis policymaking?

As defined by Blatter and Blume (2008), case studies are characterised by their thickness, derived from the breadth of evidence that can be brought to bear in order to depict a full 'storyline' of the Uruguayan cannabis regulation process (Amenta, 2009; Byrne, 2009). As a form of research, case study gains credibility by thoroughly triangulating the descriptions and interpretations of the actors involved, not just in a single stance but continuously throughout the period of study. Thus, a case study is featured by "*researchers spending extended time on site, personally in contact with activities and operations of the case, reflecting, and revising descriptions and meanings of what is going on*" (Stake, 2005, p. 450). Among them, causal process tracing is a style of case study that takes the temporal validity of the causal arguments to centre stage. Thus, it aims at advancing time ordered conjectures about complex interactions between causal factors, motivations, actions and events. In this context, the relative importance of a given piece of evidence is assessed by reflecting on the necessity and sufficiency of the causal claims for inferential purposes (Mahoney, 2012; Collier, 2011). The validity of this type of research design relies largely on the possibility of studying cannabis policy-making where policy-making is made, since political actors are capable of learning from past events,

developing different rationalisations of the process experienced throughout time. Additionally, the time gap between the occurrence of the output and the different studies potentially bears some well-known memory biases, such as the distortion and telescoping effects, losing the fine grain via the passage of time (Sutton, 2010).

An important limitation of case studies regards the lack of counterfactual examples aiding to identify the role of converging local and international factors in the explanation of this legal change (Mjoset, 2009; Goertz & Mahoney, 2009; Ragin, 1987). What would have happened if Uruguayan former president Mujica did not support cannabis regulation? Or, conversely, what would have happened if Mujica was the president of another Latin American country, for example? Would cannabis still be regulated in this hypothetical case? Counterfactual thinking aids in the evaluation of how necessary or sufficient the events included in the causal narrative are. The two strategies displayed for reducing this bias related with the lack of a counterfactual example were the arrangement of interviews with international experts, especially from other Latin American countries, in order to contrast some of the conclusions arrived at with the political processes occurring in other places. Additionally, I reviewed other policy options that were available and considered by the Uruguayan parliament in the period under study to clarify the role of different types of political actors (Capoccia & Kelemen, 2007).

More precisely, the legislative period under study is compounded by four parliamentary stages: first the cannabis law proposal is discussed in small 'Commissions' of either the upper ('*Senadores*') or the lower ('*Diputados*') chamber. In these commissions, interested citizens and experts can be called to express their positions on the topic under question, aiding the legislators to arrive to proposals how to improve a legal framework. Since 2011, two laws regarding cannabis were presented at the lower chamber's 'Addictions and their impact in Uruguayan society' Commission: "*Cannabis regulation for its consumption*" law of December 2011, sponsored by Uruguayan civil society, and the "*Cannabis monopoly for its selling*" law of August 2012, sponsored by Uruguayan Executive Power. If approved in the Commission, the law proposal is considered at the plenary session of the chamber. Yet, the law finally approved at the plenary session of the lower chamber, on the 31 of July 2013, was a third one called "*Cannabis Control and Regulation*" law n° 19172. Its consideration at the upper chamber started at the 'Public Health' Commission and, on December 10, it was approved in the plenary session, becoming a new element of the Uruguayan legal system.

Along with the actual law, voted at the parliament, its regulatory framework elaborated by the Executive Power is important complementary material to understand how the new law works in the practice. The Executive Power presented the complementary regulatory framework in the following years: on recreational uses, including domestic cultivation, cannabis clubs and selling (Nº 120/014, 06/05/2014); on Industrial Hemp (Nº 372/014, 16/12/2014); on Scientific and Medical uses (Nº 46/015, 04/02/2015); and on alcohol, cannabis and other drugs consumption in work environments (Nº 128/016, 02/05/2016).

Figure 5. Cannabis legislative process
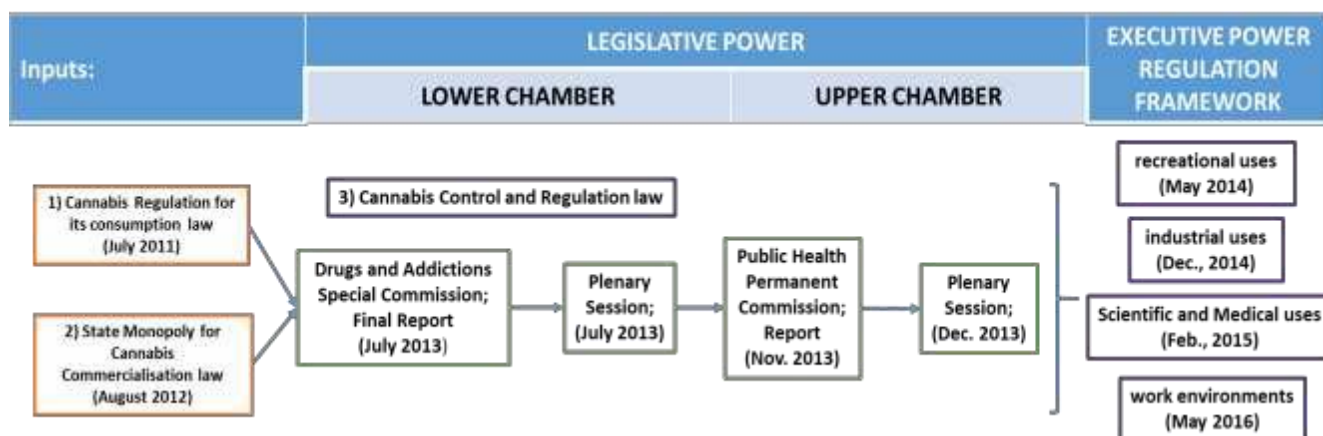
Source: own elaboration

This strategy of continuously contrasting other policy options that were available and considered by the Uruguayan parliament in the period under study provided a good opportunity to examine and relate political processes behind each of the law's proposals, connecting the leading research questions: Who were the actors involved and how they networked as advocacy coalitions? Why did they want to regulate cannabis? And how did they manage to set policy agendas?

4.2. Data and Methods

This case study followed a qualitative strategy that attempted the triangulation of different sources based on participant observation, open semi-structured interviews and documents as main data collection methods. The objective was to compare and contrast different visions and positions on the topic as well as grasping the importance of time and timing in the political debate, arranging successive data collection instances with the same research participants. Formal and informal interviews, participant observation and relevant documents were then cross-checked as data sources to enhance the findings' robustness, aiming at increasing the credibility of findings that are supported across multiples sources or revealing the weakness of some sources that might otherwise have been viewed as reliable (Tansey, 2007).

Participant observation was a particularly important data source to determinate who the main actors involved in the Uruguayan cannabis policy reform were, to construct the sampling frame for network analysis, and to investigate how the problem of illegal cannabis and the suitable solution to it was framed. Along with the interviews conducted, it was also central for exploring why the regulation law came to prominence and set policy agendas. Documentary analysis was an important source of triangulation, especially regarding the Executive Power position on the topic, but also for reflecting on the implications of the political process for the future implementation of the law and for the global debate.

Participant observation

As former studies have noted, in the field of policy analysis, participant observation is a rare and unique opportunity to provide a detailed picture of the actual social world of the policy-making process (Stevens, 2011). This kind of data collection method provides a privileged insight to assess the 'reflexive rationalisation' of conduct, the doubts, contradictions and tensions involved, and the social environments of the political process (Hammersley & Atkinson 2007). Participant observation has been a powerful methodological tool in criminological fieldwork since its origins, with the strong influence of the Chicago School tradition. Cultural and critical criminology have championed this methodological practice, challenging some well-established preconceptions about the boundary separating researcher from research subjects, and re-framing participant observation as part of a larger goal of communicating with others -readers, viewers, community members- in the interest of progressive social change (Ferrell, 2009).

Sustained by this tradition, two main periods of participant observation can be differentiated as data sources for this research. One starting before the arrangement of the PhD (2007 – 2013), facilitated by my membership in *Proderechos* (Pro-rights), a Uruguayan social organisation closely involved in the cannabis regulation debate. This personal background allowed me to develop an extensive network of long-term personal relationships and a peculiar opportunity to analyse this case very much from the 'inside' of the political world. During this stage, I attended a number of meetings with political representatives of every political party; the Informal Dialogues on cannabis regulation organized by the Uruguayan Drugs Committee, the Transnational Institute and WOLA; meetings of the National Coordinator for Marijuana Regulation; the Responsible Regulation campaign; meetings of the 'advisory group' for cannabis regulation called by the National Drugs Committee, the *Frente Amplio* programmatic session on the Drugs issue, and the cannabis regulation implementation workshops in Denver, Colorado, arranged by the Drug Policy Alliance, among others. As I will discuss more in detail below, this background was key for identifying and accessing to my population of study as well as to a wide range of documents and meetings notes. Although highly valuable, the data thus gathered did not follow a structured methodological strategy, which limited the type of information collected.

The second period of participant observation corresponds to the PhD fieldwork (2014 – 2016), when two types of participant observation activities were arranged. Firstly, I participated regularly in meetings of the NGO *Proderechos*, the "Monitoring and Evaluation Strategy for the Cannabis Law" project sponsored by national and international civil society organizations in cooperation with the Uruguayan National Drugs Committee, and a social cannabis club growing site. Non-regular activities included events such as participating in meetings with civil servants, public demonstrations, research presentations, seminars and workshops on cannabis regulation. I followed two general criteria in order to decide what non-regular activities to prioritise. Firstly, the ones against cannabis regulation, in order to better grasp the dynamics within the opposition to the reform. Secondly, the activities jointly sponsored by the government, the international and national civil society organisations. The rationale behind this was my interest in exploring the policy transfer processes at play in the Uruguayan case, along with the tensions and cooperation mechanisms between these actors. Additionally, I tried to cover a wide range of grass roots activities to grasp the cannabis growers and users' views on the law, aiming to explore the possible obstacles and facilitators to its implementation.

As noted by the Uruguayan historian Sempol (2013), the rapprochement between science and activism is a longstanding tradition in Latin America. This does not necessarily mean 'politicizing'

science, but rather being critical about the 'ideal of neutrality' that "*certifies as value-neutral, normal, natural, and therefore not political at all the existing scientific policies and practices through which powerful groups can gain the information and explanations that they need to advance their priorities*" (Harding, 1992, p. 569). Conversely, objectivity was pursued by seeking critical distance from the assumptions that have shaped my perceptions and convictions about the topic, discarding pleasing interpretations that cannot pass elementary tests of evidence and logic, and making an effort to enter sympathetically into the perspectives of my research participants regardless of their own position on the issue.

Still, how my pre-existing -and ongoing- role as a drug policy reform activist may have influenced the present research? Firstly, I had much more knowledge about the people supporting cannabis regulation than about the opposition to reform. The common background with drug policy reformers made easier for me to enter into fluid conversations, contrast and even confront the participants' views over several topics. Alternatively, I had to be very careful reassuring the difference between me as a researcher and as a member of Proderechos, to try to obtain reliable data about the conflicts of other actors with this particular organisation. Secondly, in some participant observation activities I felt that I was not able to perform a detached attitude to allow the natural course of action, because it was expected from me to intervene in a meeting, to define a position and to give an opinion about desirable roads for action. In instances like this, it was very hard for me to disentangle how participant my participant observation should be. Thirdly, as a political activist, the selection of the whole approach of this thesis is strongly politically oriented. During fieldwork, prominence was given to politically involved actors and public campaigns. The analytical framework leading data analysis is based on three explanatory models from Political Science. If this thesis exists is because I believe that successive concerted action can change policies.

In this ten-year enterprise, I developed a significant network of around 50 informants (see annex 1), some of them based on long-term personal relationships with whom I kept regular contact throughout this process. I took field notes, wrote memos, recorded conversations, and engaged in informal talks that allowed me to continuously explore and triangulate views over different topics. Overall, I believe that the data collected through participant observation significantly widened my access to insights about the political process, and particularly about sources of conflict, cooperation and controversy between different types of political actors, that the interviews and documents analysed tended to neglect.

Semi-structured interviews

Open semi-structured interviews were a central data source in order to review thoroughly the position of the research participant over certain topics, to explore emerging themes and to triangulate and validate data collected through other methods during my fieldwork. It was a particularly important method to explore the opposition to the reform. A guide with topics was used (see annex 2) during the interviews, in order to cover every dimension of analytical interest. This method allowed adapting the thrust of core questions in accordance with its pertinence to the particular actor interviewed, and to seek clarification and elaboration on the answers given, entering into a dialogue with the respondent (Legard *et al.*, 2003).

Overall, members of the executive and legislative power were the ones hardest to get access to. In most of these cases, the interview was conducted at their office in the parliament. In this particular setting, the interviews were usually shorter than in other settings, and in some cases frequently interrupted by phone calls or inquiries from the parliamentarian's assistants. My previous experience in the topic allowed me to gather valuable complementary data to contrast and triangulate tools, but affected by a selection bias.

In order to improve the reliability of the data collected and its further analysis, a history calendar including dates of important events which occurred during the political process was used as a guide during interviews (see annex 3). Life event calendars is a widely used method in social sciences to collect retrospective information about a range of topics. Still, most of these applications have occurred across disparate disciplines outside of criminology. It was designed to account for the role of cognition in response behaviour, reducing memory biases by manipulating how memories are triggered in order to facilitate respondents' recall more effectively. Strategies for encouraging recall with the life events calendar method have included using 'bounding cues' to provide reference points for further memory retrieval and incorporating "sequencing" to further illuminate a particular theme of interest (Sutton, 2010). In the context of this research, the use of this method proved to be useful for data collection, for the participants to recall the political process more efficiently, to recall the sequencing of intertwined events, and to use the timing of the most salient events to recall less-salient ones (Axinn *et al.*, 1999). Additionally, the events calendar was also useful at the stage of data analysis, to analyse the relationships between different events, political strategies and 'external factors' with the political process, enhancing the internal validity of the research design.

Analysis of previous interviews

Analysis of existing secondary data is one of the main research resources in social science. Data gathering is both costly and time consuming, for the researcher and for the participants. Oftentimes, the data already gathered by other researchers or institutions is under-analysed, missing an important chance to extend the understanding of social phenomena by providing a new interpretation of it. While there is a well-established tradition of conducting quantitative secondary analysis, qualitative interviews are seldom reanalysed. When possible, using existing data provides a good opportunity to study past opinions on issues related to the research questions, and to complement already completed analysis by focusing on specific issues (Heaton, 2008).

Between October and December 2013, that is, at the same time that the cannabis law was undergoing the legislative vote, 15 semi-structured interviews with politicians, national and international activists and civil servants were undertaken, sponsored by the local NGO "*Proderechos*", for a documentary film aimed at describing the political process towards cannabis regulation[4]. Interviewees were selected through purposive sampling, according to their prominence in the political debate. All the participants consented to the public use of the information provided. These interviews were especially useful to grasp the evolution of the opinions of those interviewed in successive periods of time, contrasting this information with my own subsequent interviews and participant observation.

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[4] Odriozola, Federika (2016): Cannabis en Uruguay. For more information:
http://www.cannabisenuruguay.com/

Documents analysis

Documents analysis was also used in this research. Documents are important pieces of information; they report discussions, 'official versions', connect actions and events, explicit decisions, agreements and conclusions (Bowen, 2009). Primary data from participant observation and open interviews was a key aid to sort through the abundance of evidence, prioritizing the most important documents and accessing to private or semiprivate documents. As common sense dictates, it is easier to find something when you know where to look.

The written documents analysed included the transcripts of the legislative debate related to the different cannabis laws presented in parliament, the Strategy for Life and Coexistence document elaborated by the Uruguayan Executive Power, and the transcripts of radio hearings from former Uruguayan president Mujica's radio programme *Habla el Presidente* (The President speaks), where his rationale for regulating cannabis is explained thoroughly (20/12/2012; 24/01/2013; 14/03/2013; 07/05/2013; 01/08/2013; 06/08/2013). Transcripts of the National Drugs Committee meetings and the National Strategy on the Drugs Problem 2001 – 2015 and 2016 – 2020 were also reviewed, as were the Uruguayan political parties' programmes for the 2010 and the 2015 elections, in order to trace down the incorporation of the topic and evolution of the institutional positions. I also included briefings and reports elaborated by international civil society, as the Informal Dialogues on Drug Policy organised by Transnational Institute (TNI) and Washington Office for Latin America (WOLA) and several workshops related to the topic elaborated by Drug Policy Alliance (DPA). Most of these documents are public and available online on the respective organisations web pages. Additionally, thanks to my research participants' collaboration, I had access to a range of written private meetings memorandums, workshops reports and public demonstrations manifestos that were important pieces of information as well.

4.3. Sampling

The selection of within-case causal process tracing as the general approach for the study of cannabis regulation in Uruguay has important connotations regarding the most suitable sampling procedures. As introduced above,

> "*the goal of process tracing is to obtain information about well-defined and specific events and processes, and the most appropriate sampling procedures are thus those that identify the key political actors— those who have had the most involvement with the processes of interest. (…) Consequently, random sampling runs against the logic of the process tracing method, as it risks excluding important respondents from the sample purely by chance. [Conversely] the ultimate goal is to reduce randomness as much as possible, and thus non-probability sampling approaches are the most appropriate*" (Tansey, 2007, p. 765).

This is why in this research, privilege was given to the collection of a wide range of data of a very specific elite level set of actors, events, and processes, aimed at disentangling the causal mechanisms at play within the case. I tried to triangulate a diverse array of sites of analysis and events observed, conducting a number of serial interviews and informal talks with key informants. The population of interest was thus formed by combining purposive and chain-referral sampling methods. Purposive sampling was used in accordance with the study's objectives and my previous knowledge of the

population. In addition, chain-referral techniques were deployed, aiming to avoid omitting politically important but publicly less visible actors deemed influential in the cannabis debate by their own peers. In this way, six types of actors of interest were identified:

(i) Legislative Power: on the 17th of April 2010, a special legislative commission on 'Addictions and their impact in Uruguayan society' was created, in order to consider the many legislative proposals around drugs that had been presented at the parliament. This commission grouped together all the political entrepreneurs for and against the reform, and was responsible for drafting the bill that converted Uruguay into the first country in the world to regulate cannabis in 2013. Based on the legislative transcripts, I built a sampling frame summarising the number of times that each politician attended its meetings. Some of them attended every meeting and some of them only once or twice. For the selection of the interviewees, privilege was given to the ones attending most meetings on both sides - for and against the cannabis reform-, assuming that this group was the one most involved in the political process. In total, eleven interviews were conducted with members of the legislative power: three representing the *Partido Nacional*, six the *Frente Ampio*, one the *Partido Colorado* and one the *Partido Independiente*.

(ii) Executive Power. Four interviews were conducted with members of the Uruguayan executive. One with the General Secretary of the National Drugs Committee, one with the first president of the IRCCA, and two with members of the Minister of the Interior. I also attended several meetings arranged by the National Drugs Committee and the Minister of the Interior for governmental actors to discuss the details of the cannabis law with Uruguayan and international civil society.

(iii) Judicial Power: One interview was conducted with a national prosecutor. As explained before, in this thesis, privilege was given to politically involved actors and my research participants did not identify judicial power members as strategic actors in the political process.

(iv) National Civil Society: Sixteen interviews were conducted with members of Uruguayan civil society groups both for and against the reform, ranging from cannabis activism to drug treatment institutions. Additionally, I participated regularly in meetings of the NGO *Proderechos*, and a social cannabis club growing site.

(v) International Civil Society and cannabis activists: thirteen interviews were conducted with representatives of international civil society groups advocating for cannabis reform, based in several Latin American countries, Europe and North America.

(vi) Professionals: Five interviews were arranged with Uruguayan professionals specialised in the topic of drugs, including lawyers, a journalist, a sociologist, a historian, a hemp entrepreneur and a Uruguayan Pharmacies Union representative. Additionally, I participated regularly in meetings of the "Monitoring and Evaluation Strategy for the Cannabis Law" project sponsored by national and international civil society organizations in cooperation with the Uruguayan National Drugs Committee.

Overall, I consider that an adequate balance of perspectives regarding the different types of actors involved and their positions on the topic was investigated. Members of the Executive Power were hardest to reach, and some of them refused to participate due to time constrains, as the former president of the National Drugs Committee, Diego Cánepa or former president Mujica. Doctors and

pharmacies representatives as well as members of the judicial sector (judges, prosecutors, etc.) were other problematic targets. The strategy for reducing this bias was triangulating data from other interviews -in particular with *Frente Amplio* legislative representatives and lawyers-, documents analysis and participant observation, especially within the National Drugs Committee. As a whole, I consider that this research work counted with the participation of a rich and diverse sample of political actors, which allowed me to reach a reasonable saturation point regarding the different perspectives playing a role in the Uruguayan debate.

4.4. Gaining access

As former studies about drug policy-making have shown, gaining access to an 'elite-level' population and particularly to the actual political debates and deliberations that precede decision-making and action, presents a number of difficulties (Stevens, 2011). Political decisions are usually surrounded by secrecy and important incentives may exist for political actors to either overemphasise or understate their own role in cannabis regulation, as well as considering some of the conflicts, collusions and agreements within and between different groups. In fact, it has been largely argued in social sciences that one of the key challenges of 'researching up' is that power is normally used to operate beyond public scrutiny and thus remain unaccountable (Alvesalo-Kuusi & Whyte, 2018)

Access does not only involves the opportunity to talk with certain population of interest but also in the right moment, when decisions are made. This because actors are capable of learning from past events, developing different rationalisations of the process experienced throughout time. In fact, in this research time appeared as an important limitation affecting fieldwork's results. The opinion and beliefs of many research participants changed after incorporating new information regarding the implementation process. Some people deeply re-evaluated opinions about the political process and the role of the different actors involved. Additionally, it made certain actors and groups directly involved in the implementation of the law particularly hard to get access to, as the Public Health and Interior Ministries.

Furthermore, the novelty and international importance of Uruguayan cannabis regulation brought about an important and unexpected consequence for the researchers interested in this case. With the approval of the law in December 2013, the country broke into worldwide policy agenda. Suddenly, hundreds of journalists and dozens of researchers became keen to know about what Uruguay was going through and to have a first-hand testimony of a rather limited set of actors that have been involved in this process. Still, if everybody's time is worth money –and the time of political elites seems to be rather expensive-, I observed an increasing 'fatigue' in my over-researched participants, as posed by Clark (2008), due to the ever increasing demand for interviews.

One of the most important dangers of this research fatigue is the possibility of reification of discourses. Because of being asked very similar questions once and again, research participants may start to economise by elaborating a one-size-fits-all answer. I had a significant advantage in this regard due to my involvement in this process from the beginning. I had long-term knowledge about the case and the research participants, which allowed me to contrast the evolution of opinions through time.

Additionally, confronted with a large demand of interviews, the claim 'for the sake of science' in order to earn the participants' collaboration may lose some of it effectiveness. In this regard, I came to think

that Social Sciences should be more concerned about the idea of reciprocity –that is, the practice of exchanging things with others for mutual benefit- in order to make for the sake of science a more palatable claim for the ones directly engaged in it. As feminist approaches have largely contended (Weems, 2006; Adams, 1998), even if the idea of reciprocity was always an important part of qualitative thinking, a framework of mutual give-and-take between researchers and participants fostering the research process is not commonly reported in the academic world. Yet, as authors such as Harrison et al have argued (2001, p.324): "*our experiences and interpretations and our tales from and of the field shape and are shaped by our understandings of reciprocity. (…) To get good data—thick, rich, description and in-depth, intimate interviews—we are enjoined to attend to reciprocity in our method*". Thus, reciprocity is identified as important in establishing the validity, credibility, and believability of research by making us, the researchers, trustworthy. Additionally, reciprocity may also play an important role for science as a collective endeavour, "*with research activity now at unprecedentedly high levels, research relationships that are supportive of future engagements are, therefore, increasingly important to the development of any present and future knowledge fields*" (Clark, 2008, p. 954).

Still, reciprocity and activism are two different things. As a researcher during fieldwork, I needed to continuously negotiate and make explicit what I could give and take. Moreover, it is also important to note that the idea of reciprocity as a guiding methodological principle does not depend on the participant's positions on a topic or the level of participants' agreement with my own ideas, beliefs and values. What reciprocity meant was negotiated on an individual basis, depending on the person and the type of fieldwork activity involved, usually offering a short jargon free report, systematising information available in the specialised literature about cannabis markets and regulation models. Offering to take notes during meetings, helping the participants to set goals, and to identify more clearly bottlenecks, agreements and dissonances among them was also a welcome strategy. I helped identifying and resolving problems of information, advising on how to use the law n° 18.381 of 'Public Information Access'. I collaborated with curating a web page[5] targeted at adding transparency to the regulated cannabis market management, facilitating access to information and investigations about it. Overall, after completing my fieldwork, I have concluded that my previous experience as an activist, alongside the chosen methodological approach, enhanced more than tarnished the trustworthiness of my research, widening my access to data that I would not otherwise have been privy to.

4.5. Ethical issues

In terms of ethical issues faced, a first point that I had to work out was how to relate my activist role to my researcher role and, more particularly, how to develop a criterion of participants' informed consent, and what may be defined as private and public information in Social Science. Given that they were all politically engaged people, in the case of this research is impossible to make a clear distinction between 'public' and 'private' actors. As contended by Alvesalo-Kuusi and Whyte (2018) there are no straightforward ethical rules for scrutinising power, and to establish what should be considered as privacy and private information when researching up.

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[5] http://monitorcannabis.uy/

My experience as an activist offered me valuable data for writing a PhD about the topic. In some cases, I decided to use some of the notes and experiences from before the beginning of my formal fieldwork, such as the analysis of the Global Marijuana March – the Uruguayan version organised in Montevideo since 2007, the 'advisory group' meetings called by the Uruguayan Drugs Committee, or the international workshop on cannabis regulation implementation organised in October 2013. The strategy followed was whenever possible re-validating the data in new formal or informal interviews purposefully arranged during my PhD fieldwork, recalling together past events in order to get informed consent for its scientific use. Most people agreed on being referred as participant, collaborator of this research -in two cases they asked to remain anonymous. There were certain particular cases where I avoided publishing information because I considered it would harm the participants involved or because the people involved asked for not to be disclosed.

During the PhD fieldwork, I aimed at being as open as possible about my engagement in this research and what its general aim was. Furthermore, Uruguay is a small country and as already mentioned many of my research participants were a delimited political elite population with whom I had relatively close relationships with. Hence, it was not even an available option to hide the fact that I left the country for a long period to engage in this PhD. There were cases when I decided not to disclosure my identity as a researcher because either was not practically possible –i.e. very brief interactions- or it would affect in a significant way the content and dynamic of the meeting. Ex post data triangulation was a key strategy for when I was interested in using data collected in this way, and to give people a chance to review what they had said.

Further on, in accordance with traditional social sciences' ethical standards, I was respectful of the participants' will in not answering some question or refusing participation whenever and for whatever reason they wished. Likewise, the findings are reported as accurately and truthfully as possible, giving special attention not to de-contextualise the opinions of the participants in any moment. Yet, it is important to note that in the case of this PhD thesis, most of the fieldwork was conducted in Uruguay and therefore not in English but in Spanish, for which a work of translation on my part was required. Still, as linguistic researchers have shown (Jacobsson, 2015; Ureña, 2012), the use of more culturally motivated metaphorical terms is significantly more common in Spanish than in English. Thus, for the sake of remaining genuine to the participant's meaning, in certain cases the translation made is not literal but idiomatic. When no suitable translation was possible, the Spanish term remains.

4.6. Data analysis

Narrative analysis

The data thus gathered as field notes, documents, interview transcripts and summaries was then organised around codes of interests using Nvivo 10 software for qualitative data analysis. To attempt to answer who were the main actors involved in the Uruguayan cannabis reform, the category 'actors' was used to organise data about the links, roles and perceptions of actors involved. It was broken down according to the six types of actors of interest defined in the sample, and more specifically to the groups or individuals involved. It included data about who were the advocacy coalitions, the political brokers and entrepreneurs, and the transference agents.

The category actors was then related to the question of what cannabis was regulated for in Uruguay. This category included data about the problem definition of illegal cannabis for the different political actors involved; the moral foundations appealed to; the different objectives that cannabis regulation should pursue; the political tools that should be included in the law, and how to evaluate them.

The question of why cannabis regulation came to prominence and set policy agendas was disaggregated into two main categories. One included the political strategies deployed by those actors of interest as lobbying efforts, strategic venue shifting, mass mobilisation and public campaigns. It also included data about the cognitive agreements of this campaigning in terms of linguistics, framing and aesthetics. The other category included 'external events'; that is, events not directly related with the Uruguayan cannabis debate but that had an influence in the domestic political process. Some of the topics included were parties' competition dynamics, free base cocaine, and public opinion. 'Religion', is an example of an emerging analytical code that evolved as a category of interest as I started to delve into data collected. Thus, a second wave of interviews was arranged with Latin American informants to further explore this topic.

The other two research questions relate to the derivations of the political process for the further implementation of the law and for the global debate. Data for this category was organised around short and long-term obstacles and challenges perceived by actors for the law's implementation and the criteria according to which implementation should be evaluated. It also included opinions on the expected impact of the Uruguayan reforms for the international conventions arena as well as for other regional and domestic political processes, particularly in Latin America.

Still, as a causal process tracing study, time was another important analytical perspective underpinning the research questions. Thus, the analysis categories listed above were subsequently related with different periods of the political process in order to assess the relative importance of a given piece of evidence by reflecting on the necessity and sufficiency of the causal claims for inferential purposes. More specifically, as aforementioned, I continuously contrasted three key steps in the cannabis legislative process. Firstly, the elaboration of the "cannabis regulation for its consumption" law of December 2011, sponsored by Uruguayan civil society. Secondly, the elaboration of the "cannabis monopoly for its selling" law of August 2012, sponsored by the Uruguayan Executive Power. And finally, the approved "cannabis market regulation" law of December 2013. This strategy provided a good opportunity to examine and relate political processes behind each of the law's proposals, connecting the leading research questions: Who were the actors involved and how they networked? How were the problem of illegal cannabis and the suitable political solution framed? How did cannabis regulation come to prominence and set policy agendas?

Network analysis

Social Network Analysis provided a powerful tool to study the conformation of advocacy coalitions in the cannabis debate, since it allowed focusing on the links between nodes rather than on the actors themselves. Each node being able to represent either an individual, an institution or a group, depending on the case. There are different ways of defining a network, and many times this is done by combination. The ties between individuals can be made up of a wide sample of relationships that go from resource interchange to affective evaluation. The most commonly used criteria are: (i) position-based, defined by the membership of certain institutions; (ii) Event-based, defined by the

participation in an event of interest; (iii) Relational-based, defined by chain-referral (Wasserman & Faust, 1994; Borgatti *et al.*, 2013).

In the context of this research, a network analysis is proffered, tracking down evidence of joint participation of political actors (both, individuals and groups) in cannabis regulation-related activities, in order to further explore the existence of this 'strong and diverse advocacy coalition', as suggested by previous works, and the development of the interactions among them through time. Furthermore, network analysis is a means to shed new light on the structural distribution of the linkages within the coalition, in order to analyse the importance of actors that have the ability to bridge gaps between agents that are not otherwise connected. Thus, network analysis is used to investigate the existence and evolution of advocacy coalitions in the Uruguayan case and the role of specific actors as brokers, transfer agents and entrepreneurs.

There are, however, important limitations affecting the reliability of the data gathered for network analysis that need to be highlighted. In causal process tracing terms, the network diagrams may be interpreted as a 'smoking gun argument' (Blatter & Blume, 2008); that is, a sufficient but not necessary criterion for accepting the causal inference. Thus, appearing in the diagram is a sufficient but not necessary condition for being part of the coalition; there may have been other unidentified members as well. An additional limitation of network analysis is that it can be a highly time consuming methodological tool, whilst it also demanded considerable knowledge of relevant field data to be meaningfully constructed.

The period under consideration goes from February 2011 until the approval of the cannabis law in December 2013. Throughout this period, the joint participation of political actors in a defined sample of cannabis related events of interest was systematised using UCINET 6 software for social network analysis, developed by Lin Freeman, Martin Everett and Steve Borgatti. The activities included in the analysis range from the organisation group of the Global Marijuana March – the Uruguayan version, to the ad hoc cannabis regulation advisory group summoned by the National Drugs Committee to develop the new legal cannabis framework (see annex 4). Thus defined, the links between actors represent their attendance to meetings. Actors attending many meetings together will appear closer in the diagram. Actors that never attended a meeting together are not connected by links. Furthermore, by triangulation of the data collected, weights were attributed to the different types of participations in these events, distinguishing between organisers, speakers, and participants at one-off activities and active and passive members of serial group meetings. The first distinction was made under the assumption that organizing a one-off activity together is an indicator of a closer and more decisive link between participants than, for example, to participate as an invited guest. The weights for the serial meetings were operationalised as follows: first, setting a benchmark. Attendance at more than one meeting of the group would qualify one to appear in the diagram. I made this decision under the assumption that if an actor only went to one meeting then they were not substantially involved in the coalition. Secondly, for the actors surpassing this benchmark, the number of times they participated in the meetings was also weighted, aiming at differentiating the degree of integration of each actor within the coalition. Thus, by systematising the presence of different political actors in these events, the network analysis diagram presented shows the political actors' coordination of actions over time, as defined by the Advocacy Coalition Framework.

As it is analysed in this thesis, the advocacy coalition network diagram offers additional evidence on three important aspects for the research questions: first, it informs about who the actors pushing for

cannabis regulation were in the Uruguayan debate. Secondly, network analysis helps to expose the different roles and groupings of political actors within the coalition as a structure of relationships. Thirdly, it reflects the degree of coalition cohesiveness through the number of links connecting actors.

Concluding remarks

This study generally aims at understanding why and how the Uruguayan political elite decided to put this country in the worldwide headlines becoming the first nation in creating an extensive legal framework for the cannabis market. More specifically, it questions who the main actors were behind the cannabis reform and how they networked. How the problem of illegal cannabis and its corresponding political solution was framed. How it succeeded in setting the legislative agenda and what might be the consequences of this political process for the implementation of the law and, more generally, for cannabis policymaking.

In this way, this research attempts to offer a new and complementary insight within existing literature about drug policy, more centred on policy designs than on the political and social processes that made changes possible. In order to compare and contrast different visions and positions on the topic as well as enhancing the internal validity of the conclusions arrived participant observation was triangulated with interviews and documents, aiming at studying cannabis policymaking there where policy is made. Thus, I attended a large number of events and political meetings between political parties' representatives, policy makers and civil society where different issues regarding the creation and implementation of the new cannabis law were discussed. Additionally, I conducted around 52 formal and informal interviews with key actors of the political process, both for and against the reform, to review and elaborate thoroughly the position of the research participant over certain topics of interest. Lastly, I systematised and reviewed a diverse set of documents, both of public and private access, which included parliamentary transcripts, memorandums of meetings, transcripts of radio hearings and political parties' programmes for the 2010 and 2015 national elections and public demonstrations manifestos, among others.

The adoption of within-case causal process tracing as the general approach to study cannabis regulation in Uruguayan led me to reflect on the most suitable sampling procedures to employ. By combining purposive and chain-referral sampling I identified six types of actors of interest, involving Uruguayan legislative, executive and judicial power members, national and international civil society representatives and cannabis activists and a group of professionals; lawyers, a journalist, a sociologist, a historian, a hemp entrepreneur and a Pharmacies Union representative. Having defined the population of interest, I discussed more specifically ethical issues involved in entering and leaving this over-researched political elite level sample, proposing a framework of mutual give-and-take between researchers and participants fostering the research process.

The analysis strategy followed, including the rationale underpinning narrative and network analysis of the data collected. I described some of the codes used to organise the data around the research questions, informed by a temporal dimension. In this way, I compared and contrasted the political processes behind other policy options that were available and considered by the Uruguayan parliament in the period under study. Lastly, I explained how an event-based network analysis comprising information about the shared participation of political actors in different cannabis-related

events may enhance our understanding of advocacy coalitions previously identified in the literature on the Uruguayan case. Thus, the period under consideration goes from February 2011 until the approval of the cannabis law in December 2013, including elite networking activities, public demonstrations, seminars and workshops, lobbying and advisory groups, among others. This innovative analytical strategy facilitated additional evidence on three important aspects for the research questions: who the actors pushing for cannabis regulation were, their different roles and groupings of political actors within the coalition as a structure of relationships, and the degree of coalition cohesiveness through time.

Chapter 5. The filling up of the political debate: a generational pace

There is little controversy about the fact that cannabis has been used for spiritual, medical and recreational purposes since early humankind (Li, 1973; Guerra-Doce, 2015). It was only recently that cannabis started to be considered by most countries as a public enemy against whom an actual war should be waged, and even more recently, a wave of defections attempting to restore the amnesty with this plant can be observed. For some people, the Uruguayan decision to regulate cannabis meant an inspiring step forward, towards the dawn of a new policy era where the War on Drugs delusion will be finally overcome. For others, Uruguayan cannabis regulation represented 'giving up on drugs' and the fight for curbing their use and, consequently, the related health and crime problems derived from it. In other words, as Multiple Streams theory highlights, cannabis was not always recognised as a problem in and of itself, and even if defined as a problem, wasn't always the target of public attention and policymaking.

Therefore, this chapter is aimed at presenting the conflict that shaped the filling up of the Uruguayan political debate. I will analyse the sources of the cannabis problem for the section of civil society that started to push for its legalisation and managed to add cannabis cultivation for personal use to the political agenda. Firstly, I will argue that the individual problem of cannabis users' repression translated into a matter of political controversy in the context of a generational conflict, where cannabis became part of a wider reform movement –the 'new rights' political agenda- that included abortion rights and LGBTI rights. Thus, I will contextualise the emergence of a reformers advocacy coalition in Uruguay, that circumstantially comprised cannabis legalisers and harm reduction practitioners.

