

Where there is smoke, there is fire? Making sense of the past failure and future prospects of cannabis reform in Chile

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Funding information

Economic and Social Research Council, Grant/Award Number: 1646575; Economic and Social Research Council (ESRC)

Abstract

A decade ago, cannabis reform was on the public and political agenda in Chile, but the reform process eventually broke down with no marijuana legalization. This article focuses on the different stages of agenda politics to explain the reasons for the failure of cannabis reform in Chile. Drawing on original data, including 36 interviews with key actors, the article traces the reform process. Through a combination of process tracing and counterfactual analysis, the article establishes the causal weight of explanatory factors and distinguishes between activities and their effects. The evidence shows that cannabis reform in Chile failed not only because of a lack of governmental support and agenda setting but also because reform proponents were unable and unwilling to maintain the agenda after initially setting it successfully. By contrast, insider and outsider reform opponents were effective at agenda denial and counter-framing cannabis reform. Despite producing lots of smoke, recreational cannabis reform efforts have burned out without blazing the trail toward marijuana legalization in Chile. By unearthing the factors that led to initial success in gaining attention and to eventual failure in securing approval in the recent past, this article points out the difficulties of legalizing marijuana in Chile in the near future.

KEYWORDS

agenda politics, Chile, counterfactual analysis, drug policy, marijuana legalization, policy reform, process tracing

INTRODUCTION

The 2021 election of Gabriel Boric, a 35-year-old, left-wing, former student leader, has inspired hope for meaningful change in Chile's polarized politics and unequal society. What does his election mean for the prospects of marijuana legalization in Chile? At first glance, Boric's

election bodes well for the prospects of legal cannabis in the country; Boric has admitted to using cannabis in the past, as a member of parliament he voted for legal cannabis, and his electoral platform contained a commitment to regulate cannabis legally. The chances of cannabis legalization in Chile would seem better than ever.

To understand what the future holds for cannabis reform in Chile, this article looks to the past and studies the last time a center-left administration was in power and cannabis reform was on the political agenda. During the second Bachelet presidency (2014–2018), a reform initiative that would have legalized recreational cannabis made substantial progress before ultimately breaking down. Analyzing this past failure reveals several factors that might undermine the prospects for future success of cannabis reform in Chile.

What explains the past trajectory of Chile's cannabis reform process? How did recreational cannabis reform initially succeed in 2015, subsequently stall, and eventually fail in 2017? Why was there no marijuana legalization in Chile, arguably the “most likely” case after Uruguay in Latin America? Drawing on original data sources, including 36 interviews with key actors, this article provides the most-detailed account of cannabis reform in Chile between 2014 and 2018.

Whereas cannabis reforms elsewhere in Latin America have received some attention (Labiano, 2019; Martínez, 2020; Rivera-Vélez, 2019), mostly in the case of Uruguay's pioneering 2013 legalization (Lissidini & Pousadelas, 2018; Queirolo et al., 2019; von Hoffmann, 2020), there is a lack of studies of negative cases in general and the Chilean case in particular. Of the few publications that deal with contemporary Chilean drug policy, most are descriptive or temporally limited (Ibañez, 2018; Sánchez, 2018; Huerta Orellana & Navarro Clavería, 2015; Vergara, 2016). As such, they elucidate relatively little about the initial success and eventual failure of recreational cannabis reform in Chile.

By contrast, this article uses a clear analytical framework and explicit methodological approach to make sense of the successes and failures of cannabis reform in Chile. The article zooms in on specific activities, articulations, and interactions of different state and civil society actors in “agenda politics” to trace the cannabis reform process and account for its outcome. It refrains from opining on the wisdom, or lack thereof, in the decision to regulate cannabis legally. Rather, the article attempts to shine a light on how these decisions are made and why recreational cannabis reform failed in Chile.

I tease out how reform proponents succeeded in setting the agenda but failed to maintain it or to enlarge a reform coalition; how reform opponents inside and outside the government frustrated drug policy reform through agenda denial; and how the Bachelet administration's initial indifference and subsequent interference ultimately doomed the cannabis reform proposal. In the absence of insider agenda setting, cannabis reform initially made progress when cannabis activists engaged in outsider agenda setting, resulting in a reform bill that was approved in its first reading in the lower house of parliament. Success led both insider and outsider reform opponents to engage in agenda denial, which resulted in the government's tabling of highly restrictive amendments that would have lowered legal limits for cannabis possession and cultivation so far that, in the eyes of reform proponents, eventual changes would be rendered meaningless. Unwilling to compromise and unable to secure concessions, they withdrew their support and agenda maintenance. As a result, the reform process foundered after a committee vote. Taken together, these elements of agenda politics explain why marijuana legalization ultimately failed in Chile.

I argue that first indifference and then interference from the executive marred the reform process and lowered its chances of success, particularly in a context where the president plays a dominant role in the policy process. I also contend that failure of recreational cannabis reform was not doomed from the outset by the lack of top-down supply of reforms. While proreform advocates were unable to achieve their preferred outcome, a second-best reform outcome might have been achieved had bottom-up demand been more limited and pragmatic, or had those demanding change been more effective in expanding the initial support coalition and

counteracting the opposition from both inside and outside of parliament, which undermined the cannabis reform process in Chile.

The article contributes to policy analysis and understanding of policy change by studying a relatively novel process and otherwise puzzling outcome. Accounting for why cannabis reform failed in Chile allows us to understand the prospects of marijuana legalization in this country and elsewhere. Marijuana legalization is an increasingly important phenomenon both globally and in Latin America. As such, it deserves serious study—grounded in solid methodological foundations and analytical frameworks—to make a worthwhile contribution to scientific knowledge.

The remainder of the article proceeds as follows. The first section of this article presents the analytical framework of agenda politics, which focuses on agenda setting, agenda maintenance, and agenda denial. The second section introduces the methodological approach, which combines process tracing and counterfactual analysis. The third section traces the reform process closely, highlighting the reasons for its initial success and eventual failure in parliament. The fourth section scrutinizes the importance of different explanatory factors through counterfactual analysis. Finally, the conclusion summarizes the article's argument, highlights its contributions, and discusses the implications of its findings for the future of cannabis reform in Chile.

ANALYTICAL FRAMEWORK

Why and how do issues attract attention and approval? First, issues must be “organized into politics” (Schattschneider, 1960 p. 71). To do so, those trying to gain attention and approval must engage in “agenda politics,” which is concerned with “how [issues] came to be issues in the first place” and “why important people pay attention to one subject rather than another” (Kingdon, 1994, p. 2). Still, initial attention is not enough; issues must also stay on the political agenda and be defended against attempts to dislodge them before the eventual decision is made. Agenda politics is about both attention and approval and entails three components—agenda setting, maintenance, and denial.

Agenda setting describes the process of gaining attention and assigning priority to some issues while ignoring others (Birkland, 2006; Cobb & Elder, 1971; Eyestone, 1978), a process of moving an issue from what the government could address to what it will address (Nelson, 1986). Agenda setting is about where issues come from and why “some controversies or incipient issues come to command the attention and concern of decision-makers, while others fail” (Cobb & Elder, 1971, p. 905). The intention is not always substantive; sometimes it is merely symbolic. As different actors can set the agenda, Cobb et al. (1976) distinguish between “inside initiatives,” “mobilization” (inside–outside), and “outside initiatives.” Depending on who sets the agenda, the subsequent policy process unfolds differently as agenda setting shapes the terms of debate, who the participants are, and what is at stake.

Yet, it is not enough to make it onto the agenda. “Formal agenda status does not necessarily imply remedial or corrective action” (Cobb & Elder, 1983, p. 161). Issues make it onto the agenda without ever being “resolved” (Birkland, 2006). There might only be a brief “window of opportunity” for action (Kingdon, 1994), as “[c]oncern about most issues is quickly replaced by interest in the next issues, and then concern about that first issue becomes quiescent” (Peters, 2015, p. 73). Thus, issues must not only attain but also maintain agenda status. Nelson (1986) emphasizes that issues must not only be “recognized,” but interest in them “maintained.” She notes, “if interest in the newer issue is not maintained, the issue will never reach the point of substantive decision making” (Nelson, 1978, p. 23). Just as with agenda setting, actors inside or outside the government can carry out *agenda maintenance* (Eyestone, 1978). Different actors might be better or worse at either. While social movements

are more effective at gaining public attention, they often struggle to achieve political approval (Baumgartner & Mahoney, 2005).

