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Policy-Making in a Context of Contested Paradigms

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Policy Experimentation as a Theory of Change in Context of Contested Paradigms. The Case of Drug Policy in Latin America

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Introduction

On December 20, 2013, Uruguay surprises the world by fully legalizing the production, distribution and sale of cannabis for recreational purposes. Considered a revolution in the world of drug policy, Uruguayan legalization is an innovation in terms of public policies because it calls into question the prohibitionist paradigm that considers drugs to be inherently bad for society and therefore their necessary ban.

Uruguayan law is, however, ambiguous in its arguments. As stated in article one of the law, the purpose of the legislation is to protect the health of the population and reduce the damages related to consumption, which would be the same argument advocated by the prohibitionists. However, the law fundamentally changes the approach by reinterpreting the causes of the "drug problem", replacing the substance itself with drug trafficking and organized crime generated by the illegal market.

In this way, the change in Uruguayan drug policy responds to a topic of security and not just public health. The law is the direct consequence of the great mediatization of a series of crimes linked to drug use (especially crack) and a growing social concern that places public insecurity as the first concern of Uruguayan citizens. These social demands are then the decisive element that pushed the government of José Mujica to propose the legalization of marijuana as a solution to the problem of insecurity, in which the state undertakes to regulate the production and sale of the substance under a centralized figure that restricts the development of an industry and free markets.

However, prior to the executive's taking into account the security problem, a social movement had managed to put the issue of marijuana legalization as a human rights issue on the parliamentary agenda. Thus, since 2005 a number of groups of cannabis users began to protest against the prohibitionist policy and for the defense of their right to consume. These groups advocate marijuana as a natural substance (ie a plant) that does not have significant negative health consequences.

Such arguments had been taken into account by legislators of all political colors, who somehow or other knew personally the substance and its effects (ie they consume or used to consume cannabis) and who decided to start a parliamentary work to allow safe access to the substance. Self-cultivation and the creation of cannabis clubs (non-profit group production cooperatives) were the solution stated by these users.

The law that was finally approved guaranteed these two alternatives present in the public sphere: the solution to the problems of security and an approach of protection of the rights of the consumers of the substance. However, being the first country to make such a regulation, Uruguay faced a lack of scientific evidence on the effects of alternative drug policies to prohibitionism. In

this way, the Uruguayan case is not consistent with the theories of public policy change, since the change of drug policy in Uruguay is located in an intermediate way between the paradigmatic change and an incremental change.

Thus, the new regulation does change drastically drug policy while it does not state a clear new goal of it. By reducing the market force of illegal groups, the law pretends to counterattack the violence that such markets generate. Also, by facilitating the access to the substance, the regulation pretends to increase the respect of consumers. However, such arguments are in contradiction with the main goals of the policy that search for a reduction of the problematic drug use (addiction) and even the reduction of violence, because legalization is expected to increase cannabis use, hence the number of problematic cases, and because the most profitable illegal market today, in Latin America, is not based on marijuana but on cocaine and opiates.

How is it possible for a policy to revolutionize when a coherent alternative paradigm is not available in the solutions palette? In this study we defend the idea that policy change can be experimental even in paradigmatic terms. Thus, we adhere to the idea that public policy makers are more "bricoleurs" (Carstensen 2011) than pupils of paradigmatic schools, and that empirical evidence allows for the construction of knowledge. In this sense, in this paper we will propose a wider definition of policy experimentation based on the idea that experimentation can be a positive exercise. In the next section this definition will be put into its context. In section three we will present the variables needed for policymakers to engage in experimentation and the final section will close the analysis by giving an example of how drug policy has change in recent years in Latin America.