Following, I will show how, in the context of this generational conflict, the exclusion of ´new rights´ topics across the political establishment became a key motivation for young activists to establish their own political 'start-ups'. Therefore, I will characterise cannabis activism as a new type of political actor, with an uprising electoral share related with the increasing cannabis use rates.

Lastly, I will discuss why the formerly rejected new rights agenda started to be filtered towards the political system. I will focus on the reorganisation of the Uruguayan political system that opened a window of opportunity that put Uruguay -one hundred years after Batlle's first secular modernisation of the state- at the vanguard of the civil rights agenda once again. I will analyse the interactions between civil society and the political system that led to the opening of a political window with the 2004 *Frente Amplio* election, facilitated by the replacement of political generations as the main causal mechanism underpinning it. I will explain why, despite being a majority, the opposition to cannabis reform was weak and disorganised in Uruguay.

Having outlined this first stage in the cannabis regulation process, I will conclude by defining the Uruguayan as a 'religious world' case of moral policy change (Engeli, Green-Pedersen, & Thorup Larsen, 2013). As I will analyse further in the following chapters, I will contend that if the Uruguayan government would not have led the debate, under pressure by civil society, cannabis regulation would only have included personal cultivation mechanisms.

5.1. Uruguayan secularisation and the advent of a 'rights' agenda'

Before international seminars on cannabis started to be organised in the fanciest conference rooms of Uruguay, before Uruguayan president Mujica even started talking about it, the cannabis legalisation movement was born in Montevideo's streets, and it was an orphan. It was an orphan because it started to flourish organically and highly disarticulated as a demand.

As with every orphan, the day of its birth is hard to define. According to my interviewees, one of the first seeds of the cannabis legalisation endeavour originated in the 1989 'Anti Razzias Coordination' movement, when dictatorship and democracy were still melting together and cannabis users were one of the preferred target of semi-legal police raids, among other 'deviant' youth such as homosexuals or punks (Sempol, 2013). Thus, the Anti Razzias Coordination clustered around several youth groups reacting against the arbitrary detentions of cannabis users. According to my research participants, it was around this time that the first graffiti campaign could be read in Montevideo streets by attentive observers: '*liberate prisoners for smoking*'.

Even when using cannabis was not considered a criminal act by law in Uruguay, the image of its users as deviant, sick people that needed to be treated was prevailing by the end of the 1980s. According to a specialised journalist, for example, during the Uruguayan dictatorship (1973 - 1987): "*cannabis use was systematically associated with unstructured families, violence, prostitution, homosexuality and crime involvement*" (Journalist (Id33), interview). In his examination of the antidemocratic origins of the South American War on Drugs, a Uruguayan political scientist consulted found that repression against drug users was harsh in Uruguay; the anti-subversion and anti-drugs squads were deeply intertwined and the illegal repression flowed between the political and the drug policy arena (Political scientist (Id38), personal communication). Other members of the academy further supported this view, adding that the conflict between an authoritarian police and drug users endured during the dictatorship period:

> "*During the 1980s the dictatorship's repression arms were still active and drug users were often taken to jail. Even if drug use was decriminalised by law, it was only theoretical and not a fact. And if you were taken to prison very often you were tortured. They took them in the razzias; the year 88 was famous because of that. At the same time, many users possessing small amounts of drugs for personal use or micro distribution ended up imprisoned. I went more than once to the worst prisons in Uruguay to see [drug users] patients. They were rough times, it was not as we see today, where drug users are treated, by most of the people, with respect and dignity… in that moment they were like… the leftovers of the anger of God…*" (Doctor (id32), interview).

As it was previously explained when reviewing the contemporary geopolitics (section 2.2), during the 1980s the drug problem started to change in significant ways in Latin America. Firstly, as the only source and major transfer point for all the cocaine, most of the cannabis, and significant amounts of heroin consumed in the United States at that period, it became the worldwide focus of internationally endorsed prohibitionist policies. Secondly, in a severe social, economic and political context, with US supported civil-military dictatorships installed across the continent, repression against the 'deviant' youth escalated. In Uruguay as in the rest of the southern cone countries, torture and disappearance become relatively common currency in the 'fight against subversion' (Historian (id34), interview). As thoroughly demonstrated by Uruguayan historians such as Sempol (2013), even though the main

public target of repressive forces were left wing political militants, who become the mainstream international concern regarding Human Rights violations, minority groups as homosexuals or drug users were additional silent targets of illegal repression.

At the same time, even when the laity approach to drugs prevailed in Uruguay and drug use was decriminalized by law, the intentional non-determination principle left up to the judge's `moral conviction´ when drug possession should be considered solely for personal use. This non-determination principle significantly restricted in the practice what private acts remained out of the penal sphere, as explained by the lawyers interviewed. A member of civil society also highlighted this state of repression against cannabis users when he reviewed his main motivations for getting involved in the issue of drug policy reform:

> "[Cannabis use] *was the easy excuse to control, to repress, to frisk and to dismiss groups of young people gathering in the streets (…), opening a door for police abuse, to a police despotism*" (National civil society representative (id17), interview).

However, in the analysis of my interviews, it also became clear that this repression problem exceeded cannabis use as well as formal control institutions. Likewise the historian Sempol noted in his research of the Uruguayan LGTBI social movement, "*we [the activist youth] went through the dictatorship thinking that we were liberated, but there was a fierce authoritarianism already entrenched, internalised. Uruguayans specialise in being a police to each other*" (Sempol, 2013, p. 71). More precisely, with the return of democracy by the end of the 1980s, a new generational lifestyle ethic started to flourish encompassing Uruguayan second demographic transition. An interviewed member of the academy, for example, described the return of democracy by the late 1980s and 1990s, as the scenario of a wider and conflicting 'cultural change' similar to the one Europe or North America went through in the 1960s and 1970s:

> "*During the 1980s, along with the return of democracy, many things changed in Uruguay. There was a massive reclaiming of a number of liberalised customs among teenagers and youth sectors that since the 1970s were already imposed in the world, but in Uruguay were drowned by the dictatorship. Behaviours related to sex, drugs, music, outfits…*" (Historian (id34), interview).

Thus, for the activists involved in these causes advocating for legalisation, cannabis –as well as abortion and sexual diversity rights- symbolised a rebellion against the old 'respectable citizens'. Rhetorically, the problem was thus not only framed just as one of cannabis but a broader stand against a hierarchical and arbitrary 'public order' where, for example, heterosexual relationships or drinking alcohol were honourable but homosexual relationships or cannabis use were tolerated, at best - as long as they were kept out of the public eye. The new generations were no longer willing to preserve open secrets, such as illegal abortions. With liberty as a key binding moral foundation, a secularised 'new rights' political generations agenda rose as a dissident voice in a society where the only human rights violations considered morally legitimate enough to politicise were the ones related to the democratic transition and the political parties' persecution during the dictatorship. As a member of civil society defined it in the interviews, remembering the beginnings of the cannabis legalisation endeavour:

> "*What matters about this topic is not cannabis or drugs as such. Cannabis is a spearhead for a cultural revolution. (…) What the drugs issue allows is to move towards a more liberal society.*

Not using drugs, but normalising their use. Because there is also a very important generational background: all these topics [drugs, sexual diversity and abortion] are against the old generations and in favour of the new ones. And Uruguay is one of the cruellest occidental countries regarding its youth, and topics like cannabis allow an empowerment of the new generations, showing them that we can defeat conservatives. Even if they own the mass media, the power, even if Uruguay has the oldest parliament in Latin America, the oldest president in Latin America, not only now but throughout our history" (National civil society representative (id17), interview).

Thus, in this thesis, I propose that a key structural variable that needs to be considered to fully understand the Uruguayan cannabis debate is the accelerated secularisation process underpinning the referred cultural change. As proposed by moral politics literature reviewed in Chapter 3, this secularisation process is conceptualised as a secondary trace -a necessary but not sufficient condition- of a wider movement towards an individual 'ethics of autonomy', increasing the electoral share for liberty-based political reforms. Secondary data on Latin American secularisation further supports this stand, showing that "*Uruguay is a particularly interesting case because it is the only [Latin American] country where there has been an accelerated secularisation process*" (Latinobarometro, 2013, p. 16). More specifically, since 1995 there has been a constant decrease in religious believers among new generations and since 2006 the number of believers and non-believers is roughly the same. The main difference between Uruguay and the rest of Latin American countries is that in most of the continent, economic development was not directly correlated with secularisation, as it was in other parts of the world. As the graphic below illustrates, in most cases Catholics remain the large majority of the population, whereas in others, there has been an offset between Catholic and Evangelist religions. Interestingly, the only countries with a rapid increase of non-believers in the last decade were Chile and Uruguay (Latinobarometro, 2013).

Figure 6. Religions by country, 2013 (p. What is your religion?)

Uruguay: Other 13, Atheist/noun 38, Evangelic 8, Catholic 41
Guatemala: Other 3, Atheist/noun 9, Evangelic 40, Catholic 47
Honduras: Other 2, Atheist/noun 9, Evangelic 41, Catholic 47
Nicaragua: Other 3, Atheist/noun 12, Evangelic 37, Catholic 47
El Salvador: Other 4, Atheist/noun 10, Evangelic 31, Catholic 54
Chile: Other 5, Atheist/noun 25, Evangelic 13, Catholic 57
Costa Rica: Other 6, Atheist/noun 9, Evangelic 21, Catholic 62
Brasil: Other 4, Atheist/noun 11, Evangelic 21, Catholic 63
Rep. Dominicana: Other 5, Atheist/noun 12, Evangelic 18, Catholic 65
Panamá: Other 3, Atheist/noun 2, Evangelic 19, Catholic 72
Colombia: Other 14, Atheist/noun 8, Evangelic 3, Catholic 75
Bolivia: Other 1, Atheist/noun 5, Evangelic 17, Catholic 76
Argentina: Other 3, Atheist/noun 13, Evangelic 7, Catholic 77
Perú: Other 7, Atheist/noun 5, Evangelic 10, Catholic 77
Mexico: Other 10, Atheist/noun 7, Evangelic 3, Catholic 79
Venezuela: Other 2, Atheist/noun 6, Evangelic 13, Catholic 79
Ecuador: Other 2, Atheist/noun 4, Evangelic 12, Catholic 81
Paraguay: Other 2, Atheist/noun 2, Evangelic 8, Catholic 88

Legend: Other, Atheist/noun, Evangelic, Catholic

Source: (Latinobarometro, 2013)

Thus, similarly to what others have found for the Dutch case (Grund & Breeksema, 2013), cannabis use naturalisation first came to the Uruguayan public consciousness as a generational conflict, in the much broader cultural context of the liberalisation of lifestyles and value systems that questioned victimless crimes legal frameworks. As reflected in secondary data, after dictatorship Uruguay was going through its 'polarised' second demographic transition, where only the most educated middle and upper classes were favouring this ethics of autonomy that saw the traditional institutional regulation of personal decisions as an imposition (Pellegrino, 2008). As public opinion surveys on the topic reflect, secular Uruguayans below 40, with higher educational attainment, living in urban areas, were the ones pushing for this liberty-based political reform - the WEIRDer people, in Haidt's terms.

In parallel to the consolidation of a liberty-based 'new rights' agenda, the 1990s were also the scenario of an international harm reduction policy transfer process that started to consolidate in Uruguay from Batlle's government onwards, from the *Partido Colorado* (2001 – 2005). There is a strong consensus in existing literature (Garat, 2013; Walsh & Ramsey, 2015; von Hoffmann, 2015), further supported by my research participants, that in this period Uruguayan drug policies went through a deep review; turning from an impressively repressive framework with a totally prohibitionist approach to drug use, to the adoption of 'harm reduction' as the official policy framework.

As reviewed in the second chapter of this thesis, harm reduction is currently one of the most articulated alternatives to the War on Drugs approach. Originally coined in Western Europe, harm reduction methods are based on health education and health care, prioritising the reduction of harm over the prevention of drug use only, as prohibition does. Although usually presented as an amoral approach to drugs, as a policy proposal harm reduction has its mains philosophical roots in humanitarianism and libertarianism (Newcombe, 1992). Thus, along with liberty, care for drug users started to be considered as a value to be politically endorsed.

This turn was prompted by a number of actors and youth social organisations in direct contact with problematic drug users. As a case in point, Julio Calzada -who in 2011 became the Uruguayan General Secretary of the National Drugs Committee and one of the main architects of the cannabis regulation law-, reflected in an interview about his motivations for getting involved with drug policy reform:

> "*After the dictatorship drug users were taken to the Vilardebó [a prison-like mental health public institution] and were 'treated' with electroshocks and that type of stuff. (…) We started to see that there was a necessary social work that made us distinguish between drug use as a civil rights matter from drug use itself; this drug use was not a rebellious act, there were people doing great harm to themselves (…). Then we started to do something that had no name to us, which was working with drug users in their own circumstances. It was more a social than a sanitarian work. This 'harm reduction' matter came long after; conceptually we were already doing something that eventually ended up being labelled as harm reduction*" (Executive power – National Drugs Committee member (id12), interview).

As posed by the interviewee, for the harm reductionist groups working in the country the problem of drug use was not framed as a civil rights matter; as a rebellious act against the old 'respectable citizens', as it was framed by cannabis and new rights activism. In this case, the main binding moral foundation was protecting and caring for young people that were doing harm to themselves. Originally, this politics moral concern rose from the personal experience of working with problematic

drug users and did not have a name. It was only during the 1990s, when a number of international conferences and exchange programmes with Europe brought the harm reduction repertoire to Uruguay, becoming popular especially among social workers due to the existing moral affinities noted by Calzada.

During Batlle's government (2000 – 2005), a right wing liberal member of the Colorado Party - Leonardo Costa- was named head of the National Drugs Committee, "*calling people from civil society to work on drugs, opening the doors to harm reduction*" (Doctor (id32), interview). This progressive harm reductionist shift in the advocacy coalition in power was important for the cannabis debate in Uruguay because, despite not having cannabis legalisation as a political priority, in terms of politics moral foundations theory (Haidt, 2012) harm reductionists are better circumstantial allies for Western Educated Industrialised Rich and Democratic (WEIRD) people coalitions than prohibitionists. This is because despite mobilizing different moral foundations –namely, cannabis personal cultivation on liberty and harm reduction on care- both harm reduction and personal cultivation are focused on the user-side of the problem, as opposed to a traditional prohibitionist stance focused on the supply-side and based upon loyalty/betrayal, authority/subversion or sanctity/degradation foundations. Consequently, both personal cultivation and harm reduction frame drug policy mainly as a health issue –and not a criminal one- and both prioritise interventions over the context of drug use rather than over drug use itself. Conversely, whereas cannabis is the high priority target of the legalisation movement, for harm reductionists cannabis is very low on the agenda. This is because cannabis presents relatively low harms for its users compared to other illegal and legal drugs, in terms of indicators such as acute and chronic toxicity, addictive potency and social harm (Nutt *et al.*, 2007; Van Amsterdam *et al.,* 2010). Furthermore, in an interview for the media in 2000, Jorge Batlle became the first Uruguayan president in office to exercise the opinion that all drugs should be legalised, since the drug business is so huge that there will always be people willing to take the risk of getting involved in it; therefore it should be dealt with through economic and not just punitive initiatives (*Montevideo Portal*, 05/05/2008). However, his otherwise controversial message echoed in the void.

5.2. Cannabis activism as political starts up

Batlle's call for drugs legalisation in 2000 is a good empirical example of how 'external events' by themselves do not constitute political windows, but it is instead their interpretation and exploitation with greater or lesser skill by political actors that matters for policy change to happen. More precisely, there was a lack of a new type of political actor as proposed by Punctuated Equilibrium Model (section 3.2.); the value's change supporting cannabis legalisation was still orphan at that time, hence, no public demonstration or lobbying efforts supporting the proposal were articulated. In this setting, the power relations were still so uneven that the anticipated negative reactions controlled the legislative agenda, keeping cannabis regulation outside the political window.

The problem was that in the Uruguayan case, during the 2000s, this WEIRD youth started to realise that within the political establishment, neither the left nor the right political parties, nor the existent civil society groups, had any real interest in incorporating this 'cultural change' in their political repertoire. In a conflictive regional context of neo-liberal governments' expansion, Uruguayan political concerns restrained to democratic transition issues and the economic agenda. Thus, for example,

throughout this decade, as many as seven referendums related to these issues were campaigned by the political elite[6].

In this particular context, to talk about human rights violations was still directly linked to the political parties' persecution during the dictatorship period. In the Uruguayan 'hyper-integrated' society (see chapter 2), generational differences were accepted as long as they were not too obvious or too outrageous. Thus, the secularised new rights agenda comprising issues such as cannabis regulation, abortion regulation or gay marriage challenged a status quo where "*only the political parties' differences were considered to be worthy of occupying the public space, whereas the rest of the topics were always considered as something secondary and most of the time even private*" (Sempol, 2013, p. 32). As a cannabis activist expressed in my interviews:

> "*At the beginning most of the political system had the same thought about drugs as the rest of Uruguayan society; as my father or grandmother. That [using cannabis] was something morally wrong, that fighting for its legalisation was morally wrong, that we didn't have any right to consume it and even less right to consider it a right*" (National civil society representative (id21), interview).

Within the frame of this generational conflict, cannabis prohibition was considered an important message in and of itself, in the understanding that cannabis legalisation would threaten adults' authority to protect young people. A member of a drug treatment institution opined in the interview, for example: "*we cannot leave youth free to consume what they want, they are our responsibility after all*" (National civil society (id27), interview). As a representative of the lower chamber for the Partido Nacional explained in my interview:

> "*[After legalising, cannabis] would be more accessible, it is going to be easier. With a law you also give signals… transmit messages to society. If you say cannabis is legal, you say it is ok. Then if you discuss about it with a young person, he is going to tell you, but how is this bad? If it is legal, don't bother me…*" (Legislative Power – Partido Nacional member (id2), interview)

Here, cannabis legalisation is seen as a threat to generational authority, a way of subverting the family institution and the traditional values that ensure its stability and the hierarchies within it (Haidt, 2012). As a member of the upper legislative chamber for the *Partido Nacional* claimed, opposing the reform in a public event: "[*Regarding cannabis*] *we need to talk as parents and not from a relativist culture*" (Jorge Larrañaga, 23/06/2013).

The analysis of the political parties' programmes content (*Frente Amplio*, *Partido Nacional* and *Partido Colorado*) for the 2004 elections further confirms this stance. I could not find any reference to cannabis regulation or other victimless crimes reforms, such as abortion regulation or gay marriage in these documents. This initial blockage towards the older political establishment was further confirmed through interviews and participant observation. At this stage, the political climate was not receptive,

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[6] One referendum on partially repealing the law on public enterprises was celebrated in 1992. In August 1994, a new referendum was organised for splitting the vote for president, parliament and governors, set wages for councillors and the method of payment of pensions. Three months later, in November 1994, a double referendum was arranged, one on preventing cuts in pension payments, and one on the proportion of the state budget spent on education. In 1996 a referendum was held for an electoral reform and in 1999, there was a new double referendum, one on financial autonomy of the judiciary, and one on preventing directors of state-owned companies from becoming public servants.

hence, was not possible to translate the individual issue of cannabis use repression into social problems and then into public problems –or matters of political controversy.

The exclusion of ´new rights´ topics such as cannabis, abortion or LGTBI rights by the political establishment became a key motivation for young activists to establish their own political 'start-ups'. Thus, for example, in 2004 *Ovejas Negras* (Black Sheeps) currently the most important LGTBI advocacy group in Uruguay was created. Around 2005, the first three main Uruguayan organisations advocating for cannabis legalisation -'*Proderechos*' [Prorights]; '*Asociación de Estudios del Cannabis*' (AECU) [Cannabis Study Association] and *Liberalisación del Cannabis* [Cannabis Liberalisation] - were set up. As we will see throughout this thesis, these three organisations became key political actors in the Uruguayan process.

Thus, *Proderechos* came as a spin-off, a rejuvenation of the *Frente Amplio*, aimed at updating the left's political repertoire. *Proderechos* was interested in disputing the left orthodox by including a generational perspective within an ever-increasing gerontocracy. As a case in point of the former, from democracies recuperation on, there has been a marked increasing trend in the age of Uruguayan presidents, regardless of their political affinity. The Uruguayan political elite is, by 2017, one of the oldest in the world (López, 18/11/2016). As a founder member of *Proderechos* explains:

> *"This generation of activists was different than previous ones, because we felt as legitimate as an old revolutionary that was in jail during the dictatorship, that founded the workers' union or the Frente Amplio, to claim 'The True' and 'The Right Thing' to work for, from a leftist point of view. When this fight for cannabis legalisation started it was highly unequal within the political system, and yet our main concern was how to represent young people's interests, how to show to the youth that through politics we could change certain things, even without owning economic power. Thus, borrowing from the new European social movements and the greens and all that stuff, we wondered what the mobilisation factor could be for the Uruguayan youth. And, basically, the only two battles that you could fight back at that time was abortion as a right and access to legal cannabis as a right"* (National Civil Society (id21), interview).

According to my interviews with Latin American civil society representatives, *Proderechos* has an exceptional character within cannabis activism because of avoiding being issue specific. In the portfolio of reforms, this group integrate issues as diverse as human rights violations during the last Uruguayan dictatorship, women rights (including abortion regulation), LGTBI rights, crime policy reform and mental health reform.

The other two groups –AECU and Cannabis Liberalisation[7]- represented more clearly a growers' organisation, centring their problem definition on cannabis exclusively. Both originated by uniting concerned cannabis users and growers from Montevideo, who were organising autonomously to defend their rights. As explained by my research participants, before cannabis regulation most of the cannabis consumed in the country was smuggled as compressed bricks, from Paraguay through Brazil. In this context, organisations such as AECU emerge as a key political actor helping to create a cannabis growing culture in the country, widening the social base of the legalisation movement:

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[7] AECU was formerly known as '*Planta tu Planta*' [Grown your own plant] and the Liberalisation Movement was formerly known as '*La Placita*' [The Little Square].

"[In AECU] we are creating growers every day. People first come to us asking for weed, and then we give them the first reality shock: no, look, this is not like that. We don't sell weed, you need to grow it for yourself, doing this and that… We have many associated growers and they share with each other growing techniques, seeds… We do indoor and outdoor growing workshops, we give legal assistance… In this way, after two or three months, as a matter of contagion, everybody starts growing their own weed" (National Civil Society representative (id22), interview).

The importance of cannabis growers associations for the conformation of a cannabis culture has already been documented in previous works (Romaní, 2005; Marín, 2008; Barriuso, 2011; Pere, 2015). Through organisations as AECU, cannabis users learn values, attitudes and skills related to cannabis growing, forging a membership with a wider group. Growers' organisations are important to dispute the image of cannabis, as a mixture of empirical information and emotive appeals attached, usually promoting responsible consumption practices and harm reduction principles. They are also important to articulate a political demand among cannabis growers, brokering with a political establishment generally regarded as mistrustful:

"Cannabis growers were always far away from the political establishment, from the suit and tie people that speak well, that come from abroad and whom many times do not even know what a cannabis plant looks like or how to grow it. There is a natural mistrust in this type of people" (Journalist (id33), interview).

During the 2010s, as consumption expanded cannabis use normalised in the urban areas of the country, turning from a marginal reality to a relatively common habit among new generations. Thus, for example, lifetime prevalence of cannabis use quadrupled in Uruguay between 2001 and 2014, jumping from 5.3% to 23.3%. By 2016, more than half of population between 18 and 35 years old living in Montevideo have tried cannabis (Monitor Cannabis, 2016). After northern richer countries as Canada or United States, Uruguay holds one of the highest cannabis use rates in the continent.

Figure 7. Last year prevalence of cannabis by age groups, American continent
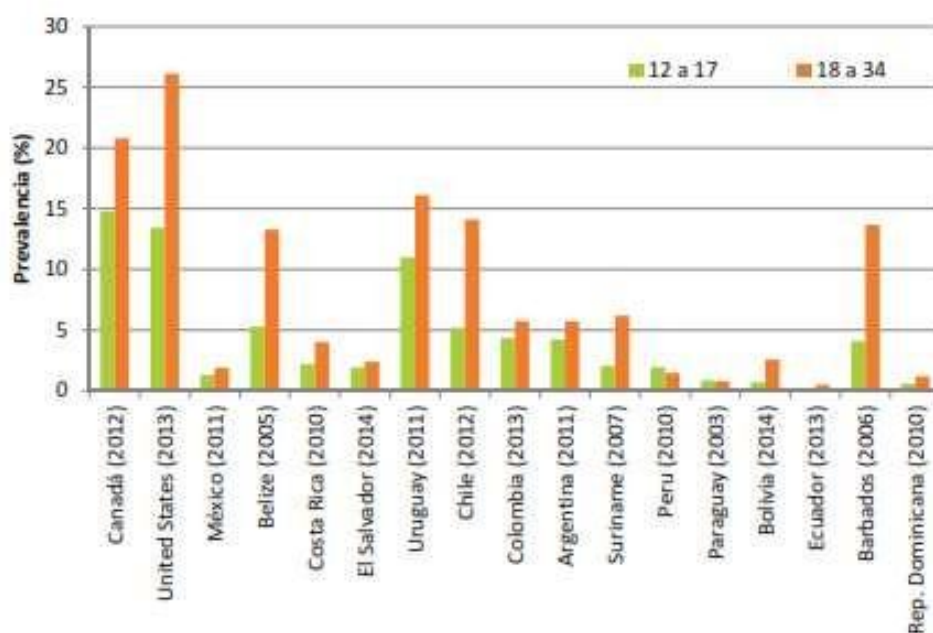
Source: (OEA, 2015)

As with cannabis use rates, the growth of public demonstrations around cannabis indicate a pattern of expansion of the legalisation movement set around 2010. A journalist specialised on the topic, for example, observed in my interview:

> "*I started to work on the topic in 2010… before I did some journalistic things but absolutely disconnected from the agenda and from what the mass media was expecting, because drugs were not a topic, not at all. It was very hard to publish something about it, and if you wanted to do it, it was usually like 'ok, you want to publish something about cannabis because you are a pothead, isn't it?' There was this problem all the time. But also, really, there was no input to do it, because truly there was not any knowledge production around it, nothing was happening. But with the Frente Amplio winning, [the new National Drugs Committee secretary] Romani starting to talk about it, little by little things started to change*" (Journalist (id33), interview).

As remarked on by the interviewee, after the opening of the political window with the Frente Amplio's election of 2005, the state of affairs gradually started to change, and cannabis started to climb up the political agenda. The respondents identify a qualitative turn in the political process when, in 2007, the just created *Proderechos*, AECU and Cannabis Liberalisation joined in the Cannabis Liberation Movement as the main engine behind the Global Marijuana March, Uruguayan version –an annual rally for cannabis legalisation held every May at different locations across the world since 1999. As reported by my research participants, the semi-spontaneous provocations organized in the previous year nicely reflect the exponential dynamic of the taboo breaking process: in May 2005 –two months after the *Frente Amplio*'s new government was in office- a loosely organised congregation to openly smoke cannabis exposed the degree of stigmatisation that could still be observed towards cannabis users. The few police officers around just watched, from a prudent distance, how around fifty people, many of them with their faces hidden, silently lit up joints together. In a tense atmosphere, no public manifesto or political speech was posed. For the following year, 2006, on top of this May smoking congregation, a new provocation was organised, this time in the central Independence Square. There, however, nervousness about the possible negative social reaction was still the prevalent feeling, as one of the activists present reflected:

> "*People would not even dare to say hi to each other... By itself the activity was not very successful -not many people were there-, but it was useful because it was a chance for the organisations around cannabis legalisation that existed at the time to meet each other and to start to plan a bigger activity together*" (National civil society representative (id21), interview).

Thus, a "*Movimiento por la Liberación del Cannabis*" [Cannabis Liberation Movement] was set up in the following months to officially organise the first Global Marijuana March, Uruguayan version (GMM-Uy from now on). It came as a surprise, even to its organisers, that the GMM-Uy would attract such large crowds amongst the Uruguayan youth, transforming it into one of the biggest public happenings in the country. As some of the organisers described in their interviews:

> "*We were very surprised by how many people reacted. Seven thousand people is a great deal in Uruguay; it is one out of a hundred young people of the entire country; it is one out of fifty of the youth of Montevideo city*" (National civil society representative (id17), interview).

> "*[The 2007 GMM-Uy] was something impressive for the social legitimacy of cannabis legalisation, not towards the political system yet, but towards the youth; until then, there were*

organisations, intellectuals but there was not a movement. The GMM-Uy allowed the regular young folks to join, to feel part of it" (National civil society representative (id21), interview).

Thus, as noted before, the cannabis legalisation movement started to flourish organically and highly disarticulated as a demand, gaining political leverage with the generational pace of its increasing use rates. The May GMM-Uy gained rapid popularity and legitimacy as the flagship activity representing the demand of cannabis activists, establishing itself in Montevideo's landscape and attracting more and more people. Analysis of the GMM-Uy manifestos is used to reflect on how, year after year, the legal situation of cannabis users and cultivation for personal consumption remained the core political concern. For example, in 2008, in the parade manifesto, the organisers claimed:

> "*We do value that Uruguayan society has been making some steps further. Repression is gradually diminishing and most people already have an open attitude. There is more respect towards cannabis users than before; prejudices are falling. The outrage towards anyone who innocently has a plant in her own house is less frequent, though still occurring. We demand freedom for the people that are currently still imprisoned because of growing their own plants for personal use (…) Too many Uruguayans who do smoke cannabis prefer to hide it, due to hypocrisy. It would be nice to 'come out of the closet' and say 'yes, I smoke, so what?'* (Cannabis Liberalisation Movement - 2008 GMM manifesto, 03/05/2008).

As the manifesto content reflects, with 'freedom' as a key binding moral foundation, Uruguayan civil society juxtaposed 'innocent' users who grow cannabis for personal use against those guilty of making a business out of it. Furthermore, the plea for 'coming out of the closet' draws a parallel with the LGBTI figure of speech of self-disclosure of a behaviour formerly defined by mainstream society as deviant. The year after, in May 2009, the GMM-Uy organisers' motto, once again, was centred on "*Legal personal cultivation: freedom to plant*". As a new rights activist, I was part of this parade. Cannabis leaf flags and giant joint costumes surrounded me. Here, some concrete traces of the integrative 'new rights' agenda emerged as well. At the demonstration, I watched a rainbow flag from the LGTBI movement crossing the park, accompanied by plenty of orange hand signs asking for "*Legal abortion - Uruguay*", part of a campaign that a number of social organisations were displaying at that time. Similarly, in a clear sign of solidarity across movements, the 2009 gay pride parade celebrated yearly in Montevideo included in its manifesto a claim for "*cannabis personal cultivation depenalisation*" (Coordinator for Sexual Diversity; Diversity Parade manifesto, 25/09/2009).

Still, it is important to remember that this secularised 'new rights' framing does not need to be that way by nature, and in fact in most cases it is not. As contrasted in my interviews with Latin American activists:

> In Argentina, "*the social movement is not united, there is not any articulated strategy among them. Cannabis is not visualised as part of a wider reform movement but it is centred on cannabis personal cultivation*" (International civil society representative (id41), interview).

> In Mexico, "*there is not any unifying reform proposal. The drug policy debate is overcrowded but it is also paralysed because nobody articulates with each other, so there is no way of reaching collective decisions*" (International civil society representative (id46), interview).

> In Brazil, "*the base of the social movement is cannabis activism. We are attempting to articulate with other demands, as feminism, sexual diversity, black people, youth, but we still lack a*

bridging organisation among them and within the political system" (International civil society representative (id43, interview).

Furthermore, in Uruguay also, this way of defining the problem of illegal cannabis as part of a wider agenda was not free of controversy, yet it was deliberately sponsored by a sector of the social movement. An Uruguayan political scientist reflected about this in a discussion about the topic:

"*What I like about the new rights activism is that it has been pedagogical. I still remember some years ago, that I was listening to the manifesto speech at a Diversity [Gay Pride] Parade. This manifesto included a reclaiming of cannabis cultivation for personal use legalisation and a boy next to me started to complain: why putting these two things together? Why include cannabis legalisation in a LGTBI demonstration? Yet, by now, this question would sound strange: the straightforward answer is that both are part of the 'new rights' agenda*" (Political scientist (id39), personal communication).

In conclusion, in this section I exposed how after the Uruguayan dictatorship, the new rights' agenda was rejected across the political establishment leading to the conformation of a new type of political actor: the cannabis activist. I characterised cannabis activism as a political start up with a rising 'electoral' share –the increasing cannabis users and supporters of the secularised 'new rights' agenda. Thus, I have argued that for the Uruguayan case specifically, cannabis policy change was framed by committed sections of civil society as part of a secularised 'new rights' agenda, which spans topics such as abortion and LGBT rights, with liberty as a key binding moral foundation. In the next section, I will analyse the process of incorporation of these new rights into the political establishment's agenda, as the replacement of old political generations with new generations started to disrupt the political parties' status quo.

5.3. Installing a conflict in the political system: the reorganisation of political parties

In the previous sections, I characterised the cannabis regulation problem as a generational conflict within the process of the Uruguayan demographic transition. Thus, I started proposing that one important 'external event' (Sabatier & Jenkins-Smith, 1993) playing a role in the Uruguayan political debate is the rapid secularisation process, increasing the electoral base for a wider 'new rights' political reform, where liberty became the key binding moral foundation of the different demands involved (Haidt, 2012). However, as moral politics literature suggests, the move towards permissiveness poses more of a puzzle than a simple shift (Engeli, Green-Pedersen, & Thorup Larsen, 2013). Thus, I showed how, at the beginning, this new rights agenda was rejected across the political establishment, which become a key motivation for the creation of a new type of political actor: the cannabis activism. Accordingly, this section is devoted to explore a key intermediate variable in moral politics change, that is, whether or not the party system contains a conflict line between secular and confessional parties to politicize morality issues.

Standing on the shoulders of the new visibility achieved by cannabis activism, the lobbying efforts of civil society started to reflect a higher permeability within the political system. One of the direct consequences of the 2000 economic crisis, "*one of the most important ones in the history of the country*" (Vigorito & Pellegrino, 2005, p. 3), was the reformulation of the Uruguayan long-standing

bipartisanism (see section 2.1), this time based on programmatic differences between a 'traditional' block (*Partido Colorado* and *Nacional*) and a 'progressive' one (*Frente Amplio*) (Yaffé, 2013). Founded in 1971, the *Frente Amplio* represented a wide and highly fractionalised urban-based coalition integrating the minority left wing sectors within the *Partido Nacional* and *Colorado*, the Christian Democracy, Socialist and Communist parties, the organised workers' union and social movements. The novelty of the time was that the *Frente Amplio* featured a nationalisation of the left's ideology, composing a new type of catch-all local social democracy, where the "*party's identity is built over a re-reading of history and a re-invention of tradition*" (Lanzaro, 2010, pág. 51). In parallel, the formerly clear antagonisms that differentiated the traditional *Partido Nacional* and *Colorado* started to blur, both ideologically turning right, and its supporters got relatively used to cross voting among them, opposing *Frente Amplio*. Two electoral trends have been identified in the literature underpinning the conformation of this new bipartisanism, which symbolically consolidated with the 2004 *Frente Amplio* national election: a migration of voters from the *Partido Colorado* to the *Frente Amplio* since 1977, and a 'demographic effect' since 1985, with an overrepresentation of *Frente Amplio* preferences among the new voters' generations. Consequently, age became a new key electoral variable (De Armas, 2009). Since then, the *Frente Amplio* has successively won the elections of 2004, 2009 and 2014 with roughly above 50% of the votes; hence, achieving legislative majority.

As expected by Flanangan and Lee (2003) in their analysis of culture wars in advanced industrial democracies, once the economic crisis of 2001 started to be overcome in Uruguay and new battlefields were required on the electoral arena, the formerly rejected new rights agenda found a renewed interest among political elites. As long as the political agenda on democracy transition and economic issues started to be worn out, the political elite had to opt to either deepen the already established reforms or look for new electoral battlefields to dispute the voter's preferences –that is, the new rights agenda.

This interest for victimless crimes legal reforms further accentuated in the second *Frente Amplio* government (2010 – 2015). For the party in power, the new rights agenda started to be seen as an opportunity to, on one hand; differentiate itself from the right wing *Partido Nacional*, and on the other hand, to dispute for the *Batllista* tradition within the *Partido Colorado*. As I posited in section 2.1 of this thesis, the *Partido Colorado*'s Batllista tradition, deeply rooted in Uruguayan society, was responsible for leading the secularised modernisation of the state at the beginning of the twentieth century, putting the country at the worldwide vanguard of the civil rights agenda. Thus, the incorporation of the new rights agenda allowed the coalition in power to "*reinforce the 're-foundational' aims of the left wing government. (…) The allusions to the 'Batllismo' were continuously present in the [new rights] parliamentary debates*" (Sempol, 2013, p. 286). As those who opposed reform reflected in my interviews, as part of the new rights agenda, cannabis regulation politicised, exposing a conflict between a 'progressive' block and a 'conservative' one, which allowed the translation of the individual issue of cannabis use into a matter of political controversy:

> "*The thing is that in this country [cannabis regulation] has been politicised, thus you are right minded and conservative if you are against it, and progressive and left minded if you are in favour, and that is stupid*" (National civil society representative (id27), interview).

> "*My opinion is negative, but not from a perspective of being aghast… (Pause, reflecting) nor in this dynamic that it has being presented, as if [it was about] conservatives vs. progressives. I do not feel conservative… even within the parliament: I am a woman, I am one of the youngest*

legislators, so that is not my perspective." (Legislative power – *Partido Nacional* member (id1), interview).