Failure to gain or maintain attention can have a variety of reasons, such as indifference among the intended audience or ineptness of the proponents. Another reason lies in the efforts of opponents. While some are trying to get or keep an issue on the agenda, others are endeavoring to push it off. Efforts to prevent an issue from gaining attention, momentum, and consideration are called *agenda denial*. According to Cobb and Ross (1997, p. xi), agenda denial is “the political process by which issues that one would expect to get meaningful consideration from the political institutions in a society fail to get taken seriously.” Agenda denial can be highly important. Cobb and Ross (1997, p. xi) contend that it is among “the major reason[s] that issues are excluded from the political agenda....” Political attention allocation is biased against those seeking change because inaction perpetuates the status quo; proponents must succeed successively, whereas “opponents need a victory at only one point in the process to prevail” (Cobb & Ross, 1997, p. 19).

In sum, I contend that to have a chance to become policy, an issue must pass through agenda setting and maintenance and survive denial. The first step in agenda politics requires crossing the boundary from nonissue to object of public or political attention (*agenda setting*). The second step consists of preventing attention from fading and preparing the ground for an eventual solution (*agenda maintenance*). The final step is about building the necessary support for a decision. At each step, there is the danger (or chance) for opponents to throw policymaking off course (*agenda denial*).

Agenda setting, maintenance, and denial can come in many forms and guises, and a multitude of actors can undertake them. Not all actors are equally well-positioned to engage in agenda politics. By institutional design, some actors are more powerful and consequential than others (Tsebelis, 2002). I call *insiders* those who are institutionally empowered to engage in agenda politics, such as public or elected officials. By contrast, *outsiders* are societal actors with a stake or interest in the issue, such as activists, lobbyists, or concerned citizens. Differentiating between *insider* and *outsider* agenda setting, maintenance, and denial allows me to account for the differences in influence on policy making, access to the policy process, and capacities to achieve policy goals. The policy process unfolds differently depending on who engages in agenda politics.

Agenda politics does not occur in a vacuum but rather is constrained or enabled by institutional structures. At the most basic level, institutions constrain political action and constitute actors, thereby “structuring” politics (Peters, 2005). To a large degree, institutional configurations determine the relative power of actors and the level of access they have in policy processes. Agenda politics is no different; who can set, maintain, or deny agendas and to what degree is determined by the rules of the game that govern the relationships and interactions among actors, their relative power, and access to the policymaking process.

Not all policy demands are equally likely to make it onto or stay on the agenda. Issues that seem outlandish or are unpopular have a harder time gaining initial attention and eventual approval (Ferree, 2003); meanwhile, support by public opinion can make approval more likely (Burstein, 2009). Supportive public opinion does not guarantee policy change, but it can strengthen actors engaged in agenda politics. Similarly, having the “evidence” on one's side can facilitate agenda politics (Marier, 2012). Yet, scientific evidence is not usually uncontested or unequivocal (Andreas & Greenhill, 2010) and is introduced to and used in the policy process deliberately. Public or expert opinion can help or hinder agenda setting, maintenance, or denial.

This article makes use of the different elements of agenda politics, insider and outsider agenda setting, maintenance, and denial to analyze the failure of recreational cannabis legalization in Chile. Several specific expectations can be derived from the analytical framework.

First, the actors responsible for initial agenda setting should be significant. Agenda setting shapes the parameters of debate, who the participants are, and what is at stake. Because of the executive branch's powers over the policy process, whether it initially sets the agenda influences the contours of subsequent agenda politics. Progress in policymaking is likely easier in a context of governmental support than when outsider actors must challenge proactively the status quo and build support coalitions. Still, even in the absence of top-down initiative, gaining attention, at least temporarily, should not be impossible.

Second, advancing from attention to approval requires subsequent agenda maintenance. Whereas agenda setting can be achieved through one-off, headline-grabbing actions, agenda maintenance requires sustained activities that prevent attention from slipping away and expand approval of change. With no insider or outsider agenda maintenance, issues are likely to fade or be displaced from the public or political agenda.

Third, agenda denial from insiders or outsiders can throw reform initiatives off course. If a well-organized opposition provides contradictory evidence or builds antireform coalitions, change should be more difficult to achieve.

Finally, approval requires decisions of the so-called “veto-players” (Tsebelis, 2002). Opposed veto players make change less likely, if not impossible, whereas the backing of powerful actors can make approval more likely. Indifferent veto players leave a window of opportunity for change ajar, if not fully open, providing opportunities for insider and outsider actors to engage in agenda politics.

METHODOLOGICAL APPROACH

The article's methodological approach is analogous to detective work attempting to solve a crime (George & Bennett, 2004; Gerring, 2006; Goertz & Mahoney, 2012). This sleuthing is based on a myriad of causal process observations collected during extensive and iterative fieldwork in Chile (May 2017, and April to May 2018). While the article scrutinizes a wide variety of evidence, it relies heavily on 36 interviews with actors who have been involved in or are knowledgeable about the issue of cannabis reform in Chile (see Table 1 for a full list of interviewees). Access to key decision makers and stakeholders allows us to trace the process of failed marijuana legalization in Chile.

Process tracing is the go-to qualitative method for the analysis of causal processes and adjudicating between rival explanations (Goertz & Mahoney, 2012). Instead of “blackboxing” the process by which initial conditions are translated into outcomes (George & Bennett, 2004), process tracing aims to identify “how that process took place and whether and how it generated the outcome of interest” (Bennett & Checkel, 2014, p. 6). Process tracing is about linking outcomes to initial conditions and contextual factors by unearthing the mechanisms in between.

Because of missing pieces of evidence and activities that occur concomitantly, relying on process tracing alone can encounter difficulties in pinpointing causal effects. Complementing process tracing with counterfactual analysis allows me to assess alternative explanations further through hypothetical “what-if” scenarios (Goertz & Mahoney, 2012). Methodologists have pointed to the potential benefits of combing process tracing with counterfactual analysis (Runhardt, 2022) as it can “add greater weighting to primary and secondary forms of evidence” (Kay & Baker, 2015, p. 14), but there are few studies that do so.

Counterfactual analysis helps establish the causal weight of explanatory factors and to distinguish between activities and effects (Betsill & Corell, 2001). In counterfactual analysis, one asks what would have happened if some cause had taken a different value or a causal event had never occurred (Fearon, 1991; Lebow, 2000; Levy, 2008). Counterfactuals are “what-if statements” exploring how hypothetical changes would have affected outcomes. This approach

TABLE 1 List of interviewees.

Name	Position
Ahumeda, Álvaro	Public servant (Servicio Nacional para la Prevención y Rehabilitación del Consumo de Drogas y Alcohol, SENDA)
Bahamondes, Eduardo	Advocate (Red Reducción de Daños)
Bobadilla, Paulina	Activist (Mam Cultiva)
Cariola, Karol	Member of Parliament (Partido Comunista de Chile)
Dammert, Lucía	Academic, Government Advisor
de Rementería, Ibán	Advocate (Red Reducción de Daños), Academic
Espinoza, Nicolás	Activist (Movimental)
Labbé, Marcos	Academic, Author: Drogas en Chile, 1900-1970
Flores, Milton	Activist (Triagrama)
Gazmuri, Ana María	Activist (Fundacion Daya)
González, Paulina	Activist (Triagrama)
Gutiérrez, Daniel	Activist (Cultiva Conciencia)
Heyder, Cecilia	Activist
Ibáñez, Carlos	Academic (Against)
Jouanne, Ana Luisa	Advocate Against (La Esperanza)
Lagos, Ricardo	Former President, Global Commission on Drug Policy
Leiva, Antonio	Civil servant (SENDA)
Marinho, Laura	Activist (Movimental, Cañamo)
Mendoza, Pedro	Activist and Lawyer
Mercado, Ricardo	Civil servant (Municipio La Florida)
Mirosevic, Vlado	Member of Parliament (Partido Liberal de Chile, PL)
Montenegro, Mariano	ex-Director (SENDA)
Núñez, Marco Antonio	Member of Parliament (Partido Por la Democracia, PPD), Speaker House of Representatives
Pérez, Mariana	Activist (Movimental)
Pompei, Remo	Advocate (Red Reducción de Daños)
Riveros, Belén	Activist (Cannabicas Latinas, No Más Presos por Plantar, NMPP)
Robles, Alberto	Member of Parliament (Partido Radical Socialdemócrata, PRSD)
Rubilar, Karla	Member of Parliament (Independent)
Sánchez, Sergio	Advocate (Fundación Latinoamérica Reforma), Medical Doctor
Sepúlveda, Mauricio	Academic, Advocate (Grup Igia)
Valdés, Maximiliano	Activist (Cultiva Conciencia)
Vanderschueren, Franz	Academic (Alberto Hurtado)
Venegas, Claudio	Activist and editor of Cañamo Chile
Vergara, Eduardo	Advocate, Civil servant (Interior Ministry), Author: Chile y las drogas

Source: Author's elaboration.

allows to “rerun history of a case under counterfactual assumption to decide if a given factor played its hypothesized causal role” (Goertz & Mahoney, 2012, p. 122). Still, not all counterfactuals are equally helpful at elucidating “what was.” Following the “minimum rewrite rule,” what is changed (*antecedent*) should be proximate in time and separated only by few causal steps from its outcome (*consequent*) (Fearon, 1991).