Reframing policy experimentation

Ideational approach of public policies has emphasized the causal “power of ideas” in policy change. Ideas matter and are important factors in the understanding (and explanation) of policy change. Ideas are thus crucial in the approaches about paradigmatic change (Hall 1993) the advocacy coalitions framework (ACF) (Sabatier 1998, Sabatier and Jenkins-Smith 1993) and the *référentiel* (Jobert and Muller 1987; Faure et al. 1995). Other approaches have also put ideas at the center as the Baumgartner and Jones’s punctuated equilibrium (1991,1993) or the Kingdon’s opportunity window (1984). As Surel sums up, these notions “refer to coherent systems of normative and cognitive elements which define, in a given field, ‘world views’, mechanisms of identity formation, principles of action, as well as methodological prescriptions and practices for actors subscribing to the same frame” (Surel 2000: 496).

Among all these theorizations, it is the Hall’s notion of paradigm has had been more influential in the public policy literature. As Baumgartner statues (paraphrasing Kingdon), Hall’s theory of policy paradigms was “an idea whose time had come” in a moment where the role of ideas was developing pretty fast (2014: 475). But paradigms have also been contested and discussed,

because both, the difficulty of operability of the model and its discomfort with historical reality of policy development (Hogan and Howlett 2015). Paradigms are not ideas. They are bigger, and much more embedded in a policy domain. As Halls defines them, paradigms are “a framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing” (Hall 1993: 279). Paradigms are hence “unspoken”: is a cognitive and normative framework that becomes “influential precisely because so much of it is taken for granted and unamenable to scrutiny as a whole” (Hall 1993: 279).

The issue with this definition of the role of ideas in policymaking is that, as Hall affirms, paradigm shift is a long process and, before an alternative idea becomes dominant in a policy field, there is a period of uncertainty, an in-between where neither of the ideas are dominant and, above all, where neither of the solutions generate consensus. In Hall’s framework, this moment is marked by a series of experimentations and failures, especially in the instruments of the policy (the second-order change), that are the moments when an old paradigm is discredited, and the alternative one becomes more relevant.

Experimentation is thus a crucial factor for change but has not been conceptualized yet. In Hall’s model, the process involving experimentation is as follows:

“A policy paradigm can be threatened by the appearance of anomalies, namely by developments that are not fully comprehensible, even as puzzles, within the terms of the paradigm. As these accumulate, ad hoc attempts are generally made to stretch the terms of the paradigm to cover them, but this gradually undermines the intellectual coherence and precision of the original paradigm. Efforts to deal with such anomalies may also entail experiments to adjust existing lines of policy, but if the paradigm is genuinely incapable of dealing with anomalous developments, these experiments will result in policy failures that gradually undermine the authority of the existing paradigm and its advocates even further” (Hall 1993: 280).

Based on the evolutions of Britain’s economic policy, Hall affirms that the appearance of anomalies lead to policy experimentation, and when the experimentation fails, new actors with new ideas enter the authority contest. If they are smart enough, in societal or electoral arenas, they will reach dominant positions that will allow them to translate their ideas (paradigm) into public policies. However, today it is also accepted that a change in cognitive frames can take place within the heads of the dominant actors that consider a situation a hurting stalemate (Sabatier 2014).

In this paper, we affirm that policy experimentation is not condemned to produce policy failures. Experimentations are not only scientific trial-and-error methods to reject a prevailing paradigm. In a context of uncertainty policy experimentation can be a way to confirm the theoretical assumptions of a new set of ideas that has the potential of becoming dominant. A policy

experiment is able to modify the cognitive and normative framework by validating the theoretical assumptions of the new ideas with empirical evidence, so change in paradigmatic goals may occur independently of second- (instruments) and first-order (their settings) changes (Wilder and Howlett 2014: 185). This idea has been highly influenced by the research of James Morrison about the evolution of the British political economic policy in the 19th and 20th centuries.

Following Hall first attempt of theorization of the policy process, policy experimentation needs to be very well supported by an intellectual coherence. Hence, it is the role of the experts to develop the theoretical framework in which policy experimentation should be supported. Following this logic, bureaucratic and formal experts don't need to be treated as incapables and responsible of policy failures (*lacking the expertise* [Hall 1993: 282], *underestimating* and *misjudging* the consequences of an action, *unable to interpret* the results [idem: 285]) within the framework of an old (and contested) paradigm. Actually, experimentation can take place within an institution, with policymakers willing to innovate for different reasons, not only electoral competition. Experimentation is not confined to mere incremental change and can thus lead to a change of policy goals (third-order change) without a change in the locus of power.