There is a strong consistency across research and public opinion polls available that most of Uruguayan people position themselves against cannabis regulation. Confronted with the question: 'Do you agree or disagree with cannabis legalisation?' every year since 2013, more than 60% of the population repeatedly answered: "disagree". As introduced before, this disagreement with cannabis legalisation is strongly generational: among the youth and the educated (WEIRD) people, support is twice as high compared to that among older generations (Bioidi *et al.* 2015).

Notwithstanding the diffuse rejection of cannabis regulation at the level of public opinion, one of my main targets during fieldwork was to try to establish if there was such a thing as a 'Conservative' coalition opposing cannabis policy change. I could not find any evidence of a nontrivial degree of coordinated activity over time for a variety of actors, as the theory requires, or any co-organised public activity that could lead me to conclude that this conservative coalition existed. This does not mean that there were no 'opposing entrepreneurs' as I will discuss below, but that they did not seem to perform as a coordinated group. According to some of my research participants, the status quo against cannabis reform was so deeply rooted among the general population and the mass media that it was not felt necessary to organise a strategic opposition to cannabis regulation.

In his research of the Uruguayan case, Von Hoffman concluded likewise that: "*Considering popular rejection of legalization, the opposition was surprisingly weak. There were no concerted efforts, organized protests, professional campaigns or formation of a rivalling advocacy coalition*" (von Hoffmann, 2015, p. 91). Nevertheless, in this thesis, I contend the idea that once the Uruguayan secularisation process is taken into account, this weakness of the opposition to the reform should not be regarded as surprising as it first appears.

According to the data gathered during fieldwork, the main opposition was publicly led by a sector of the *Partido Nacional*, strongly linked to both the Catholic and the Evangelist church and religious therapeutic communities for problematic drug users, with the lower chamber representatives Verónica Alonso and Gerardo Amarilla as the main moral entrepreneurs. At the hotspot of the public debate, a 'red light' turned on among the religious based political elite, as posed by an interviewed, in order to resist the imposition of a WEIRD cultural change at the legislative level. In fact, the 2015 national election in Uruguay marked a conflict-ridden turning point regarding the relationship between religion and politics in the country, with the new rights' agenda as the main engine for it. As an Evangelical pastor, coordinator of the *Eslacu-Beraca* therapeutic community for problematic drug users, linked to the *Partido Nacional* stated in a media interview:

"*In this election, among many believers a red light has turned on. Many pastors and Christian congregations are going to support more explicitly certain candidates and to engage politically (…) The Frente Amplio government has approved a number of laws, without going further cannabis legalisation, that impose a cultural change against the values that we defend*" (Márquez, 15/15/2013).

However, as explained by a Uruguayan historian in the interview extract below, these religious based political elite has a relatively weak veto and lobbying power in Uruguay, which he related to Uruguay's early secularisation, reviewed in section 2.1.

> "*One of the historical legacy is the weakness of the Catholic conservative thought in Uruguay. That fact in some way enables the approval of a series of laws, it's not that these are not being discussed in other parts of the world, but in Uruguay this new generational common sense could be politically processed with less resistance*" (Historian (id34), interview)

An illustrative counterexample to gauge the importance of this finding for the installation of a conflict line between secular and confessional parties to politicize morality issues is the Argentinean case. According to my interviews with Argentinean activists, drug policy reform reached a political momentum in this country when, in 2009, the Constitutional court declared drug users' penalisation unconstitutional and, in 2012, a new Drug Agency chief started to call for a debate over drug policy reform to privilege a health focus over criminalisation. When a law to de-penalise drug consumption and cannabis personal cultivation was about to be discussed in parliament, the archbishop of Buenos Aires at the time -and current Pope- Jorge Bergoglio, along with other members of the Church, began a public campaign against the legislators supporting this law proposal. The influence of the Church was so significant that not only was the law proposal never considered, but also – a few months later - a priest, 'Father Molina', was named the new head of the Drug Agency, aiming at restoring amnesty with this institution. Furthermore, on the day of his designation, former president Cristina Fernández literally entrusted him to lead a "*very active policy to look after our flock*" (International civil society (id40), interview). Exploring the role of religious actors in the Uruguayan debate, a member of the Uruguayan NGO *Proderechos* reflected that:

> "*While we were campaigning for cannabis regulation I remember one time an Argentinian radio called me to have a small interview. At one point, they asked me what the reactions in Uruguay were when Bergoglio complained publicly about cannabis legalisation. To be honest, that question surprised me; I was dumbfounded, did not really know what to answer to the journalist. The thing is that, among the Uruguayan political elites, what a Pope has to say about politics is not really an argument that you could use to support anything… more likely it would be the other way around*" (National civil society (id18), interview).

As posed by the interviewee, whereas in the Argentinian case the negative opinion about drugs reform of a religious based elite actor triggered a number of direct reactions across the political system blocking policy change, in Uruguay this type of discourse does not has the same veto power. Conversely, the public support of religious actors to a legal reform it might even been strategically used to discredit the proposal.

Complementarily, as contrasted in my interviews with Brazilian political actors, in countries where religious institutions are powerful and widespread, it can also work as binding glue for political coalitions. Thus, for example, in the case of Brazil, different political parties' representatives' confluence in the 'Evangelist legislative group' –gathering 373 of the 513 legislative representatives- effectively hinders 'new rights' reforms, keeping drug reform issues out of the legislative agenda. Diametrically opposed was his description of a reformers group in this country:

> "*Currently, there are very few politicians in Brazil openly supporting cannabis regulation. Even those who agree on it are extremely shy to talk about it, they are hardly articulated and they*

don´t count with a strong political group to lean on" (International civil society representative (id43), interview).

On the contrary, in the Uruguayan case, every explicitly religious based political actor belongs to the same group within the *Partido Nacional*, with no unifying alliance across parties. When I explored the issue of the opposition to the Uruguayan reform in an interview, for example, a journalist noted that:

> "*The message against [cannabis regulation] is unarticulated. The only articulation that you may find are the evangelists, but they are dead. Many things unite and separate them and us: abortion, gay marriage, marihuana… For them is the same in the sense that is all part of one agenda, but they are hardly articulated*" (Journalist (id33), interview).

This lack of an organised, strategic conservative coalition made the opposition to the reform not only less visible but also less decisive, paving the way for the strategic use of the new rights agenda in the exacerbation of the conflict between secular and confessional parties to politicize morality issues. Thus, even though most Uruguayans remained firm in their opposition to the reform, there was not any 'punishment vote' for the politicians who supported it and, beyond that, 51% of Uruguayans opted to 'see what happens' once the reform received political approval, rather than actively trying to stop it (El Observador, 2014). Complementary, the lack of a conservative coalition allowed politicians to evaluate cannabis legalisation as a political decision that was part of the parties' broader agenda, rather than a personal decision based on first principles.

Additionally, only in my interviews with religious based civil society members the issue of cannabis consumption was explicitly framed appealing to the sanctity politics moral foundation, as a matter of perversion, as defined by the member of a religious based drug treatment institution quoted above. For the legislators opposing cannabis regulation, the issue of cannabis consumption was framed as a public health problem but never as a sin that should be directly punished. Their opinion was centred on the premise that the wider availability of cannabis after legalisation would increase the amount of cannabis consumed in the country and, consequently, the amount of other drugs consumed, as in the 'gateway hypothesis' (Kandel *et al.*, 1978; Cohen & Sas, 1997; MacCoun & Reuter, 2001). In some cases, there was an acknowledgement that individual cannabis users' conditions might improve after legalisation –for example, in relation to the controlled quality of the legal product- but this was by far counteracted by the global loss. As in a 'Pareto efficiency situation', cannabis legalisation could not improve one party's situation without making another party's situation worse. As a member of the *Partido Nacional* explained in an interview:

> "*It has been argued that cannabis legalisation will increase the quality of the drug consumed and it will give legal guarantees to its users. None of these arguments, not all of them together surpass the social negative consequences that problematic drug use creates. Drugs are toxic and addictive substances that create multiple familiar, social, individual and collective health consequences that generate a huge cost to the country*" (Legislative Power – Partido Nacional member (id3), interview).

Like the reformers, the opposition also framed cannabis regulation as circumstantially linked with harm reduction tools, a framework sponsored by the government that should likewise be rejected. Conversely, from this point of view, drug use harms should be principally prevented but not reduced.

As the main entrepreneur opposing the reform, a member of the lower chamber for the *Partido Nacional* stated in an interview:

"[Legalising cannabis] *seems even a resigned attitude (…). The government says: since prohibition has failed, we are going after legalisation. Prohibition may have failed in the world… there are examples of that. But if you analyse it, the government's paradigm is harm reduction, and I feel that harm reduction may be an effective option to improve the life quality of certain problematic drug users but a government should not regard it as 'The' public drug policy. (…) I think we need to go a step backwards attempting to reduce both drugs demand and supply and then may be also harm reduction, but certainly not only that*" (Legislative Power – Partido Nacional member (id1), interview).

Nevertheless, it is important to note that religious beliefs and drug policy positions are not straightforward. There are certain religions, as the Rastafarian, where cannabis reaches the status of a holy herb, as a key vehicle for purity and virtuosity. Also within Christianity, the link between religiosity and drug policy options can be under question. The reaction of a Christian member of the *Frente Amplio* in the media is a good illustration of this phenomenon:

"*too often I have been hearing that religious people are with the Partido Nacional or with the traditional parties, as if there were no Christian people voting for the Frente Amplio. (…) Laws like cannabis regulation, abortion depenalisation and equal marriage are very complex issues, of great sensitivity among citizens, among Christians and in the church, and we cannot talk about them in a light way. But Christianity as a political option should not be manipulated and reduced to a number of moral norms about people's body or sexuality*" (Redacción 180,07/10/2014).

As was already discussed in previous sections, this secularised new rights agenda is a rather concrete output of the Uruguayan political process resulting from a concerted effort to install a conflict within the political system. Thus, as expected by moral policy theory (Engeli *et al.*, 2013), in the 'religious world' the composition of parties in government is central to understand cannabis reform. In these cases, cannabis legalisation did not depended on an issue-specific coalition, as in the 'secular world', but an unifying tendency towards permissive regulation across the different sub-fields of victimless crimes could be observed when confessional parties are not in government. In the Uruguayan case, the *Frente Amplio* election opened a window for a wave of political secularisation mirroring the demographic transition reviewed in section 5.1. In this way, alongside cannabis, a number of victimless crimes' legal frameworks were reviewed during the period 2005 – 2015. More specifically, in 2007, Uruguay became the first Latin American country to approve a 'Consensual Unions' law (Law Nº 18.246, 27/12/2007) to enhance the legal status of unmarried couples, independently of their sexual orientation. In 2008, the parliament approved the 'Sexual and Reproductive Health' law (Law Nº 18.426, 01/12/2008) aimed at integrating sexual and reproductive teaching in the education system and to legalise abortion. However, in a highly controversial move president Vazquez (*Frente Amplio*) vetoed the article on abortion after it was approved, for going against his own personal and religious principles. Also in 2009, the Uruguayan parliament voted in favour of the 'Right to a Gender Identity' law (Law N° 18620, 25/10/2009) consecrating the possibility for transgender people to change their ID documents. In the same year, the adoption's monopoly was given to the state (taking it out from institutions such as the Church) including unmarried couples as possible adoptive parents. In practice, this implied the possibility for homosexual couples to adopt. During the second *Frente Amplio* administration, with President José Mujica in office, the delayed 'Voluntary Interruption of Pregnancy' law (Law N° 18987, 22/10/2012) that regulated abortion was given parliamentary approval for the

second time in 2012. In 2013 it was the turn of the 'Equal Marriage' law (Law № 19.075, 03/05/2013), which not only gave homosexual couples the right of marriage, but also made optional which of the parents' last name is registered first, under the assumption that imposing the one of the father was a gender-biased practice.

The analysis of the parties voting behind each of the above mentioned new rights legislations clearly reflect the reorganisation of the political parties described in this section: civil society lobbied the *Frente Amplio* –which had the parliamentary majority- to incorporate the topics in the legislative agenda. The *Frente Amplio*, not without strong internal disputes, ended up supporting the new rights agenda and satisfying its demands in its portfolio of reforms. The *Colorado* and the *Independiente* parties found themselves divided, leaving decision-making power up to each political member. Finally, the majority of the *Partido Nacional* systematically opposed the reforms. In this way, the new rights agenda played a key role exposing a conflict between a secular "progressive" block and a confessional "conservative" one, allowing the translation of individual issues into social problems and then into public problems –or matters of political controversy.

In the context of this changing victimless crimes legal culture, each new detention of cannabis growers resounded publicly as never before, becoming a key motivation for the involvement of new activists. In this way, in February 2011, cannabis regulation reached a political momentum when the intentional non-determination principle underpinning de facto depenalisation of users clashed with the "*moral conviction*" (Law 14294, 1974, p. Art. 31) of a particularly punitive judge. An investigation sparked by an anonymous neighbour's complaint led to court, where the said judge sent two cannabis growers to one of the worst prisons in Uruguay. The case of 'Alicia and Mauricio' quickly became a symbol of everything that was wrong in the Uruguayan illegal drugs law framework, allowing cannabis activism to find its 'Martyrs'. In fact, the importance of this type of 'tipping point' event had already been observed in other research on cannabis policy reform. In Jamaica, police abuse led to the tragic dead of Mario Deane of Rosemount, after suffering from serious head injuries he received at the Barnett Street Police Station in Montego Bay just hours after he was arrested for a cannabis cigar. As explained by a Jamaican researcher interviewed:

> "*It was this story that led to a general outcry against the draconian approach of the Dangerous Drug Act and ultimately led to greater public pressure for amending the law. Incidences such as this led to the objective of decriminalization of small quantities and the implementation of a miniscule fine of $500*" (International civil society (id52), interview).

In the Uruguayan case, Alicia, a well-known 70-year-old Argentinian cannabis activist, was denounced for having fifteen un-flowered plants. A few days later, the same fate was reserved to Mauricio, a 39-year-old father of two children who directly witnessed how the police violently took their father for having seven un-flowered plants in their garden. In this way, the unfairness of a cannabis prohibition that condoned its use but denied its users any legal means to access the plant, along with the flagrant irrationality of feeding an already overcrowded Uruguayan prison system with cannabis users, finally had a name and a face. A spontaneous protest in front of the Court House reflected the state of public indignation; cannabis activists felt that something needed to be done. As a specialised journalist pointed out in my interview:

> "*The tipping point that moved me to become more involved in the cannabis legalisation process you may say was the thing with Alicia and Mauricio. I went to visit them in prison, not as a journalist but as a visitor. I had to pass through two police reviews to enter into the place; I had*

to bear all the police mistreatment, the long waiting. I saw the state of the jails, overcrowded, the walls almost falling down… this moved me, made me think; how have we arrived at something like this? Why has a 70 year old lady ended up in a place like this?" (Journalist (id33), interview).

The criminalisation of Alicia and Mauricio is another good example of how 'external events' are not only important by themselves but also in their exploitation, with greater or lesser skill, by political actors. Confronted with this reality, cannabis activists decided to set their sights on the formulation of a new cannabis law that the lawmakers were more likely to support than to create. As a member of AECU, one of the most important cannabis activism groups in Uruguay reflected in the interview:

"*Policy makers were telling us that we were very noisy complaining but we were missing any concrete proposal over the table. So that is what we did, we decided to put hands on a cannabis legalisation proposal*" (National civil society (id22), interview).

Thus, a 'Cannabis Regulation for its Consumption' law started to be agreed among civil society organisations and a cross party alliance amongst progressive members of the *Frente Amplio*, *Partido Independiente* and *Partido Colorado*. This law synthesises the main consensus within the reformers advocacy coalition that was leading the political process before the government irruption in the debate, which is the focus of the following chapter. As its main objective, the law was aimed at "*updating the legal framework to the manifestation of cannabis consumption behaviours, (…) accepting it as a common social habit*" (Cannabis Regulation for its Consumption, 2011, p. 1). Furthermore, the law attempted to resolve the legal contradiction that "*forces the citizens that desire to consume to infringe the law by not having any legal means to have access to it*" (Ibid. p. 2) and to "*avoid the judicial discretion that generates juridical insecurity*" (Ibid. p. 2) by establishing clear possession benchmarks. Additionally, by allowing cannabis personal cultivation, the law would help to diminish the contact of cannabis users with the black market, leading to "*the double benefit of, on one hand, having certainty of what has been consumed and, on the other hand, avert the consumption of other, potentially more dangerous drugs*" (Ibid. p. 3). Under this problem definition, the policy tool proposed was the legalisation of growing up to eight cannabis plants either domestically or in social cannabis clubs. In case this limit was exceeded, it remained in the judge's discretion to ascertain whether the plants were used for commercial purposes –a criminally punishable offence- or for personal use.

With a 'Cannabis Regulation for its Consumption' law supported by progressive members of almost every political party, the Global Marijuana March - Uruguayan version of May 2012 decided to change its target. The taboo was finally broken and now it was time for it to become mainstream. Therefore, instead of congregating cannabis users on the outskirts of the city, as it was customary, cannabis activists marched for the first time from the central Liberty square to the legislative palace gates. That day, I observed a big sign calling to "*free the imprisoned for planting: the parliament has the floor*" heading the march. That day, similar public activities were performed in different cities outside the capital Montevideo as well, widening the movement's geographical reach. The recent important 'new rights' victories achieved -one hundred years after Batlle's secular modernisation of the state- put Uruguay at the vanguard of the civil rights agenda again, paving the way for the activists' optimism. Yet, as commented by my research participants, these very conflicted political processes of the new rights agenda, sponsored by civil society, had taught one lesson: a long and winding road was surely ahead for legalisation to finally be reached.

Concluding remarks

In conclusion, in this chapter, I started to construct the idea of the Uruguayan cannabis regulation as the result of overlapping and intersecting trajectories that marked tensions, dissonance and opportunities for cannabis reform to happen. I introduced the idea that the cannabis legalisation movement was initially an orphan, because it started to flourish organically and highly disarticulated as a demand. Further on, I characterised the cannabis problem as a generational conflict related with the polarised second demographic transition in Uruguay. Here, the accelerated secularisation process was interpreted as a secondary trace -a necessary but not sufficient condition- of a general values' change favouring an ethics of autonomy, with liberty as the key binding politics moral foundation. Thus, I showed how the problem of repression over the "deviant" youth exceeded cannabis use as well as formal control institutions in Uruguay, and a number of victimless crimes behaviours such as abortion or LGBTI rights along with cannabis, started to be under question at the social arena. Moreover, for the Uruguayan case specifically, cannabis was framed by civil society as part of a wider 'new rights' political reform that included a number of victimless crimes beyond drugs themselves.

However, I also argued that within the political establishment, neither the left nor the right political parties, nor the existent civil society groups, incorporated this 'cultural change' in their political repertoire. Thus, the new rights agenda was largely neglected by most of the political elite. Within a political agenda dominated by the democratic transition and economic issues, the human rights defence was still directly linked –and restricted to- the political parties' persecution during the dictatorship. At this stage, the political climate was not receptive, hence, was not possible to translate the individual issue into social problems and then into public problems –or matters of political controversy.

Throughout the 2000s cannabis use normalised in the urban areas of the country, turning from a marginal reality to a relatively common habit among new generations. Confronted with the resilience of the exclusion of ´new rights´ topics such as cannabis, abortion or LGTBI rights by all political parties, in this decade young activists established their own political 'start-ups', transforming cannabis activism as a new type of political entrepreneur. However, I also showed how for the section of the civil society that started to push for its legalisation, the problem of illegal cannabis was defined juxtaposing 'innocent' users who grow cannabis for personal consumption against those guilty of making a business out of it. Thus framed, the political demand heavily relied on personal cultivation either domestic or in social cannabis clubs.

Following, I showed how once the economic crisis started to be overcome and new battlefields were required on the electoral arena, through the new rights agenda a conflict between a progressive (secular) block and a traditional (religious) block was successfully installed by civil society. Consequently, the change in the systemic governing coalition associated with the *Frente Amplio* elections -with a tight legislative majority- of 2004, 2009 and 2014 opened a window for a wave of political secularisation, conforming to what the literature defines as a 'religious world' case of moral politics change. In this way, I explained why, paradoxically, a social secularisation trend led to a renewed commitment of religious based political actors interested in resisting those changes.

Chapter 6. Greenhouse effect: the role of the executive power

The previous chapter focused on the historical roots of the demand for cannabis regulation, emphasising the role of the rapid Uruguayan secularisation process from the 1990s onwards, as secondary trace of a wider values change. It analysed how the *Frente Amplio* victory of 2005, after the regional economic crisis (1999 - 2002), meant an opening of a political window, where the cultural shift towards an ethics of autonomy and 'new rights' among younger generations reinstated the conflict between secular and confessional lines in the party system, and thus became increasingly seen as an important electoral arena. In this context, a WEIRD people reformers' advocacy coalition pushed for cannabis regulation fundamentally based on moral principles such as liberty and care. Since the political problem was mainly defined as one about users' health and rights by the reformers, the law proposal excluded a market model, and included only personal cultivation mechanisms, either domestic or in social cannabis clubs.

In this chapter, the analytical focus lies in tracing the attention shift that introduced cannabis into the macro political agenda in 2012. The analysis will proceed as follows: I will start by setting the scene of the executive power announcement to regulate cannabis, identifying the specific actors within the Uruguayan government that originally pushed for this reform. Following this, I will characterise this participation not as a mere involvement but as a surprising and conflictual irruption that created a 'chaotic moment of punctuation' (True, Jones, & Baumgartner, 2007) in the ongoing debate. Having done that, I will discuss in some depth why there was such a strong emotional clash of positions by analysing the relationships between why, how and by whom cannabis became regulated. Having outlined this second stage in the cannabis regulation process, I will conclude by making the case for the inclusion of politics moral foundations as a suitable framework to define more precisely the advocacy coalitions' belief systems. Furthermore, I will contend that by engaging Haidt's (2012) moral theory it is possible to better grasp cross-cultural variations in drug policy change explanations more generally, a call already made by previous works in this field.

6.1. A suitable enemy and a cultural surprise

On the morning of the 13 May 2012, Uruguayans woke up to an impressive image that would be repeated ad infinitum in the mass media[8]; the CCTV cameras of the traditional "*La Pasiva*" restaurant, in the heart of Montevideo city, recorded the break-in of two young boys who, during a robbery, executed a restaurant worker at point blank. The Montevideo Police Chief quickly offered his view in the main news programmes; according to him, this violent robbery was not an isolated incident, but rather the template for many young and violent delinquents that are generally under the influence of drugs and alcohol.

This event catalysed a remarkable discontent in Uruguayan society regarding public safety and crime policies: "*Brutal crime shocks Uruguay*" (Infobae, 17/05/2012); "*Uruguayan society moved by La Pasiva's cold blooded crime*" (Espectador, 13/05/2012), the mass media warned. A number of

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[8] According to FOCO consultant, between the 13th and the 18th of May Channel 4 showed the video 44 times; Channel 10, 25 times; Channel 12, 23 times and Channel 5, 4 times. Between them, they accumulated 102 times in total, that is, almost once per hour throughout the week.

spontaneous demonstrations against violence spread through the country. Social media was full of harsh comments. In Montevideo, a loosely organised group of 'Outraged Uruguayans' arranged, via Facebook, a public demonstration in front of the Presidency's building to "*express the indignation and impotence of the people, overwhelmed by this state of violence and feeling that what the government has been doing to stop it is far away from being effective*" (Uruguayos Indignados, 14/05/2012).

At the time, I was working on a project centred on desistance, re-entry and crime policy reform dynamics as part of the Criminology research group of the Faculty of Social Science, and I happened to witness this event. It was not a big demonstration for the country - around a hundred people were there - but, importantly, the rate of public figures present was remarkably high: I could identify representatives of every political party and of the National Workers Union (PIT-CNT). When asked about the motivation behind their participation in the event, people spoke of: "*the unbearable state of violence*", "*the cultural values' clash within Uruguayan society*", and governmental inefficiency "*that forgets about the victims of violence and overprotects the delinquents*" (Field notes, 14/05/2012). In this small and formerly '*hyper-integrated*' society, the speed of the emerging drugs and crime link issue hit particularly strongly, crosscutting social classes and political parties.

Moreover, secondary data suggests that Uruguay represents a special, paradoxical case within the most violent continent in the world. According to the *Latinobarometro*, there is extremely low agreement that public policies targeting crime or drug trafficking are improving the situation (2% and 3%), and a very low perception of public safety (15%); yet, Uruguay remains as one of the 'most secure' places regarding victimisation rates in the region (Lagos and Dammert 2012). Meanwhile, public safety has consistently been defined as 'the main problem of the country' in public opinion polls since 2009 (Paternain, 2014) and from 2011 on, it has been positioned in first place independently of people's political affinities. In 2011, drugs followed public safety as an important concern for 21% of the Uruguayans and since then, though declining, it remained among the first four problems (Factum, 2014). Furthermore, the amount of time reserved for police news in the main Uruguayan TV news shows almost doubled between 2005 and 2009 (Silvera & Natalevich, 2012).

As Aboal, Campanella and Lanzilotta (2012) show, there has been an increasing trend in all types of crime since 1985, with an accelerated jump in the recessive phase of the economy (1999 – 2004) that was not followed by a re-equilibration after the economic recuperation in 2004, when crime rates kept as high as during the economic crisis (see graphic below). For the period 2005 – 2010 (the first *Frente Amplio* administration) among crimes against property, only the violent variants increased; 65% throughout these years, while the other two nonviolent types dropped; 9% for 'thefts', and 14% for 'others against property'. These types of crimes against property are especially concentrated in the urban regions of the country - Montevideo, Canelones and Maldonado-, more than doubling the rate compared to the rest of the country; 53.43 vs. 22.23 in 2010 (Aboal *et al.*, 2012). Consequently, since 2004 Uruguay has been living a particular situation of improving economic condition, better income distribution and increasing violent crime rates.

Figure 8. Crime, unemployment and GNP rates evolution, Uruguay (1990 – 2010)
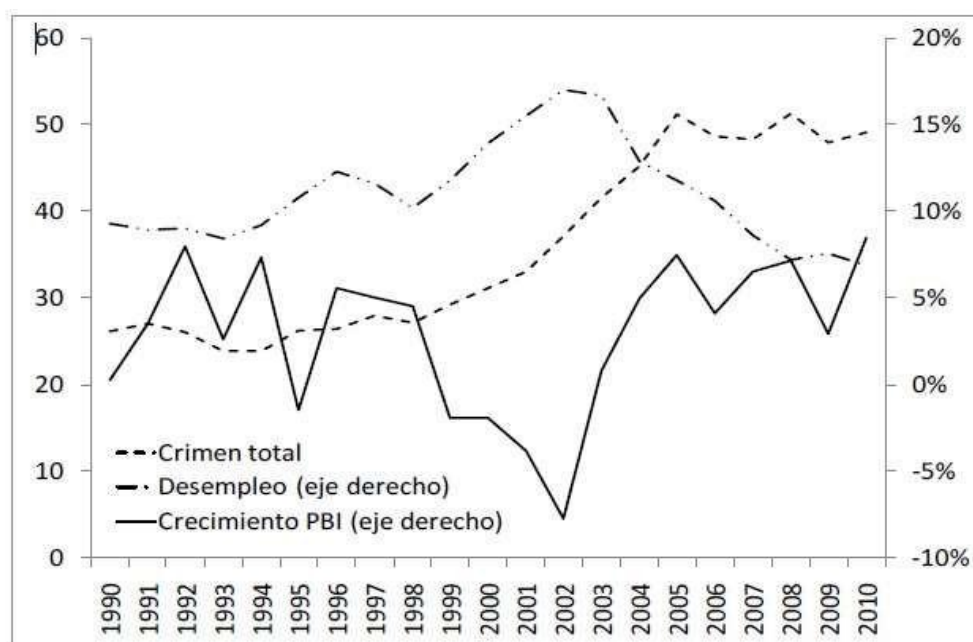
Source: (Aboal, Campanella, & Lanzilotta, 2012, p. 10)
References:
Total crime
Unemployment (right axis)
GNP (left axis)

According to my research participants, underpinning this state of affairs regarding public safety, there was a 'moral shock' that Uruguayan society experienced, as the fear and anguish of 'the paradox of crime' –namely, the paradoxical correlation of an improving economic situation and increasing violent crime rates- found a suitable enemy (Christie, 1986) in '*Los Pastabaseros*' [the free base cocaine users]. The free base cocaine users came to epitomize everything that was wrong in Uruguay, becoming cause and consequence of failure in an otherwise increasingly prosperous society. Free base cocaine is a crack-like drug that appeared in the Southern Cone markets around 2001-2002 in the context of the regional economic crisis (TNI, 2006). According to specialists, it came as a by-product of the new international strategies of chemical precursors' control that affected cocaine trafficking dynamics. Free base cocaine is an intermediate stage of the cocaine production process, resulting in a cheaper, stronger and more toxic substance (Pascale, Negrín, & Laborde, 2010). By 2011, slightly more than 25% of the women and two out of five men declared to have committed the crime for which they were imprisoned under the influence of some drug; for 60% of the women and 47% of the men, the drug was free base cocaine (Vigna, 2012).

The free base cocaine problem was politically important for the cannabis debate because it made drug policies climb up the political agenda, reframing drug use as something other than a lifestyle or value conflict. Thus, for example, the impact of free base cocaine in the political system was so important that in 2010 a special legislative commission on 'Addictions and their impact in Uruguayan society' was created specially to deal with this issue. As the parliamentary transcripts of the day register:

"There has not been in the last 50 years another phenomenon similar to free base cocaine in terms of its effects towards social coexistence. (…) Fear and anguish take over the regular

citizen who face the fact of living in an unsafe society, confronted by the possibility of being robbed, wounded or murdered by some of these boys who, in the desperation provoked by addiction, are compelled to attack others without weighting any consequence" (Cámara de Representantes, 7/04/2010).

"*we [the Partido Colorado] also feel that free base cocaine is an epidemic that goes forward and deteriorates society, as already happened in other European countries such as Spain, and their 1980s 'lost generations'. I'm talking about young people that could not conclude their development in any aspect of their personal life, because it was truncated by addiction*" (Cámara de Representantes, 7/04/2010).

As pointed out by the former *Partido Colorado* presidential candidate and current senator Pedro Bordaberry in the national election campaign:

"*I don't need to tell you what the insecurity that we are living means … And we want to tell you that it is possible to improve the situation. By doing only one thing, we will improve by 30, 40%... Do you know what it is? Kicking free base cocaine out of Uruguay: declaring war to free base cocaine*" (Partido Colorado meeting, 17/10/2009).

For the *Frente Amplio* senator and partner of former president Mujica, Lucía Topolansky:

"*Free base cocaine, that it was introduced into Uruguay during Jorge Batlle's government [Partido Colorado], and we should not forget about that, it is the cause of these crime rates*" (*Redacción 180*, 14/05/2012).

A doctor and cannabis reform activist specialised in drug treatment, reflected during the interview:

"*Culturally, what started to happen was very rough for us. Uruguay has a long history of pacific coexistence and these violent crimes, the tumble in the street… These types of crimes are typically linked to these types of substances, such as free base cocaine*" (Doctor (id32), interview).

As the quotes above expose, the Uruguayan political elite mainly framed the problem of free base cocaine as a threat to society's stability and cohesion: as a factor breaking the ethics of the community by having negative effects towards 'social coexistence', as an 'epidemic that deteriorates society' and as the main 'cause of violent crime rates'.

As it was previously reviewed (section 2.3.1.), although the normalisation process of cannabis experienced in North America and Europe interacted in different ways with the moral shocks related with crack and heroin use in the 1980s and 1990s, a common factor observed in the literature is that it usually allowed 'the drug problem' to reach political agendas. Thus, for example, in the case of Portugal, cannabis decriminalisation appeared as a by-product of a wider harm reduction strategy mainly concerned about hard drugs use (Van het Loo *et al.*, 2002; Hughes, 2007). In the Dutch case, the market separation between soft and hard drugs became a key motivation for the public endorsement of the coffeeshops system (Cohen, 1994; Grund & Breeksema, 2013).

Suitable moral enemies such as crack, heroin or free base cocaine and their consumers, may be useful to be feared and hence fought, uniting the other side, making it possible for priorities to change, focusing all attention on certain phenomena, and forgetting about other problems. However, as the criminologist Nils Christie (1986) notes, suitable enemies will not be defined in ways that threaten

centrally positioned and relatively powerful groups in society, who eventually can organise themselves and resist the negative labelling, objecting the definition of the problem as a real problem. Thus, by 2011, 0.2% of the Uruguayan population –mostly composed of young lower class people- that declared to have used free base cocaine in the last month, might be a suitable enemy. However, the 4.9% - mostly composed of young middleclass and educated people- that declared to have used cannabis in the last month is less fitting (OUD, 2011). Thus, as explained by a member of the Judicial System, a 'bifurcated' drug policy approach started to emerge. In the Uruguayan case, free base cocaine shifted the political elite's attention to the drugs topic at the same time as reframing cannabis as a 'least bad' drug. In this way, cannabis regulation could protect society's cohesion by pulling apart the 'good' cannabis users from the offering of 'bad' drugs as free base cocaine in the black market.

> "*Paradoxically, when in Uruguay the whole discussion about harm and risk reduction started to develop, another discussion and drug paradigm was also beginning: we started a path to differentiate between good and bad drugs. The good drug was marihuana, the bad drug was free base cocaine, and so there was where we should target the punitive ammo. (…) Even before cannabis legalisation, it was already very odd that in Uruguay somebody would go to prison for selling minor quantities of cannabis. Conversely, for free base cocaine there was a totally prohibitionist stance instilled among justice operators that used to frame and still frames free base cocaine as the mother of every public safety problem in the country*" (Prosecutor Organised Crime Court (id16), interview).

Moreover, as previously reviewed (section 5.2.), unlike free base cocaine users cannabis activism was made of a new type of organised political actor with lobbying capabilities, nucleated at the new rights agenda. As the *Partido Colorado* 'Addictions and their impact in Uruguayan society' legislative commission report noted with worry:

> "*In the first year and a half of meetings and discussions, the central focus of the 'Addictions' Commission started to change from free base cocaine effects to cannabis personal cultivation as a harm reduction solution*" (*Partido Colorado;* Addictions Legislative Commission, Minority report, 2011).

Additionally, the drugs issue was reframed in Uruguay not only because of free base cocaine use but also because of drug trafficking dynamics themselves. Typically, the crimes that were linked with drug markets in Uruguay were 'white collar', as a relatively important international money laundering hub (Sain, 2009; Derghougassian, 2009; Bagley, 2012; Durán-Martínez, 2015). Conversely, in recent years, public safety authorities were noticing with concern the rise of new violent ways of organised crime, leading to territorial disputes and score settlings in peripheral urban zones. According to the Attorney General's office:

> "*The violent confrontations between drug trafficking gangs have been generalised. Until now, the problem of contracted killers did not appear in the scenery of the common people. But this risk became concrete last Saturday, when this type of conflict unfolded on a public bus, and other passengers were used as a human shield. Most of these type of crimes remain unresolved. People form the neighbourhoods do not speak because they are scared of retaliations: it is the law of silence. The prosecutors of the Organized Crime Court have received life threats already*" (Díaz, 2015/06/05)

According to the regional comparative data available provided by the UNODC, homicide rates in Uruguay are less than half the regional rate, but higher than in Argentina or Chile. Nevertheless, the

official Minister of Interior report of 2012 showed how 'homicide' is the type of crime that increased the most between 2011 and 2012 (by 35%) reaching the highest record since 1985, with 269 deaths (Ministerio del Interior, 2013). Score settlings were registered as a category of their own for the first time at national level in 2012 and immediately turned into the first cause of violent death in the country, followed by domestic violence for which Uruguay holds the shameful first place in South America (CEPAL, 2012). Within this context, the Uruguayan minister of the interior Eduardo Bonomi critically reflected in an interview:

> "*For a long time, the left centred its attention on the economic, political and social projects but left the problem of crime unattended. They believed that social and economic policies would restrain crime by resolving the inequalities in society, and acted in consequence. (…) It was not understood as necessary to elaborate public safety policies specifically, and when the topic was discussed it was in terms of tough or soft on crime but there were not any policies, strategies or elaboration of tactics. (…) Since 2012, our work [in the Minister of Interior] would be developed in a dual debate: with the right, that unanimously endorsed "tough on crime" policies that have already proved to be of little help. But also within the left, that was posing a public safety framework completely naïvely and inadequately*" (Ministry of Interior (id14), interview).

In this way, the scandalous *La Pasiva* murder of May 2012 catalysed the remarkable discontent in Uruguayan society regarding the paradoxical situation of improving economic condition, better income distribution and increasing violent crime rates. As the aforementioned comparative data available in Latin America shows, within the most violent continent in the world, Uruguayans are exceptionally worried about public safety –even if Uruguay remains one of the 'most secure' places regarding victimisation rates – and extremely critical about public policies targeting crime and drug trafficking. Within this context, free base cocaine use and drug trafficking dynamics shifting from white collar crimes to violent territorial conflicts reframed 'the drugs issue' into something other than a secularised lifestyles value conflict –as discussed in Chapter 5. In this way, drugs climbed up the political agenda in a bifurcated fashion, reframing cannabis as a 'least bad' drug.

A Strategy for Life and Coexistence

To confront this lack of leadership regarding public safety that was threatening the *Frente Amplio* political project, almost one month after the *La Pasiva* scandal, on the 20th of June 2012, the Executive Power 'Public Safety Cabinet' - created by Mujica's government (2010 - 2015)- presented a 'Strategy for Life and Coexistence*'* at a public conference. There, it was recognised that "*without any doubt we are living for some years now with the emergence of 'violence' as the priority problem for the population*" (Presidencia, 2012, p. 1). Furthermore, in this critical public opinion context and after 10 years in government, the *Frente Amplio* was 'culturally surprised' (Robinson, 2014);

> "*in the context of a growing country, where more and more social groups have access to a wider pull of material and immaterial goods, where both indigence and poverty are being reduced, marginality persists and diverse forms of social anomie and transgression increase*" (Presidencia, 2012, p. 3).