Process tracing and counterfactual analysis require evidence of whether and how a given factor exerted a causal role. For this purpose, not all pieces of evidence have equal probative value; some observations are more critical or discriminating between alternative explanations than others (Beach & Pedersen, 2013). While evidence can come from a variety of sources, one key technique for collecting evidence for process tracing is through interviews (Tansey, 2007). Although interviews are an invaluable source for information, they have several limitations, which can be ameliorated by triangulation (Beach & Pedersen, 2013). Process tracing and counterfactual analysis do not rely on interviews alone, but also on official documents, parliamentary debates, contemporary media reports, and the limited secondary literature on cannabis reform in Chile.

This article is not concerned with whether cannabis *should* be legalized for either medical or recreational purposes but rather to account for *why* recreational cannabis has not been legalized in Chile. It does not delve into studies presenting scientific evidence for or against cannabis liberalization but those that help us understand Chile's political system, policymaking processes, and the cannabis reform process. Literature on Chile's political system and policymaking has highlighted the importance of the executive branch in lawmaking (Alemán & Navia, 2016; Aninat et al., 2006; Olavarria-Gambi, 2016). The limited literature on drug policy reforms in Chile has highlighted the lack of presidential backing (Becerra, 2020; Huerta Orellana & Navarro Clavería, 2015; Ibañez, 2018; Rivera-Veléz, 2019; Sánchez, 2018; Vergara, 2016). Expanding on both these findings by drawing on the combination of process tracing and counterfactual analysis, this article highlights that there is more to the failure of cannabis reform in Chile than the lack of presidential support. Even though the absence of insider agenda setting complicated the possibilities for success of recreational cannabis reform in Chile, failure was not a foregone conclusion.

CANNABIS REFORM IN CHILE (2014–2018)

A decade ago, Chile appeared on track to regulate cannabis. The center-left *Nueva Mayoría* controlled both houses of parliament (Walker, 2018), and the newly elected president, Michelle Bachelet, had sent mixed signals about her position on cannabis reform during the campaign. Moreover, several contextual factors made Chile a seemingly promising candidate for cannabis liberalization. Chile's existing drug laws, the ubiquitous nature and normalization of cannabis, and relatively strong public support for cannabis reform facilitated aspects of agenda politics, particularly agenda setting.

First, Chile's status quo drug laws are ambiguous and often perceived as unjust (Cisternas, 2011). While there are exemptions of criminal liability for possession for immediate personal consumption, cultivation remains criminalized in most circumstances, and the onus probandi falls on those possessing or cultivating cannabis (Fierro, 2017). Depending on the implementation of Chile's drug laws, criminalization and incarceration can be the consequence (de Rementería, 2016). This situation has motivated political and societal actors to search for alternatives.

Second, cannabis is widely consumed, easily available, and highly normalized in Chile. The country has the third-highest prevalence rate in the world (UNODC, 2018). According to Chile's *Servicio Nacional para la Prevención y Rehabilitación del Consumo de Drogas y Alcohol* (SENDA, 2018), cannabis is easily available. One study concludes that “marijuana has ceased to be socially objectionable, antisocial; its use is now socially accepted” (Canales et al., 2014, p 10).

Third, public opinion is relatively favorable toward marijuana legalization in Chile. According to *Latinobarometro*, in 2015, Chile was the only country in Latin America with majoritarian support for cannabis legalization. Since then, periodic public opinion surveys that include questions about cannabis reform show support hovering between 45% and 50% (CADEM, 2018). When specified that reforms only refer to medicinal uses of cannabis, support increases markedly (IPSOS, 2019).

Considering these contextual factors, with the election of President Bachelet in 2013, many pro-reform advocates perceived an opening for advancing cannabis liberalization. Following is a description of the cannabis reform process in Chile from 2014 to 2018 (for a timeline and overview, see Table 2).

TABLE 2 Timeline of cannabis reform process in Chile.

Every May Since 2005	First annual <i>Marcha Mundial de la Marihuana</i> [Global Marijuana March] held in Chile
Mid-2013	<i>Fundación Daya</i> launched
August 2013	Cannabis liberalization not included in Bachelet's electoral program
December 2013	Bachelet wins presidential elections
May 2014	<i>Marcha Mundial de Marihuana</i> reaches 100,000 participants
June 2014	Government working groups set up to review drug policy
July 2014	Opposition home cultivation bill presented
August 2014	<i>Home cultivation</i> bill presented by legislators from the governing coalition
September 2014–April 2015	Hearings and discussions on the home cultivation bills in the Health Commission of the House of Representatives
Throughout 2015	Medical associations ramp up resistance to cannabis liberalization
April 2015	Health Commission approves reform bill in general
May 2015	Jorge Burgos appointed Interior Minister
May 2015	Mariano Montenegro appointed director of the Servicio Nacional para la Prevención y Rehabilitación del Consumo de Drogas y Alcohol (SENDA)
June 2015	<i>Colegio Médico</i> comes out against cannabis liberalization
July 2015	Reform bill passes first reading in the lower house of parliament
September 2015	First meeting between government officials and proreform legislators
October 2015	Government presents restrictive amendments
October 2015–January 2017	Hearings and discussions in Health Commission
November 2015	Medical Associations publish public letter to President Bachelet
September 2016	Antireform legislators present amendment to prohibit home cultivation
Throughout 2016	Negotiations between government and reform proponents break down, no agreement can be reached
Throughout 2016	Activists retreat from supporting cannabis reform bill
October 2016	Mariano Montenegro removed from SENDA
January 2017	Committee vote effectively ends cannabis reform initiative

Source: Author's elaboration.

Agenda setting

In the absence of insider agenda setting, cannabis activists had to put cannabis reform on the agenda. They then cultivated legislative allies from 2013 onward; finally, the activist-sponsored *autocultivo* (home cultivation) bill achieved approval in its first reading in the lower of house of parliament in July 2015.

Insider agenda setting

Despite initial optimism and perceived improved political opportunities for cannabis reform under the Bachelet administration, the president did not make the issue a priority. According to Lucía Dammert, who worked at the Interior Ministry, “this was not something Bachelet was personally committed to” (personal communication, Santiago, Chile, April 25, 2018). The former SENDA director Mariano Montenegro stated that Bachelet “was never interested in the topic” (personal communication, Santiago, Chile April 20, 2018). According to a media report, “those privy to Bachelet’s thinking on the topic signal that perhaps she will never move towards legalization in her government because she believes that this is a debate that only elites can understand” (Carmona, 2013).

Bachelet’s ambiguity and indifference were reflected in *Nueva Mayoría’s* electoral program, where reportedly, “tensions” and “frictions” accompanied the drafting of the section on drugs (Godoy et al., 2015). The program reflected the minimal consensus inside the party, which promised vaguely to “review” the status quo drug law (NM, 2013, p. 103).

There was no insider agenda setting because the issue was not a priority for Bachelet, and “there is not just one opinion on the topic in the government” (Muñoz, 2014). Internally split, the government adopted a hands-off rather than proactive approach. Mariano Montenegro, a key figure in Chilean drug policy and an opponent of cannabis reform, stated that “the government was unfortunately divided, there were even some in favor” (personal communication, Santiago, Chile, April 20, 2018). Still, reform proponents did not believe the Bachelet administration had fully shut down the possibility for legislation reform.

Outsider agenda setting

In the absence of insider agenda setting, outsider agenda setting was responsible for the fact that “legalization debates gained national relevancy” (Ibañez, 2018, p. 74). A combination of high-profile arrests and the emergence of new actors, who emphasized the medical uses of cannabis, began to draw attention to the issue and attract public support. These new actors, including *Fundación Daya* and later *Mamá Cultiva*, joined a fledgling grassroots cannabis movement. At the forefront of the movement was *Movimental*, an organization that played a preeminent role in promoting the annual pro-cannabis reform march. Other groups, such as *Triagrama*, also advocated for cannabis reform.