However, what differentiates policy experimentation of a 'normal' paradigmatic change is that multiple discourses and narrative can be present at the same time. While engaging with a new approach of a policy domain, the alternatives given by policy makers can respond to different problems and goals, making thus the policy paradigm blurred. Besides, some of the narratives can oppose themselves, because a same policy instrument can serve different goals. This plurality of narratives implies the commensurability of ideas and possible paradigms.

But ideas need to be treat as one of a wider range of variables in the equation (Baumgartner 2014: 478). Experimentation can be the response of political or economic interest, but also of a worldview that is embedded in a particular ideology. Moreover, experimentation needs of an institutional context that allows for the experience to take place under highly supervision. An approach based in the ideas, interest and the institutions will be much more complete to understand what provokes policy experimentation that the only reasoning based on ideas (paradigms).

The result of policy experimentation is more a "policy bricolage" (Wilder and Howlett 2015) and it can synthetize elements of co-existing paradigms. Thus, experimentation must be understood as a collective experience of production of knowledge, where past solutions do not work anymore but new alternative are still to be tested. Adopting a pragmatic view, knowledge is produced through experience, and experimentation is defined as a collective and progressive way of producing knowledge. As Dewey affirms, "thinking and belief should be experimental [...] in the sense that they will be entertained subject to constant and well-equipped observation of the consequences they entail when acted upon, and subject to ready and flexible revision in the light of observed consequences". Experimentation is a change in a policy, that can lead to a paradigm

shift or not. In cases of contested paradigms, is during experimentation that ideas become accepted.

Today the experimental approach in social sciences is becoming very popular as a method of testing policy outcomes. It uses society as a laboratory, where a group of people is exposed to a specific variable that, in comparison to a control group, allows to detect the particular effect of a variable in the group. In policymaking process, these methods are becoming very popular because of the relative trust that is accorded to the method. However, policy experimentation as we understand it is a more complex process. In some context, and regarding some issues, society cannot be used as a laboratory. Experimentation becomes hence less scientific and more societal (political), even if some of the axioms of the experimental methods are valid for policy experimentation: a coherent theoretical background and the hypothesis that it proposes is the foundation of the trust on the experiment, and evaluation becomes a necessity to respond to contested points of view. The only element that cannot be measured is the isolated causal impact of the policy that cannot be compared to a control group, but a less-scientific evaluation can be made with the comparison of situations before and after the experimentation.

Factors of policy experimentation

In a policy domain, the period between two stable paradigms is a moment of arduous competition. When paradigms are contested, all the specific coalitions of actors try to irrigate the policy with their ideas in order to acquire power (Sabatier and Jenkins-Smith 1993), and hence they need to articulate policy goals to the appropriate means of achieving them. It is in this particular moment when experimentation can take place. Thus, experimentation is a response to the anomalies that undermines the coherence of an established paradigm but anomalies by themselves are unable to explain why experimentation takes place. Since “discrediting a policy paradigm is a much more contested and interpretive process than the one which lies behind scientific refutation” (Wilder and Howlett 2014: 186), what makes policymakers in context of contested paradigms (so with a range of heterogeneous options) try new solutions?

The answer to this question mixes a set of variables. For Hall, it was the coherence of new ideas to solve a problem that were used by political actors to demarcate themselves from the others. For Morrison, the focus will be put on the coherence of ideas (or as he call it the “psychological appeal”) and the capacity (cost) of implementing them. While both of the actors share the importance of a coherent set of ideas that should drive the experience, while Hall puts the focus on the interest of policymakers to push for a change, and Morrison recalls that experimentation can only take place if the institutions are able to control it.