This cultural surprise relates to the gradual but resilient disjunction between expectations and perceived reality. The expectation was that after ten years of a left-wing government in a context of a growing economy the social and economic policies displayed favouring the most vulnerable groups within society should have restrained crime, turning Uruguay into a hyper integrated country one more time. However, the perceived reality was one of continuously increasing violence. Thus, the resilience of the paradox of crime ultimately reached critical mass, for it was further reasoned that the crime policies implemented until then were doubly lacking sound foundations. The problem was that, on the one hand:

> "*current crime policies have proven to be of little efficacy and with a clear tendency towards brutality and injustice*" (Presidencia, 2012, p. 7). Yet, on the other hand: "*for many years the left has had a mono-dimensional discourse that explained crimes almost as a direct product of the neoliberal policies developed in the region since the second half of the 20th century. Nowadays this explanation, although still relevant, is clearly not enough*" (Presidencia, 2012, p. 3).

Thus, an array of fifteen normative updating measures "*to defeat the fear in society*" (Presidencia, 2012, p. 1) was briefly exposed. This Strategy for Life and Coexistence included initiatives as diverse as the creation of a fund for the economic reparation of the victims of violent crimes and adjustments alongside a legal code pertaining to juvenile offenders (for a list of the fifteen proposals see annex 1). Most importantly for this thesis' discussion, regarding drugs, they proposed: stiffening penalties for police corruption and free base cocaine trafficking; the inclusion in the national budget of an integral strategy against problematic drug use, especially of free base cocaine; the creation of specialized justice boards in '*narcomenudeo*' [small time drug dealing]; and, surprisingly enough, a marihuana commercialisation state monopoly. The person responsible for presenting this last proposal was the Minister of Defence, Fernández Huidobro, arguing that "*the Uruguayan chancellery will fight internationally for cannabis legalisation in the region, because this war [on drugs] was won by the narcos*" (Fernández Huidobro; Strategy for Life and Coexistence Press Conference, 20/06/2012).

This event represented the first time that a member of the executive power publicly claimed their will to regulate cannabis in the country. According to the data collected, the aim to push forward cannabis regulation, while framing it as part of a wider Strategy for Life and Coexistence, came from a specific group within the government comprised of the Uruguayan president Mujica and two of his most trusted collaborators: the Minister of the Interior Eduardo Bonomi, and of National Defence, Eleuterio Fernández Huidobro. The three of them not only belong to the same political sector within the *Frente Amplio*, but also share a deep and long history together, which is important to highlight. Back in the 1960s, Mujica, Bonomi and Fernández Huidobro counted themselves among the co-founders of the National Liberation Movement ('*Tupamaros*'), a left-wing urban guerrilla group set up in the 1960s, in reaction to the rough social and economic situation of the time. Their fight was against occidental liberal capitalist imperialism, primarily represented by the United States, and the diffident national political elite that systematically overlooked the national common interest, uncritically following the northern rich countries' international agendas (Gatto, 2004). As *Tupamaro's* front-runners, the three of them were kept imprisoned for many years during the Uruguayan dictatorship. With democracy's recuperation, the *Tupamaros* integrated themselves into the recently founded *Frente Amplio*, as the Popular Participation Movement (MPP) sector, and quickly became one of the most supported and powerful groups within the party. Although updated to modern democratic politics, time did not stop them from retaining their particular way of understanding politics as a tool to change the extant power

relations. As reported in the "*General considerations on strategy and tactics*" white paper co-authored by the three of them and discussed at a MPP-FA national meeting, in their opinion:

"*politics is not the art of the possible. If that was the case, politicians, even those who were left minded, would only need to be worried about administrating the course of events, and history, always alike, would repeat itself over and over again. Politics is the art of transforming what is necessary into what is possible*" (MPP National Directorate Strategy commission, 19/02/2006, p. s/d).

As I will argue throughout the rest of this chapter, for them, cannabis selling was necessary if the problem was going to be defined as one of illegal supply violence, and it was them who made it possible.

6.2. The government's irruption

Understanding the origin of the executive power's proposal to regulate cannabis and the possible linkages with the political process that civil society and legislators were leading -described in the previous chapter-, became one of the most challenging puzzles of my fieldwork activities, as I kept bringing up this topic in formal interviews and informal discussions that took place as part of my participant observation. In this section, I will propose that, contrary to how it has been characterised by most of the reviewed literature on the topic, the government's attitude can be better characterised as an irruption, rather than simply a normal gradual involvement in the ongoing debate. This because it was sudden and highly controversial, significantly changing the parameters and actors involved in the political process. Furthermore, counterintuitively, it raised a number of conflicts even within the reformers' advocacy coalition, pushing for cannabis regulation at the legislative level, creating a '*chaotic moment of punctuation*' followed by communicational turmoil and strong disputes over new dimensions of the debate becoming more salient -as suggested by Punctuated Equilibrium Theory, reviewed at the beginning of this thesis (chapter 3).

The inclusion of a state monopoly for cannabis commercialisation within a wider Strategy for Life and Coexistence (SLC) was a top-down decision that took virtually everyone by surprise. According to a government's advisor, the president's political legislators did not know about it, not even those who were co-sponsoring the 'Cannabis Regulation for its Consumption' law being discussed. Sebastian Sabini, for example, who belonged specifically to the president's political group, told me that he "*did not speak with* [the Minister of Interior] *Bonomi before their announcement [at the SLC]*" (Legislative power - Frente Amplio member (id5), personal communication). Within the executive power, the situation was similar. The head of the National Drugs Committee, Julio Calzada, also confirmed that the cannabis regulation proposal "*is not my decision. It was a decision of the Public Safety Cabinet and, ultimately, of the President of the Republic (…) He was the one that communicated to us that he had made that decision, and that it was going to be announced the day of the Strategy for Life and Coexistence press conference*" (National Drugs Committee (id12), interview). Nor did the activists that were participating in the legislative debate know about it until some days before the SLC press conference, when the announcement was leaked to the national press.

More importantly, the government's proposal was not only surprising but also highly controversial, and very quickly "*the fifteen proposals of the Strategy for Life and Coexistence ended up symbolically*

summarised in only one: the state's cannabis monopoly" (National civil society (id31), interview), becoming the centre of worldwide public concern. Most of the *Partido Colorado* and *Nacional* members quickly went out to the national press to state their rejection. Even Jorge Batlle, the former Uruguayan president that proposed cannabis legalisation almost ten years before, distanced himself from Mujica in quite rough terms:

> "*The last surprise* [of the government] *that we are victims of is the creation of a pothead's country, where the State will be a marihuana grower. This is not only a surprise, it is for the Guinness records*" (El Observador, 21/08/2012).

However, what I found especially intriguing and even counterintuitive is that the announcement was also highly controversial within the reformers' advocacy coalition pushing for cannabis regulation at the legislative level. All the non-*Frente Amplio* legislators co-sponsoring the cannabis use law analysed in the previous chapter expressed to me their rejection of the government's initiative: Daniel Radio, for example, declared to me that: "*before I had my doubts, now I'm frankly pessimistic about whether legalisation will ever be reached*" (Legislative Power – Partido Independiente member (id11), interview). For the *Partido Nacional* representative Luis Lacalle Pou, "*the government's attitude involved a reversal in the political process, since they have thrown away some agreements that had already been reached among political parties*" (Lacalle Pou, personal communication, 7/11/2012).

Among the sections of civil society pushing for cannabis legalisation, the feelings were mixed. I witnessed the discussions in *Proderechos* and in the National Coordination for Marihuana Legalisation -which brought together most of the cannabis activist groups in the country- about the need of confronting the executive power position publicly. In both cases, after a long, tense debate about the most politically useful terms in which to express their opinion, they ended up agreeing on a lukewarm support for the government, stating that:

> "*we do welcome the government's involvement in the discussion, but this should by no means become a regress in the debate (…) Self cultivation and Social Cannabis Clubs are the starting point*" (*Coordinadora Nacional por la Legalización de la Marihuana*, press release, 20/07/ 2012).

Others went further in their criticisms: Alicia Castilla, the influential Argentinian cannabis legalisation activist based in Uruguay referred to in the previous chapter (section 6.3), who herself suffered police harassment for having fifteen un-flowered plants - thus becoming the 'tipping point' event for the creation of the 'Cannabis Regulation for its Consumption' law-, declared publicly:

> "*I never thought that I would find myself against a legalisation project. But that is the truth. Besides all the nonsense that has been told until now, besides all the incongruences and the pseudo-progressive language that Mujica has used, I think that fighting drug trafficking by legalising marijuana is a fallacy*" (Peregil, 2012).

As previous works on the Uruguayan cannabis reform have noted, with the executive power participation in the debate, cannabis regulation broke into the national and international agenda. However, I argue that this agenda setting led to a surprising and conflict-ridden 'chaotic moment of punctuation' in the political process, as Punctuated Equilibrium Theory suggests, hence more accurately characterised as an irruption than mere involvement. According to this theory, atypical changes break into the macropolitical agenda through communicational turmoil, usually as a disproportionate response to the specific event that triggered it –in this case, the scandalous *La Pasiva*

murder-, fuelled by heightened attentiveness by the media and broader publics, and disputes over new dimensions of the debate becoming more salient.

Still, while doing fieldwork, I noted how shocking it was for me to be observing not only a disagreement, but such a strong emotional clash between groups that were both a minority (let us remember that around 60% of the Uruguayans remain, until now, against any type of cannabis legalisation) and actually pushing for similar things. It did not matter if you were in favour or against cannabis regulation; as in a greenhouse effect, everyone was incensed. But why was this the case?

In the next section, I will deal specifically with this question by empirically exploring the theoretical reformulation of the advocacy coalition's hierarchical beliefs system framework proposed in this thesis. I will argue that conflicts arose not only regarding whether cannabis should be legalised or not, but also about why and how to do it. Hence, it is an argument about the relevance of framing in policy change explanations; how political decisions are built and communicated are important factors for reform to happen.

6.3. What is the problem?

In the previous section, I contended that previous works on the case of Uruguay (Repeto, 2014; von Hoffmann, 2015) might have tended to provide an overly optimistic picture of the political process, neglecting some of the tensions that were involved. In this section, I attempt to develop this argument a step further by offering an analysis of the Uruguayan Reformers advocacy coalition's hierarchically organised beliefs system. As already introduced at the beginning of this thesis, this is a category that has been theoretically underspecified in the literature, both in Uruguay and elsewhere, in part because, most of the time, researchers just assume it exists, yet they overlook its actual empirical derivations (Ripberger, Gupta, Silva, & Jenkins-Smith, 2014). Thus, the analysis will proceed as follows: I will start by briefly recalling the revised version of the advocacy coalition beliefs system that includes the role of politics' moral foundations, developed in some depth in the third chapter of the thesis (section 3.1). For the empirical analysis, I will first focus on the executive power framing of cannabis regulation and, following this, I will contrast it to the reformers' advocacy coalition reactions, in order to explore possible sources of tension that can be found at each of the three levels (deep core, policy core and secondary aspects).

The Advocacy Coalition Framework developed by Sabatier and Jenkins-Smith (1993) proposes that political processes are driven not only by individual actors but mainly by groups that coordinate actions over time, for atypical policy change to happen. Furthermore, these 'advocacy coalitions' share a hierarchically organised three level beliefs system that defines how the cannabis problem is framed and therefore the suitable solution to it. It was also argued that this framework can and should be improved by engaging with Haidt's discussion of politics' moral foundations. Hence, the first of the three levels was defined as a deep core, moral foundations level. The moral foundations are the driving factors, what personally moves people to engage in a public debate; the glue that unites and divides groups, binding and blinding political actors. Empirically, tensions at this level should be translated into different emphasis over values such as liberty, care, fairness, loyalty, authority and sanctity –should a public policy aim at pursuing cannabis users' liberty? Should it aim at restoring authority?

The second, near policy core level, is defined by the policy area within which the policy proposal is framed. At this level, tensions should translate empirically into different emphasis on the objectives that a model of cannabis regulation should pursue; is it framed as a public health, public safety, economic development or civil rights matter? Thirdly, the secondary, instrumental aspects level, is related to the regulation model design endorsed. Empirically, this should be translated into different positions over the concrete type of tools to be included in the law proposal; are self-cultivation mechanisms included? Should cannabis be commercialised? How? Because these beliefs are hierarchically organised, it is expected for the lower level of policy tools to be more susceptible to negotiation and change than the basic, core moral foundations.

Executive power position

Having identified the particular group leading the executive power proposal to regulate cannabis – namely, Mujica, Fernández Huidobro and Bonomi- the empirical analysis of their position will rely on three main data sources. The Strategy for Life and Coexistence document itself, the public communications of president Mujica in "*The president talks to the country*" radio casts[9], widely reproduced in the mass media, and my own interviews with the head of the Minister of Interior, Eduardo Bonomi, and other members of this Ministry, as discussed in the methodological chapter.

A first finding worth highlighting is the degree of cohesion in issue framing. Many times before, I had read or listened to people calling for a more complex approach to the illegal drugs problem, endorsing differentiations between types of drug and drug users to understand the problem. Most of the time, this calling was associated with advocating for some type of policy reform, as a logical conclusion of such a more complex analysis. MacCoun and Reuter, for example, claim that "*a compelling set of arguments for legalisation is necessarily very complex, making it difficult to communicate and difficult to accept*" (MacCoun & Reuter, 2001, p. 51). Conversely, the Uruguayan executive power position to regulate cannabis was simple and highly reiterative, similar to what Hurka and Nebel (2013) found in their Discourse Network Analysis of policy change after shooting rampages. As I will analyse in what follows, in the Uruguayan case, the framing was not necessarily about cannabis, it was certainly not about drug use; it was mostly about illegal drugs' supply.

Even more, when Mujica occasionally referred to drug use, 'sanctity' is heavily relied upon as a politics moral foundation in the framing of the issue by the executive power. According to Haidt (2012), the sanctity foundation relates to the understanding of life as supremely valuable, hence, the human body should not be seen as a playground to be used for fun, but as a temple to be protected. Thus, drug use is seen as degrading, a corruption of humanity's original nature. More precisely, drug use is associated with a "*consumerist disease*" (Mujica, RC, 20/12/2012) and its characterisation is usually full of descending metaphors, such as being "*buried into*" (Mujica, RC, 01/08/2013), or "*going down into*" (Mujica, RC, 24/01/2013) the vice. Mujica even goes as far as stating that "*we are far away from those that think that the use of any type of narcotic has any kind of benefit, as some people say*" (Mujica, RC, 20/12/2012). When occasionally making any type of distinction between drugs, president Mujica always compared cannabis in particular or illegal drugs in general to alcohol and tobacco, in a

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[9] Tracking these 'official speeches' for 2012 and 2013, I found six pieces directly referring to cannabis regulation (Mujica, RD 20/12/2012; 24/01/2013; 14/03/2013; 07/05/2013; 01/08/2013; 06/08/2013).

naturalisation effort to make the case that "*we, humans as a genre, are weak and do things against our own health*" (Mujica, RC, 20/12/2012).

It is easy to see a resemblance between this peculiar framing and the long-standing Uruguayan laity foundations of drug prohibition, described in section 2.1 of the thesis. In this regard, drug use is defined as something tolerated but necessary to control, relying on Science and the State as the legitimate actors to look after the common good by regulating a 'social vice' -as the suitable middle road solution. Thus, users should not be punished but treated, for their own good:

> "*This is a battle for public health. (…) Because the scourge is there, so it is better to regulate cannabis, taking it out of the shadows, to identify its addicts and eventually treat them in cases of excessive consumption.*" (Mujica, RC, 01/08/2013).

As with drug use, when talking about supply, no distinction is made regarding different drugs. In virtually every public appearance, Mujica would frame drug commerce as an economic phenomenon, with repression-oriented policies enhancing the high risk and profitable qualities of the market. It is a clear case of 'lesser of two evils' logic, where "*worse than the poison of addiction is the poison of drug trafficking*", as he continuously repeated in the radiocasts analysed (Mujica, RD 20/12/2012; 24/01/2013; 14/03/2013; 07/05/2013; 01/08/2013; 06/08/2013).

Thus, and appealing to the fairness moral foundation, the main rationality to regulate cannabis for the Uruguayan executive power was to encourage a regional discussion of prohibitionist drug policies. Here, cannabis regulation is endorsed as a by-product of concerns for cocaine trafficking and production. This fairness foundation is at odds with the disproportionality of the costs that the current international framework entails worldwide, where, as he defines:

> "*the highest consumption rates are in the US and in the rich industrialized areas of the world, but the War on Drugs has especially deformed the history of the poor countries* [in terms of coexistence]. (…) *Facts prove the constant and permanent failure of the repressive way. The only multinational corporations of clear Latin American origin that have been imposed on the world, are the ones related to cocaine trafficking*" (Mujica, RC, 24/01/2013).

In fact, this is a position that has already been advocated by other regional leaders. The Latin American Commission on Drugs and Democracy, for example -composed by politicians, former presidents and cultural personalities of the continent-, contended in 2009 that "*violence and the organized crime associated with the narcotics trade are critical problems in Latin America today. (…) The in-depth revision of current drug policies is even more urgent in Latin America in light of their enormous human and social costs and threats to democratic institutions*" (Latin American Commission on Drugs and Democracy, 2009, p. 1).

Thus, for the Uruguayan executive power the problem presents itself not as one of individual users, but from a community perspective. Accordingly, illegal drug trafficking involves the threat of a 'rebellion', as authors such as Garzón Vergara (2012) or Durán-Martinez (2016) have suggested. Here, the third key political moral foundation invoked is the reclaiming of the State's authority against a criminal phenomenon that is seen to subvert the traditions, institutions and values that are perceived to provide stability in society. In Mujica's terms, illegal drug trafficking "*destroys the society, destroys its best customs and traditions*" (Mujica, RC, 24/01/2013), because of its spill over effects.

According to this view, drug trafficking has, firstly, spill over effects, "*as a monumental economic fact enlarging corruption and illegal finances through money laundering*" (Mujica, RC, 24/01/2013). Secondly, drug trafficking is seen to have spill over effects onto the crime world itself; this is getting increasingly violent by way of the '*plata o plomo*' (*silver or lead, meaning money or bullet*) (Mujica, RC, 20/12/2012) method in prisons. Here, people are given two options: accepting a bribe (silver) or facing assassination (lead).

In this way, the structural 'paradox of crime' underpinning the public worry about public safety driving the executive power support to cannabis regulation, was framed at the micro level by appealing to two core politics moral foundations –namely, authority and fairness-. Hence, at the near policy core level the problem was defined strongly emphasising the supply side, as a matter of crime policy reform. In other words, the main objective that cannabis regulation should obtain is the reduction of drug trafficking-related violence. Accordingly, in terms of policy design or instrumental aspects level, a state monopoly was proposed, since enabling a legal means of producing, distributing and selling cannabis was understood as the only way of truly competing with illegal trafficking. Furthermore, a buyers' register and the implementation of purchase limits were proposed to restrain illegal re-selling and excessive consumption. Thus, the Uruguayan long-standing laity approach to drugs and other 'social vices' was once again called upon. Relying on the 'civil faith' in a paternalistic State, cannabis selling regulation was proposed as a social contract favouring new generations, independently of parties' affinities and ideologies.

Tensions within the reformers advocacy coalition

As proposed in this thesis, the paradox of crime was the main driver for the government breaking in the debate but it was not the WEIRDer people's main motivation. On the contrary, the Uruguayan rapid secularisation within the context of the second demographic transition, was leading to the conformation of a 'new rights' political coalition that was heavily defining the problem as one of users' individual autonomy, rather than supplier-led social harms as emphasised by the executive. Thus, in this section I illustrate the main tensions found in each of the three Advocacy Coalition's belief system levels -deep core, policy core and secondary aspects. This analysis is based on my own interviews and participant observation as well as the opinions expressed at the *Planta tu Planta* [Plant your Plant] cannabis growers' forum; the most important cannabis growers' forum in Uruguay, at the base of the most important cannabis growers' association, AECU.

When asked about how he reacted to the Strategy for Life and Coexistence, a member of the cannabis activism group *Proderechos* expressed his disappointment in these terms:

> "*[Before the government's announcement] we were working on a campaign comparing cannabis regulation with abortion and LGTBI rights. We wanted to make the analogy with the progressive laws pushed forward at the beginning of the 20th century in Uruguay, which were against the common sense back then. (…) Each of these initiatives involved a breakthrough in the perceptions about other people's possible freedom, (…) the discourse about marihuana used to be about freedom and rights, now it is about public safety and health*" (National civil society (id17), interview).

At the Plant your Plant forum, disappointment was the prevalent feeling. There, it was contended that:

"[The government] *will need to accept that growing cannabis is an act and manifestation of our culture, and that at a private level I WILL DO WHATEVER I WANT, because it is MY RIGHT. Therefore, CONTROLLING AUTHORITIES, you should know that in the PANDORA'S BOX that you are opening THERE IS A CULTURE, with IDENTITY and VALUES underpinning it. Instead of messing with our culture you could start by reviewing your own position and start grounding your pseudoscience in more believable arguments*" (Planta tu Planta, forum, 13/03/2014, emphasis in original)

Analysing the reformers' advocacy coalition politics moral foundations, 'marihuana legalisation' was defended primarily as a matter of liberty and care. Liberty, because cannabis prohibition is seen as a way of oppression, where the old and conservative generations in power impose their lifestyle onto others in a hypocritical way, as another member of this forum put it:

"*I believe it is totally disrespectful and a subjugation of my constitutional rights to have this type of control differentiating alcohol and cannabis consumers*" (Planta tu Planta, forum, 13/03/2014).

Framed like this, cannabis regulation refers to the value of being treated equally as a citizen, independently of one's drug of choice. The liberty moral foundation urges people to band together to oppose oppression: "*Liberties' horizon: United Fist against the Conservative Uruguay",* was the name of the *Proderechos* campaign referred to above by the interviewee. "*Cultivate your rights*" is a slogan widely used in many of the Latin American versions of the Global Marijuana March celebrated in May each year worldwide. In Chile 2013, for example, to this slogan a second sentence was added: "*No More Harms*".

On top of liberty, care -as the second main political moral foundation underpinning the reformers' advocacy coalition-, relates to the idea that a person's integrity should be protected as a matter of universal human rights; people deserve to be cared for independently of who they are, where they are from, or what they do. It is no coincidence that the main European-coined drug policy reform movement is called, precisely, harm reduction. As it is stated from its name, as a political movement harm reduction strategies deployed until now have heavily defined the problem of drugs as a matter of care and rights for its users.

In fact, similar politics moral foundations were found in other WEIRD people advocacy coalitions elsewhere. In his analysis of Swiss drug policy change, when presenting the reformers' coalition deep core beliefs, Kübler noted that, "*harm reduction advocates consider the individual's autonomy and integrity to be more important than the respect of sociocultural norms: deviant individuals deserve help as does anyone else, but they should be free to use it or not*" (Kübler, 2001, p. 631). Describing the harm reduction advocacy coalition that pushed for drug decriminalisation reform in Portugal, Hughes arrived at the conclusion that: "*the primary objective of decriminalisation was to recognize the human rights of the drug user. It was therefore deemed society's responsibility to meet the rights of drug users to health and social care. While decriminalisation was also argued to increase the potential for social cohesion, the primary emphasis was upon liberal values*" (Hughes, 2007, p. 236).

Therefore, at the second level of the reformers' advocacy coalition (policy core), public health might be a common ground with the executive power's perspective, but crime policy was a much more difficult frame to convey. At this level, tensions arose because most of the people taking part in the coalition, rejected most of the crime policies sponsored by Mujica's government characterised by "*a conservative twist through the logic of a top-down penal populism, and a governance through crime*" (Paternain, 2014, p. 1). In the case of cannabis regulation specifically, in my interviews it was likewise stated that:

"*I do agree with the idea of cannabis regulation, but I did not agree with the way it was presented, within the Strategy for Life and Coexistence framework, along with the other proposals, as the stiffening of penalties for free base cocaine trafficking, for example*" (National civil society representative (id29), interview).

In another interview:

"*I experienced the Strategy for Life and Coexistence in a very contradictory way. It came right after the "La Pasiva" homicide and in a context of a strong punitive stream. I believe that those 15 proposals and the president's own discourse on cannabis meant a reluctance of the FA to discuss, through its government, the majority punitive common sense in the society. It was like conveying the status quo imposed by the mass media, and the right wing discourse in general*" (National civil society representative (id31), interview).

Or as explained by another respondent:

"*Many of the reasons why Uruguay is legalizing I do not support: against drug trafficking, for parents to know what their kids are doing… no way! It raises the state's control and paternalism, which is not good.*" (Sociologist (id35), interview).

The head of the National Drug Committee at that moment, Julio Calzada, also recognised this problem:

"*Among NGOs and scholars there was a clear position of not defining drug use as a criminal issue. It was a health policy problem but not a crime policy one. (…) The whole Strategy for Life and Coexistence was strongly criticised even within certain left wing circles, questioning why cannabis would be introduced as part of a public safety strategy*" (National Drugs Committee (id12), interview).

Therefore, at the level of policy design, the most important source of tension found was the integration of personal cultivation mechanisms vs. a commercialisation system. For the reformers, self-cultivation was 'a must' if cannabis regulation was meant to acknowledge users' rights. For the executive power, commercialisation was needed if the aim was to economically compete with illegal drug trafficking. As it was stated in the press release from the National Coordination for Marihuana Legalisation -which brought together most of the cannabis activist groups in the country- following the 'government's irruption', for the cannabis activism engagement in the reform self-cultivation and Social Cannabis Clubs were the '*starting point*' (*Coordinadora Nacional por la Legalización de la Marihuana*, press release, 20/07/ 2012).

The diagram below synthesises the beliefs system conflict just exposed. The reformers advocacy coalition position is represented in the right hand diagram, and the executive power approach in the left hand diagram. At the politics moral foundations first level, the executive power appeals were,

mainly, the reclaiming of the State's authority against a criminal phenomenon –illegal drug trafficking- that is seen to threaten stability in society, and the unfairness in the disproportion of the costs that the current international drug policy framework causes in Latin America. Conversely, the reformers' advocacy coalition emphasises the user's liberty, understanding cannabis prohibition as oppression of individual autonomy and care, while attempting to reduce the harms that prohibition provokes to the drug user's personal integrity. As anticipated, these politics moral foundations are causally linked to different emphasis at the second beliefs level (policy core); whereas for the executive power the main motivation to regulate cannabis was reducing drug related violence, for the reformers' advocacy coalition the primary goal should be enhancing cannabis users' health and rights. Finally, at the third level of policy tools (secondary aspects), the main contention was between including a state's monopoly for cannabis production, distribution and selling –indispensable for the executive power- and a legalised self-cultivation mechanism –the sine qua non condition for the reformers' advocacy coalition.

Figure 9. Advocacy Coalition's hierarchical beliefs system
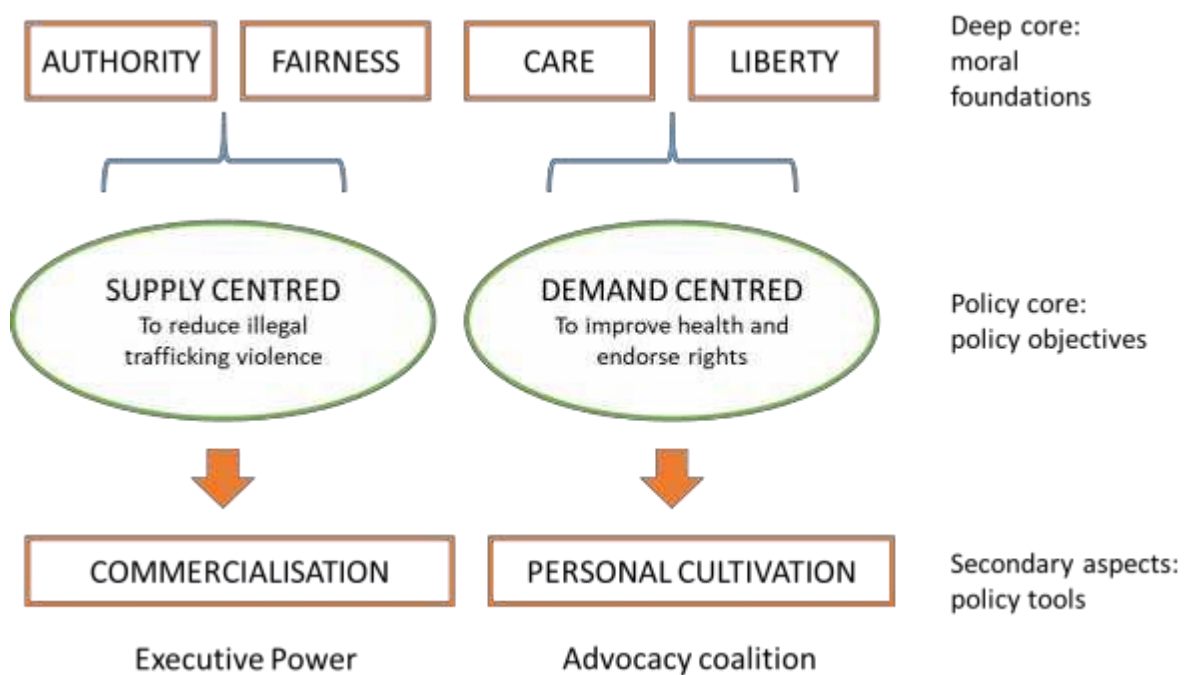
Source: own elaboration

Together, the executive power and the reformers' advocacy coalition reached a remarkably wider array of political moral foundations than each of them did on their own. As I have argued, the Harm Reductionist reformers coalition was more restricted to the leftist moral domain of the Western, Educated, Industrialised, Rich and Democratic (or WEIRD) people, strongly appealing to the individual autonomy ethics and its freedom and care for drug users. Conversely, former president Mujica posed a pattern different than what expected by this theory, akin to a catch all moral discourse. In this regard, it is interesting to note here that the numbers available support the hypothesis that due to Mujica´s leadership the *Frente Amplio* widened its electoral base, formerly strongly associated with having more education and being of middle class (Selios & Vairo, 2012), which made Uruguayan political

scientists talk about Mujica´s 'Plebeian Revolution' (Garcé, 2010). Furthermore, I propose that the moral conflict dynamics found in my research, between a civil society strongly appealing to Liberty and Care, and a government worried about widening the moral discourse to include not only the WEIRD people's individual autonomy perspective, but the appeal to community values such as authority and fairness, is a promising starting point to understand crime policy change more generally, and deserves to be further considered by critical criminologists. For this matter, my theoretical proposal to define more precisely the advocacy coalitions' belief systems by engaging Haidt's framework can be empirically useful to better grasp cross-cultural variations in drug policy change explanations, a call already made by others (Hughes, 2007; Swedlow, 2014).

However, I also show how the confluence of different actors pushing for cannabis reform brought, as well, important tensions centred on how to define the problem and how to select the adequate policy tools to be deployed. As suggested by Punctuated Equilibrium Theory (1993), the government breaking in shifted public attention to cannabis regulation, allowing the topic to reach the macro-political agenda. Yet, since attention spans are limited, controversy over an issue is a necessary but not sufficient condition for atypical reform to happen; if the citizens excluded from a monopoly –i.e. cannabis activism- remain apathetic, the institutional arrangement usually remains constant, and policy is likely to change only slowly and incrementally in a process of negative feedback. Hence, these tensions needed to be resolved for atypical policy change to happen.

Concluding remarks

This chapter analysed how the cannabis debate broke into the macro political agenda and why it was so conflict ridden. Within the most violent continent in the world, there are notoriously higher levels of public criticism about public safety and crime in Uruguay compared to other Latin American countries, consolidating as a priority problem for the population. Furthermore, in a context of an economically prosperous society, the executive power authorities were culturally surprised. This cultural surprise related with the resilient disjunction between expectations and reality. The expectation was that ten years of left-wing policies favouring the most vulnerable groups within society should have restrained crime. However, the perceived reality was one of continuously increasing violence. Thus, this disjunction between expectation and reality ultimately reached critical mass, provoking a crisis in the way the left used to frame public safety policies.

In this context of paradoxical correlation between economic growth, better income distribution and increasing violent crime rates, the political elites found a suitable enemy in free base cocaine, shifting their attention to the drugs topic, at the same time as reframing cannabis as a "least bad" drug. Thus, a 'bifurcated' drug policy approach started to emerge, where cannabis regulation could protect society's cohesion as a market separation tool, by pulling apart the 'good' cannabis users from the offering of 'bad' drugs as free base cocaine in the black market. Accordingly, a state monopoly for cannabis selling was proposed by a specific group within the Uruguayan executive power comprising former president Mujica and some of his closest collaborators, as part of a wider Strategy for Life and Coexistence. It was further contended that, in line to what would be expected by Punctuated Equilibrium Theory, at this moment, cannabis regulation broke onto the national and international agenda in a surprising and controversial way, creating a chaotic moment of punctuation in the ongoing debate.

Following, the analysis of the advocacy coalition belief system –integrating more specifically the concept of political moral foundations- proved to be of use to better grasp the strong emotional clash found between cannabis reformers and the executive power's position. Whereas the government appealed strongly and reiteratively to community values such us authority, to confront 'the rebellion of illegal drug trafficking', and fairness, denouncing the disproportionality of current international drug policies arrangements, the reformers advocacy coalition framed cannabis regulation mainly as an autonomy problem, as a matter of liberty and care for its users. As anticipated, these politics moral foundations were causally linked to different emphasis about what the main objectives to regulate cannabis should be; either reducing drug related violence or enhancing cannabis users' health and rights. Finally, these different positions were related with the preferred policy tools to be included in the new legal framework. The main contention at this level was between including a state's monopoly for cannabis production, distribution and selling –indispensable for the executive power- and a legalised self-cultivation mechanism –the sine qua non condition for the reformers' advocacy coalition. In this way, I argued that by framing cannabis reform as a crime policy matter, the executive power's breaking in expanded the borders of what was politically possible –namely, the inclusion of a state-oriented commercialisation system. Moreover, I contended that with the proposed theoretical reformulation of Advocacy Coalition Framework it is possible to better grasp empirically cross-cultural variations in drug policy change explanations more generally.

However, as it was discussed, the breaking of cannabis into the macro political agenda created a great deal of conflict and communication turmoil that needed to be resolved for cannabis policy change to happen. Hence, the next chapter of the thesis is dedicated to analysing the aftermath of the executive power's breaking in. More specifically, it will address the involvement of new international actors, as well as the strategies deployed to cope with conflicts, enabling the political process to overcome the chaos.

Chapter 7. Overcoming chaos: international policy transfer dynamics

The government's irruption in the debate brought deep consequences to the political process of cannabis reform: the mass media shifted their attention to the topic, new actors for and against the reform started to become involved, and consequentially the previous balance of powers broke down. However, confronted with the real possibility of regulating cannabis, which positioned stakeholders in the hotspot of reform at the international level, actors involved quickly realised that no one was completely certain of how to address this problem. Mass media was eager to delve into what the first national-level legal cannabis market would look like; however, the lack of specific answers about the adequate policy tools to be deployed exposed the lack of technical resources and knowledge accumulation around this matter.

Confronted with this 'chaotic moment of punctuation', surrounded by communicational turmoil and strong disputes over what dimensions of the debate should become more salient, both civil society and the section of the government supporting cannabis reform knew that if they remained apathetic, cannabis regulation would hardly be achieved. Sebastian Sabini, a young legislator coming from the president's sector and a key political entrepreneur and broker of the new rights agenda, recognised this tension and explained to me that:

> "*After the SLC announcement I spoke with [the minister of Interior Eduardo] Bonomi and Lucia [Topolansky], Senator and partner of Mujica] about the self-cultivation issue. I explained to them that strategically we could not afford to be against the social movement and cannabis activism by leaving personal cultivation out, because actually they would be the only ones supporting a cannabis legalisation proposal.*" (Legislative power – Frente Amplio member, personal communication)

As acknowledged by the Uruguayan Minister of the Interior himself, both civil society and government needed each other to pass through cannabis reform:

> "*The problem was that when we decided to tread this road we found such dissimilar positions among the Ministries that we could not elaborate a proper law's proposal but a one article initiative for others to develop, based on the idea of cannabis regulation*" (Ministry of Interior (id14), interview).

Following this, how was an Executive Power one-article call for a 'State Cannabis Monopoly for its commercialisation' subsequently transformed into a comprehensive forty-four articles legal framework, including provisions for both cannabis sale to individuals and self-cultivation mechanisms? As noted by previous works on cannabis regulation (Boidi *et al*., 2015; Pardo, 2014; Montañés, 2014; Room, 2014; Kilmer *et al*., 2013), a number of significant similarities and differences can be found between recent legalization frameworks. For example, the Uruguayan law approved in December 2013 borrows from the Basque Country's Social Cannabis Clubs model. Both Colorado and Uruguay reforms allow the possession of up to six cannabis plants for domestic cultivation. Conversely, the main particularity of the Uruguayan case compared to other innovative experiences concerns the central role of the state in the regulation design, holding a register of cannabis users, issuing licences to grow cannabis for commercialisation as well as self-cultivation, and forbidding cannabis related advertisement. Are these just hazardous policy design coincidences?

In this chapter, I focus specifically on the international policy transfer dynamics found in the Uruguayan case, by which "*knowledge of policies, administrative arrangements, institutions and ideas in one political system*" (Dolowitz & Marsh, 2000, p. 5) were incorporated into the domestic debate, informing and shaping the subsequent development of Uruguayan cannabis reform. I will explore the role of international elite networking dynamics in three key areas of the political process: policy design, political campaigning and the international conventions framework. Overall, I will argue that, from the moment of the government irruption in the debate, transnational drug policy reform networks gained importance as a causal contributor, which helps to explain why and how cannabis was regulated in Uruguay against a backdrop of an adverse majoritarian public opinion.