Some activists favored recreational or unrestricted uses of cannabis, eschewing the separation of medical and nonmedical as artificial (Claudio Venegas, personal communication, Santiago, Chile, June 4, 2018), others preferred—at least in public—to limit their advocacy to medical uses (Paulina Bobadilla, personal communication, Santiago, May 4, 2018). Different activists not only differed in their demands but also in their backgrounds, resources, tactics, and messages. The “traditional” cannabis activists—collectives of cannabis growers and consumers—had limited resources, reach, and resonance. Newcomer activists, often mothers focusing on medicinal uses of cannabis for their suffering children, saw a more sympathetic reception from the media and decisionmakers (Rivera-Vélez, 2019). The emergence of medical

activists introduced more appealing messages and messengers and a more pragmatic and elite-centered approach to the cannabis reform movement.

Outsider agenda-setting efforts paid off. Cannabis activists managed to persuade a small group of legislators to act in the absence of agenda setting from the executive branch. In July 2014, opposition members of parliament Karla Rubilar, Pedro Browne, Matías Walker, and Joaquin Godoy introduced a bill that would end the criminalization of *autocultivo* “whether for therapeutic, recreational or sacramental purposes” (Rubilar et al., 2014, p. 5). The sponsors of the bill saw little chances of it becoming law because the opposition presented it, but they wanted to embarrass the government coalition and force its hand to present its own reform proposal (Karla Rubilar, personal communication, Santiago, Chile, May 26, 2017). Cannabis activists played a key role in tabling this legislative initiative. Rubilar confirmed that the bill originated from these interactions. “The project is born out of the concerns of pro-cannabis organizations, some in particular, who met with me” (Karla Rubilar, personal communication, Santiago, Chile, May 26, 2017).

In August 2014, parliamentarians from the governing *Nueva Mayoría* presented their own *autocultivo* bill (Arriagada et al., 2014). Cannabis cultivation would be exempted from criminal sanctions, and possession of up to 5 g of cannabis for immediate personal use would be allowed. The 10 sponsors of the bill were an eclectic mix of legislators who represented a cross-section of parties making up the *Nueva Mayoría* and were not marginal figures in the coalition.¹ Cannabis activists were also important in drafting this bill. One of its authors, Alberto Robles, reveals that “I was in contact with many pro-cannabis organizations... I met a lot with them to write the bill...it was they who initiated the [process]... I would say that the pro-cannabis groups are those who have put the topic on the table” (personal communication, Valparaíso, Chile, May 30, 2017). Karol Cariola, another legislative champion of cannabis liberalization, reported that she had “maintained permanent coordination” with activists “with whom I have always been in contact to receive and give advice. They helped us a lot” (personal communication, Valparaíso, Chile, May 2, 2018). Thus, it is no exaggeration that “this bill was written jointly by the legislators and us activists” (Mariana Pérez, Santiago, Chile, personal communication, June 7, 2017). In sum, outsider challengers with the help of a small group of legislative allies managed to put cannabis reform on the agenda.

Despite being presented by members of parliament from across the aisle, the two cannabis reform initiatives were combined and discussed as one in the lower house's Health Committee over the coming month. For almost a year, the Health Committee debated the combined legislative initiatives and heard from cannabis activists, medical professionals, and government representatives. After hearing these testimonies, the Committee approved the general outline of the bill on November 18, 2014—allowing *autocultivo* of up to six plants for any purpose, production of and access to cannabis with a prescription, and setting a limit of 10 g for possession (Cámara de Diputados, 2015c).

Success in parliament

On July 2 and 7, 2015, Chilean legislators debated and voted on the cannabis reform bill.²

Forty-five of the 120 members of the lower house took advantage of the opportunity to take a public stance on cannabis liberalization. For opponents, liberalizing cannabis was “a mistake” (Javier Macaya [Unión Demócrata Independiente, UDI, Cámara de Diputados 2015a, p. 30), “a disastrous public policy which will create a gigantic problem” (Gustavo Hasbún [UDI], Cámara de Diputados, 2015a, p. 42), and “negative and lamentable for the country” (Ernesto Silva [UDI], Cámara de Diputados, 2015b, p. 67).³ On the other hand, pro-reform legislators considered this bill an opportunity to create “intelligent legislation that prevents youth consumption, respects liberty and leaves behind the inefficiency and injustice of

TABLE 3 Votes on cannabis reform in Chile's *Cámara de Diputados*.

Political party	For	Against	Abstain	Absent	Total
Opposition					
Unión Demócrata Independiente (UDI) [Independent Democratic Union]	1	25	2	0	28
Renovación Nacional (RN) [National Renewal]	1	10	2	1	14
Evópoli (EVO) [Political Evolution]	1	0	0	0	1
Amplitud (AMP) [Amplitude]	1	0	0	0	1
Independientes (IND) Independents]	8	2	0	1	11
Partido Liberal (PL) [Liberal Party of Chile]	1	0	0	0	1
Revolución Democrática (RD) [Democratic Revolution]	1	0	0	0	1
Government coalition					
Partido Demócrata Cristiano (PDC) [Christian Democratic Party]	16	2	1	1	20
Partido Por la Democracia (PPD) [Party for Democracy]	12	0	0	2	14
Partido Radical Social Demócrata (PRSD) [Democratic Socialist Radical Party]	6	0	0	0	6
Partido Socialista (PS) [Socialist Party of Chile]	13	0	0	3	16
Izquierda Ciudadana (IC) [Citizen Left Party of Chile]	1	0	0	0	1
Partido Comunista (PC) [Communist Party of Chile]	6	0	0	0	6
	68	39	5	8	120

Note: This table visualizes the distribution of votes that the home cultivation (autocultivo) bill received in Chile's lower house of congress (Cámara de Diputados) on July 7, 2015. Votes are grouped by their outcome (for, against, absent, or abstain) and political party.

Source: Author's elaboration of votes reported in Cámara de Diputados de Chile (2015b).

prohibitionism” (Marco Antonio Núñez [Partido Por la Democracia, PPD], Cámara de Diputados, 2015b, p. 66). For them, changes to the status quo were both “necessary and urgent” (Loreto Carvajal [PPD], Cámara de Diputados, 2015a, p. 50) as the current war on drugs had “completely and spectacularly failed” (Karol Cariola, Partido Comunista de Chile [PC], Cámara de Diputados, 2015b, p. 40).

Among legislators from the center-left *Nueva Mayoría* there was a myriad of rationales for cannabis liberalization. Speeches in the chamber reveal the lack of a master frame through which legislators understood and justified their support for the initiative. Proponents advanced different arguments, citing personal liberties, fighting drug trafficking, the shortcomings of the status quo, and the benefits of medicinal marijuana.

When all was said and done, the cannabis reform initiative passed its first reading in the lower house of parliament with 68 votes in favor, 39 votes against. Votes were cast mostly along party lines. *Nueva Mayoría* legislators voted for the bill, and opposition legislators, against (Table 3 provides a breakdown of votes by party).

Cannabis reform seemed to be on the right track; the first hurdle for marijuana legalization in Chile had been cleared. Sensationalist headlines claimed that Chile had just legalized marijuana (see BBC News, 2015), and pro-reform actors rejoiced. As one cannabis activist reminisced,

That day in the plenary we made a show, screaming, waving flags, and applauding when they voted in favor. We were very excited and thought something very powerful had happened and were happy with the approval. We left that day with the good feeling that very soon there would be a change in the law. (Mariana Pérez, personal communication, Santiago, Chile, June 7, 2017)

This optimism may have been misplaced. The vote had been taken with no indication of what the government's position on the issue was. Legislators had forged ahead when President Bachelet had not taken a stance for or against cannabis liberalization (La Tercera, 2015). In Chile, the president has ample powers to influence the legislative process (Alemán & Navia, 2016; Aninat et al., 2006; Olavarria-Gambi, 2016). Moreover, this vote was one step in the lengthy parliamentary process to become law. After the first reading or *discusión general* (BCN, 2019), the reform bill had to return to the Health Committee. There, any amendments would be introduced and the individual articles of the bill would be discussed and voted on. Then, the amended bill had to go back to the lower chamber's plenary for its secondary reading before being debated and voted on in the Senate. Finally, the president would have to sign the bill into law. What legislators had passed was the “idea to legislate” (CPyP, 2016) rather than marijuana legalization.