These approaches are not necessarily exclusive. We defend in these pages, that the “three i” variables are important to the understanding of policy experimentation: if alternative *ideas* are

coherent enough to respond to (at least some aspects of) a given problem or anomalie, it is their potential use to serve specific *interest* and the *institutional* capacity to put them into practice that will ensure experimentation. Hence, depending on the different contexts, the variables will be more or less important in determining the strength of experimentation.

Ideas

Concerning the ideas, in a context of contested paradigm the coherence of the alternative policies and their support by experts is very important. Experts in a policy field develop cognitive algorithms to read and understand a problem, and in doing so they predicate new solutions that can be inscribe within the framework of a paradigm. The role of theorization is crucial in this process, as well as the results of past experiences. Thus, from this assumption two consequences follow.

First, the only presence of anomalies is unable to explain the willing for policy experimentation. Actually, anomalies need to be seen as problematic, as public problems, which decision makers need to take care of. Thus, context of contested paradigms can be very long, until the incoherence between the policy goals and the results becomes an issue in the public agenda. The literature about the construction of public problems is well known and will not be explored here (cf. Gusfield, Abel-Sarat-Felstiner, Neveu). But what is important here is that the construction of the problem will determine the alternatives to be implemented. The actors that create the problem will read a situation with a cognitive frame that generates possible solutions.

Second, the experts in a policy domain are not circumscribed to the bureaucratic workers or the intellectuals in some societal enclaves (universities). Experts in a policy paradigm can be lobbyist, or specialized people, even brokers (see Sabatier) that might renounce to the implementation of a coherent policy in favor of a solution that will create the widest support. The result of policy experimentation is rather a mixture of the multiple ideas flowing around in a public debate (even Hall accept it in p. 284). It is then the intuitiveness (Morrison) of a set of ideas that can assure its success in being put to test.

However, coherence of the ideas by itself is not enough. Experimentation in one domain cannot oppose other domains of public policies. When France implemented the abortion law, some recalled the incoherence between the allowance of the abortion and the encouragement of a natalist policy encouraging population growth. Similarly, when legalization of cannabis became real in Uruguay some called for an incoherence between making the substance more available ant the policy of prevention. The set of new ideas must then propose coherence between the different policy domains.

Risk and uncertainty must be also circumscribed. Inside drug policy, liberalizing the market of opioids seems unlikely to happen since the addictive characteristic of the substance is very high. Even if theoretically a regulated market can solve a majority of the problem associated with

opioid abuse (quality, control access to the substance –age-, de-stigmatization that generate trust among consumers and thus allows for the control of abuse, eliminate the lucrative and violent markets that look for profit so increased sells...) this solution is hardly to be experimented because of the risk of increasing addiction.

Morrison has arisen another important factor to determine experimentation: reversibility. Recalling the Kenneth Waltz theory on nuclear proliferation as a solution to international conflict, Morrison argues that such a policy will unlikely to be reversed in case it fails. For an idea to be put into test, the reversibility of its implementation is thus needed.

Interest

Experimentation is more likely to happen in policy domains where the public attention is important. As Wilder and Howlett summarize, “scientific domains are significantly mediated by sociological factors such as power, career and reputational considerations, rendering judgments of the accuracy and significance of empirical observations contingent upon the outcome of struggles over the construction of metatheories of causation” (2014: 185). So experimentation also depends on the construction of the public problem. Actually, anomalies need to be seen as problematic, as public problems that decision-makers need to take care of. Thus, context of contested paradigms can be very long, until the incoherence between the policy goals and the results becomes an issue in the public agenda. The literature about the construction of public problems is well known and will not be explored here (cf. Gusfield, Abel-Sarat-Felstiner, Neveu). But what is important here is that the construction of the problem will determine the alternatives to be implemented. The actors that create the problem will read a situation with a cognitive frame that generates possible solutions, and will be in dominant positions within the public debates and discussions of the policy, even if sometimes their solutions are less coherent than the theoretical assumptions because of the pragmatism needed in “the complex array of challenges in getting their ideas to the top of the policy agenda” (Cartensen 2011: 147).