7.1. Policy design

International policy transfer processes were key for the development of the new Uruguayan cannabis policy design. One concrete example of this statement concerned the deliberate use of lessons of the regulation development programs previously deployed in the US states of Washington and Colorado. As it was already introduced at the beginning of this thesis (section 2.3.2.), in October 2012, that is, four months after the Strategy for Life and Coexistence press conference (where the Uruguayan government called for cannabis regulation for the first time), voters in Colorado and Washington (US) took governing authorities by surprise passing through referendums to legally regulate cannabis in these states. In Colorado, the possession of up to six plants for domestic cultivation is allowed and selling of small amounts of cannabis in a vertically integrated production system, where retailing shops must also produce at least 70% of the total quantity sold. In Washington, a tighter regulation system is at place, based on a three-tiered licence system for production, processing and retail of cannabis exclusively. In this state, personal production for self-consumption is not allowed in any form. As I explain below, in the international policy transfer dynamics found in these examples, most of the tools transferred were aimed at regulating an 'efficient' cannabis sale system; that is, a system that incorporates all determinative information about product and price formation.

As a member of *Proderechos*, the Drug Policy Alliance (DPA) invited me to present on the Uruguayan experience at their 'Reform Conference' held in October 2013, and to the parallel workshop on 'Regulating Legal Cannabis', both in Denver, Colorado (US). Along with members of the Uruguayan government, such as the law entrepreneurs from the National Drugs Committee -Julio Calzada and Augusto Vitale-, and from *Frente Amplio* -Julio Bango and Sebastián Sabini-, we visited growing and retailing venues, public regulatory agencies, met numerous civil servants and private cannabis entrepreneurs, and discussed in depth the 'nuts and bolts' of Washington state's and Colorado's regulatory systems development.

The analysis of these field notes points to two main recurring themes: the first was the shock of knowing, for the first time, what a developed cannabis legal market looks like. In many of the visits, the Uruguayan political actors expressed their surprise, highlighting in different ways the impressive level of professionalism and technological development of both Colorado's cannabis industry and its regulatory agencies. The second recurring theme concerned the reluctance of these actors to turn cannabis into a profit-oriented market -as seemed to be the case in Colorado-, questioning the role of private actors in the Uruguayan case. As the following quotation illustrates:

"*This visit is very important because it really made an impression on us that it is possible to*

develop a serious and efficient cannabis legal market, although probably through different means, more adapted to the Uruguayan reality" (Legislative Power - Frente Amplio member (id7), personal communication).

In this case, the significant development of the US cannabis markets set an important stimulus for policy transfer to occur. The advantages and disadvantages of having a six plants limit for domestic cultivation as a matter of convention, the issuing of licences for cannabis producers, and the technical and technological 'know-how' for cannabis growing and its control -i.e. tracking system "from seed to sale", safety standards, collecting points conditions, transportation issues, packaging information- were all items under scrutiny.

Conversely, the significant difference in the legal and political cultures, particularly regarding the role of the state, the role of private actors and their relationship, acted as a significant cultural limit to these transfer processes. On the one hand, as explained by the participants, US political culture is staunchly anti-state intervention in the economy, favouring business leadership and investment and privatisation of service delivery. Additionally, both Washington and Colorado's local reforms were pushed forward within a national prohibitionist context, for these models were consciously assembled attempting to reduce and delimit the State interference in the local markets as much as possible. In terms of the regulation system development. As commented by a Colorado Regulatory task force member in an informal talk during the workshop 'Regulating Legal Cannabis' held in Denver:

> "*There is a strong awareness in United States about the importance of the private industry and the role that these people will have in a legal cannabis market. Even when the state remains as the main regulatory agency, the private entrepreneurs need to be included in the conversation from the very beginning*" (Colorado Regulatory task force member, personal communication, 23/10/2013).

On the other hand, Uruguay has historically had one of the most comprehensive welfare states in Latin America. Here, the political culture is highly interventionist, favouring public monopolies to deliver key services. Therefore, the longstanding Uruguayan laity foundations underpinning drug policy led to a strongly state-oriented regulation model with strong free commerce restrictions. The Uruguayan law, for example, bans any type of cannabis advertisement, and requires a pre-registration with the State for Uruguayan residents only, to have access to the product. The commercialisation schema is highly supervised by the state in terms of prices and type of strains available and the private licensees that grow cannabis for commercialisation are located in a shared public venue.

These long-standing legal and political culture differences acted as important limits for policy transfer to happen. As noted by the Uruguayan former General Secretary of the National Drugs Committee, Julio Calzada, when comparing these models:

> "*In Washington and Colorado they cannot ban advertisement because of the constitutional rule of free speech protection. They cannot restrain cannabis business because constitutionally commerce is framed as a deal between citizens where the state cannot get in the middle. There are many issues where Uruguay has more legal freedom to regulate. In the Uruguayan law, we have completely banned any type of idea endorsing marijuana consumption. We attempt to deactivate any type of commercial relationship without the interference of the state, because we have as a criterion to de-marketise cannabis, so it does not have a commercial value based*

on competition. (…) Thus, we are constructing a regulatory proposal that has to do with our own culture, with our institutions, with the strength of the Uruguayan state and its control capabilities." (National Drugs Committee member (id12), interview).

Although the state restrictions against a profit-oriented cannabis market was one of the most widely supported elements of the new legal framework, according to some of my research participants, in too many areas, the Uruguayan government opted for an excessively restrictive and paternalistic approach to reassure domestic opponents and worried neighbouring governments. In fact, I found a recurring tension during the parliamentary negotiations centred on what to include in the written law and what to leave out to be defined through trial and error. The monopoly of cannabis retailing through pharmacies is a case in point. As I will discuss more in depth in chapter 10, this public centred approach to the cannabis market has not necessarily resulted in a more transparent, law-abiding implementation process.

> "*There are a number of aspects that have been included in the law in order not to 'scare old people', but they are not realistic, appealing to norms that later on will be very hard to empirically implement. This is not a smart nor a sensible thing to do, given the level of ignorance that we still have about the topic. And if you don't give your best, you are opening the doors to the black market. Let's put it in the regulatory framework, not in the law's corpus and let's be rigid in the controls and progressive in the enabling*" (National Civil Society member n39, interview).

Possibly the most contested element of the new legal framework was the registration scheme for cannabis users. Only registered Uruguayan residents older than 18 years are allowed to have access to legal cannabis. This register aims at restricting the limit of available legal cannabis to up to forty grams per month per person. It is protected by the Habeas Data law (n° 18337), which establishes a relatively strict judicial procedure for access permissions. As discussed by my participants, this register was heavily rejected by cannabis users, because is the one aspect where the differing politics moral foundations reviewed in the previous chapter clash most heavily (see section 7.3.). Overall, people considered it a violation of personal freedom and privacy, as well as discriminatory because cannabis is currently the only recreational legal drug for which this type of registration is required. This finding was also highlighted in other research on the topic (see for example Bioidi et al, 2015), and poses an important question mark regarding the effectiveness of the law in its objective of constraining the black market alongside endorsing people's freedom. At the same time, a number of participants interviewed also pointed to a possible 'naturalisation process', where the potential number of unregistered cannabis users would possibly decline over time. In addition, restricting the legal access only to Uruguayan residents was highly criticised because of leaving an open back door for diversions to tourists and because of violating the principles of human rights over which this law is supposedly based, limiting the right to legal cannabis only to Uruguayan residents.

In parallel to governmental networking, cannabis growers' 'elite networking' was found to be of importance for the regulatory framework endorsed. For this, the Uruguayan growers' association AECU played a key role as a transfer agent. Through AECU, Uruguayan governmental actors had access to important 'know how' over how to adapt international experiences to the Uruguayan context. As it was reflected in an interview:

> "*We contacted the two best cannabis growers in the world and we took them to talk with the people of the National Drugs Committee. And since we do not have a clue about cannabis*

growing it was useful, they really listened. Before we talked to them, we were planning to organise the state production for commercialisation over 150 hectares, and afterwards we talked to them we decided it is going to be 20 hectares, using greenhouses… (…) There are people that have been growing cannabis for 30 years but in Uruguay this is a world that we discovered last year, when [former Uruguayan president] Mujica called for cannabis regulation." (National Civil Society member (id22), interview).

The analysis of the crucial role of AECU for cannabis growers' 'elite networking' points to the relevance of mutual affinities between agents -in this case, a common cannabis growing history and culture- as a necessary condition for policy transfer to occur. Thus, for example, when asking about AECU's brokerage role with international networks of growers, its former president explained:

"*The thing that you need to understand is that [cannabis growing] is a world. There are people that appear in magazines, invited to cannabis cups. There is a show business of cannabis. Before becoming known as an activist, I was known as a grower. (…) The people from the cannabis world travel a lot; if you invite them and you give them the minimum 'good vibes' conditions they come. Not only to Uruguay. We have coordinated most of their visits with growers from Argentina and Brazil, so we take them on the whole tour. With most of them, we had an epistolary relationship first. We were always interested in talking with everybody… I don't know, we started sending mails to them in 2006, for example, asking for seeds. They sent us the seeds, so we started a conversation; we sent them data about how we were growing them… you show them the big fat buds that you managed to cultivate with their seeds and they become interested, they become your friends*" (National Civil Society representative (id22), interview).

As posed by the interviewed, cannabis growers' 'elite networking' was possible in this example because both transfer actors were involved in the cannabis culture. Both shared interests, cannabis seeds, sophisticated cultivation skills, and eventually a close personal relationship. This personal background was key for transfer dynamics, to fill in the stark lack of knowledge of Uruguayan political elite regarding cannabis cultivation.

Additionally, cannabis growers' elite networking was of key importance for the incorporation of Social Cannabis Clubs into the Uruguayan law and I could observe many instances of knowledge transfer of this experience during my fieldwork. Thus, for example, Martin Barriuso -president of the Cannabis Users Association *Pannagh* and former president of the Spanish Cannabis Associations Federation- came to Uruguay to present the Social Cannabis Clubs model in different public and private instances. In April 2013, a panel on 'Self cultivation and Cannabis Clubs' was put together with Martín Barriuso (Spain), Oscar Pares (Spain) and Jorge Hernández (Mexico); it was co-sponsored by the National Drugs Committee, the University of the Republic and *Proderechos*. In parallel, meetings between these actors with Uruguayan civil society groups and governmental members were arranged by local political entrepreneurs.

As discussed at the beginning of the thesis, Social Cannabis Clubs are non-profit associations originating in the Basque country, where a group of adult users collectively organise the production of limited amounts of cannabis exclusively for personal use. Overall, a large degree of heterogeneity regarding their concrete methods and venues of operation, cultivation techniques and distribution schemas has been reported in researches from countries such as Spain, Belgium, England France, Switzerland Argentina and Chile; ranging from very small clubs of dozens of members to very large

enterprises of hundreds (Barriuso, 2011; ENCOD, 2013; Decorte T. , 2015; Decorte, et al., 2017). Still, in noen of these countries cannabis clubs are formally regulated but, conversely, they develop in the legal grey zone of cannabis personal use decriminalisation.

Even though the Uruguayan Executive Power originally rejected this type of bottom-up market organisation for going outside the State's influence, the fact that Cannabis Clubs align with the Uruguayan political elite's (both governmental and civil society) rejection of a profit-oriented legal market paved the way for the activism lobby to successfully include this cooperative self-production mechanism within the law. Thus, the middle road solution for the government was the inclusion of a maximum of 45 members per social club in order to facilitate its control and restrain diversions to the black market, a problem that was discussed in the literature with reference to some large clubs made up of thousands of members in Spain (Pere, 2015; Decorte *et al.*, 2017). From the growers' perspective, the problem with the size allowed for cannabis clubs is, however, how to meet economic viability without being a 'rich people' club:

> "*With forty-five people, the sum just does not add up. You would need for two or three clubs of forty-five members to share costs, assuring the security of the growing sites against robberies. This, if it is indoors. Outdoors you would need even more clubs working together. How many hours of work it takes you, depends on how automatized you managed to have this, this is to say, how heavy your start-up costs are. If the max allowed is ninety-nine plants, plus the mother plants that you need to have, make 200. It takes like four hours of work watering 200 plants. Add to that all the other work needed for trimming, drying, curing… Add to that the money for the rent, electricity, safety… If it is only one club, only a rich people club can afford it*" (Cannabis grower, (code) personal communication).

In this way, through the elite networking mechanisms just discussed, the Uruguayan endogenous necessity to fill in the gaps of knowledge in order to develop a suitable legal regulation framework resulted in an exceptional political output. The Washington legal framework does not include any self-cultivation mechanism, Colorado allows domestic cultivation but not Cannabis Clubs, and in Spain Cannabis Clubs are sometimes tolerated but not legally regulated. In this context, the Uruguayan law stands up as the most extensive one, borrowing and complementing different tools from previous regulation designs*.

7.2. Political campaigning

Another example of policy transfer found in my research involved the emulation of cannabis public campaigning skills from Washington and Colorado to Uruguay. This was directly facilitated by the dyad *Proderechos* and Drug Policy Alliance (DPA). Interestingly enough, this type of policy transfer was a 'surprising' result of previous 'elite networking' dynamics, as defined by the actors involved. In a positive feedback process, collective action fostered more collective action (Pierson, 2004), and what started as a regulation design interchange bifurcated into a political campaigning one. In December 2012, former president Mujica publicly announced that cannabis reform would only go ahead if supported by majority public opinion. However, as already remarked when analysing the opposition to reform, around 60% of the Uruguayans positioned themselves against cannabis regulation as showed by the opinion polls that followed this public statement. As explained by a high-level

Uruguayan government member, something needed to be done in order to confront this majoritarian adverse public opinion context:

"we don't have a majoritarian support of the public, neither do we have a governmental public campaign for cannabis regulation, and we won't have one because it is not only illegal but also frowned upon to do it" (International Civil Society representative (id44), interview).

This renewed political concern about public opinion was recognized as a problem by civil society representatives, who showed their will to use the changing international context to fill in a gap of knowledge within the reformers' coalition. Thus, the match between the Uruguayan *Proderechos* and the US-based Drug Policy Alliance was key, brokering between otherwise disconnected knowledge networks:

"In December (2012) Mujica said that if 60% of the people were against cannabis legalisation they would drop the issue, and the day after all these public opinion polls cropped up showing that actually 60% of the Uruguayans were against it. Then we realised that a lot of very good work had been done, putting a cannabis regulation design together to write the law, but there was not any public opinion campaigning. And all this happened one month after the Washington and Colorado referendums. There, they did very extensive public opinion campaigns because they really needed each one of the votes for the referendums to pass. So we thought: why not put these two things together; connect the people involved in the campaigns there with people from inside and outside the Uruguayan government who could be involved in communication and public campaigning for this topic?" (International Civil Society representative (id44), interview).

As in other examples of policy transfer found, where for example cannabis growers' 'elite networking' was possible because both transfer actors were involved in a 'cannabis culture', the institutional affinities between *Proderechos* and DPA are remarkable. In this example, both organisations are of a political 'advocacy' type, as opposed to cannabis growing grassroots. Likewise, the role of empathy and trust – facilitated by a *'results driven'* shared appeal - became an important enabler for valuable knowledge exchange between these political actors. As posed by representatives of both organisations when reflecting on some of the reasons why they started working together:

"[In Proderechos] we were about to launch a campaign that we actually really liked, comparing cannabis legalisation with abortion and LGBT laws approvals, centered on freedom and rights. (…) we did the focus groups to test our messages: a disaster. People found the comparison even disrespectful; they would not understand why one would relate cannabis with abortion or LGBT issues. It did not really work out. To us, 'The Convinced Activists', it was amazing, because it was this side of the topic that really appealed to us. But for the people far away from cannabis legalization, it was nonsensical… When these experts from the DPA saw that we realized that, and we were willing to make it right in order to reach this other public, we started to dialogue further" (National Civil Society member (id17), interview)*.*

As discussed in depth previously (chapter 5), for the WEIRD 'convinced activists', liberty and care were the 'real appeals', the common sense reason to legalize marihuana. They would not even understand why, for less WEIRD Uruguayans (the older generations), the secularized new rights agenda did not make any moral sense; it was 'even disrespectful'. Indeed, WEIRD people can also be pragmatic:

"What impacted us the most was how 'results driven' Proderechos was. When they told us about the other public campaigning they were planning to do, and that they did the focus groups and realised that those arguments didn't work at all; the fact that as soon as they became aware of that they were ready to change track, immediately. (…) Another thing that made a good impression on us was that even being a pure social organisation, they had a great dialogue with the government, which was also very important, because this needed to be run in parallel, in an articulated fashion. So yes, if Proderechos would not have accepted, I do not think it would have happened at all" (International Civil Society representative (id44), interview).

Thus, according to this DPA member, as in the growers networking example, the mutual institutional affinities were a necessary condition to engage in policy transfer. In this example, the shared social "advocacy" type of organisation, the results driven appeal and the articulation with the government where important enablers for policy transfer to occur. Furthermore, what exactly was transferred in this instance of emulation was the 'know how' of the US referendums political campaigning technology; that is, the application of scientific knowledge to research public opinion for practical political purposes.

In this way, with governmental collaboration, supported by the dyad *Proderechos*-DPA within the Reformers advocacy coalition, a close process of interchange coached by the main Washington and Colorado political campaigning entrepreneurs occurred. Furthermore, between the months of February 2013 and December 2013, several meetings and workshops were organised between these actors. As a member of *Proderechos* at that time, I had a thorough insight into the development of this process, participating in the events arranged.

According to the data collected through participant observation, the public campaigning technology developed by DPA and adopted by *Proderechos* was based on a mixed methods research design that combined qualitative focus groups with a national based survey[10]. These were conducted in March and April of 2013. Through this research, the actors involved aimed at setting a benchmark for "*better understanding how to talk about marihuana, define the campaigning targets and collect information about their communication consumption habits*" (Responsible Regulation; message training research results, May 2013). The main conclusion reached was that people make judgments about cannabis without much information. This fact was reflected in results: 50% of the Uruguayans evaluated stated that they knew very little or nothing at all about cannabis use effects. Nevertheless, 66% also believed that cannabis use has great or considerably great risk for its users (Responsible Regulation; message training research results, May 2013). Yet importantly, the research findings suggested that cannabis regulation remained a dynamic debate; there seemed to be cracks in public opinion for political entrepreneurs to exploit:

"Although it is very hard to deeply change people's mind about cannabis, you can make them care less about it. Furthermore, four out of ten Uruguayans were permeable to change their opinion favourably towards cannabis regulation based on a trained messaging" (Responsible Regulation; message training research results, May 2013).

Thus constructed, the targeted population was defined as those people that were willing to shift their opinion positively: the spontaneously undecided, the guided undecided and the ones permeable by

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[10] The quantitative strategy adopted a quasi-experimental design where people was asked ex ante and ex post an stimuli regarding arguments, slogans, information, etc., what were their thoughts about cannabis.

messaging -reaching 41% of the Uruguayan population. This group was mainly formed by people between eighteen and thirty-nine years old, self-identified as at the centre of the political ideological spectrum. Furthermore, from the first conclusion reached, this messaging could not be simply a matter of giving information about marihuana legalisation, but rather to actually transfigure the 'image' of the political problem; that is, a mixture of empirical information and emotive appeals cognitively attached to it (True, Jones, & Baumgartner, 2007).

Hence, in what follows, I will discuss five central strategies that emerge from the analysis of the data gathered from participant observation about this process of transfiguring the 'image' of the political problem: labelling; framing; the communication triangle; the definition of emissaries; and the definition of aesthetics.

Thus, the first strategy was that in order to change the image attached to the political solution, it was found necessary to actually change the reference label, moving away from marihuana legalisation to cannabis regulation. The issue was that whereas marihuana legalisation was cognitively associated with a too lenient approach to cannabis consumption, cannabis regulation triggered more neutral associations among the targeted public:

> "*When we talked about regulation it was possible to move some positions, since it is associated with ideas of order and legislation and not with liberalisation, or consumption promotion, as with marihuana legalisation*" (Responsible Regulation; message training research results, May 2013).

Despite being extremely similar concepts legally, as political solutions regulation and legalisation actually elicited opposing images among the targeted population, as either controlling or encouraging the already existent cannabis market. In fact, this particular cognitive twist was incorporated as a 'cross fertilisation' dynamic into the Uruguayan process. I define it as a cross fertilisation example and not purely as a policy transfer process because this labelling cognitive twist was not new within the Uruguayan coalition. Some groups of Uruguayan civil society, as AECU, had already intuitively arrived at the conclusion that it was necessary to stop talking about legalisation and start talking about regulation. Yet, other groups, including *Proderechos,* were reluctant to agree to this twist, because historically the cannabis movement identified with the idea of legalisation -which resounded with the liberty moral foundation that made moral sense to *Proderechos*. Within this context, the framing of regulation as part of a wider political campaigning technology, reinforced by the legitimacy of international actors and scientific knowledge, helped to spread the idea further, changing the behaviour within the coalition. Observing the changes in the name of the main cannabis activism coordination group over time –going from liberalisation to legalisation to regulation- is illustrative of its diffusion pattern: from "Marihuana Liberalisation Movement" in May 2007, to "National Coordination for Marihuana Legalisation" in July 2012, to "National Coordination for Marihuana Regulation" in October 2012.

Secondly, regarding the framing strategy, it was understood that the content attached to the regulatory design mattered greatly to change public opinion's image of the political proposal. Furthermore, it was found that certain aspects of the law that were perceived as better than others among the targeted population. On one hand, the prohibitive aspects of the regulation framework, like not allowing the sale of cannabis to minors, driving under the influence, or indoor consumption, were the most valued. The use of tax revenues for health and educational campaigns, alongside

regulating medical cannabis, were positively valued as well. On the other hand, the self-cultivation mechanisms (both domestic and Cannabis Clubs) and the public register of cannabis users, were the least valued (Responsible Regulation; message training research results, May 2013).

Additionally, through the study, the repertoire of arguments on cannabis regulation used in Colorado's campaign was adapted and tested in the Uruguayan context. Making it tougher for the black market to sell cannabis to minors and medical use of cannabis –especially as a potential therapeutic tool in cocaine base treatments- were highly valued arguments. Also, cannabis regulation could be presented as a "simple adjustment" to resolve the existent legal contradiction that allowed the use of cannabis without providing any legal means to access it, thus separating cannabis from other illegal drug markets. Interestingly enough, the main governmental rationale, namely the War on Drugs failure for Latin America and cannabis regulation as a tool to reduce drug related violence, were the least popular arguments among the targeted population (Responsible Regulation; message training research results, May 2013).

Grounded in this information, the third strategy concerned the definition of a 'communication triangle', which was proposed to counter media opposition. The idea of a communication triangle had as its main objective to increase the degree of framing cohesion, enhancing the three best-valued aspects of the cannabis regulation image to solidify public support. Additionally, the triangle was an attempt to aid the law's entrepreneurs to avoid misinterpretations from an adversarial mass media - perceived by the actors as actively pursuing news framing against cannabis policy change. Thus, the main idea behind the communication triangle was that, irrespective of the questions or the wording posed by the eventual interlocutor, the aim of public opinion front-runners would always be to 'touch base' on ideas and concepts contained in the triangle. As in the Goebbels law:

> "*I quote Goebbels. He said something that is true: you lie once, you lie twice, you lie many times and people will end up believing you. Without lying, but when you start posing the same things, over and over again, and again... Responsible Regulation. You have a line that is like a constant dropping that wears away a stone; it eventually leaves its mark. The whole idea of Responsible Regulation is based on accumulation*" (Journalist (id33), interview).

Thus, as for the Executive Power supply side position reviewed in chapter 5, I found a remarkably high degree of framing cohesion in the topics referred. Pursuing simplicity and a highly reiterative discourse based on the idea of cannabis control and regulation was understood as a winning strategy.

Fourthly, a new image of cannabis regulation demanded suitable emissaries of the communication campaign. The conclusion thus arrived at was that a new group within the Reformers Coalition - Responsible Regulation- uniting both social organisations and public personalities, needed to be assembled in order to succeed with this campaigning technology. Furthermore, as explained by members of *Proderechos*, the actors involved could not be the ones typically associated with "marihuana legalisation", holding over their shoulders the 'potheads' stigma, calling for their right to smoke:

> "*We needed to skew that bias to be able to start a conversation with the general population, for them to understand us with less preconceptions. For them to listen to us not as consumers but as people that had an idea, that wanted to dialogue*" (National Civil Society member (id17), interview).

Thus, members of *Proderechos* started a round of meetings: first with cannabis organisations to explain the reasons why Responsible Regulation was being built without including them, attempting to reduce potential conflicts within the coalition; secondly, with numerous public personalities and non-cannabis groups of civil society, to be members of Responsible Regulation -as professionals, artists, the main workers and University Students' unions, environmental groups, women's groups, child advocacy groups. Additionally, a doctor, two lawyers and a young activist woman were appointed as front-runners of the political campaign, centralising answers to mass media.

Fifthly, not only the creation of a new task force but also the definition of suitable aesthetics was an important strategy followed. Thus, for example, the Responsible Regulation campaign conscientiously avoided to refer to any of the cannabis liberalisation symbols, as the colour green or the cannabis leaves.

However, it is important to note here that the decision of leaving cannabis activism out following the general turn in problem definition and framing, emphasising Regulation and Control instead of Liberty and Care, was not free of controversy within the Uruguayan Reformers coalition. Conversely, as explained by a sociologist and activist interviewed, throughout the political process, a great deal of tension persisted regarding the Responsible Regulation campaign either seen as a pragmatic response to confront the current prohibitionist status quo or as an authoritarian alternative re-endorsing the punitive common sense regarding drugs:

> "*I would have joined another type of platform, one that politicians would not have accepted, but not Responsible Regulation. What I value the most is that this new movement managed to go down a few steps in the utopic demands and achieve things, which has a pro and a con that is indissoluble a priori: (…) You cannot be in favour of Responsible Regulation, because it may be re-endorsing a punitive status quo regarding drugs, but you cannot be against it either, because it may help to regulate cannabis, which is an important step forward. Only time will tell…*" (Sociologist (id35), interview).

In this way, through the strategies of labeling, framing, the communication triangle, the definition of emissaries and aesthetics, Responsible Regulation aimed at changing the image associated with cannabis reform, enhancing the legitimacy of the new law within legislative members. In this case, Liberty regarding cannabis use was still associated with a 'sinful behaviour' and, as Meier (1999) argues, no one is willing to stand up for sin. Thus, "*the only possible option is to change the social construction of the debate from sin to some other dimension; that is, to frame the issue in such a manner that opposition becomes legitimate and the redistributive nature of the policy becomes open and acknowledged*" (Meier, 1999, p. 685). The redistributive focus was thus highlighted by the cognitive agreement of responsibly controlling an already existent market. In different instances of my participant observation, I could witness how Uruguayan politicians included this new language into their repertoire. In fact, as I will review later (chapter 10), more than three years after the law's approval, a state sponsored public campaign called ´To Regulate is to be Responsible´ was launched, which further illustrates the relevance of the policy transfer dynamics just described. Confronted with the mass media over and over, political entrepreneurs appealed to the defined 'communication triangle' based on the idea of cannabis regulation, increasing the degree of framing cohesion.

7.3. The international conventions arena

Only a week after the Uruguayan government announced its intention to regulate cannabis (the 'Strategy for Life and Coexistence' press conference), on the 27 of June 2012, the head of the United Nations Office on Drugs and Crime, Yuri Fedótov, hurried to announce to the International Narcotics Control Board (INCB) the initiation of:

> "*an urgent mission (…) to debate the situation with the Uruguayan authorities*. (…) *If the Uruguayan government legalises cannabis, it would be a serious violation of the International Conventions, Conventions that Uruguay have signed. (…) It is disappointing that Uruguay is discussing this*" (Fedótov, 27/06/2012).

As authors such as Young (2003), Bewley-Taylor (2003), Youngers and Rosin (2004), O'Malley (2004) Jones and Newburn (2006) and Durán-Martínez (2016) have shown, international conventions diplomacy have played an important role for the endorsement of prohibitionist drug policies at the local level. Policy transfer strategies have ranged from US visa's revocations of South American governmental actors who were critical of prohibitionist practices (Durán-Martínez, 2016), to military and police drug control assistance programmes between US and South America (Youngers and Rosin, 2004) to issue linkage -linking drug policy to other, usually economic cooperation programmes- (Bewley-Taylor, 2003). Furthermore, as the homeland of the three major cocaine producers in the world, South America has been a faithful follower of the International Drug Control Regime, and very little defection to it could be observed prior to 2009 (Durán-Martínez, 2016).

In more recent years, international civil society started to play an important role in building up a stronger alternative position in this mainly hostile arena, thus far upholding international conventions. Hence, for example, virtually all Uruguayan political actors interviewed in my fieldwork highlighted the relevance of the 'Latin American Commission on Drugs and Democracy' formation in 2009, and the 'Global Commission on Drugs and Democracy' of 2012, for the legitimation of reformist aims. These commissions assembled well-known international leaders, ranging from former presidents and intellectuals to the ex-UN General Secretary, asking for a global drug policy paradigm shift.

In this way, international civil society networking has been key for the expansion of the human rights framing from its narrower focus on the dictatorship/democracy transition to issues of drug policy in Latin America. As a case in point, a former member of Human Rights Watch Mexico –currently a highly critical voice against the Latin American War on Drugs- reflected in my interview:

> "*Some years ago I was working for Human Rights Watch in Mexico. I had to do a daily report on Human rights violations appearing in the news, and then I realised that most of them were linked in one way or another to the War on Drugs. (…) I asked my boss if Human Rights Watch had a position on the topic, because they were actually working on so many related topics that you could not even start to talk about it without mentioning the drugs issue. But in that moment they didn't have a position*" (International civil society (id44), interview).

In the Uruguayan case, organisations such as the Dutch based Transnational Institute (TNI) and the US based Washington Office for Latin America (WOLA) were two key international actors found for this Human Rights shift to the drug problems, directly working with the political elite after the first *Frente Amplio* election of 2005. Thus, for example, in 2007 the 'Informal dialogue on drug policy' was

organised for the first time in Latin America. In terms of Punctuated Equilibrium Theory, the Informal Dialogues are a 'strategic venue shifting' type of activity, for elite networking of like-minded political actors, creating alternative exchange platforms about drug policy reform. It has as its main objective to sit political elite level actors together and "*openly and anonymously interchange opinions regarding the current international drug policy dilemmas and to discuss common strategies to address them*" (TNI/WOLA, 2015, p. 1). Uruguay was not only the first country where this activity was organised but also the one that hosted many of the events. An organiser of this Informal Dialogues identified the *Frente Amplio*'s election as an opening of a political window to push Latin American drug policy reform forward:

> "*When we decided to start doing the Informal Dialogues in Latin America we knew that Uruguay was the place to start. Milton Romani was already at the head of the Frente Amplio's National Drugs Committee, embracing a highly critical discourse towards international conventions, talking about the necessity of harmonising them with human rights principles, and we wanted to support that position*" (International civil society (id53), personal communication).

As Punctuated Equilibrium theory suggests, strategic venue shifting activities are important. Changing the authoritative venues to debate drug policy may help to break the former policy monopoly, re-framing the images attached to the problem and making new solutions available. Thus, for example, whereas a large part of the cannabis reform proposals are taking place in the Occidental world, in other parts of the planet a harsh punitive approach to drug markets, which may include death penalty for trafficking offenses, is still vigorously endorsed. By strategically selecting the participating actors, the disagreements about how to understand drug policy can be enhanced or reduced according to particular interests. The engagement of political actors in this type of strategic venue shifting activities is mainly motivated by the significant blockage in formal settings –described by my research participants as 'War on Words' arenas. In such arenas, the main objective of international diplomacy is to assure that certain ideas –such as drugs regulation or cannabis rescheduling- remain excluded from discussion, rather than elaborating an inclusive debate on international drug policy (TNI/WOLA, 2015). In Fedótov's words quoted above, for the INCB it was disappointing that Uruguay was 'even discussing this'. Hence, these harmonisation events allowed political actors to compare and contrast different approaches to the topic, synchronising positions alternative to the prohibitionist approach consecrated in formal international forums.

A key factor that helps to understand why this critical human rights turn in Latin American civil society was possible is the opening of Open Society Foundation (OSF) Global Drug Policy Program in 2008. Open Society Foundation is a well-known philanthropist financing institution founded by the Hungarian George Soros in 1993. Since then, the Open Society has been the main financing entity shaping a harm reduction/human rights agenda towards drug policy problems in Latin America, a framing that most of the existent financing entities used to reject. As a member of the OSF Latin American programme explained in an interview:

> "*Drugs has a special role because OSF was kind of the first big organisation or foundation in stating that drug policy needed to change and to finance civil society organisations working on this topic who could not find any support anywhere else. Even the traditional human rights organisations, when it came to drugs they would say: 'well, that is a complicated issue, we cannot support…' And Open Society no, it was the first big one in having a straightforward position in that, if you are going to talk about human rights, you needed to question and criticise the War on Drugs*" (International civil society (id48), interview).

Uruguayan cannabis reform was widely supported by Open Society because it was the first time that a government in office openly asked for a review of international conventions that included drugs regulation. In this critical position Uruguay was not alone, though it accidentally began to lead in this drugs conventions 'new deal' political momentum. Thus, for example, in July 2013, the American States Organisation secretary general Miguel Insulza visited Uruguay to present a report called "Scenarios for the problem of drugs in Latin America" at a press conference, published by this Organisation. This report became the first official document that explicitly acknowledged the state's regulation of illegal drug markets as a possible scenario in Latin America. As Diego Cánepa, president of the Uruguayan National Drugs Committee presented it at the press conference, the "*OEA's report demonstrates the legitimacy of the Uruguayan debate and President Mujica's proposal [of cannabis regulation] to fight drug trafficking*" (Press conference, 23/07/2013).

Overall, the causal importance of the international conventions arena in this case is hard to grasp. International actors and the INCB particularly, did played an active role aimed at blocking policy change. Hence, diplomatic lobbying was deemed important to be endorsed by Uruguayan political elite both at the governmental and at the activist level. Under the hotspot of the international debate, politicians 'played the victim card' to enhance the legitimacy of the reform by emphasising the disproportionality of the costs that the current international framework entails worldwide. At the same time, the idiosyncratic nature of the Uruguayan experiment was continuously highlighted. Here, the longstanding laity approach to drugs was appealed to, arguing for the national State as the legitimate actor to look after the common good by regulating a 'social vice' -as the laity suitable middle road solution for social conflicts. The result of these tensions was a heavily bureaucratic legal formula. The Uruguayan state reserved for itself a highly interventionist role in the regulatory model, while have remained considerabily unaccountable during the implementation stage regarding both process and results indicators.

Concluding remarks

Throughout this chapter, I presented different instances of 'elite networking' of transnational activists, governmental members, civil servants, scholars, and cannabis growers in three areas of the political process: policy design, political campaigning and international conventions.

Some examples of policy transfer found involved the emulation of regulation and public campaigning practices from the US states of Washington and Colorado. As it was analysed, some of these processes were directly sponsored by the government, whereas others were bottom up, led by civil society and cannabis growers' organisations. Thus, policy tools related with regulating an 'efficient' cannabis market were transferred, as the six plants limit for domestic cultivation, the issuing of licences for cannabis producers and the technical and technological 'know-how' for cannabis growing and its control (i.e. tracking system "from seed to sale", packaging and safety standards).

Other example of emulation concerned the transference of US referendums political campaigning 'know how'. Based on social research a public campaign was launched based on the general idea that people make judgments about cannabis without much information, and yet the potential for its regulation ignited a dynamic debate with cracks in public opinion to be exploited. Thus, a 'five strategies' campaigning technology was deployed in order to change the 'image' of the political

problem: labelling; framing; the communication triangle; the definition of emissaries; and the definition of aesthetics.

Lastly, through 'strategic venue shifting' activities, elite networking was also found to be important in reducing resistance to change within the international conventions arena, contributing to legitimise reformist aims. These type of activities helped to break the prohibitionist policy monopoly, endorsing a harm reduction and human rights shift to drug problems in Latin America, making new solutions available.

The analysis of the different examples of policy transfer found highlight the important role of mutual affinities, empathy and trust in enabling valuable knowledge interchange between political actors. Thus, for example, either a common cannabis growing history and culture or a 'results driven' shared appeal were some of the conditions remarked upon by participants who engaged in this type of process. Hence, the availability of 'suitable matches' emerged as a relevant analytical dimension to understand how policy transfer can occur.

Conversely, long-standing legal and political culture differences acted as important limits for policy transfer to happen. Thus, more particularly, the role of the state, the role of private actors and their relationship emerged as a key variable to understand some of the most remarkable policy design differences between recent regulation models implemented. In the Uruguayan case, the resilience of the laity approach to drugs resulted in a legal framework that accommodates a highly interventionist state as the central organiser of the selling schema.

Overall, since the government's irruption in the debate, transnational drug policy reform networks gained importance as a causal contributor, helping to explain why cannabis was regulated in Uruguay, against a backdrop of a majority adverse public opinion. They helped to change the image attached to cannabis reform, to defend the Uruguayan initiative in a rather hostile international conventions arena, and to fill in the gaps of knowledge in order to develop a suitable regulation framework, which actually resulted in an exceptional political output that included domestic cultivation, Social Cannabis Clubs and a selling scheme.

In the following chapter, I will present further evidence on the circumstances under which these different types of actors –namely, Uruguayan civil society, legislative power, executive power, and transnational networks- conflated at the micro level to make cannabis regulation happen, as well as the main derivations that can be expected for the implementation of this controversial law.