Agenda denial

The approval of cannabis reform in its first reading in the lower house of parliament led reform opponents to step up their agenda denial efforts. Insider and outsider opposition to cannabis reform made progress more difficult, provided political opponents with discursive ammunition, and limited severely the scope of what was possible.

Outsider agenda denial

The medical community emerged as the most outspoken and formidable adversary of marijuana legalization. Organized reform opponents from parts of the medical community endeavored tirelessly to discredit both the message and messengers behind cannabis liberalization. They marshaled their professional prestige and the impartiality of scientific evidence against changing the status quo, advancing the counterframing that “cannabis is dangerous” and “the real drug problem is consumption itself” (Carlos Ibáñez, personal communication, Santiago, Chile, April 27, 2018).

Medical professionals, either in an individual capacity or as part of professional associations, argued that cannabis liberalization was unnecessary, unhealthy, and unsafe. Facilitating legal access to cannabis was unnecessary because the “greatest” (Venegas Silva, 2014, p. 657), “principal” (SONEPSYN, 2015), and “most relevant” (SOPNIA, 2015, p. 273) problem was cannabis consumption. Furthermore, based on their reading of the medical evidence, reform was unhealthy and unsafe. “The reasons for our rejection are the overwhelming scientific evidence of the direct harm provoked by marijuana” (SO-CHIPE, 2015a, p. 7). Becerra (2020) claims that in opposing cannabis reform, medical professionals and associations fetishized certain types of evidence, tried to protect their privileges, and dismissed personal experiences of cannabis patients.

Such framing stoked fears about the consequences of legalization and provided opponents with rationales for inaction. The medical associations had one audience in mind, President Bachelet, who is a medical doctor (Carlos Ibáñez, personal communication, Santiago, Chile,

April 27, 2018). A full-page advertisement published in *El Mercurio* addressed Bachelet directly.

Madam President, as a medical doctor like us, you have been educated based on scientific rigor, empirical facts and the sole intention to improve public health... In the debate about the bill that intends to legalize cannabis cultivation, we believe that it is your duty as president and as medic to listen to us. Our organizations represent the voice of the medical doctors of Chile. (Paris et al., 2015)

Insider agenda denial

Whereas the legislative branch took action by passing a limited cannabis reform bill in its first reading, the executive branch was indifferent to the issue (Muñoz, 2014). As a newspaper article put it, in “the Government they are monitoring the project but have not expressed their support. Neither have they rejected it explicitly” (El Mostrador, 2015). The government had adopted a “wait and see” attitude. As Health Minister Carmen Castillo said, “we are watching how this bill is going, but this is not a topic we are prioritizing...our objectives are elsewhere” (La Tercera, 2015).

The day after the parliament's vote, Mariano Montenegro, the newly instated director of SENDA and a staunch opponent of cannabis liberalization, broke what he described as a “deafening silence” from the government (personal communication, Santiago, April 20, 2018). Montenegro declared that “the true problem of cannabis in Chile is consumption, not trafficking or crime” and easier access would “invariably translate into more consumption” (Guzman, 2015). His framing mirrored that of outsider reform opponents and denied that cannabis reform was a solution to any problem. Behind the scenes, Montenegro was actively trying to sabotage the reform process (El Mostrador, 2015). The pro-reform legislator, Juan Luis Castro, charged that “SENDA's director has been constantly obstructing rather than helping construct a way to decriminalize cannabis” (Publimetro, 2015). With Montenegro leading the internal opposition to cannabis reform, its fate was more uncertain than ever.

Agenda maintenance

Neither insiders nor outsiders maintained the cannabis reform agenda. The executive watered down the reform initiative with exceedingly restrictive amendments, and erstwhile supporters stopped defending a reform initiative that had become unpalatable. With no insider or outsider agenda maintenance, the reform initiative fizzled out.

Insider agenda maintenance

In early September, Interior Minister Jorge Burgos invited parliamentarians to *La Moneda*, the presidential palace, to “for the first time, present the government's position on allowing *autocultivo*” (Álvarez & Vega, 2015). After months of letting the discussion “run its course,” the executive finally got involved (Godoy et al., 2015), but the meeting evidenced the gulf between the government and the pro-reform legislators (AgenciaUno, 2015b). Taking charge, the interior minister created a ministerial “reaction team” that worked on “turning down the volume” of the project (AgenciaUno, 2015b). According to Álvarez and Vega (2015), the government's intention was to “water down the bill, especially regarding *autocultivo*,” and make it more restrictive.

In October, the executive branch presented amendments to the reform bill that would reduce the number of plants that could be grown at home from 6 to 1, and how much cannabis could be legally possessed from 10 to 2 g (Bachelet et al., 2015). These allowances were so low that most cannabis consumers and growers would end up breaking the law even if cannabis cultivation and possession were legal (de Rementería, 2016). Many pro-reform politicians and activists criticized the government's amendments as exceedingly restrictive and undermining the purpose of cannabis liberalization.

Karla Rubilar dismissed the amendment as “ridiculous” (personal communication, Santiago, Chile, May 25, 2017); Marco Antonio Núñez called it “impractical” (personal communication, Santiago, Chile, April 25, 2018). Vlado Mirosevic said the amendments “would mutilate, butcher, kill the spirit of the bill” (personal communication, Santiago, Chile, April 27, 2018). Yet, some proreform legislators remained optimistic that the differences could be bridged. As Castro related, “there are different positions, but we hope to find common ground” (Cadiz, 2015). Marco Antonio Núñez, another supporter of reform, said, “We have not reached an agreement. We will continue our dialogue with the Interior Ministry and hope that in the coming weeks this initiative can advance with their support” (Álvarez, 2015b).

Proreform legislators “decided to negotiate with the executive branch. We sat down to talk and proposed that they would allow us to continue with our regulation” initiative (Karol Cariola, personal communication, Valparaíso, Chile, May 2, 2018). In other words, they were willing to make concessions to rescue the reform. As Cariola stated at the time, “We could come to an agreement, even regarding the number of plants” (AgenciaUno, 2015c). Despite the optimism from some pro-reform legislators, these discussions failed to produce an agreement. It eventually became clear that despite public statements to the contrary, neither side was willing to budge (Marco Antonio Núñez, personal communication, Santiago, Chile, April 25, 2018). The government insisted on its amendments, and legislators close to cannabis activists, on more thoroughgoing provisions. As Cariola explained, “We were not in agreement, and that generated tension which did not allow us to advance” (personal communication, Valparaíso, Chile, May 2, 2018).

With the lack of agreement and progress in negotiations, the prospects of achieving cannabis reform dimmed. What might have been required was a doubling down by cannabis reform advocates to salvage the project, but the opposite would come about.

Outsider agenda maintenance

Despite their initial importance in putting the issue on the agenda, Chilean cannabis activists were not involved in discussions with the government.⁴ Rather, they and their demands were ignored. Their inability to influence the substance of the reform bill and the government's insistence on restrictive amendments soured cannabis activists on the legislative process. The activists disowned a cannabis reform they no longer supported rather than engaging in agenda-maintaining efforts. Increasingly frustrated with the procedural moves and substantive concessions, “activists stopped lobbying” (Sergio Sánchez, personal communication, Santiago, Chile, May 16, 2017).

As activists were unable to secure meaningful changes to the government's amendments, they were unwilling to support the government-imposed restrictions. Nicolás Espinoza said the project had “become something completely different from what we wanted” (personal communication, Santiago, Chile, May 23, 2017). Because of the executive branch's amendments, “[Fundación] *Daya* decided we can no longer support it” (Ana María Gazmuri, personal communication, Santiago, Chile, May 31, 2017). *Triagrama*, “disappointed with immaturity and direction of the project,” no longer worked with legislators (Reyes, 2015).

Instead of engaging in agenda maintenance, activists withdrew their support from a limited but possible cannabis reform.

The tactics that had served cannabis activists well in setting the agenda were increasingly unsuitable. Sergio Sánchez observed that cannabis activists “had not tried or not done what is required, because they don't know how to do it or don't want to do it” (personal communication, Santiago, Chile, May 16, 2017). Eduardo Vergara stated,

the efforts in the last few years have been caricatural. If your goal is to convince the average citizen, you cannot march in the streets with a black hoodie and smoking marijuana... all those are to blame who were part of this strategy that made a splash but did not manage to convince. At this stage, you have to convince with evidence, responsibility and not extremes. (personal communication, Santiago, Chile, May 23, 2017)

Rather than professionalizing their advocacy, most cannabis activists struggled with a lack of resources and deficient organizational structures. According to Laura Merinho, one of *Movimental's* earliest activists, the group “continues to be as artisanal as always” (personal communication, Santiago, Chile, May 29, 2017). As Mariana Pérez, one of *Movimental's* leaders revealed, the group was chronically strapped for cash (personal communication, Santiago, Chile, June 7, 2017). The lack of professionalization, organizational structures, and resources meant that cannabis activists were poorly equipped to meet the requirements of agenda maintenance and to counteract agenda denial.

Failure in parliament

With civil society and government actors unwilling or unable to find a workable compromise, by late 2015, the cannabis bill had become something that few, if any, supported. According to Sergio Sánchez, it “left nobody happy. It neither satisfies the conservatives that want to prohibit [cannabis], because it still contains allowing one plant, nor does it satisfy the people who want to cultivate more” (personal communication, Santiago, Chile, May 16, 2017). The once-promising cannabis reform initiative was lacking support and momentum; throughout 2016, there was almost no progress, hearings were intermittent, and proreform activists stopped advocating for the reform proposal.

On January 17, 2017, cannabis reform officially failed.⁵ With several proreform legislators not in attendance, a narrow vote in the Health Committee eliminated the core provisions of the cannabis reform bill. While pro-cannabis legislators were furious about the confusing formatting of the government amendment and their misunderstanding of the repercussions of their vote that seemed routine, the *autocultivo* bill effectively died. With little backing left from reform proponents and intransigence from the executive branch, the cannabis reform bill had long been on life support. The eventual failure of cannabis reform, whose initial success in July 2015 had received front-page headlines, garnered little media attention. Even more tellingly, cannabis activists voiced their approval of its unsuccessful conclusion.

COUNTERFACTUAL ANALYSIS OF CANNABIS REFORM IN CHILE

The narrative might give the impression that the failure of the *autocultivo* bill was overdetermined, because of initial government indifference, and later, interference in the reform process. As the most powerful actor in Chile's policy process, the president certainly

played an important role with an initially ambiguous stance that changed to intransigence and insistence on amendments, which ultimately doomed cannabis liberalization. Still, other factors and actors also contributed to the failure of legalization. First, determined opposition worked to undermine the reform initiative from both inside and outside government. Second, reform proponents, having failed to secure concessions, retreated from supporting the reform initiative. Without their advocacy, the reform process first faltered and then failed.

Counterfactual analysis allows to “rerun history” by assigning different values to factors and analyzing the likely consequences (Goertz & Mahoney, 2012), enabling the assessment of factors’ purported causal role and weight. Counterfactual analysis contributes to revealing not only *how* but also *why* specific factors matter. The counterfactual analysis helps to probe not only the connections between different steps in the causal chain but also the causal weight of different factors present or absent in Chile’s cannabis reform process. By exploring alternative paths not taken at crucial moments, this section reveals that the destination could have been different.

The counterfactual analysis is divided into five parts that explore *what was not but could have been* to elucidate *what was*. The first counterfactual addresses what might have happened *with* initial insider agenda setting. The second counterfactual presents evidence for the claim that *without* outsider agenda setting, cannabis reform would not have become an agenda item. The third counterfactual shows that *without* strong and organized outsider agenda denial, cannabis reform would likely have fared better. The fourth counterfactual highlights how *with* the opposition of key elite actors, the scope of change narrowed, yet *without* insider agenda denial, the reform initiative had made progress and might have continued to do so. The fifth counterfactual establishes that despite an increasingly inhospitable climate for reform, *with* outsider agenda maintenance, a limited cannabis reform bill might have progressed further, but *without* agenda maintenance it foundered. Together, these counterfactuals help pinpoint how and why the cannabis reform process broke down in Chile, by highlighting what would likely have occurred had insider and outsider agenda setting, maintenance, and denial been counterfactually absent or present.

Counterfactual: Insider agenda setting

While some cannabis activists believe President Bachelet was personally opposed to cannabis reform,⁶ a few public statements suggest a certain openness to cannabis liberalization.⁷ After having left her post, Bachelet has become critical of prohibitionist drug policies (Bachelet, 2022). Yet, while she was president, there was no insider agenda setting of cannabis liberalization. *Without* top-down agenda setting, outsider actors had to set the agenda. While the lack presidential endorsement did not help, remaining silent on cannabis reform did not hinder its advancement. Cannabis reform progressed slowly but surely until 2015, when the president actively interfered.

Given the Chilean president’s “prominent” position within the policymaking process (Alemán & Navia, 2016, p. 92), *without* presidential support, reforms are difficult, though not impossible, to achieve (Siavelis, 2002). Meanwhile, *with* support from the president, either through initial insider agenda setting or in subsequent phases of agenda politics, reform would have been substantially more likely (Olavarria-Gambi, 2016). Several constitutional prerogatives grant the president “near-monopoly control over the legislative agenda” (Aninat et al., 2006, p. 6). If explicit support was not forthcoming, indifference would at least let the reform process run its course and gather momentum. By contrast, outright rejection would likely have shut down the reform process before it had even started.

Counterfactual: No outsider agenda setting

It is likely that without activists' work on cannabis reform, politicians would not have made significant progress on their own. As Vergara (2016, p. 102) writes, "the progress made... would not have been possible without the long and arduous work of a series of actors from civil society." Perhaps unsurprisingly, reform activists see themselves as indispensable for progress during this initial stage of the reform process. Ana María Gazmuri argued that "societal pressure has been of fundamental importance. We have dragged the state [to do something]" (personal communication, Santiago, Chile, May 31, 2017). Nicolás Espinoza claimed that "we have been responsible for the politicians not only seeing [the issue] but doing something" (personal communication, Santiago, Chile, May 23, 2017).

Pro-reform legislators agree with this assessment. Lautaro Carmona characterized the bill as "an initiative that comes from organized civil society" (Cámara de Diputados, 2015a, p. 40). Loreto Carvajal highlighted how pro-cannabis groups "had led the way" (Cámara de Diputados, 2015a, p. 48). Vlado Mirosevic contended that "thanks to civil society efforts, we have been able to have this debate" (personal communication, Santiago, Chile, April 27, 2018).

Reform opponents equally blame the cannabis agenda status on activists. Enrique Paris, then the President of *Colegio Médico*, considered that a small group of activists had been able to "influence public opinion on this issue" (Paris, 2015, p. 15). For Ana Luisa Jouanne, a reform opponent and director of a drug treatment nongovernmental organization (NGO), activists had succeeded with their supposedly "well-financed and strategic campaign" (Stipicic, 2013). Carlos Ibáñez, a medical professional opposed to cannabis liberalization, stated that "pressure of the cannabis lobby" had led to the legislative debates (CNN Chile, 2014a).

Thus, activists, proponents, and opponents of cannabis reform agree that *without* activists' agenda setting, the issue would not have become a legislative concern since there was no insider agenda setting. Still, outsider agenda setting was not unproblematic. Agenda setting did not feature a coherent framing of cannabis reform, and medicinal and recreational uses of cannabis were conflated and advanced together, as though they were the same thing.

Counterfactual: No outsider agenda denial

The attention and approval cannabis reform achieved in 2015 triggered the emergence of a powerful opposition. Certain medical professionals and their associations worked hard to stop cannabis reform, establishing a task force to influence political and public debates, lobbying high-level government officials, and testifying before Congress. Medical associations opposed to cannabis were both a conduit and a catalyst for scientific evidence contrary to cannabis liberalization to enter policy deliberations. They argued forcefully that cannabis consumption was unhealthy and unsafe, and reform, unnecessary (SOPNIA, 2015), thereby providing ammunition for decisionmakers against or swaying those on the fence about cannabis reform. Did these agenda denial efforts matter? Medical professionals opposed to cannabis liberalization extolled their "advocacy work" as "certainly having had an impact" (SOCHIPE, 2015b, p. 27), and Ibáñez claimed that "we managed to halt liberalization" (personal communication, Santiago, Chile, April 27, 2018).