Chapter 8. Linking streams: a network analysis

Throughout this thesis, I have characterised Uruguayan cannabis regulation not as a cumulative, relentless learning process but rather as a discontinuous story, marked by breaks, principled conflicts and sudden shifts. Furthermore, by analysing the 'Reformers' advocacy coalition hierarchical beliefs' system, I showed how different types of actors had clashing positions when defining the problem of illegal cannabis and the suitable solutions to it, helping to explain why, counterintuitively, the civil society and executive power confluence in regulating cannabis was so conflict-ridden in the Uruguayan case. Further on, I showed how, despite being the first country in the world to regulate cannabis, the rapidly changing international context was an important additional causal contributor to the domestic debate. More specifically, I presented evidence on how the success of Colorado and Washington referendums in creating legal cannabis regulation systems in October 2012 -four months after the Uruguayan government's call to regulate cannabis-, sped up the political momentum for cannabis reformers. This further aided the Uruguayan process through the mechanisms of 'elite networking' for policy design and campaigning 'emulation' of practices, whilst reducing resistance to change in the international conventions arena.

Since most political processes have been led by groups of actors coordinating actions over time rather than isolated individuals, an increasing interest can be seen in the use of Advocacy Coalition Framework to analyse drug policy change around the world. Thus, for example, Kübler reported the importance of the conformation of an advocacy coalition for the Swiss harm reduction reform (2001). In their comparative researches, Hughes (2007) and Zampini (2015) also pointed to the relevance of the concept of advocacy coalitions for understanding drug policy atypical change. Furthermore, Von Hoffmann (2015), Castro (2014) and Repetto (2014) have also found evidence of this type of dynamic in their analysis of the Uruguayan case (Kubler, 2001; Hughes, 2007; Zampini, 2015; von Hoffmann, 2015). However, this is a theory that has been relatively weakly formalised in previous works.

In line with what Honeycutt and Strong (2012) have contended in their research on health advocacy coalitions, in this thesis I propose that, given its focus on the links between political actors rather than on the actors themselves, social network analysis provides a fruitful innovative insight into advocacies coalitions. In theory, advocacy coalitions are defined as a group or network of actors coordinating actions over time to make atypical policy change happen. Hence, as outlined in the methods chapter, in this research a network analysis is proffered by tracking down evidence of joint participation of political actors in cannabis regulation-related activities. The main assumption here is that the shared participation in these meetings is understood as an indicator of actors coordinating actions over time. In this way, network diagrams comprise information that can hardly be grasped by other means. Therefore, network analysis aids to explore not only who the main actors involved in the Uruguayan cannabis reform were but also how they networked, as a system of clusters in the wider context of a given structure of relationships.

Thus, the distance between the actors in the network diagrams presented below is proportional to the weight attributed to:

(i)   the number of shared events: the more events the actors shared the closer they get.

(ii)   the role of the actor in each event: if both actors participated as speakers or organisers in the same activity, they appear closer than people that were invited as passive participants.

In this way, the closer the actor appears in the diagram, the more meetings they shared. Actors that neither shared meetings nor organised actions together (such as public demonstrations or congresses on the topic) are not connected by any links. It is important to highlight at this point that this is no assertion that no other actors pushing for cannabis legalisation were involved; certainly, there were others. However, according to the data that I could gather in my interviews and participant observation, these actors did not coordinate their actions with others throughout this period, as the theoretical premise of Advocacy Coalition requires.

Throughout the period under consideration (February 2011 - December 2013), three different but related political outputs were presented to the Uruguayan parliament: the "*cannabis regulation for its consumption*" law of December 2011, sponsored by civil society; the "*cannabis monopoly for its selling*" law of August 2012, sponsored by the government and, finally, the approved "*cannabis market regulation*" law of December 2013. Thus, I provide three network diagrams, focusing on each of the three differentiated periods, relating the evidence found about the evolution of the coalition throughout time to key external factors that played a role in the cannabis debate.

In this way, four types of actors were found within the Uruguayan coalition in accordance to with the sampling categories (section 4.3). At some point in the process, national civil society representatives, legislative power members, executive power members and international civil society representatives coordinated actions over time to make cannabis regulation possible. Furthermore, an ever-increasing degree of coalition cohesiveness can be observed throughout the period analysed, reflected by the comparison of the number of links connecting actors in each of the diagrams. In other words, the number of cannabis related events as well as the number of actors involved in the coalition continued to grow during the time period under scrutiny. This finding might seem obvious, since it might be expected that more actors would get involved as the voting day drew closer; yet, some important qualitative differences can be observed in each of the three periods, which allows for further discussion of some of the findings developed in this thesis.

8.1. First period

Before the Executive's irruption in June 2012, most cannabis related events were organised by civil society members. More specifically, the four events analysed are: the Informal Dialogues on drug policy of February 2011, the global marihuana march of May 2011 and 2012, and the National Debate on Drugs of 2011.

As already introduced (see section 7.3.), the Informal Dialogues on Drug Policy is a periodic event organised in different countries of the world since 2004 by the Washington Office for Latin America (WOLA) and the Transnational Institute (TNI). In Latin America, it has been arranged roughly annually since 2007. In terms of Punctuated Equilibrium Theory, it is a 'strategic venue shifting' type of activity, for elite networking of like-minded political actors, creating alternative exchange platforms about drug policy reform in order to skew the rule of silence of the War on Words international forums. It aims to encourage free exchange of ideas and ensures confidentiality. In order to respect this confidentiality agreement about the participants, here, only the organisers are considered. By 2011, this activity was co-sponsored by TNI, WOLA and the National Drugs Secretary, hence, it is understood as an indicator of these three actors' coordinating actions over time to favour drug policy reform.

However, in my interviews and participant observation, I found that regarding the content of this forum, and unlike issues such as harm reduction strategies, cannabis regulation was a relatively marginal topic on the agenda.

The National Debate on Drugs of 2011 was a congress-like activity organised in the Montevideo city hall by *Proderechos*, *El Abrojo* and IELSUR and sponsored by the National Drugs Secretary. None of these three organisations can be characterised as orthodox cannabis activism. *Proderechos* had a wide political agenda related to new rights issues, mainly abortion regulation, LGTBI rights and drug policy reform, ultimately aimed at updating the left's political repertoire. *El Abrojo* and IELSUR are illustrative examples of the Human Rights shift towards the illegal drugs problems already described (section 8.3.). Created in 1984 and 1988 respectively, IELSUR and *El Abrojo* were direct reactions to the Uruguayan dictatorship, aimed at denouncing Human Rights violations committed during this period. Only later did they incorporate drug policy into their agenda. Furthermore, with the opening of a drugs programme in 1995, *El Abrojo* became a key policy transfer actor of the Harm Reduction approach. Although sympathetic to the cause, for both organisations, cannabis legalisation was not a priority.

Unlike the Informal Dialogues and the National Debate on Drugs, cannabis legalisation was the explicit target of the global marijuana march of May 2011 and 2012. As introduced at the beginning of this thesis (see section 5.1.) the global marijuana march is an annual rally for cannabis legalisation held every May at different locations across the globe since 1999. It was around this happening that the first three cannabis activism organisations were created in Uruguay, conforming a new type of political actor: the formerly introduced *Proderechos*; the cannabis growers '*Asociación de Estudios del Cannabis*' (AECU) [Cannabis Study Association] and *Liberalisación del Cannabis* [Cannabis Liberalisation]. According to the data gathered, although part of the coalition, the relationship between these three organisations was, in most cases, tense. Disagreements and disputes about how and where to organise this march were frequent. As a case in point, whereas in 2011 *Proderechos* and *AECU* were the main organisers of the global marihuana march, for 2012 Cannabis Liberalisation was the only one sponsoring the event. Hence, Cannabis Liberalisation appears in the diagram (Figure 10), but no links connect this actor with the coalition.

Lastly, Sebastian Sabini, a young member of parliament from the Frente Amplio -and more specifically, from Mujica's sector- was the only legislative power representative assisting at these events during the first period considered, from February 2011 to Jun 2012. As the Figure 10 below shows, during this period I found nine key actors as part of the reformers' advocacy coalition.

Figure 10. Network analysis first period (Feb. 2011 - Jun 2012)
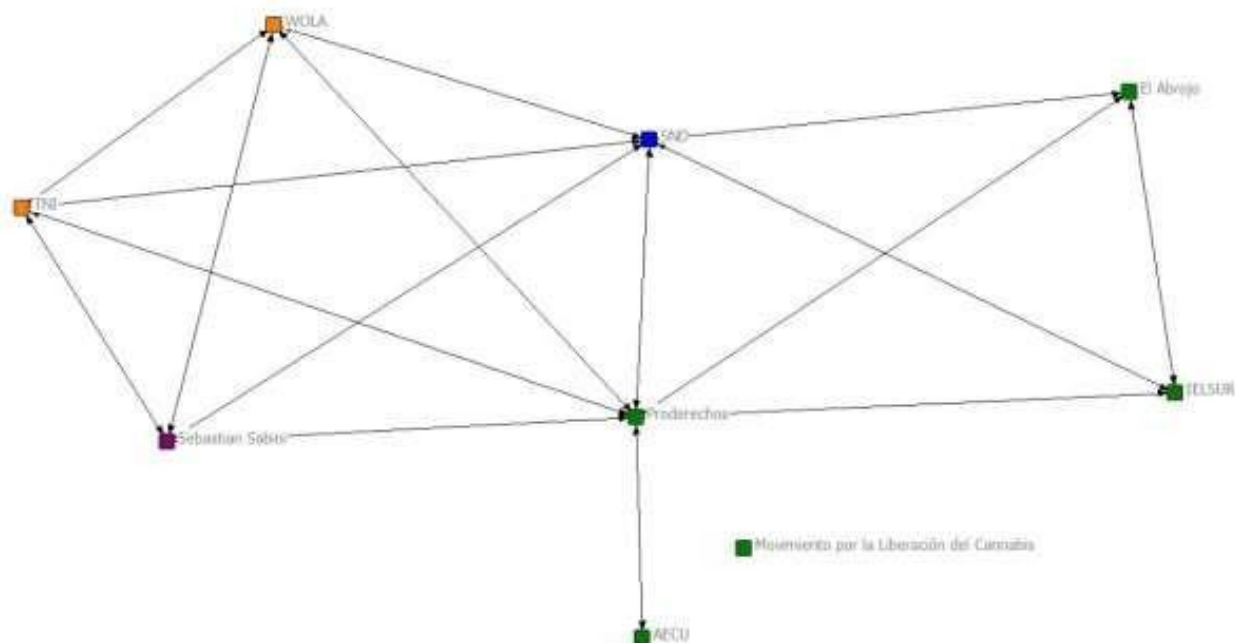
REFERENCES
- ■ National civil society
- ■ Legislative power
- ■ Executive power
- ■ International civil society
- ■ Political parties

What the network diagram allows is to provide further evidence of the different roles performed within the coalition. '*AECU*' was the main broker with national and international cannabis growers, '*Proderechos*' brokered with political and academic actors in the coalition, and Cannabis Liberalisation had a more isolated position, more strictly defined by their organisation of the Global Marijuana March. The wide brokerage led by *Proderechos* was partly possible because of the Open Society Foundation funding, which enhanced *Proderechos*' lobbying and organisational capabilities. As I showed in Chapter Five, together these organisations formed a new type of political actor directly pushing for 'marihuana legalisation' to be included in the legislative agenda. More specifically, all agreed that cannabis self-cultivation should be included as the main policy tool in a new law proposal.

On top of these three organisations' activism, identified as lying within the 'hard core' of the coalition, harm reduction related organisations such as '*El Abrojo*' and '*IELSUR*' also began to get involved in the process, but from a satellite position.

Although evidence was found of international civil society involvement in the Coalition, their role in cannabis regulation events was still very limited at this period. More particularly, the Washington Office for Latin America (WOLA) and Transnational Institute (TNI) lobbied the political system directly (both legislative and executive power) and kept somewhat unengaged with national civil society. Lastly, as evident in the Figure 10, among the political system, only one legislative member (Sebastián Sabini) stood out as a political entrepreneur for cannabis regulation. He was the only

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representative of the legislative power present in cannabis related activities, and he was one of the main promoters of the cannabis regulation law presented in parliament during this period. According to the data gathered, he had the important virtue of brokering between dissimilar actors as cannabis activists, international civil society, *Frente Amplio* and non-*Frente Amplio* legislators. Sebastian Sabini has also been identified as a central political entrepreneur of the 'new rights' agenda (see section 5.1.) among the political establishment by others (Sempol, 2013)

Nevertheless, it is not only the presence, but also the absence of actors in the network that can be significant. Thus, besides the individual brokerage of Sabini with the new rights activism, political party groups were not yet involved in the coalition between February 2011 to June 2012, which confirms the role of cannabis activism as a political start up (section 5.2.) and the difficulties faced in introducing the new rights agenda into the political parties' repertoire.
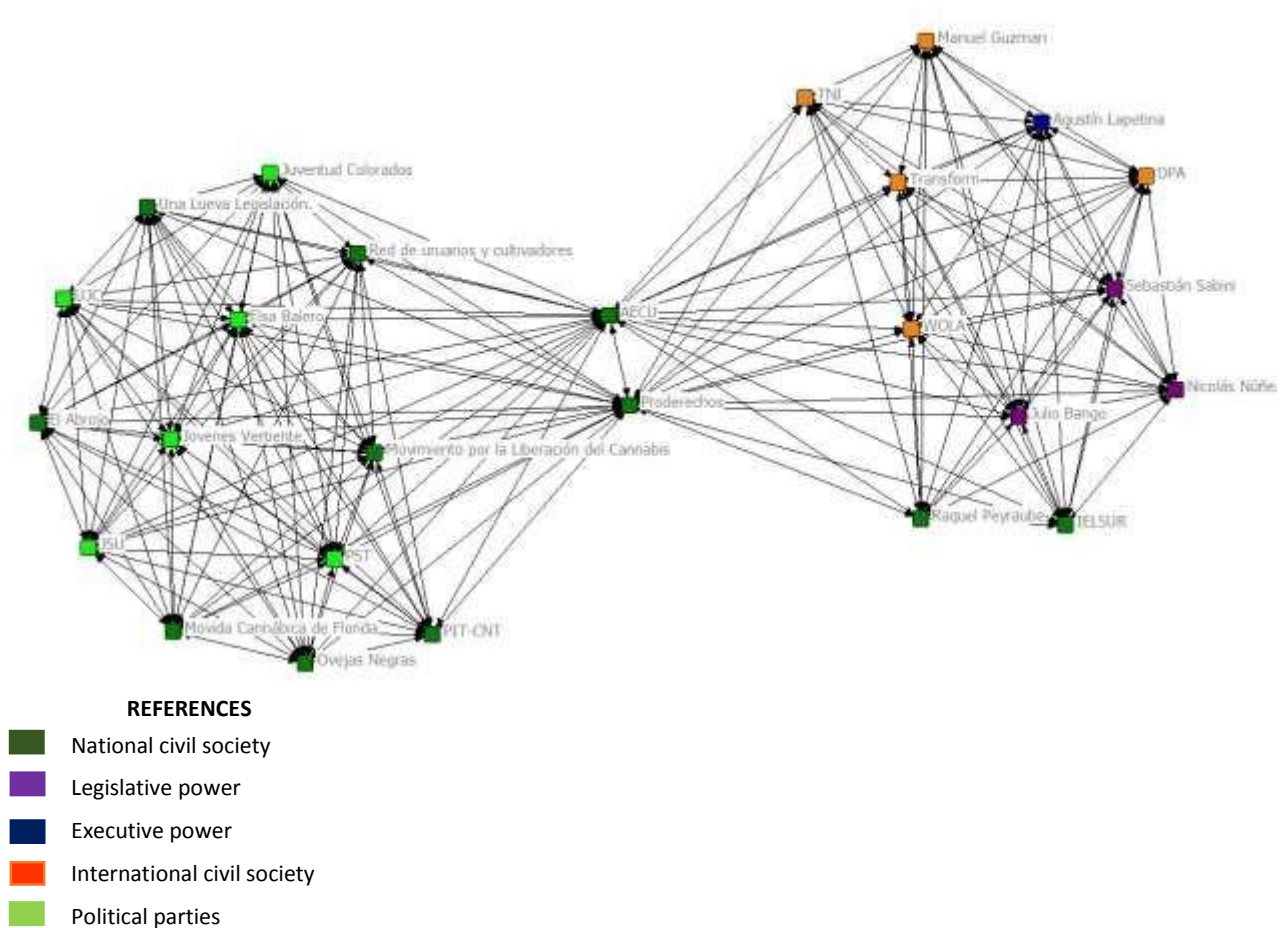
8.2. Second period

This state of affairs abruptly changed somewhat after the Life and Coexistence Strategy announcement of the executive power, proposing a cannabis state monopoly (Jun 2012 – Feb 2013). In this period, two key events were the creation of a National Coordination for Marihuana Legalisation, in July 2012, and the formation of a top-down government sponsored cannabis regulation "Advisory Group".

The National Coordination for Marihuana Legalisation is a reconfiguration of the previous 'hard core' of the coalition composed by *Proderechos*, AECU and Cannabis Liberalisation. Compared to the previous diagram (Figure 10), a finding worth highlighting is that after Mujica's proposal and with the topic in the media hotspot, the reformers coalition 'hard core' widened its network significantly. More specifically, three new types of actors can be observed: first, within the context of the generational gap of positions towards cannabis, the issue finally broke through the political system, boosted by youth political parties' groups. Second, whereas until that moment demand for cannabis reform was strongly based in the capital city Montevideo, an incipient movement could now be observed elsewhere in the country, as organisations not based in Montevideo joined the hard core activism, helping to spread support towards cannabis regulation throughout the territory. Thirdly, for the first time other relevant social actors not necessarily identified as drug policy reform activists got involved, such as the National Workers Union (PIT-CNT), and *Ovejas Negras*, the most important LGBT activist group in the country. From The National Coordination for Marihuana Legalisation, civil society orchestrated lobbying and mobilisation efforts aimed at keeping cannabis regulation on the political agenda, holding weekly meetings throughout the period analysed. Since they shared participation in these meetings, a link connects each actor with the other. This is understood as an indicator of a network of actors coordinating actions over time. The actors involved in the National Coordination for Marihuana Legalisation meetings appear in green, on the left of the second diagram (Figure 11).

The other key event found in this period was the formation of a government sponsored 'Advisory Group', appointed by the National Drugs Committee, which included members of the Ministries, *Frente Amplio* members, scholars, and representatives of civil society. This group had as their main objective the outlining of a blueprint for a legal cannabis regulation framework, holding weekly

meetings throughout the period analysed. On top of WOLA and TNI, already present in the first period, I found a number of international actors progressively being incorporated into the domestic debate as special guests of the 'advisory group'; the specialist in Medical and Therapeutic uses of cannabis Manuel Guzman, and the drug policy think tanks DPA and Transform. Thus, on the right side of the second diagram, the actors that appear linked together with each other were all members of the National Drugs Committee 'Advisory Group'.

Figure 11. Network analysis second period (Jun 2012 – Feb 2013)

REFERENCES
- National civil society
- Legislative power
- Executive power
- International civil society
- Political parties

Proderechos and AECU were the only two social organisations found participating in both groups –the bottom up Cannabis Regulation National Coordination and the top down advisory group. Therefore, they appear as nodes in the middle of the picture, connecting the system. As the diagram shows, they had an important brokerage role within the advocacy coalition, linking two political spaces otherwise disconnected. Furthermore, they guaranteed bridges for resources and information flow within the coalition, contributing to keeping the 'chaotic moment of punctuation' opened by the executive irruption (see chapter 7) within acceptable limits, for the coalition not to fragment. As explained by a member of the main cannabis growers association (AECU):

"*We think that although we do disagree on many points with the executive power's position, which explains why we are not going to support the proposal openly, we will not publicly declare to be against it either, and become an obstacle. Our position is to try to change some*

of the content in direct conversations with the ones involved and not through the mass media. Perhaps what horrifies us the most is the total improvisation over which some decisions are being made, an improvisation too close to irresponsibility" (National Civil Society member (id23), personal communication).

Thus, when comparing the first with the second period diagram, a finding worth highlighting is that, confronted with the communicational turmoil opened by the executive irruption (see chapter 7) cannabis activism was far away from remaining apathetic. In fact, activist groups multiplied their coordination efforts. The lobbying and mobilisation labour of civil society was an important factor in keeping the topic on the agenda. After the government's involvement in the debate, activists redouble their efforts to keep the political momentum going on a track full of potholes. As explained by members of cannabis activism groups interviewed in formal and informal talks, lobbying activities were arranged to explain and disseminate the idea of cannabis regulation amongst MPs and Senators. Paid and unpaid public campaigns were set up, targeting both the general public and the people already sympathetic to the cause, to balance the controversial Executive Power supply side definition of the problem, reassuring that cannabis users and cultivation for personal use remained at centre stage. Lastly, working very closely with mainstream mass media –a mass media perceived by the actors involved as the main opposition to the reform– allowed actors to inject a wide range of inputs and to establish customized relations with journalists covering the topic, offering alternative views and framings to present the law proposal. Thus, as proposed by Multiple Streams Theory, civil society entrepreneurs were like surfers, ready to paddle for riding the Executive Power wave, using forces beyond their control to push cannabis reform forward (Kingdon, 1995).

To complement this, the establishment of the government's advisory group had the virtue of focusing lobbying and mobilisation efforts more efficiently behind a single proposal, easing coordination problems. Gathering different interests pushing for cannabis regulation around the same table allowed these actors to resolve policy design clashes before, rather than after, the parliamentary process. As shown in interviews with Latin American activists and politicians, in most countries of the continent where several law proposals to regulate cannabis were presented at the same time in parliament, there was nowhere near the same level of coordination between actors. However, as reflected in the network diagram just presented, the fact that nobody but one 'low profile' representative of the Public Health Ministry, and only *Frente Amplio* representatives appear as members of the reformers coalition, is additional evidence of the difficulties for the National Drugs Committee and civil society to diffuse the commitment towards cannabis regulation across the state.

Proderechos was one of the social organisations called to the National Drugs Committee 'Advisory Group', undertaking the task of setting the blueprint for cannabis regulation; my colleagues elected Martín Collazo and myself as the organisation's representatives for this space. Thus, we could observe first-hand not only the significant lack of information about the topic, but actually the strong difficulties for the National Drugs Committee Secretary to summon people from key Ministries as Education, Public Health, Interior or Social Development to partake to the law's implementation. This level of apathy is meaningful, and even more so if one takes into account that representatives of these Ministries –along with six others -, were theoretically obliged to assist the National Drugs Committee as formal permanent members[11].

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[11] Formal permanent members of the National Drugs Committee: representatives of the national secretary against money laundering and financing of terrorism, and of the Ministries of Interior, Foreign Affairs, Economy,

In fact, in order to confront this lack of interest within the different ministries, the definition of governmental brokers and entrepreneurs within the Reformers advocacy coalition was of key importance. According to the data collected, after the government's irruption, the top-down stream to regulate cannabis began to be led by members of the National Drugs Committee and *Frente Amplio* legislative members. More specifically, the lawyer and president of the National Drugs Committee, Diego Cánepa, was appointed to cover international press and relations; the sociologist and National Drugs Committee´s general secretary Julio Calzada was appointed as the main public entrepreneur at national level; and Augusto Vitale, psychologist, was the inside man brokering among all political actors working on the topic. From then on, these three actors became key pieces of the cannabis reform architecture. Once the call to regulate cannabis was made by Mujica, these members of the National Drugs Committee showed remarkably high levels of personal and professional commitment to the reform proposal. In an informal interview with a criminologist researching the topic, he suggested that these political decisions were also reflected in his mass media analysis:

> "*I wanted to see who in the executive power was leading the cannabis regulation initiative, because for me it was not clear at all. The results of the mass media analysis do show a clear evolution: President Mujica is the first that starts speaking about this and he remains active throughout the period. The first minister that defended it was the Minister of Interior, Bonomi, but later on his appearances talking about the topic diminish and the protagonist roles within the executive power started to be taken by more technical profiles: Diego Cánepa and Julio Calzada*" (Scholar, personal communication, 15/09/2014)

The definition of governmental brokers and entrepreneurs was important for increasing the degree of framing cohesion. Additionally, it reflects how the debate polarised, and along with the Executive Power entrepreneurs nucleated in the National Drugs Committee, more *Frente Amplio* legislative entrepreneurs were involved as well: including not only Sebastian Sabini but also Julio Bango; a representative of the second most numerous group within the *Frente Amplio* –The Socialist Party-.

8.3. Third period

The third diagram presented (Figure 12) comprises information about the shared participation of actors in seven events. The first two are the National Drugs Committee ´Advisory group´ meetings and the National Coordination for Marihuana Legalisation meetings described in the previous section. Thus, these actors continued coordinating actions throughout this period by regularly attending meetings.

Other events considered include the workshop on ´strategic communication on cannabis´ organised in February 2013 by the National Drugs Committee, the Friedrich Ebert Foundation in Uruguay (FESUR), Drug Policy Alliance (DPA), Washington Office on Latin America (WOLA) and Open Society Foundation (OSF). The arrangement of this event is understood as an indicator of coordination of activities between these actors over time; hence, these actors are included in the reformers coalition. In fact, these actors also co-sponsored other events considered in this period, such as the Workshop about Cannabis Implementation in Montevideo (September, 2013) and ´Launching Legal Marijuana: Regulatory Challenges and Options´ in Colorado, US (October 2013).

Lastly, Figure 12 below comprises information about the meeting of actors who put together the ´Responsible Regulation´ campaign, which was the result of the emulation of public campaigning skills from Washington and Colorado to Uruguay, facilitated by the dyad *Proderechos* and Drug Policy Alliance (DPA) analysed in depth in section 8.2.

Thus, the cluster of light and dark green nodes on the right of the diagram shows all members of the National Coordination for Marihuana Legalisation. The actors appearing on the left were all guests of the Advisory group of the government. The ones in green at the top were members of the Responsible Regulation campaign.

Figure 12. Network analysis third period (Feb 2013 – Dec 2013)

REFERENCES

■ (dark green)	National civil society
■ (purple)	Legislative power
■ (dark blue)	Executive power
■ (red)	International civil society
■ (light green)	Political parties
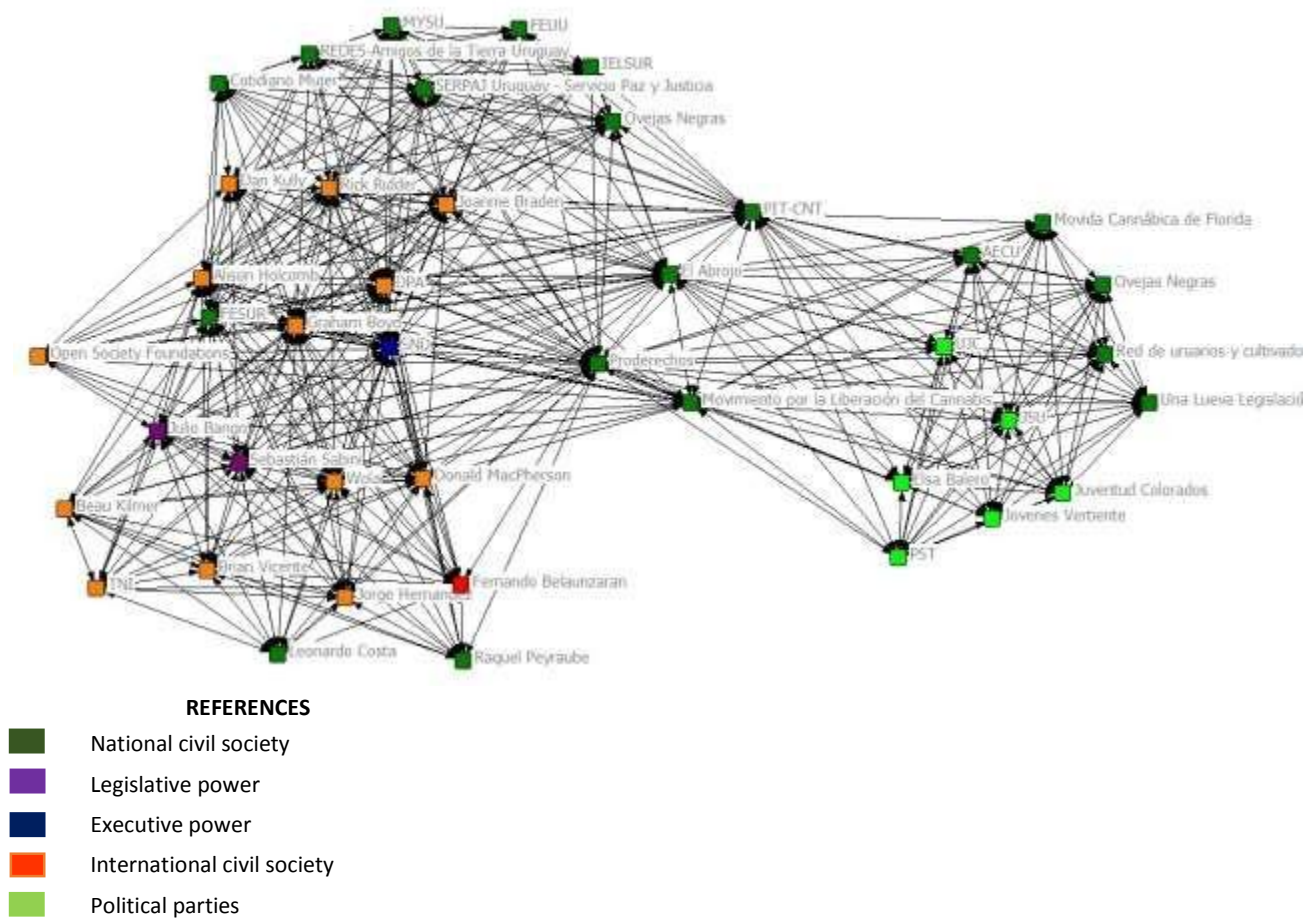
Several points are important to note from this diagram. First, compared to the previous ones, it highlights the involvement of new international actors during the third period under consideration (Feb 2013 – Dec. 2013). The growth in the number of international actors sharing meetings with members of the Uruguayan government is significant; this can be interpreted as further evidence of the increasing causal importance of international policy transfer dynamics reviewed in chapter eight. Moreover, I found evidence of a number of meetings where actors such as Alisson Holcomb, Rick Ridder and Joannie Braden, who were involved in the Colorado cannabis regulation campaigns,

participated. Another trace of the increased importance of Drug Policy Alliance as a policy transfer agent is the fact that it is the international actor appearing as closest to the Uruguayan National Drugs Committee –that is, the actor that shared the most meetings and/or co-organised the most cannabis related events.

Conversely, what may come as a surprise is the sustained apathy of different Uruguayan ministries invited to the advisory group. As already noted earlier in this thesis, it was a minority group within government, working hand in hand with national and international civil society, which managed to push cannabis reform forward. As I will analyse in more depth in the following chapter, this finding helps to understand why the implementation process of the new law has been, above all, tense, slow and extremely cautious.

In fact, the notorious involvement of international actors in the domestic debate became one of the main reasons given by the opposition to reject cannabis reform. The argument here concerned the sovereignty of the nation state, placing Uruguay as a 'testing ground' for foreign interests. For the opposition, by agreeing with this reform, the *Frente Amplio* converted into the political arm of national and international pressure groups. For some members of the *Partido Nacional*, for example:

> "I believe this is coming out of pressure… and I am not talking about the ones that consume cannabis in Uruguay, I am talking about a regional and international pressure. I believe we are part -and I really hope I am wrong-, of a certain kind of… 'ok, let us see which country can be less… let us try and see what happens… this did work, this did not….' But there is not any plan B, or a study to see what might happen, seems like half improvised" (Legislative Power – *Partido Nacional* member (id1), interview).

> "[Cannabis legalisation] is part of a new way of ideological imperialism: you do what I do not dare to do in my own country, so I can see if it works. We are missing a strong government with the conviction to say no. At the same time, I believe that the FA has been internally pressured by certain sectors, linked to the party, who lobbied for this to be approved" (Legislative Power – *Partido Nacional* member (id3), interview).

This contrast between national sovereignty and international imperialism was an argument commonly used by both, those supporting and opposing cannabis reform. As already discussed (section 7.3.) actors such as the International Narcotics Control Board (INCB) played an active role opposing Uruguayan reform. Further on, it has been a normal costume for politicians to ´play the victim´ of overvalued international pressures, just like many Latin American leaders have been doing over the past few years, identifying the War on Drugs international framework as the culprit of drug policy failures, but failing to endorse significant reforms at the local level. For the opposition, to frame Uruguayan cannabis reform as a testing ground for foreign interests was convenient to build the image of a weak government. In the interviewee's words quoted above, the *Frente Amplio* should just have said no.

Nevertheless, it is important to note that the involvement of international actors was not free of controversy even within the reformers coalition. During fieldwork, I observed tensions constantly emerging related to the influence and role of international actors. In a participant observation event, organised by the Uruguayan government, for example -the International Workshop on Medical and

Therapeutic cannabis uses- civil society representatives critically pointed to the wrongful evaluation of national capabilities to favour Western knowledge:

"They brought all these people from Europe and United States to talk about medical cannabis and they had the person that knows more about medical cannabis in Uruguay among the public. Raquel Peyraube was the first one pushing for this. She has been invited in numerous seminars around the world. She is the only one that really knows our reality but no, since she is Uruguayan… let's arrange a Workshop on Medical cannabis and let the gringos own the mic [gringo is a widely used derogatory label to refer to northern white people]" (Civil society representative, field notes, 10/04/2014).

Also in the interviews conducted, the use of Western knowledge as a legitimating tool to provide credibility to the regulation proposal was often denounced:

 "If you bring a gringo, Gringolandia makes an impression… (laugh) they will listen to you in another way. But if the politicians, the common folks look at you, and you are just a Uruguayan, they would think: no… this guy is talking non-sense" (Hemp entrepreneur (id37), interview).

 "Many of us have a highly critical position about these international conferences on monitoring and evaluation. It felt like it was a missed opportunity because it was not thought through, and there was no formal nor informal leadership behind it, guiding the process in order to generate the conditions to actually elaborate a concrete monitoring and evaluation strategy, capitalising on the human, scientific and professional resources coming from abroad. (…) Looking backwards I do have serious doubts if all these has really been something else than a law's technical-political legitimisation rather hollow strategy" (Cannabis Monitoring and Evaluation programme member (id20), interview).

As I analysed in depth in Chapter 8, international actors and activism networks did play an important brokerage role, encouraging policy lesson-drawing and advocacy efforts. The point to be made here, however, is that what the network diagram cannot show is the tensions involved during the political process. As with the executive power ´irruption´, both agreements and disagreements were frequent within the advocacy coalition among different types of actors (namely, government, national and international civil society). In fact, from the data gathered through participant observation, in the Uruguayan case it is hard to overstate the importance of the brokerage role played by a set of actors for the coalition not to fragment. As one research participant defined it, the prevalent feeling throughout this process was that everything was always about to collapse. In this regard, the establishment of legislative and governmental referents – Sebastian Sabini, Julio Bango and Julio Calzada- and civil society brokers – DPA, AECU or *Proderechos*- appeared as essential for increasing the degree of framing cohesion and erasing coordination costs, keeping the conflicts between different interest groups within tolerable limits.

Concluding remarks

In this chapter, I provided an event-based network analysis of the Uruguayan reformers coalition. Thus, three network diagrams were introduced comprising information about the shared participation of political actors in different cannabis-related events. In this way, four types of actors were found within the Uruguayan coalition in accordance to the sampling categories; National civil society

representatives, Legislative power members; Executive power members and International civil society representatives, who coordinated actions over time to make cannabis regulation possible in the Uruguayan case.

Before the Executive's irruption in June 2012, civil society members were leading the political debate on cannabis. The four events analysed were: an elite networking activity - the Informal Dialogues on drug policy of February 2011; public demonstrations - the global marihuana march of May 2011 and 2012- and a seminar-like activity, the National Debate on Drugs of 2011. From analysing these events, a 'hard core' of the coalition was identified: *Proderechos*; the cannabis growers association *AECU*, and the Cannabis Liberalisation group. This hard core composed by cannabis activism as a new type of political actor directly pushing for 'marihuana legalisation' to figure on the political agenda. Accordingly, cannabis self-cultivation was the main policy tool agreed to be included in a new law proposal. On top of these three organisations, harm reduction related organisations such as '*El Abrojo*' and '*IELSUR*' also began to get involved in the process, but from a satellite position. Meanwhile, the Washington Office for Latin America (WOLA) and Transnational Institute (TNI) lobbied the political system directly (both legislative and executive power) and kept somewhat unengaged with national civil society. Conversely, the absence of political parties groups representatives at this time (Feb 2011-June 2012), further confirms the role of cannabis activism as political starts ups and the difficulties faced for introducing cannabis in the political parties' repertoire.

After the government's announcement of a cannabis state monopoly (Jun 2012 – Feb 2013), two streams can be identified composing the coalition. On one hand, a top-down sponsored cannabis regulation 'Advisory Group' aimed at outlining a blueprint for a legal cannabis regulation framework. This advisory group was made up of National Drugs Committee members, *Frente Amplio* members, scholars, and representatives of civil society. On the other hand, a bottom-up lobbying group, the National Coordination for Marihuana Legalisation, was set up in July 2012. Accordingly, after the government's irruption, the reformers coalition 'hard core' widened its network significantly to include three new types of actors: youth political parties' groups, non-Montevideo based activism groups and non-cannabis reformers groups, as the Uruguayan Labour Union (*PIT-CNT)*. Thus, whereas the bottom up stream allowed civil society to orchestrate lobbying and mobilisation efforts aimed at keeping cannabis regulation on the political agenda, the top-down stream allowed focusing those lobbying and mobilisation efforts more effectively behind a single proposal, easing coordination problems, and resolving policy design clashes before, rather than after, the parliamentary process.

The third period analysed (Feb 2013 – Dec 2013) highlights the significant increase in the number of international actors sharing meetings with members of the Uruguayan coalition, which was interpreted as further evidence of the increasing causal importance of international policy transfer dynamics in the Uruguayan case. Besides the 'Advisory Group' meetings and the National Coordination for Marihuana Legalisation meetings, a new lobbying group, Responsible Regulation, was formed, and three strategic international workshops on political communication and cannabis regulation implementation issues took place. In this period, international actors and activism networks played an important brokerage role within the coalition, encouraging policy lesson-drawing and advocacy efforts.

Throughout the period analysed, one common factor found was the continuous presence of tensions between and within groups, as well as the key importance of the brokerage role played by a set of actors for the coalition not to fragment. Thus, for example, the establishment of clear Frente Amplio

legislative and governmental referents -as Sebastian Sabini, Julio Bango and Julio Calzada- and civil society representatives –as AECU or *Proderechos*- appeared essential for erasing coordination costs and keeping the conflicts within tolerable limits. Conversely, an important finding regarding the most notorious members of the Uruguayan advocacy coalition that pushed for cannabis regulation was the sustained apathy from the different Uruguayan ministries that formed the National Drugs Committee. As argued throughout this thesis, it was a minority group within government working hand in hand with national and international civil society who managed to push cannabis reform forward. Hence, in the following chapter I will delve into the main derivations that this peculiar political process brought for the implantation of the new cannabis law.

Chapter 9. Expectations vs. Reality: a new policy venue?

If this analysis of the Uruguayan regulation case has been at all truthful, it should not come as a surprise to the reader that, until the very last moment, when the law was put to a parliamentary vote, the prospect for cannabis reformers was highly uncertain. The lower chamber was composed by 50 representatives of the *Frente Amplio*, 30 representatives of the *Partido Nacional*, 17 of the *Partido Colorado* and 2 of the *Partido Independiente*. In the upper chamber, 16 places were for the *Frente Amplio*, 9 for the *Partido Nacional* and 5 for the *Partido Colorado*. In this scenario, even as president Mujica remained one of the main supporters of the law, it was not completely certain that the *Frente Amplio* –with slim legislative majority- would unanimously vote for the project. The *Partido Independiente* was divided. The support for cannabis regulation from both the *Partido Colorado* and *Nacional* members was even less likely.

Even though the first voting session, on July 2013, lasted ten hours while the second, in the upper chamber, on December 2013, more than twelve, no law review was introduced throughout the different legislatives debates. As mentioned in an informal conversation with a lawyer and legislative advisor of the *Frente Amplio*, the issue was that, if a modification to the original proposal had been introduced in any of the chambers, the new version needed to return to the previous chamber to be voted afresh. Thus, despite technical errors successively identified by the authors, since the political agreements achieved thus far were so precarious, almost no on-site negotiation margin remained. Ultimately, in a parliamentary room overcrowded by an odd mix of journalists from all around the world, dreadlocks, hippies and suit and tie people, only the *Frente Amplio* representatives raised their hand to make cannabis regulation a new element of the Uruguayan drug policy framework. It was approved with 50 votes in favour and 49 against in the lower chamber and with 16 votes in favour and 14 against in the upper chamber.

However, especially within such morally controversial topics as cannabis regulation, not only is negotiating and achieving compromises during the legislative process atypically difficult, but even when a new political output is reached, the link between the rule and the role of the law is expected to be particularly precarious (Euchner et al 2013). Since cannabis regulation potentially interferes with individual core values, such as liberty, authority and care, reformers are met with the challenge of monitoring and sanctioning compliance for a broad range of actors with diverse and conflicting values, whilst dealing with the absence of a set path for the new objectives of the law to be achieved.

Thus, before concluding my empirical analysis of the Uruguayan regulation case, I will review the main developments during the first three years of implementation of the law. I will start by introducing some general aspects of the new legal framework, its objectives and policy tools, and discuss some issues for adressing its effective evaluation. Following that, I will review the framework for recreational use of cannabis in its three access mecanisms: domestic cultivation, social cannabis clubs and pharmacies. Further on, I will analyse the main advances and blockages found for the regulation of legal cannabis for medical and therapeutic purposes. I will conclude by arguing that the secrecy regarding the implementation rationale and the lack of responsible actors' accountability weakened legal certainty under the new framework. Legal certainty ensures that those subject to the law can regulate their conduct and that they are protected from the arbitrary use of state power.

9.1. Law 19172 general framework

A first problem to note about the new cannabis legal framework is the low degree of precision achieved as a guide for policy reform. As it was already introduced at the beginning of this thesis, the Uruguayan law n° 19172 states as its objectives to: (1) reduce drug trafficking related violence, contributing to a better social coexistence; (2) promote drugs users' health; (3) endorse a fair enforcement of the law; aiming at a more adequate proportionality between offense and punishment. To achieve these goals, four policy tools were included in the new legal framework: cannabis market regulation; to educate, raise awareness and prevent problematic drug use; drug users' treatment, rehabilitation and social integration, and police action over illegal drug markets (FESUR, 2015). The law remains unclear about how the different policy tools and objectives included are linked; it does not clearly define the actors, agencies and institutions responsible for its implementation, and does not include any estimated timeframe for its development. No correlated budget was assigned. Thus, similarly to what others have found for moral policy change (Euchner, Heichel, Nebel, & Raschzok, 2013), the compromises in the political process were accommodated by a rather vague and open legal formula, which later implied additional policy design weaknesses affecting its implementation.

In this regard, in many instances during fieldwork, I observed a generalized state of scepticism regarding the actual possibility for the law to accomplish such goals and how to account for them. Although there was a strong agreement across my data about the importance of an evidence-based policy making, the answers were much fuzzier when exploring more concretely what this framework should look like and the steps that needed to be taken in order to generate data. No baseline was agreed among policy makers, civil servants or scholars about expectations for change, as well as its direction and measurement. Furthermore, research participants suggested that the lack of a monitoring and evaluation culture is a structural weakness permeating through the Uruguayan state in different policy fields.

Thus, for example, many of the specialists interviewed argued that the new framework holds a low degree of causal accuracy for its evaluation. How is cannabis production related with drug trafficking violence and, more broadly, what will the impact of cannabis regulation on illegal drugs markets be? Although there is still a significant lack of knowledge regarding the actual ways of organisation, the limited data available indicates that the cannabis market is highly segmented. It is based on a larger number of participants than other illegal drug markets, and therefore the profit is expected to be less concentrated. Cannabis production ranges from small-scale home-growing plant cultivation sites, to large-scale industrial-like farms. Some segments are better characterised by undefined limits between dealers and friends in semi-private networks, whereas other open-air segments involve more unstable and impersonal relationships (Wilkins & Sweetsur, 2006; Potter, 2006; Costa & De Rauwe, 2008; Decorte, 2010; Chatwin & Potter, 2015; Decorte, *et al.*, 2017).

Further on, the connection of cannabis trafficking with violence as well as the potential impact of its regulation are hard to grasp. A first challenge for this is related to the way that the output is defined and how to estimate the contribution of cannabis illegal trafficking to the total amount of violence, if any. In a sense, how violent a market can be depends largely on how this output is operationalized. Because of practical difficulties for data collection and the type of information available in secondary sources, the rule of thumb among scholars that attempt to address this issue is relying on homicides as a proxy for violence (Brownstein, Crimmins, & Spunt, 2000; Ousey & Lee, 2002; Brownstein &

Taylor, 2007; Snyder & Durán-Martinez, 2009; Andreas & Wallman, 2009; Reuter, 2009; Rivera, 2015; Garzón, 2016). Nonetheless, it has also been argued that "*the divisiveness and intrusiveness of corruption, disorder, personal violence other than life-threats and the wrecking of inner-city communities also merit discussion*" (MacCoun & Reuter, 2001, p. 102).

The international drug trade is widely considered to be both the largest and most violent sector of the illicit global economy. Still, empirical studies consistently show that illegal drug markets are generally peaceable. Only occasionally do specific markets exhibit high levels of violence. In a research study on the Copenhagen open street-level cannabis market –'Christiania'–, for example, Moeller and Hesse (2013) found a significant increase in the number of charges for homicide and attempted homicide in the period after its crackdown in 2004. For the authors, this finding was "*surprising, because cannabis markets are not known to be violent internationally and Copenhagen has a low per capita homicide rate*" (Moeller & Hesse, 2013, p. 217). Therefore, they concluded that the value of the market and the degree of market stability are potential antecedents to the use of competitive violence by criminal groups, independently of social context. Still, a further complication in evaluating the impact of cannabis regulation on violence is how to incorporate the change in the opportunity costs of police resources after regulation, as well as the potential interaction with other types of crimes (Benson, Leburn, & Rasmussen, 2001)

It can also be argued that many of the technical challenges discussed to evaluate the relationship between cannabis and violence are also relevant when it comes to addressing the improvements in cannabis users' health. In terms of measuring the output, most of the existing research that tries to relate drugs and health uses proxy variables such as use prevalence, drug-related deaths or drug related HIV/AIDS infections (Hughes & Stevens, 2010; MacCoun & Reuter, 2001). Except for use prevalence rates, none of these variables are suitable for evaluating the impact of cannabis regulation, since all the research available shows that cannabis is not correlated with lethal overdoses or HIV/AIDS infections (Murray, Morrison, & Henquet , 2007). Regarding use prevalence rates, a first challenge that needs to be considered is the potential reduction in the ´dark figure´ of drug use after regulation, that is, under the new legal framework people may feel more willing to report truthfully their cannabis consumption habits (Stevens, 2007). Secondly, and beyond quantitative terms, changes in the quality of the substance after regulation need to be considered in order to compare what the impact might be on the user´s health. Additionally, as for violence, it is not well known how cannabis may interact with the use of other legal and illegal drugs; as a substitute or complement (Kandel, Kessler, & Margulies, 1978; Cohen & Sas, 1997; MacCoun & Reuter, 2001; Reiman, 2009; Lucas, et al., 2013). Hence, the possibility of isolating the effects of cannabis regulation on the user's health, controlling for potential confounders, is difficult to achieve.

The bottom line in this debate is that, as evident in the Portuguese drug policy reform (see section 2.3), the evaluation of drug policy options is a process based on a complex mixture of organisational goals, moral beliefs, and rational analysis that concerns how the problems are defined in different places and institutions (Newcombe, 1992). In the Uruguayan case, this was translated in the difficulties in moving from a 'prohibitionist approach' that relies almost exclusively on use, prosecutions and seizure rates as the cornerstones for drug policy evaluation, to a 'harm and risk assessment approach', aiming at grasping and ordering different types of cannabis use and supply. Additionally, this highlights the point that there are always value judgements involved in policy making, concerning: (i) the identification of the types of harms (and benefits) that should matter for evaluation; (ii) the relative weight given to each category of harm and its socio-demographic distribution; (iii) the standard of

proof used to judge whether the evidence regarding an alternative regime is sufficient to justify a change in policy; and (iv) the burden of proof that applies when the evidence is ambiguous or incomplete (MacCoun & Reuter 2001:319).

Ultimately, according to some of the research participants, in the Uruguayan case the main aim should be to develop process indicators to account for the processes that contribute to the achievement of outcomes, rather than the outcomes themselves. As I will introduce in the following sections, the numbers available in Uruguay tend to point to the accuracy of cannabis regulation as a market separation tool, although evaluating the impact of this policy on violence and health in the short, middle and long term remain technically difficult to be achieved.

9.2. Recreational cannabis

Although the law commanded the development of its regulatory framework within ninety days of approval, it took five months for the Uruguayan Executive Power to set the first cornerstone of the legal system. As throughout the political process, prominence was given to the recreational use of cannabis and in May 2014, the regulatory blueprint on domestic cultivation, cannabis clubs and selling was issued (Nº 120/014) along with the constitution of the new Cannabis Control and Regulation Institute (IRCCA). Still, the IRCCA faced important challenges from the get go.

To begin with, the government was rather blind regarding how the Uruguayan cannabis black market was already working and, hence, how to economically compete with it. The preferred ways of access, different types of strains, the THC/CBD proportions available and the related prices were all unknown variables to Uruguayan authorities.

Subsequent studies (Monitor Cannabis, 2016) have pointed to the relevance of the government's emphasis on the retailing market system to economically compete with illegal cannabis trafficking. In 2014, it was calculated that the 55,200 existent regular cannabis users demanded up to 80% of the supply available: 44 tons per year. Further on, the surveys confirmed that most of the frequent users (68%) had access to compressed cannabis bought from international trafficking networks -'*El Paraguayo*'- and only 33% was produced locally as cannabis buds in its natural state. In the VI National Drug Use Household Survey (Uruguayan Observatory on Drugs, 2014) a question regarding the ease of buying other drugs in the places where people most commonly purchased cannabis was introduced. Another type of illegal drug was usually offered to 55% of regular cannabis users when buying cannabis; cocaine was offered to 96.6%, and free base cocaine to 36.5%. Additionally, almost one out of two cannabis buyers declared that violent robbery and life-threatening risks were perceived when buying cannabis (FESUR, 2015). These findings give an important insight into the cannabis market organisation. In the Uruguayan case, a limited group of frequent cannabis users demand most of the cannabis consumed; 80% according to the existing estimates. Before regulation, most of these frequent users were found not to be growing their own cannabis, but purchasing a low-quality type from international trafficking networks instead. An important subgroup of these frequent users declared to be usually exposed to violence threats and the offering of other drugs (especially, cocaine and free base cocaine) when buying cannabis, which supports the relevance of cannabis regulation for drug markets separation. Conversely, most of the experimental and occasional users acquire cannabis from frequent buyers in semi-private networks, characterised by social dealing, or blurred boundaries

between dealers and friends. To add to this, research participants identified no operational cannabis open-air market.

Figure 13. Most common way of accessing cannabis in the last six months, Uruguay (2016)
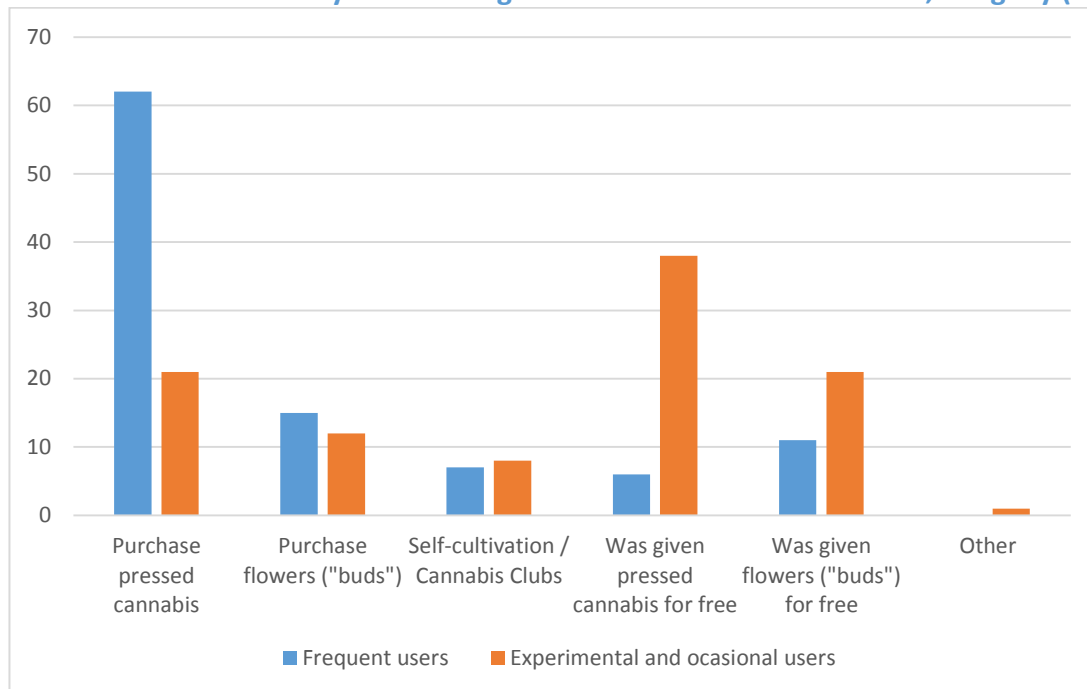
Source: Monitor Cannabis 2016, p. 7.

In order to obtain access to legal cannabis, the law includes a registration scheme, which allows Uruguayan residents older than 18 years old to choose between domestic cultivation, social cannabis clubs and acquiring cannabis through pharmacy sale. These legal ways of access are mutually exclusive; one must choose to be registered for only one of these by presenting their ID and proof of residence at post offices located throughout the country.

Among the three, almost one year after the law's approval in August 2014, the cannabis domestic growers' register was the first to be opened. From that point on, Uruguayan residents can ask to be legally allowed to grow up to six plants per household. According to activists' estimations, around 10,000 people in Uruguay regularly grew their own cannabis in 2013. Roughly the same number was reported in an officially sponsored survey conducted in 2014: 11,000 people, predominantly between the ages of 30 and 44, living in Montevideo. This represented 11% of the total population that declared to have consumed cannabis in the past 30 days (FESUR, 2015). According to the Cannabis Control and Regulation Institute (IRCCA) web page, by July 2017, the approved licences for domestic cultivation were 6930.

Two months later, in October 2014, the social cannabis clubs register opened. Through a rather heavy bureaucratic procedure, which may take up to one year, adult Uruguayans can constitute cannabis clubs as non-profit organisations of at least 15 and no more than 45 members, registered first by the Ministry of Education and Culture, and then by the Cannabis Control and Regulation

Institute. The name selected for the non-profit organisation must include the expression 'cannabis club' in it. In this regard, Uruguay presents an exceptionality, being the first country with a tight regulatory framework for cannabis clubs. Compared to other experiences (Barriuso, 2011; Pere, 2015; Decorte T. , 2015; Decorte, et al., 2017), the Uruguayan law restricts cannabis clubs to the sole purpose of producing cannabis for its members, establishing criteria for the number of members and plants allowed, safety protocols, and restrictions for the clubs' locations and facilities. During fieldwork, Uruguayan authorities related the rather restrictive framework allowed to the particular political process that led to cannabis regulation:

> "*the law defines a rather restrictive framework for cannabis clubs. It was what it could be achieved in that political context; hopefully, we will be able to improve it and make it more flexible in the future*" (Executive Power – National Drugs Committee (id13), personal communication).

As was previously discussed (see section 7.3 and 8.1) the introduction of social cannabis clubs in the new Uruguayan framework was the result of international cannabis growers' elite networking and activism lobby. The Uruguayan Executive Power originally rejected this type of bottom-up market organisation for going outside the State's influence. By analysing the reformers advocacy coalition belief system, I showed how, unlike the executive´s insistence on a selling scheme, domestic cultivation and social cannabis clubs were a must for cannabis activism. Thus, the middle road solution for the government was the inclusion of a tight regulatory framework for cannabis clubs.

After a slow start, in July 2016, the registered clubs climbed to seventeen and according to the Cannabis Control and Regulation Institute (IRCCA) web page, by July 2017, there were 63 clubs registered. As reported by the research participants, due to the heavy start-up costs, most of the clubs work close to the upper limit of 45 members, which would amount to 2835 people. Most of the clubs charge a fee and a monthly payment; yet, many of them have faced important difficulties in achieving economic sustainability while guaranteeing monthly supply. Additionally, the risk of robberies has been reported as one of their most important threats.

More than three years after the law's approval, by May 2017, the register for cannabis acquiring through pharmacy sale finally opened. At the same time, a state sponsored public campaign called ´To Regulate is to be Responsible´ was launched. This further substantiates the relevance of the policy transfer dynamics reviewed in section 7.2. in which international and national civil society assembled a public campaign called Responsible Regulation. On the first day, 539 people registered, and according to the Cannabis Control and Regulation Institute (IRCCA) web page, by July 2017, the registrations to legally purchase cannabis in pharmacies rapidly climbed up to 6797.

Already in August 2014, the government decided on the location for cannabis cultivation facilities for its commercialisation and requested bids from private licensees for production. Thus, 10 hectares were assigned to grow cannabis for pharmacy sales, to meet the demand of an estimated 150,000 users. However, due to disagreements between the former National Drugs Committee authorities and the new board regarding the licensees' selection protocols, the IRCCA spent 14 months obtaining and verifying the financial records of over 20 initial applicants for cannabis private production. In October 2015, two licences were issued to the International Cannabis Corp (ICC), and Simbiosys –both backed by local and foreign investors; one from the UK and the other from Argentina- to initially produce up to two tons of cannabis annually, which would represent roughly 2% of the estimated demand. By February 2016, that is, more than two years after the law's approval, the cultivation of the two strains

selected by the government finally began. Yet, as forecasted by a number of people, the plan of giving the exclusivity of cannabis sales to pharmacies proved to be a problematic one.

Firstly, the Uruguayan Chemistry and Pharmacies Union declared to be against the sale of cannabis in pharmacies on principle, because pharmacies should be regarded as health centres and cannabis was against health. The lack of information from the IRCCA, and fear of robberies and illegal drug trafficking retaliations were additional reasons given for the repeated delays. Thus, by March 2017 the research available on the topic (Monitor Cannabis, 2016) points to only a small number of pharmacies currently on the scheme. These had initially presented their request to incorporate cannabis to their stock, and are highly concentrated in the metropolitan area of Montevideo and Canelones, leaving a large part of the Uruguayan territory unattended. According to Uruguayan authorities, the retail level cost of one gram was fixed at 1.30 dollars, of which 70% goes to producers, 20% to pharmacies, and 10% to the IRCCA. Initially, only two different strains, labelled Alpha 1 and Beta 1 strains were available, which are sold in a five-gram sealed packet. By using a fingerprint reader, the registered acquirers are allowed to buy up to two packets (10 grams) of cannabis per month. Both strains have a THC content of just 2 percent, which is tantamount to the THC levels found in the Uruguayan illegal cannabis market previous regulation, according to the specialists consulted in my research. Thus, both strains hold much lower THC levels than the ones found in the legal recreational cannabis schemas in Colorado and Washington US states (*NBC news*, 23/03/2015) and in the Dutch coffeeshops (Pijlman *et al.*, 2005).

Overall, in terms of process indicators, after more than three years from the law's approval, the Uruguayan new framework for recreational use of cannabis is still distant from being fully displayed. On one hand, and conversely to the pessimistic expectations of many of the actors involved in the political process, the short-term reactions of Uruguayan residents to the registration scheme was of relative compliance. From the estimated 11,000 cannabis growers, in a time span of almost three years (August 2014 – July 2017) there are currently 6,930 registered domestic growers and 63 cannabis clubs, which might collectively amount to 2,835 people. Alongside this, the registrations to legally purchase cannabis rapidly raised to 6,797 in a few weeks. These findings appear to support the power of cannabis regulation as a market separation tool. On the other hand, although the numbers available have confirmed the relevance of the government's emphasis on the retailing market share system to economically compete with illegal cannabis trafficking, it is still highly uncertain when the legal production will meet this demand.

9.3. Medical cannabis

Even though medical cannabis users were not an interest group involved in the Uruguayan reformers coalition as portrayed in this thesis, the new legal framework establishes that it is allowed:

> "*to cultivate cannabis for the elaboration of therapeutic products for medical use. In these cases, the planting and growing must be allowed by the Public Health Ministry and will remain subject to its control*." (Law 19172, Art. 5.A)

More specifically, are responsibilities of this Ministry the monitoring and evaluation of the law, the approval of medical cannabis research licences, and the acknowledgment of cannabis as a product for medical use, through its inclusion as an element of the permitted Uruguayan pharmacopoeia. In this way, although Public Health Ministry representatives were not part of the reformers coalition, this

Ministry still largely retained their decisive role in the new medical cannabis framework. According to my findings, this Ministry became one of the main blockers in the implementation of legal access to cannabis for medical purposes.

Thus, if the implementation of the legal system for recreational use of cannabis has been, overall, tense and slow, the implementation of a system for its medical use has proved to be an even more problematic endeavour. As already introduced at the beginning of this thesis (section 2.2.), doctors, psychiatrists and lawyers have historically stood as three pillars of the Uruguayan longstanding prohibitionist approach to drugs. In fact, the Uruguayan Society of Psychiatry, together with the Uruguayan Society of Youth and Childhood Psychiatry, figured as two of the most notorious voices questioning cannabis regulation. Thus, for example, one-month after the government's announcement of their will to regulate cannabis, in July 2012, a press release signed by these Associations claimed that:

> "*from the gathered scientific information available, it is clear that from a medical stand point every action facilitating cannabis use is wrong (…) the truth that scientific evidence shows must be the centre of every debate about marijuana*" (SPU / SUPIA, 2012).

According to a high member of the Psychiatry society consulted in an informal talk, the main problem for the psychiatrist union was not cannabis regulation in itself, as much as feeling that their policy monopoly was being challenged by an outsider interest group; namely, cannabis users:

> "*[Our public declaration] was not necessarily against the regulation. We wanted to make the point that cannabis is not an innocuous drug, because many people were talking in too light a way about it. Furthermore, I think the most important problem for us was not being consulted by the government before making the announcement*" (Psychiatrist union representative, personal communication, July 2012).

Thus, for example, it took more than one year after the approval of the law for the Uruguayan Executive Power to agree on a regulatory framework for medical uses (№ 46/015, February 2015). From this moment on, only a limited group of doctors have been involved with this use, mainly based around the Uruguayan Society of the Endocannabinoid System. This group of professionals refer to a significant increase in the appointments for cannabis medical use, especially from 2014 on. Although the actual demand is hard to estimate, it highly exceeds the 62 approved licences reported by the Public Health Ministry by May 2017. Furthermore, since this Ministry has not included cannabis in its natural state as part of the allowed pharmacopeia, only cannabis-based registered products, which are difficult to import and highly expensive, can be legally used in Uruguay. Hence, most of these medical users buy the cannabis oil on the Uruguayan black market (Monitor Cannabis, 2017). In fact, this institutional blockage was behind the decision of medical users to organise pressure groups, such as Batar Foundation, aimed at guaranteeing access to cannabis oil for kids with West syndrome and drug-resistant epilepsy, two diseases for which, as reported by their own parents, cannabis has consistently shown good results.

Several issues were identified by research participants in order to develop the medical cannabis industry further in Uruguay. One relates with the international and regional medico-legal conventions and restrictions to the possibility of registering cannabis as a therapeutic product. It has also been reported that the procedure for obtaining a licence for medical cannabis research is heavily bureaucratic, excessively long and highly demanding. In fact, until this moment, the Public Health

Ministry has not approved any of the licences asking permission for clinical investigation of production of cannabis for medical purposes. Additionally, cannabis is not a subject currently included in the Uruguayan medical training.

Still, one of the most criticised aspects found regarding the entire implementation of both, recreational and medical cannabis, is the secrecy with which the Uruguayan government decided to undertake this process. Thus, for example, the criteria for the selection of the strains, the private production licensees and seed banks, along with the implementation timeline, remained largely unknown. Furthermore, key regulatory agencies as the IRCCA and the Specialised Unit in Monitoring and Evaluation within the Public Health Ministry have remained generally unaccountable. As cases in point, more than three years after the law's approval, the IRCCA's National Advisory Council, a key institution aimed at supporting and ensuring transparency -composed of members of the Ministries, scholars, and representatives of cannabis clubs, growers and sellers- was never called in session. The Specialised Unit in Monitoring and Evaluation, who must elaborate annual reports on the law's progression for the parliament, has only been issued once in three years and it has been kept out of the public's reach. Furthermore, significant progress is still needed to meet an estimated demand of forty-four tons of cannabis consumed annually by Uruguayan residents. Accordingly, it can be argued that the new legal framework has been characterised by a low legal certainty, because it does not provide those subject to it with the full ability to regulate their conduct in accordance with the law.

Concluding remarks

In this chapter, I have discussed how many of the political difficulties to pass through cannabis reform continued after the approval of the law, threatening the legal certainty of Uruguayan citizens and creating a climate of uncertainty. I started arguing that compromises of the political process were accommodated by a rather vague and open legal formula, which later implied additional policy design weaknesses. The new legal framework states as its objectives to reduce drug trafficking-related violence, to promote drugs users' health and to endorse a fair enforcement of the law. In order to achieve these goals, four policy tools were envisioned; to educate and prevent problematic drug use; drug users' treatment, rehabilitation and social integration; and police action over illegal drug markets. However, the new law remains largely unclear about how the different policy tools and objectives included are expected to be linked, about the policy governance that defines the relevant actors, agencies and institutions responsible for its implementation, and the estimated implementation timeframe and correlated budget. Furthermore, although the importance of an evidence-based policymaking was largely agreed upon, scepticism prevails about the technical possibility of actually evaluating the new law's objectives.

Furthermore, the government was rather blind regarding how the Uruguayan cannabis market was already working and, hence, how to economically compete with it. The estimated demand for recreational and medical use, the preferred ways of access (self-cultivation vs. selling), preferences between different types of strains, the THC/CBD proportions available and the related prices were all unknown variables to Uruguayan authorities. Subsequent studies have generally support for the government's hypothesis stressing the importance of a legal selling scheme to compete with illegal cannabis trafficking. In Uruguay, most of the cannabis consumed was cheap and of low quality, bought by a limited group of frequent users to international trafficking networks. However, between the three legal ways of accessing cannabis included in the regulatory framework –namely, domestic cultivation,

social cannabis clubs and selling through pharmacies- the implementation of a retailing system has proven to be a track full of potholes. Significant progress is still needed to meet an estimated demand of forty-four tons of cannabis consumed annually by Uruguayan residents.

If the implementation of legal recreational cannabis has been slow, the implementation of legal medical use of cannabis has been even more problematic. This fact was related to the key importance of the Public Health Ministry in the new schema and the absence of representatives of this Ministry in the reformers coalition that made cannabis regulation possible. One of the main blockers found in this regard is the difficulty of including cannabis derivate products, such as cannabis oil, as part of the allowed Uruguayan pharmacopeia. Hence, only cannabis based registered products, which are difficult to import and highly expensive, can be legally used in Uruguay. In this regard, the new law does not represent a significant change in the policy so far, because the import of cannabis registered medicines was already legal before regulation.

Overall, it can be argued that the new legal framework has been characterised by a low legal certainty, because it does not provide those subject to it with the full ability to regulate their conduct in accordance with the law. Largely, the Uruguayan government has operated with a high degree of secrecy regarding both process and results indicators, remaining mostly unaccountable. Thus, for example, in order to have access to legal cannabis, the law includes a registration scheme, which allows Uruguayan residents older than 18 years to choose between three mutually exclusive options: domestic cultivation, social cannabis clubs and cannabis buying from pharmacies. Although the law commanded the elaboration of the regulatory framework within 90 days, it took almost one year for the cannabis domestic growers' and social cannabis clubs' registers to open and more than three years for cannabis sale in pharmacies to begin. However, the criteria for the selection of the two strains initially available to be acquired, the criteria for the selection of the two private production licensees and seed banks, along with the implementation timeline, have remained largely unknown. In terms of medical use of cannabis, the Public Health Ministry has not approved any of the licences asking permission for clinical investigation of production of cannabis for medical purposes. Cannabis remains mostly excluded as a subject in the Uruguayan medical training. The numbers available highlight that this low legal certainty has, up until this moment, resulted in the consolidation of a grey market, composed by cannabis buyers, Uruguayan non-residents and medical users.

Chapter 10. Conclusions

Drug markets are one of the largest illegal economies worldwide. Among all drugs, cannabis stands out as the illegal drug that attracts most users. In Uruguay, 9.3% of the population declares to have used cannabis in the last twelve months, which amounts to 161,000 people, and 6.5% in the last thirty days. In comparison, only 1.6% of the Uruguayans declared to have used cocaine in the last twelve months and the number is even lower for amphetamine-type stimulants (such as ecstasy), 0.4% in the last twelve months. This is not only a local reality. According to the World Health Organization, about 147 million people, that is, 2.5% of the world population, have consumed cannabis in the last year compared with 0.2% who have consumed cocaine and the 0.2% who have consumed opiates. Cannabis use accounts for 73% of the total illegal drug use. Half of all drug seizures worldwide are cannabis seizures and the geographical spread of those seizures is global, covering practically every country of the world. By 2017, cannabis is by far the most widely produced psychoactive drug (WHO, 2017).

These specificities help to understand why there is a greater policy divergence in the way of controlling cannabis than with other psychoactive substances. Moreover, whereas an increasing punitiveness has been the norm for other illegal drugs enforcement, regarding cannabis an opposite trend from soft to hard defections from this approach has been observed. Within this tendency, the Uruguayan cannabis regulation of 2013 constitutes a paradigmatic case because of being the first country in the world in legally regulating every aspect of this market at a national level. Hence, the analysis of this policy change may enhance our understanding of drug policy-making in two main ways. Firstly, from a critical criminology perspective, it represents a unique and infrequent opportunity to study why a behaviour ceased to be labelled as a crime by the state. Secondly, from a drug policy analysis perspective, this case study is also relevant since the Uruguayan example may inform political leaders contemplating whether and how to legally control cannabis. Therefore, insights gained from this atypical policy change might be fruitful for global learning, by adding knowledge about different methods and contexts of cannabis markets regulation.

Nevertheless, if one takes a closer look into the Uruguayan case, a criminological paradox arises. On one hand, a wider trend of 'penal populism' has been reported not only for Uruguay but also for several countries in the region. Authors such as Dammert and Arias (2007), de la Torre and Alvarez (2011) and Paternain (2014) have consistently noted a general trend towards increasing penalties at the same time as labelling more behaviours as crimes. On the other hand, a number of behaviours, usually referred to as victimless crimes, have been liberalised in Uruguay. Victimless crimes are behaviours where there is no easy way to define whom is the offender and whom is the victim, because there is a mutual agreement between both sides to engage in this act (Braithwaite, 1989; Meier & Geis, 1997). Furthermore, as explained by Uruguayan historians, this country had historically borne an exceptionally 'liberal' approach to this type of behaviours. Accordingly, how can we explain Uruguayan cannabis reform whilst making sense of such a paradox?

10.1. Who was involved in the Uruguayan cannabis regulation debate: actors and networks

Throughout this thesis, I have argued that four type of actors were of key importance for the approval of the new cannabis law. At some point in the process, national civil society representatives, legislative power members, executive power members and international civil society representatives coordinated actions over time to make cannabis regulation possible. However, I showed as well how each of them were particularly important in different stages of the process.

Before the government's irruption in the debate, in Jun 2012, national civil society was the main interest group pushing for cannabis reform. Analysing the period from 2004 to 2012 most of the cannabis-related events found were organised by a 'hard core' of cannabis activist organisations. This hard-core activism coordinated actions with harm reduction organisations also involved in the Uruguayan reformers coalition but from a satellite position. However, I also introduced the idea that, at the beginning, the Uruguayan legalisation endeavour was an orphan, since it started to flourish organically and highly disarticulated as a demand. The growth of public demonstrations around cannabis indicate a clear pattern of exponential expansion, which presented itself as a surprise even to its own organisers. It was surprising that marijuana demonstrations would attract such large crowds amongst the Uruguayan youth, transforming into one of the biggest public happenings in the country. These mass mobilisation events helped to normalise cannabis use, breaking the former image of its users as deviant, sick people in need to be treated, an image that was prevailing towards the end of the 1990s. Hence, as expected by Punctuated Equilibrium theory, it was not until mobilisation occurred and new participants became interested in the debate, that the agreed-upon images and authoritative venues became contested. In this case, cannabis activist was the new type of political actor constituted that, as political start ups with an increasing 'electoral share' associated with the expansion of cannabis use among the urban youth, pushed for cannabis personal cultivation to reach the legislative agenda. Whereas doctors, lawyers and police forces have historically had the leading role in shaping Uruguayan legal frameworks, in December 2013, cannabis activism was of key importance in the formulation of the new law.

However, it was not cannabis activism but the Uruguayan executive power who made cannabis regulation to break into the macro political agenda. Furthermore, as expected by Punctuated Equilibrium theory, it did it through a 'chaotic moment of punctuation' in the debate, characterised as communicational turmoil, fuelled by heightened attentiveness of the media and broader publics, and disputes over new dimensions of the debate becoming more salient. Hence, the involvement of the Executive Power in the debate abruptly changed the political process, allowing the reformers coalition 'hard core' to widen its network significantly. More specifically, three new types of actors were found: first, within the context of the generational gap of positions towards cannabis, the issue broke through the political system, boosted by youth political parties' groups. Second, organisations not based in the capital city of Montevideo joined the hard-core activism, helping to spread support towards cannabis regulation throughout the territory. Thirdly, for the first time, other relevant social actors not necessarily identified as drug policy reform activists got involved, such as the National Workers Union (PIT-CNT), or *Ovejas Negras*, the most important LGTBI activist group in the country. Additionally, the involvement of new international actors and the growth in the number of international actors sharing meetings with members of the Uruguayan government is significant; in particular, actors involved in the Colorado and Washington (US) cannabis regulation campaigns of

October 2012. In this way, transnational drug policy reform networks gained importance as a causal contributor, helping to explain why and how cannabis was regulated in Uruguay. They helped to change and legitimate the image attached to cannabis reform, to fill in the gaps of knowledge in order to develop a suitable legal regulation framework, which actually resulted in an exceptionally outreaching political output that included domestic cultivation, Social Cannabis Clubs and a selling scheme.

Unlike cannabis personal cultivation, which had been agreed upon by civil society organisations and progressive members of a cross party alliance, from the government's irruption on cannabis regulation transformed into a *Frente Amplio*-supported proposal. Furthermore, the brokerage role of *Frente Amplio* legislative representatives –as Sebastian Sabini and Julio Bango- and of the National Drugs Committee secretary appeared as a necessary condition for erasing coordination costs and keeping the constantly arising conflicts within tolerable limits. As argued in this thesis, a minority group within the Uruguayan government, working hand with hand with national and international civil society, were the ones that managed to push cannabis reform forward.