Less surprisingly and more important, there is contemporaneous evidence that key decision makers listened to these medical professionals. Reportedly, the "opinions [of the medical associations] have increasingly permeated the government" (Muñoz, 2014). Gabriel Silber, a legislator from the *Nueva Mayoría* who opposed cannabis reform, stated that "we have to listen to the experts" (AgenciaUno, 2015a). Similarly, Sergio Espejo, another legislator, cited medical opinion as the reason to oppose cannabis liberalization (Álvarez, 2015b). Interior Minister

Jorge Burgos said of the medical association's opposition to cannabis reform, "this is an opinion that has to be heard in the debate" (Galvez & Olivares, 2015). Thus, there is evidence that important political actors listened to expert opinion opposed to cannabis reform.

There is additional evidence that some decisionmakers who ignored the evidence provided by medical professionals but listened to the alternative evidence and arguments brought forward by activists were more inclined to support cannabis liberalization. For instance, Karol Cariola, one of the sponsors of cannabis liberalization, stated that "the medical associations have been the principal activists against [cannabis reform]," but she considered them to be "biased" and information provided by *Fundación Daya* to be more useful, as the organization was working directly with cannabis-based treatments (personal communication, Valparaíso, Chile, May 2, 2018). Although indirectly, such evidence suggests that *without* forceful agenda denial, cannabis liberalization might have progressed further. After all, reform proponents perceived the opposition of certain medical professionals and associations as a major roadblock and behaved accordingly; "we are always thinking about how to respond and how to neutralize these attacks" (Ana María Gazmuri, personal communication, Santiago, Chile, April 17, 2018).

Had there not been outsider agenda denial from medical professionals, would cannabis reform have progressed? This is not a purely hypothetical question; before coming out against cannabis liberalization, the *Colegio Médico* (ColMed) had shown more openness to cannabis reform. In fact, Vergara (2016, p. 92) argues that "the medical associations have been critical for this debate" to emerge. Under the leadership of Sergio Sánchez, a medical doctor and a leading cannabis proponent, the ColMed critiqued cannabis prohibition. As Sánchez remembers, "working for the Colegio Médico allowed me to push the debate" (personal communication, Santiago, Chile, May 16, 2017). Yet, when Sánchez lost his position, and several medical associations came out against cannabis liberalization, the ColMed "assumed a different role, in a radical reversal to the openness with which they had previously approached the topic" (Vergara, 2016, p. 94).

Although it might be coincidental rather than causal that while the ColMed was supportive of cannabis reform, it made progress, the change in position regarding cannabis reform and the subsequent reversal in fortunes of the reform process lend further credence to the notion that *without* outsider agenda denial efforts by certain medical professionals and medical associations, the cannabis reform process would have fared better. *With* this outside agenda denial, political actors listened to the "experts," and antireform legislators echoed the framing and evidence presented by medical doctors. Their privileged position as medical professionals allowed agenda denial efforts to have an effect in public and political debates. In other words, agenda denial made it easier for them to oppose cannabis reform. *Without* this opposition, reform progress would almost certainly have been easier.

Counterfactual: No insider agenda denial

After initially taking no position on cannabis liberalization, the executive branch eventually adopted a position that was neither fully supportive nor opposed to cannabis reform. After the 2015 parliamentary vote, the administration proposed restrictive changes to the reform bill. Reportedly, the decision to "tone down the legislation, specifically with regard to *autocultivo*" was taken by the Ministries of the Interior, Health, Justice, and SENDA (Álvarez & Vega, 2015). President Bachelet remained on the sidelines. As the director of SENDA, Mariano Montenegro complained "there was no presidential leadership... a tragedy" (personal communication, Santiago, Chile, April 20, 2018).

In the absence of explicit presidential interest, more conservative actors inside the government took the lead in responding to cannabis reform. Reform proponents blamed Burgos and Montenegro for the government's shift and unwillingness to compromise. Cariola

suspected that the government's stance was “the result of the beliefs of particular people within the executive branch.” She alleged that the amendments had been drafted without Bachelet's input; “she told us directly that she did not have knowledge of any amendments” (AgenciaUno, 2015c). Montenegro in particular was blamed for halting the reform bill's progress; “the only thing he did was blocking, blocking, blocking” (Ana María Gazmuri, personal communication, Santiago, Chile, April 17, 2017). Núñez blamed not only Montenegro but also the interior minister (personal communication, Santiago, Chile, April 25, 2018). In Jorge Burgos, who took the lead in dealing with cannabis reform, Montenegro had a powerful ally with whom he closely collaborated (Galvez, 2016). Together, they “came up with the amendments” (Mariano Montenegro, personal communication, Santiago, Chile, April 20, 2018).

If Burgos and Montenegro were instrumental to insider agenda denial, would the reform process have been different *without* them? If such were the case, there should be observable differences in approach before they came into office. Before Burgos was appointed Interior Minister in May 2015, his predecessor Rodrigo Peñanillo had remained “at the margins” of the reform process and did not block its advancement (Godoy et al., 2015). According to an insider, the initiative “ran its course and *La Moneda* did not intervene” because he “decided that the government would not get involved” (Godoy et al., 2015). For Montenegro, under Peñanillo “this topic has been completely left unattended” (Fernández, 2015). According to him, only his arrival in 2015, and work with Burgos put an end to the ambiguity; “we only started to have a clear position, which had not existed before, when I came in” (personal communication, Santiago, Chile, April 20, 2018).

Still, the influence of detractors of cannabis reform does not fully explain why the government insisted on lowering instead of eliminating the number of plants to be allowed to be grown at home. Had Montenegro had his way, there would have been zero plants. “I was completely against allowing any cultivation” (personal communication, Santiago, Chile, April 20, 2018). What the government did, “[i]nstead of taking the position that it believes that the initiative is good or bad, [the executive branch] adopts a meaningless intermediate position” (La Tercera Editorial, 2015). Without being able to discern the exact reasoning post fact, there are two possible explanations.

First, the limitations were strategically conceived of as an offer that could not *not* be refused. Its framers anticipated that proponents would be unwilling to accept the reductions. Therefore, the amendment was intended to divide and reduce support for cannabis reform. Second and more plausibly, the amendment might have tried to balance the demands of those for and against cannabis reform, inside and outside of government and the *Nueva Mayoría*. Such balancing of different positions through negotiated settlements and consensus building was not untypical of the “democracia de acuerdos” that had become a hallmark of Chilean policymaking (Siavelis, 2007).⁸

Counterfactual: Outsider agenda maintenance

It is not unreasonable to believe that an amended reform bill could have made further progress *with* ample support from civil society. With the restrictions to home cultivation and possession, this was the reform bill that the Bachelet administration supported. With presidential backing and legislative majorities in both houses of parliament, a reform that had the blessing of the president, legislators, and civil society might have succeeded. While there is no way to know for certain, limited cannabis reform might have progressed further if reform proponents had made the pragmatic decision to support a reform bill they rejected in principle. This theory was never put to the test since proponents did not provide outside agenda maintenance.

For outsider reform proponents, the amendments introduced by the presidency were a poison pill they were unwilling to swallow. Pedro Mendoza stated that the changes made the bill so bad that it was “better not to succeed” (personal communication, Santiago, Chile, June 1, 2017). For Ana María Gazmuri, “the reform bill was so bad that we could no longer support it, that it is truly better to keep Law 20 000” (personal communication, Santiago, Chile, May 31, 2017). Activists preferred the ambiguity of status quo drug laws to the exceedingly low thresholds of the amended reform proposal (Nicolás Espinoza, personal communication, Santiago, Chile, May 23, 2017).⁹ Instead of supporting the process they had initiated, activists withdrew their support, thereby dooming it.

When activists stopped actively supporting the reform bill, most proreform politicians, such as Karla Rubilar, followed suit (personal communication, Santiago, Chile, May 25, 2017). This situation left legislators who were willing to compromise and work within the parameters set by the executive, such as Juan Luis Castro, squeezed between reactionary forces opposed to any cannabis liberalization and pro-cannabis groups opposed to this reform bill (UChile, 2016). Considering how important mobilization, advocacy, and lobbying were to the bill's initial momentum, *without* outsider agenda maintenance, the cannabis reform process lost all urgency. Without activists pressuring for change, the reform initiative ran out of steam; “because there are always detractors trying to undermine and undercut our efforts, our efforts have to be permanent” (Ana María Gazmuri, personal communication, Santiago, Chile, May 31, 2017).

Especially in contexts where top-down support is lacking, constant, tireless efforts to maintain the agenda are needed. Pro-reform advocates must not only keep attention from slipping but also work on increasing approval to achieve policy change. “Advocates of reform need to employ strategies to overcome the skepticism of others and persuade them of the importance of reform” (Cox, 2001, p. 475). When and if they stop doing so, the reform process is likely to ground to a halt, as occurred with the cannabis reform process in Chile.

CONCLUSION

Despite producing lots of smoke, recent cannabis reform efforts in Chile have burned out without blazing a trail toward recreational marijuana legalization. The discussion shows how cannabis reform in Chile initially gained attention and even approval, but subsequently stalled and eventually failed. A combination of process tracing and counterfactual analysis reveals why “a legislative harvest that promised to be historic...did not bear fruits” (Ibañez, 2018, p. 93).

The analysis shows that the failure of cannabis reform in Chile was not a foregone conclusion. While it is tempting in hindsight to see the failure of marijuana legalization in Chile as foreordained, the country displayed several characteristics that made it appear as the “most likely” case in Latin America to follow Uruguay in regulating cannabis legally. Over the last decade, cannabis has become increasingly part of everyday life, socially accepted, and supported by public opinion. The Chilean edition of the annual *Marcha Mundial de Marihuana* has consistently attracted tens of thousands of participants who take to the streets for cannabis reform. As Ana María Gazmuri observed, “it is difficult to find a place where there is more cannabis than in Chile” (personal communication, Santiago, Chile, April 17, 2018).

Yet, recreational marijuana legalization has failed in Chile. The article explains why, highlighting the role of key actors and their actions and interactions. First, certain medical professionals and associations lobbied against cannabis reform and had key allies within the government. In Chile, there was agenda denial from inside and outside government. Second, Chileans did not have “their Mujica”¹⁰ (Nicolás Espinoza, Laura Merinho, Mariana Pérez, personal communication, Santiago, Chile, May 23 and 29, June 7, 2017). The Bachelet administration neither set the agenda nor helped maintain it. Initially ambiguous about

cannabis regulation, it eventually undermined cannabis reform. The exceedingly restrictive amendments the executive demanded doomed recreational marijuana legalization in Chile.

Although the fact that the Bachelet government did not endorse marijuana legalization complicated making *any* progress on cannabis liberalization, the fact there was not *some* legislative reform is also partially the fault of pro-reform actors. Outsider agenda setting was not followed with agenda maintenance. Failure to engender support beyond a core group of allied legislators endangered the reform initiative. The inability to counter agenda-denial efforts effectively meant that these efforts could influence debates. Finally, rejection of a very limited and unwanted reform meant there would be no cannabis reform at all.

In sum, the past failure of cannabis reform in Chile highlights that not only outside agenda setting but also agenda maintenance is vital for a successful outcome to a reform process. It shows what happens when there is strong agenda denial from both insiders and outsiders. Furthermore, it evidence differences between stages of agenda politics. Securing eventual approval is likely to be more difficult than gaining initial attention because the former is more difficult to achieve than the latter, especially in the absence of buy-in from veto players. Changing the minds of decisionmakers on the regulation of mind-altering substances is difficult for pro-form actors; obstinance from their target audience and coordinated agenda denial efforts can substantially complicate it further.

The article makes a three-fold contribution. In methodological terms, it evidences that process tracing and counterfactual analysis can be productively combined to arrive at more complete accounts of complex policy processes. Several authors have highlighted this possibility in theory, but few have put it into practice. In analytical terms, the article goes beyond the extant literature's narrow focus on initial agenda setting to highlight the importance of subsequent agenda maintenance and agenda denial, and difficulties to advance from attention to approval. In substantive terms, the article studies a negative case—the failure of cannabis reform in Chile. The failure of social movements is overlooked and understudied, especially unsuccessful drug policy reforms, but accounting for when, how, and why reform processes break down is vital to understand success.

Considering the failure of recreational cannabis reform in Chile's recent past, too much optimism that marijuana legalization will occur in the near future is likely misplaced. Even if President Boric were to support it, the congressional opposition could hold up legislative initiatives, as it did with the latest cannabis reform initiative that would have allowed home cultivation but was rejected by the Senate in late 2022 (Jara, 2022). Furthermore, strong societal opposition to cannabis liberalization has not disappeared, as evidenced by the lobbying against including the issue in the new constitution (Publímetro, 2022). Finally, there seems to be little upgrading of mobilizational structure or innovation in advocacy tactics by recreational cannabis activists to take advantage of the next time a window of opportunity for recreational cannabis legalization opens in Chile.

ACKNOWLEDGMENTS

I am indebted to Jorge Javier Romero and the participants in the Programa de Política de Drogas' seminar for their constructive feedback, to Ezequiel González-Ocantos for his invaluable comments and suggestions, and, to all interviewees for the information they provided; without them the study would not have been possible. All translations and remaining mistakes are my own. The research was undertaken while receiving a doctoral scholarship from the Economic and Social Research Council (ESRC). Award number: 1646575.

CONFLICT OF INTEREST STATEMENT

The author declares no conflict of interest.

DATA AVAILABILITY STATEMENT

Depending on consent provided, original recordings of interviews can be made available upon request.

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ENDNOTES

- ¹ Among the sponsors of Nueva Mayoría's cannabis reform bill were young legislators Karol Cariola (Partido Comunista de Chile [PC]) and Vlado Mirosevic (Liberal Party of Chile, PL, not part of the *Nueva Mayoría*); older legislators Claudio Arriagada (Partido Demócrata Cristiano [PDC]) and Daniel Farcas (Partido por la Democracia [PPD]); medical doctors Carlos Robles (Partido Radical Socialdemócrata [PRSD]), Manuel Monsalve (Partido Socialista de Chile [PS]), Marcela Hernando (PRSD), and Victor Torres (PDC). The group even included a former president of the *Colegio Médico*, Juan Luis Castro (PS), and the future president of lower house, Marco Antonio Nuñez (PPD). Cariola, Torres, and Castro have all chaired the Health Committee, using their position to advance cannabis reform.
- ² This discussion draws on the recording of the proceedings of the plenary debate in the lower house of parliament (Cámara de Diputados, 2015a,b).
- ³ Interestingly, medical use of cannabis received support even from those who otherwise opposed cannabis liberalization. Four-fifths of legislators who spoke out against cannabis reform registered their support for medicinal marijuana.
- ⁴ In the negotiations between proreform legislators and state officials, civil society activists had been sidelined and participated indirectly through their legislative allies (Ana María Gazmuri, personal communication, Santiago, Chile, May 31, 2017).
- ⁵ This description is based on the video recording of the session of the Health Committee.
- ⁶ For instance, Sergio Sánchez argued that “Bachelet is a conservative who thinks that marijuana is harmful and that drugs prevent the revolution... she is a typical pediatrician” (personal communication, Santiago, Chile, May 16, 2017).
- ⁷ In an interview, Bachelet said that smoking a joint was no worse than getting drunk (Fernández, 2013). She stated, “the drug problem in Chile is not consumption but rather narco-trafficking” (CNN Chile, 2014b). After a meeting with Uruguayan president José Mujica (2010–2015), she said that drug prohibition “has not achieved its goal. It has neither reduced consumption...nor has been an effective tool to combat drug trafficking” (Muñoz, 2014).
- ⁸ Reform by compromise had become a defining feature of the governments of the Concertación (Huber et al., 2010; Sehnbruch & Siavelis, 2014a; Weeks & Borzutzky, 2012). While allowing for governability and stability, “the overriding concern with maintaining consensus limited the playing field for reform” (Sehnbruch & Siavelis, 2014b, p. 313). This situation did not preclude all change, “but rather that change, when it happens, has been most often extremely slow and gradual” (Weeks & Borzutzky, 2012, p. 103).
- ⁹ Rather than halting incomplete legal access to cannabis for exclusively medical purposes, other developments reduced the perceived drive for the cannabis reform progress. Several judicial rulings that absolved cannabis growers (Fierro, 2017) and adjustments in the prioritization of law enforcement away from criminalizing cannabis possession (Eduardo Vergara, personal communication, Santiago, Chile, May 23, 2017) had made the need for legislative change less pressing. “When you can plant in your house and almost nobody is in jail for it, there is less urgency” (Laura Merinho, personal communication, Santiago, Chile, May 29, 2017).
- ¹⁰ The former Uruguayan president José “Pepe” Mujica (2010–2015) is widely credited for being responsible for Uruguay's legalization of marijuana in 2013.

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How to cite this article: Hoffmann, J. (2023). Where there is smoke, there is fire? Making sense of the past failure and future prospects of cannabis reform in Chile. *Latin American Policy*, 1–27. <https://doi.org/10.1111/lamp.12318>