Although a majority of the population favoured the cannabis policy status quo, the opposition to the reform was performed in a highly unarticulated way. Thus, I could not find any trace of coordinated activity over time opposing cannabis regulation. The main resistance to cannabis atypical change was publicly led by a sector of the conservative *Partido Nacional*, strongly linked to both the Catholic and the Evangelist church and religious therapeutic communities for drug users. Nevertheless, the empirical analysis of the political debate showed that it was more conflict-ridden than would be expected by policy change theories; there was not only a disagreement between cannabis legalisers and prohibitionists. What I found was a strong emotional clash between different actors within the Uruguayan debate due to the different motivations to regulate cannabis, and different positions on how to do it.

10.2. Why was cannabis regulated in Uruguay; policy framing

A first important point rising from my research is the utility of differentiating the problem, the solution and the political process in policy change analysis, as Multiple Streams theory suggests (Kingdon, 1995). In the Uruguayan case, the way the problem of illegal cannabis was framed effectively appeared to have significant connotations for the solution building process, being correlated with different policy designs options.

More specifically, for Uruguayan civil society, the individual problem of cannabis users' criminalisation translated into a public problem as part of a wider victimless crimes reform movement. Thus, the generational 'new rights' agenda integrated the issues of abortion and LGTBI rights, among others, strongly appealing to an ethics of autonomy. From this point of view, liberty and care were the two binding politics moral foundations. Liberty, because cannabis prohibition is seen as a way of oppression, where the old and conservative generations in power impose their lifestyle onto others in a hypocritical way. Marihuana legalisation symbolised a rebellion against the 'respectable citizens', as a broader stand against a hierarchical and arbitrary public order where, for example, heterosexual relationships or drinking alcohol were honourable but homosexual relationships or cannabis use were tolerated, at best. Alternatively, care, as the second main political moral foundation underpinning the

reformers' advocacy coalition, relates to the idea that a person's integrity should be protected as a matter of universal human rights. From this point of view cannabis regulation was endorsed as a harm reduction tool, aimed at protecting young people. Framed like this, cannabis regulation refers to the value of being treated equally as a citizen, independently of one's drug of choice.

Conversely, for the Uruguayan government the problem of illegal cannabis was defined from a community perspective, related with the systemic violence associated with the illegal trade. Appealing to the fairness moral foundation, the main rationality to regulate cannabis for the Uruguayan executive power was the disproportionality of the costs that the current international framework entails worldwide. Thus, cannabis regulation was proposed as a 'lesser of two evils' logic, as a by-product of concerns for cocaine trafficking and production. The other key political moral foundation invoked by Uruguayan government was the reclaiming of the State's authority against the rebellion of the illegal drugs trade. Here, cannabis illegal commerce was defined as an economic phenomenon, with repression-oriented policies enhancing the high risk and profitable qualities of the market.

In this way, cannabis regulation was framed as both a demand and a supply-side problem. Moreover, these politics moral foundations were causally linked to different emphasis about what the main objectives to regulate cannabis should be; either reducing drug related violence or enhancing cannabis users' health and rights. Accordingly, in terms of policy design or instrumental aspects level, the main public contention was between including a state's monopoly for cannabis production, distribution and selling –indispensable for the executive power- and a legalised personal cultivation mechanism –the sine qua non condition for the reformers' advocacy coalition.

10.3. How was regulated; specifying drug policy change theories

Having discussed the different actors involved and the correlated framings composing the political process, my research thesis contributes to the on-going debate about drug policy making in three main ways. Firstly, it provides evidence about what interacting structural variables might be relevant to understand cannabis policy change more precisely. Secondly, it confirms the importance of the concept of advocacy coalitions, offering two ways to improve this framework in future research. Thirdly, it aligns with the hypothesis of the 'chaotic moment of punctuation' leading to atypical change and points to the relevance of policy framing to overcome chaos.

Regarding the structural or macro level variables found at play, the analysis of the Uruguayan case points to the long lasting importance of religion in drug policy making. Thus, as it was explained in this thesis, religious factors were important for the Islamic rooted Egyptian government success in introducing cannabis (or 'Indian Hemp') cultivation in the Geneva Second Opium Convention of 1925. In this critical conjecture, cannabis was assimilated in the international framework, with heroin and cocaine, as highly addictive substances with particularly dangerous properties and hardly any therapeutic value, subject to the highest repressive measures. Religious factors have also been reported in previous works, as part of the causal configuration that intervened in the instauration of War on Drugs policies by the Christian rooted US conservative 'new right'. Complementary to this, authors such as Grund and Breeksema (2013) and Engeli et al (2013) have also showed the importance of a structural change from a society organized along religious lines to a more secular social order, at the base of the Netherlands' shift towards political secularization in the 1980s -which resulted in the

instauration of the cannabis coffeeshops, among others victimless crimes reform (Grund and Breeksema 2013).

The main conclusion reached exploring the sources of the cannabis problem for the section of civil society that started to push for its legalisation and managed to add cannabis cultivation for personal use to the political agenda, was that Uruguay can be regarded as a 'religious world' case of morality politics, as suggested by Engeli et al. (2013). Unlike the rest of the Latin American countries, for the Uruguayan case specifically, a polarised second demographic transition was correlated with a rapid and accelerated secularisation process from the latter half of the 1990s onwards. Thus, I contended that this macro social transformation can explain the fact that not only cannabis but a wider victimless type of behaviours started being addressed both in the social and political arenas. The data available on public opinion in Uruguay further supports this stand, showing that the positions of the Uruguayans regarding topics such as abortion regulation, LGTBI rights and cannabis regulation are structurally shaped, and therefore relatively stable through time. There is a very low level of 'no opinion' compared to other issues, and whereas in other topics respondents take their time to reflect, in these cases the answers are instantaneous. Hence, answers are more often based on pre-established moral positions than on rational judgments. Additionally, there is a strong generational gap defining these pre-established positions: support for cannabis regulation, abortion regulation and gay marriage is strongly associated with being below 40 years of age, having higher education, and living in urban areas; the secularised youth. Thus, the accelerated secularisation process was interpreted as a secondary trace -a necessary but not sufficient condition- of a general values' change favouring an ethics of autonomy, widening electoral support for a liberty-based new rights political agenda.

Still, as expected by moral politics literature, the shift towards permissiveness posed more of a puzzle than a simple shift. Firstly, the reorganisation of the Uruguayan political parties was considered an intermediate variable through which a conflict line between secular and confessional parties was present in order to politicize morality issues (Engeli, Green-Pedersen, & Thorup Larsen, 2013). In the case of Uruguay, the long-standing bipartisanism was reformulated into a new type of bipartisanism, based on programmatic differences between a confessional 'traditional' block (*Partido Colorado* and *Nacional*) and a secular 'progressive' one (*Frente Amplio*). In this context, the election of the *Frente Amplio* with legislative majority -and an overrepresentation of *Frente Amplio* preferences among the new secularised voters' generation-, constituted a political window for advancing secularisation. However, I found that it was not until a new type of political actor was constituted, the cannabis activist, that personal cultivation managed to reach the legislative agenda.

Additionally, the secularisation process made the opposition to the reform less visible, less articulated, and less decisive. Thus, I found that whereas in countries such as Argentina and Brazil the lobby and veto power of religious based political elites has been key for effectively hindering victimless crimes reforms, in Uruguay, notwithstanding the diffuse rejection of cannabis regulation at the level of public opinion, a 'Conservative' coalition opposing cannabis change never fully formed. Additionally, the lack of a conservative coalition enabled politicians to evaluate cannabis regulation as a political decision, part of the parties' agenda, rather than as a personal, first principled choice.

Lastly, at the policy design level, I showed how the laity approach to drugs prevailed and, as with other victimless crimes regulations of the period, the Uruguayan new legal framework includes a protagonist role for a paternalistic State -especially through the Public Health Ministry-, attempting to achieve a negotiated 'middle road' solution for social conflicts.

For all these reasons, I argue that criminological research should consider addressing more thoroughly the role of religion and secularisation in drug policymaking processes, a variable relatively neglected in existing literature.

Additionally, the Uruguayan case points to the relevance of contexts of economic growth and increasing crime rates for governmentally-led agenda setting in drug policy. The main conclusion reached in this regard was that a cultural surprise related with the resilience of the 'paradox of crime' made the political elite shift their attention to the drugs problem. After the regional economic crisis of 2002 -one of the most important ones in the history of Uruguay-, a paradoxical correlation could be observed between an increasingly prosperous society, better income distribution, and increasing violent crime rates. Thus, by 2016, secondary data shows that Uruguay represents a special, paradoxical case within the most violent continent in the world, because of the extremely critical opinion of Uruguayan citizens regarding poor public safety conditions, held independently of political affinities. In this paradoxical context, drug use and commerce become suitable moral enemies for the increasing violence in otherwise prosperous societies. However, suitable enemies are not expected to be defined in ways that threaten centrally positioned and relatively powerful groups in society, who eventually can line up behind and object to the definition of the problem as a problem. Accordingly, in the cases of the Netherlands and Uruguay, the market separation between 'normalised' soft drugs and hard drugs became a key motivation for the public endorsement of a cannabis selling legal scheme. Therefore, a 'bifurcated' drug policy approach started to emerge, where cannabis regulation could protect society's cohesion as a market separation tool, by pulling apart the 'good' cannabis users from the offering of 'bad' drugs as free base cocaine in the black market. In this context, I argue that what should be expected is that cannabis regulation will be achieved, whilst repression towards other illegal drugs intensifies.

This research also aligns with previous works regarding the necessity of including an international dimension in an explanatory account of national drug policy changes. The main conclusion reached around this matter was that the role of international actors became of key importance to overcome the 'chaotic moment of punctuation' that put cannabis on the macro political agenda. More specifically, I found that international policy transfer dynamics were an important causal contributor in three aspects of the political process.

Firstly, at the policy design level, governmental networking and cannabis growers' elite networking was found to be of importance for filling in the knowledge gaps so as to develop a suitable legal framework, borrowing and complementing different tools from previous regulation designs. Most of the knowledge transferred related with the making of an 'efficient' system of regulation, that is, a system that incorporates all determinant information about product and price formation. Issues such as the six plants limit, the technical and technological know-how for cannabis growing and its control -i.e. tracking system 'from seed to sale', safety standards, collecting points conditions, transportation issues, packaging information- and the cannabis social clubs' scheme, were all internationally transferred items.

For this, the accumulated experience around the regulation model transferred set an important stimulus for emulation to occur. At the micro level, the existence of agents with mutual affinities within the reformers coalition was found to be necessary as an intermediate variable for policy transfer to occur. A Human Rights approach to drug policy, a cannabis growing history and culture,

and a results driven advocacy appeal were some of the shared characteristics found of the 'suitable matches' between international and national actors engaged in this type of process.

Conversely, the significant difference in the legal and political cultures, particularly regarding the role of the state, the role of private actors and their relationship, acted as a significant limit to these transfer processes. Thus, for example, the US anti-state intervention political tradition favoured a relatively complex privatisation schema for legal cannabis. Conversely, the Uruguayan welfare tradition resulted in a state centred schema. Moreover, as explained in this thesis, Washington, Colorado and the Basque Country local reforms were pushed forward within a national prohibitionist context. Therefore, these models were consciously assembled attempting to reduce and delimit, as much as possible, the State's interference in the local markets. Conversely, the Uruguayan longstanding laity drug policy foundations led to a governmentally regulated model with high commerce restrictions. The Uruguayan law, for example, bans any type of cannabis advertisement, requires a pre-registration with the State for Uruguayan residents only to have access to the product, sets a monthly 40 grams maximum of cannabis to be legally consumed and a 45-maximum number of members per social club.

Secondly, in my research, I found that what started as a regulation design emulation dynamic bifurcated into a new political campaigning one. In this instance, what was transferred was the know how of the Colorado and Washington (US) referendums campaigning technology -that is, the application of scientific knowledge to research public opinion for practical political purposes. I found that this campaigning technology was based on five strategies: to change the cognitive label attached to the solution proposal, moving from marijuana legalisation to cannabis regulation; to highlight the most supported aspects of the regulatory design to be endorsed; to test a repertoire of arguments for why to regulate cannabis; to define a 'communication triangle' in order to increase the degree of framing cohesion, enhancing the three best-valued aspects of cannabis regulation public opinion image; to define specific aesthetics and emissaries of the communication campaign. The conclusion thus arrived was that a new framing within the Reformers Coalition -Responsible Regulation-, needed to be assembled in order to perform this campaigning technology. The final goal of this campaign was to highlight the redistributive impact of cannabis regulation by responsibly controlling an already existent market.

Thirdly, policy transfer dynamics were important for the legitimation of the reformist aims in the mainly hostile arena of international drug policy conventions. Thus, for example, 'strategic venue shifting' activities were arranged for elite networking of like-minded political actors, creating alternative exchange platforms about drug policy reform in order to skew the rule of silence of the 'War on Words' international forums.

In this way, through the mechanisms of elite networking and strategic venue shifting, international actors and resources were important factors helping to legitimate the image attached to cannabis reform and to fill in the gaps of knowledge within the Uruguayan coalition in order to develop a suitable legal regulation framework.

More broadly, this research confirms the relevance of the concept of advocacy coalitions to understand cannabis policy change. Still, in this thesis, I proposed a theoretical and a methodological innovation to this theory, gaining in formalisation at the same time as better accounting for cross-cultural variations in drug policy debates.

Theoretically, this was done by integrating Haidt's politics moral foundations theory (2012) to operationalize more precisely the advocacy coalition's deep core beliefs. Thus, in the Uruguayan case, I empirically showed how moral biases affected the framing of cannabis, in such a way that the executive power and civil society confluence in regulating cannabis encompassed a remarkably wider array of politics moral foundations than each of them would have done on their own. This larger moral base appealed not only to the individual users´ autonomy values -such as liberty and care-, but also to community values -such as endorsing authority against illegal drug trafficking and fairness regarding the disproportionality of the international drug control framework.

Methodologically, I proposed network analysis as a tool to enhance the formalisation of this framework. Thus, looking for evidence of coordination over time within the coalition I produced a series of network diagrams by tracking down traces of joint participation of political actors in cannabis regulation-related activities. This strategy allowed me to analyse further who the actors pushing for cannabis regulation were, how they clustered and cohered in a system of relationships, as well as the degree of coalition cohesiveness through time.

Lastly, unlike what would be expected by Advocacy Coalitions and Multiple Streams theories, this research points to the relevance of chaotic moments of punctuation, as described by Punctuated Equilibrium theory, for cannabis to break into the macro political agenda. In this case, the regulated sale of cannabis was proposed as part of a wider Life and Coexistence strategy that came as a disproportionate response to a high-profile murder. Thus, it was the involvement of actors formerly excluded from the drug policy monopoly, as transnational and national activism networks, that allowed capitalising upon this emerging opportunity, triggering a process of positive feedback, thus making cannabis reform possible. For this, at the micro level, I found that a necessary element was the definition of political brokers, easing coordination problems and increasing the degree of framing cohesion.

10.4. Derivations to the implementation stage

As expected by moral politics literature (Euchner et al 2013), not only it was negotiating and achieving compromises atypically difficult during the Uruguayan legislative process, but also after the law's approval the link between the rule and the role of the law has been particularly precarious. First, I noted how the constant tensions and conflicts that characterised the law's corpus negotiations were resolved by accommodating a rather vague and open legal formula, which later implied additional policy design weaknesses affecting its implementation. The new cannabis legal framework has a low degree of precision as a guide for policy reform: remains unclear about how the different policy tools and objectives included in the law are linked; it does not clearly define the actors, agencies and institutions responsible for its implementation, and does not include any estimated timeframe for its development. Finally yet importantly, no correlated budget is assigned.

Nevertheless, the Uruguayan model contains a heavily bureaucratic legal formula. To have access to legal cannabis, Uruguayan residents older than 18 must choose to register as a domestic grower, a social cannabis club member or a cannabis buyer by presenting their ID and a proof of residence at post offices located throughout the country. To change from one option to another, a person is obliged to wait in between for three months. Domestic growers are required to register each of the seeds

cultivated in the Ministry of Livestock Agriculture and Fisheries before starting to grow. The process of forming and registering a cannabis social club may take up to one year; first, it needs to be registered at the Ministry of Education and Culture and then at the ad hoc Institute for Cannabis Regulation and Control (IRCCA). Additionally, the Uruguayan law restricts cannabis clubs to the sole purpose of producing cannabis, having a minimum of 15 and a maximum of 45 members. In order to sell cannabis, retailers need to incorporate a fingerprint reader to control the ID of the user. The process of obtaining cannabis for medical and therapeutic use is even slower and more bureaucratic. The data available tends to show that these types of obstacles have resulted in the consolidation of an alternative grey market, composed by unregistered cannabis buyers, Uruguayan non-residents and medical users.

Another set of implications for the implementation stage derived from the political process regard the institutional design and governance of the new cannabis policy. As I have argued in this thesis, a minority group within the Uruguayan government, working hand with hand with national and international civil society were the ones that managed to push cannabis reform forward, against a backdrop of a majoritarian adverse public opinion. Conversely, I found a sustained apathy from some key Uruguayan executive power representatives (as Public Health, Education and Culture or Interior Ministries) hindering involvement in the reformers coalition, a finding that helps to understand why the implementation process of the new law has been, above all, tense, slow and extremely cautious. Firstly, there are issues related with the Institute for Cannabis Regulation and Control (IRCCA), especially created by the law. The IRCCA is a key institution in the new framework: it has the responsibility of regulating the growth, cultivation, harvest, production, acquisition, storage, commercialisation, distribution and consumption of cannabis. It is also in charge of promoting harm and risk reduction activities related with problematic cannabis consumption. Lastly, it also undertakes the important role of monitoring compliance with the law throughout the Uruguayan territory. Despite the extreme importance of this institution, the IRCCA does not have a concordant budget and many of its members are honorary. Secondly, the Public Health Ministry largely retained their decisive role in the institutional governance of cannabis policy. Responsibilities of this Ministry are the monitoring and evaluation of the law, the approval of medical cannabis research licences, and the acknowledgment of cannabis as a product for medical use. This design is problematic, given that doctors, psychiatrists and lawyers have historically conformed as three pillars of the Uruguayan longstanding prohibitionist approach to drugs. Furthermore, not only Public Health Ministry representatives were not part of the reformers coalition, but also stood as one of the main blockers to the implementation of legal access to cannabis for medical and therapeutic purposes.

Hence, one of the most criticised aspects found regarding the entire implementation of both, recreational and medical cannabis, is the secrecy with which the Uruguayan government decided to undertake this process. Thus, for example, the criteria for the selection of the strains, the private production licensees and seed banks, along with the implementation timeline, remained largely unknown. Furthermore, key regulatory agencies as the IRCCA and the Specialised Unit in Monitoring and Evaluation within the Public Health Ministry have remained generally unaccountable. As cases in point, more than three years after the law's approval, the IRCCA's National Advisory Council, a key institution aimed at supporting and ensuring transparency -composed of members of the Ministries, scholars, and representatives of cannabis clubs, growers and sellers- was never called in session. The Specialised Unit in Monitoring and Evaluation, who must elaborate annual reports on the law's progression for the parliament, has only been issued once in three years and it has been kept out of the public's reach. Furthermore, significant progress is still needed to meet an estimated demand of

forty-four tons of cannabis consumed annually by Uruguayan residents. Accordingly, it can be argued that the new legal framework has been characterised by a low legal certainty, because it does not provide those subject to it with the full ability to regulate their conduct in accordance with the law.

Lastly, the Uruguayan cannabis regulation political process exposed how blind the Uruguayan government was regarding illegal drugs markets functioning, hence, how to economically compete with them. The preferred ways of access, the different types of cannabis strains, THC/CBD proportions available and the related prices were all unknown variables to Uruguayan authorities. This lack of data was translated in difficulties in move from a 'prohibitionist approach' that relies almost exclusively on use, prosecutions and seizure rates as the cornerstones for drug policy evaluation, to a 'harm and risk assessment approach', aiming at grasping and ordering different types of cannabis use and supply. The numbers available tend to support the power of cannabis regulation as a market separation tool, if fully displayed. However, evaluating the impact of this policy on violence and health in the short, middle and long term remain technically difficult to be achieved.

10.5. Recommendations and future research agenda

The analysis of the Uruguayan case points to certain derivations for how to improve the way in which cannabis policymaking is made. As it was discussed in the thesis, drug policy cannot be understood as a merely rational debate, where evidence is weighted and evaluated and political outputs depend on the information available. Conversely, it is an arena dominated by value biases and emotions. People make judgments spontaneously and without much information. Yet, everybody has an opinion. Nevertheless, there are always cracks in public opinion for political entrepreneurs to exploit. Thus, a strategic political framing appears as a key factor to change the image attached to different policy options. This strategic framing implied discipline, simplicity and order in the messages, enhancing the degree of cohesiveness in the rationale to regulate cannabis. Additionally, this strategic framing involved verbal and non-verbal cognitive elements. It concerned decisions about a series of messages and delivery tactics including: why regulating cannabis, how to do it, aesthetics attached, emissaries and metaphorical associations. One example of the former was the rhetorical shift from marijuana legalisation to cannabis regulation, because marijuana legalisation was cognitively attached to the freedom of using cannabis, whereas cannabis regulation triggered associations regarding control and order.

Furthermore, culture is always a matter of conflict. As the Uruguayan debate shows, emotional clashes arise not only between those endorsing cannabis legalisation and those supporting the prohibitionist status quo, but also because of the presence of different reasons motivating cannabis regulation efforts and different positions on how to do it. As I contended in the thesis, Harm Reduction as a political movement is restricted to the moral domain of the Western, Educated, Industrialised, Rich and Democratic (or WEIRD) people, strongly appealing to freedom and care for drug users. Hence, it will fall short of consolidating as an alternative to the War on Drugs politics and its appeal to values such as loyalty, authority and reciprocity. Furthermore, in this thesis, I have argued that the moral conflict dynamics found between a WEIRD civil society and a government worried about widening the moral discourse to include not only the individual autonomy perspective, but also community values such as authority or reciprocity, is an important point to address crime policy change more generally.

Critical criminology can make a significant contribution to public debates by studying how different moral foundations are strategically linked to justice decisions.

In this way, different actors are expected to define the problem of illegal cannabis in different ways, and will have different power of imposing those definitions onto others. In this case, for example, it was the governmental supply side definition of the problem that installed the cannabis debate into the macro political agenda. Hence, political debates should aim to ´divide and conquer´; identifying different audiences and addressing them in a customised fashion. Morality bind and blinds; moral diversity within a coalition is not costless, but it can be workable. In this regard, in the Uruguayan case the definition of legislative and governmental entrepreneurs and civil society brokers was essential for increasing the degree of framing cohesion and erasing coordination costs, keeping the constant conflicts between different interest groups within tolerable limits. Thus, for example, gathering different actors pushing for cannabis regulation around the same table allowed the resolution of policy design clashes before, rather than after, the parliamentary process, focusing demand-side lobbying and mobilisation efforts more efficiently behind a single proposal.

Therefore, in terms of future research agenda, three main programmes should be developed to enhance our understanding of the Uruguayan case in particular and of cannabis policymaking in general. The first involves the monitoring of the implementation of the law. A matrix of process indicators needs to be defined regarding the different ways of accessing cannabis (namely, domestic cultivation, social cannabis clubs, and pharmacies sales) for recreational and medical purposes. Thus, for example, it is important to evaluate the evolution of the number of people registered under each of the three legal ways of accessing cannabis, number and distribution of registering and retailing points, the quality and THC/CBD proportions of the strains available, estimated quantity available and price, and public revenue through taxes, among others. Complementary to this, qualitative research will aid in identifying sources of progress and blockages for the full implementation of the law, affecting the integrity of the policy. Low policy integrity may be caused by factors such as weak program structure, lack of knowledge and insufficient training of the actors involved, organisational barriers and staff resistance to the law's application, significant political changes due to a new administration in power, low communication of decision making rules, and weak control mechanisms for public actors. Lastly, what cannabis regulation means for its users should also be explored; how it may change consumption practices, beliefs and desires around cannabis, affecting the affiliation to the law. Given the highly controversial context of approval, and the large number of people involved in its implementation, serious threats to cannabis policy integrity should be expected overall.

Secondly, the evaluation of the law's objectives should be researched as well. The new law 19172 defines as its three objectives: to reduce drug trafficking related violence, contributing to a better social coexistence; to promote drugs users' health; to endorse a fair law's enforcement, aiming at a more adequate proportionality between offense and punishment. As was discussed in this thesis, to disentangle the impact of the law's approval from those objectives remains a technically challenging task. A first issue would be to improve the way the output of interest is defined –drug trafficking violence, drug users' health and legal proportionality- in a way that is relevant to this policy. Because of practical difficulties for data collection and the type of information available in secondary sources, previous research has largely relied on variables such as homicides and overdoses to evaluate different drug policy regimes, a framework with low internal validity regarding cannabis. The data available in Uruguay shows that through the previous prohibitionist framework, most of the frequent users had access to compressed cannabis bought from international trafficking networks, and only a minority

produced cannabis locally. Additionally, another type of illegal drug was usually offered when buying cannabis, particularly, cocaine and free base cocaine, which points to the relevance of cannabis regulation for drug markets' separation. Thus, for example, to evaluate the impact of cannabis regulation on drug trafficking violence, variables such as the evolution of assaults and robberies in the illegal drug market hot spots, as well as in the legal cannabis retailing points can be considered. The price of other illegal drugs sold in the Uruguayan market can provide an important insight to consider the interactions between cannabis and other illegal drugs trafficking networks. The evaluation of cannabis regulation on the users' health may be approached by considering dimensions such as the proportion of problematic users, the amount of negative side effects crisis, medical users' health improvements, traffic and labour accidents related with being under the influence of cannabis. Lastly, to address the impact of cannabis regulation on legal proportionality would involve researching the judicial practices behind the law's enforcement. In this regard, it is important to note that the new cannabis framework establishes a purchase limit of forty grams per month and six plants for domestic cultivation; however, it also states that even in the cases where these limits are surpassed, it is the judge's responsibility to establish the existence of a crime in accordance with the gathered evidence.

Thirdly, the Uruguayan case should be researched from a comparative perspective in order to explore further the causes and consequences of different cannabis regimes. The advent of different policy models in a wider range of national settings will aid in the development of macro-level theories identifying particular social conditions that can explain cannabis policy divergence over place and time. Thus, the different causal configurations behind cannabis policy change must be explored, aiding to disentangle the role of converging local, national and international factors in the explanation of this legal change. Complementary to this, comparative research can inform global policy learning, considering information about advantages and disadvantages of different types of policy designs endorsed. Thus, the information about whether to legally regulate cannabis or not can be complemented with information about what type of design should be selected, in what context. What are the advantages and disadvantages of including a commercialisation system compared to user's side approaches relying on domestic cultivation and social cannabis clubs? What are the derivations of including a registration schema only for national residents? And what impact might different roles of the state and private actors have for the development of the cannabis market in different national contexts, i.e. the "liberal" regulation of US states, the state-centred Uruguayan experience, or the Dutch coffeeshops systematic application of discretion? Thus, Uruguayan cannabis regulation can be productively exploited for global learning by enhancing the accountability of drug control policies. As the serious knowledge gaps faced throughout the Uruguayan political process exposed, we are only just getting to grips with how cannabis markets in particular and illegal drug markets in general work and, more importantly, how to intervene in them. As also noted by international researchers, the data available is scarce, disaggregated and very hardly comparable. Thus, the controversy around different cannabis models might open a political window to endorse drug policy evaluation globally.

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Annexes

1. Interviews and key informants

Id	Category	Name	Position	Place and date	Source
1	Legislative Power	Verónica Alonso	Partido Nacional, Drugs comission.	Montevideo, 11/11/2014	Primary
2	Legislative Power	Pablo Iturralde	Partido Nacional, Drugs comission.	Montevideo, 03/11/2014	Primary
3	Legislative Power	Javier García	Partido Nacional, Drugs comission.	Montevideo, 07/11/2014	Primary
4	Legislative Power	Fernando Amado	Partido Colorado	Montevideo, 07/11/2014	Primary
5	Legislative Power	Sebastian Sabini	*Frente Amplio*, Drugs comission	Montevideo, regular contact	Primary
6	Legislative Power	Lucia Topolansky	*Frente Amplio*	Montevideo, 18/12/2013	Documentary
7	Legislative Power	Julio Bango	*Frente Amplio*, Drugs comission	Montevideo, regular contact	Primary
8	Legislative Power	Romina Napiloti	*Frente Amplio* member	Montevideo, regular contact	Primary
9	Legislative Power	Nicolás Nuñez	*Frente Amplio*, Drugs comission	Montevideo, regular contact	Primary
10	Legislative Power	Daniela Payssé	*Frente Amplio* member	Montevideo, 19/03/2015	Primary
11	Legislative Power	Daniel Radio	Partido Independiente, Drugs comission	Montevideo, 10/10/2014	Primary
12	Executive Power	Julio Calzada	National Drugs Committee General Secretary	Montevideo, regular contact	Primary
13	Executive Power	Augusto Vitale	National Drugs Committee / IRCCA	Montevideo, regular contact	Primary
14	Executive Power	Eduardo Bonomi	Ministry of Interior	Montevideo, 08/09/2014	Primary
15	Executive Power	Charles Carrera	Ministry of Interior, adviser	Montevideo, regular contact	Primary
16	Judicial Power	Carlos Negro	Prosecutor Organised Crime Court	Montevideo, 06/08/2014	Documentary
17	National civil society	Sebastian Aguiar	*Proderechos* / Responsible Regulation	Montevideo, regular contact	Primary
18	National civil society	Martin Collazo	*Proderechos* / Responsible Regulation	Montevideo, regular contact	Primary

19	National civil society	Camilo Collazo	*Proderechos* / Responsible Regulation	Montevideo, regular contact	Primary
20	National civil society	Gustavo Robaina	Scholar, Cannabis Monitoring and Evaluation programme	Montevideo, regular contact	Primary
21	National civil society	Bolivar Moreira	*Proderechos*	Montevideo, 15/02/2014	Documentary
22	National civil society	Juan Vaz	AECU	Montevideo, regular contact	Primary
23	National civil society	Laura Blanco	AECU	Montevideo, regular contact	Primary
24	National civil society	Julio Rey	Movida Cannábica Florida	Montevideo, regular contact	Primary
25	National civil society	Álvaro Calistro	Red de Usuarios de Drogas	Montevideo, regular contact	Primary
26	National civil society	REMAR	Drug treatment institution	Montevideo, 05/02/2015	Documentary
27	National civil society	Guillermo Castro	Drug treatment institution	Montevideo, 06/02/2015	Primary
28	National civil society	ESALCU-Beraca	Drug treatment institution	Montevideo, 06/02/2015	Documentary
29	National civil society	Gianella Bardazzano	IELSUR / Responsible Regulation	Montevideo, regular contact	Primary
30	National civil society	Martín Fernández	IELSUR	Montevideo, regular contact	Primary
31	National civil society	Rafael Sanseviero	FESUR	Montevideo, 25/11/2014	Primary
32	National civil society	Raquel Peyraube	Responsible Regulation	Montevideo, regular contact	Primary
33	Professional	Guillermo Garat	Journalist	Montevideo, 17/10/2014	Primary
34	Professional	Aldo Marchesi	Historian	Montevideo, 05/02/2014	Documentary
35	Professional	Rafael Bayce	Sociologist	Montevideo, 05/08/2014	Primary
36	Professional	Jorge Suarez	vice president Uruguayan Pharmacies Union	Montevideo, 05/08/2013	Primary
37	Professional	Fabrizio Giamberini	Latin American Hemp	Montevideo, 21/08/2013	Primary
38	Professional	Guzmán Castro	Political Scientist	Via Skype, 17/11/2015	Primary
39	Professional	Gabriel Dacoste	Political Scientist	Montevideo,	Primary

				20/11/2014	
40	International civil society	Alejando Corda	Intercambios, Argentina	Via Skype, 12/06/2015	Primary
41	International civil society	Alejando Sierra	THC, Argentina	Via Skype, 15/06/2015	Primary
42	International civil society	Pablo Ascolani	AREC, Argentina	Via Skype, 07/06/2015	Primary
43	International civil society	Emilio Nabas	Activist, Brazil	Via Skype, 07/07/2015	Primary
44	International civil society	Hannah Hetzer	Policy manager of the Americas at the Drug Policy Alliance (DPA), US	Montevideo, regular contact	Primary
45	International civil society	Ira Glasser	American Civil Liberties Union, US	Denver, 23/10/2013	Documentary
46	International civil society	Jorge Hernandez	Activist, Mexico	Via Skype, 05/06/2015	Primary
47	International civil society	Anonimous	Colombian government	Via Skype, 3/07/2015	Primary
48	International civil society	Pedro Abramovay	Open Society Foundation, regional director of Latin America & the Caribbean	Denver, 26/10/2013	Documentary
49	International civil society	Rebeca Lerer	Global Commission on Drug Policy	Denver, 23/10/2013	Documentary
50	International civil society	Sergio Sanchez	Universidad de Chile	Via Skype, 05/06/2015	Primary
51	International civil society	Fernando Belauzaran	Mexican government	Via Skype, 18/06/2015	Primary
52	International civil society	Vicki Hanson	Scholar, Jamaica	Via email, 17/06/2015	Primary

2. Topics guide

1) BACKGROUND; how you got involved in the cannabis debate? Since when?

- Personal and professional interest

2) PROBLEM DEFINITION; what you think was the problem of cannabis use and commerce in Uruguay?

- Arguments

- Problem to whom? Social distribution of prohibition costs

- Users image

- Importance and link to other problems

- Controversiality; normalization, freedom, religión, moral issues.

- Authority venues (Science and evidence)

3) POLITICAL PROCESS: Do you remember the day that the Executive Power presented their Strategy for Life and Coexistence – marijuana legalisation proposal? How do you lived it?

- Emotions

- *Frente Amplio*, coalitions y subgroups (similarities and differences)

- Brokers, translators and entrepreneurs

- Activities and strategies

- Target populations

- Mass media

- International context and policy transfer

- Uruguay; historical and structural characteristics

4) SOLUTION DEFINITION; There were four different laws aiming to regulate cannabis between 2005 and 2013 (Lacalle, Tati et al, Executive Power, Approved law)… Why so many? What are the main similarities and differences among them?

- Objectives

- Actors

- Interests

- Lessons drawn, other experiences; blockers and facilitators

- Link to other policies (drugs, crime, economy)

5) IMPLEMENTATION AND EVALUATION; What do you think are the main strengths and weaknesses in order to implement the approved law?

- Short and long term obstacles and challenges

- Success and failure indicators

3. Time line

2011					
Jan	**Feb**	**March**	**April**	**May**	**Jun**
	Informal Dialogs on Drugs Policies, Montevideo Alicia and Mauricio prosecution		Calzada's appointment at the SND	Global Marijuana March	

2011					
July	**August**	**Sept**	**Oct**	**Nov**	**Dec**
Bill on domestic cultivation and cannabis clubs	National Drugs Debate				

2012					
Jan	**Feb**	**March**	**April**	**May**	**Jun**
			OEA VI Summit of the Americas.	Global Marijuana March (legislative palace congregation)	Executive power announcement of the "Strategy for Life and Coexistence"

2012					
July	**August**	**Sept**	**Oct**	**Nov**	**Dec**
National Coalition for Marijuana legalisation SND consultant group		SND International Conferences on Marijuana Regulation series		Washington y Colorado marijuana legalisation ballots Values parade	

2013					
Jan	**Feb**	**March**	**April**	**May**	**Jun**
	Cannabis strategic communication workshop		Informal Dialogs on Drugs Policies, Maldonado Executive power proposal introduced at deputies Special Commission on Drugs	"Responsible Regulation" campaign is launched at the Teatro Solis	"Por vos por todos" campaign is launched at the Legislative Palace

2013					
July	**August**	**Sept**	**Oct**	**Nov**	**Dec**
Lower chamber vote OEA Report Released in Montevideo		Marijuana regulation Workshop, Montevideo Mujica, Soros and Rockefeller meet at New York	Marijuana regulation Workshop, Denver	Marijuana bill approval in the upper chamber Health commission	Upper chamber vote

4. Network analysis

Sampling frame: list of participants in significant events

Event	1st period: Feb 2011 – Jun 2012	2d period: Jun 2012 – Feb 2013	3d period: Feb 2013 – Dec. 2013
Informal Dialogues Feb 2011	x		
Global Marihuana March; May 2011	x		
National Debate on Drugs; Aug 2011	x		
Global Marihuana March; May 2012	x		
Experts advisory group SND		x	X
Marihuana legalisation/regulation National Coordinator		x	X
Workshop on strategic communication Feb 2013			X
Informal Dialogues; Feb 2013			X
Responsible Regulation			X
Workshop on Implementation – Mdeo			X
Workshop on Implementation – Denver; Oct 2013			X

Weights (triangulated with participant observation + interviews):

Workshops: Organisers, international speakers, Uruguayan participants.

Groups: active (participants in meetings) and passive members

5. Strategy for Life and Coexistence

1. Reparations to victims of crime through a compensation fund
2. *Raising penalties for police corruption and trafficking pasta base*
3. Making adjustments to the current legal code pertaining to juvenile offenders
4. Abandoning policies which criminalize behaviour seen as "failure" and maintaining policies which impact insecurity
5. Attention to people affected by problematic drug use, particularly of pasta base and cocaine
6. Creating specialized judicial mechanisms for the small-scale illicit drug trade
7. Legalization and control of marijuana sales, as well as state production of the drug
8. Extending restrictions on exposing children to violence to news programs
9. Promoting dialogue with the media to self-monitor information on violence and safety
10. Creation of a specialized laboratory for drug testing and improving police efficiency
11. Strengthening a conflict mediation system in certain areas and schools in parts of Montevideo
12. Training youth mediators to effectively deal with internal problems in schools
13. New public areas aimed at fostering coexistence through sporting, cultural and recreational activities
14. Creating a database of domestic violence allegations
15. Improving education and control of safe driving in all the country's cities