Experimentation will thus depend upon powerful actors that will be willing to engage in it. The actors are usually a government with the capacity to modify a policy sector by executive orders, or with a congress majority. However, the interest of the actors can vary a lot. Since the search of political power (as Thatcher in Hall’s case), to the philanthropic mission of solving a social problem, the motivations can be very different. Two factors must determine the willingness of experimentation, nevertheless.

First, the purpose of addressing a social concern is important. Experimentation may have a public appeal that usually translates into political appeal through the electoral game. Hence, experimentation serves as a way of demarcation either towards political opponents or inside a same group. Since the results of the experimentation are differed on time, and since knowledge (and preference) stabilize when social learning occurs –and experimentation finishes-, political

decision makers may be pushed to experiment in order to gain a privileged place in the future competitions.

Second, the willingness to shape a sector according to the policymaker's worldviews must be taken into account. Experimentation must be inscribed in the general belief system of a society and cannot be in opposition to the national priorities. Muller calls this process a synchronization of a sector to the global referential, which is usually defined by the macroeconomic policy (Palier and Ravinet 2015).

Institutions

Every policy change provokes a change in the institutional setting of the policy domain. Experimentation will depend on the capacity of institutions to implement a theory, either by transformations within the existing institutions –what Thelen and Streeck call conversion- or by the creation of new ones. The human and economic cost of those transformations may vary, being the former less expensive and difficult to implement than the latter.

Exposure is also an important factor to be taken into consideration while studying the institutional arrangements. Morrison explains the exposure as the consequences, in terms of cost, of a change in a policy domain over the others. Public policies are increasingly cross-cutting and intersectional so the consequences of an experimentation in one sector could provoke high costs in other sectors.

More than cost, institutions must be also trustworthy. For a policy experimentation to be trustworthy the control by the state is fundamental and the capacity of the institutions to implement and evaluate is crucial. Thus, the human and economic resources needed for the experimentation need to be plausibly taken under the control of the state institutions. The basic principles for the trust on the governmental experimentation is its capacity to control the actors engaged in the process, to sanction the ones drifting apart of the experimental rules, and evaluate the results of the policy implemented.

Table 1: Decisive factors for policy experimentation

Credible ideas even if not miraculous	Personal or collective interest to solve a social problem	Institutional capacity and reliability
Previous experiences (national or abroad).	The interest in solving a social problem.	Opportunity cost and capacity to afford the experimentation.
A theoretical coherence in solving (at least a part of) a problem (supported by key figures in the domain).	A political recompense due to the effects of the transformation.	Exposure or cost of modifying one policy domain in relation with others.
The absence of contradiction between policy domains.		Capacity to control, sanction and evaluate the experimentation.
Reversibility.		
Moderate risk and uncertainty.		

Paradigmatic change is very rare and even if anomalies undermine an established paradigm, policymakers would not necessarily search for alternative solutions to the problems (either within the old framework or with a different one). But when they do, they can try to improve their policies, or experiment with new ones. In short, policy experimentation is the empirical moment for the testing of an idea and a way to bypass a series of anomalies linked to a contested paradigm when alternative ideas are not on *steroids* (Baumgartner 2014).

Thus, instead of refuting other theories of policy change, policy experimentation can be improved in order to complete a large range of ways through which policy can be modify.

The example of drug policy in Latin America

If there is a policy domain -other than the political economy- where a paradigm exist, it would be drug policy. The well-known called “prohibition” is the cognitive and normative framework that was accepted all around the world under the idea that drugs where bad for society. While the history of probation recalls that the matter for the countries was at the regulation of the pharmaceutical industry (Dudouet 2009), it is the fear of drugs that was the origin of prohibition and this fear was shared all around the world. However, at the beginning, cannabis was not a target of the prohibition (Musto 1999).

It is today accepted that it is inside the US that a “moral crusade” took place to classify cannabis as deviant (Becker 1966). Within this framework, all consumptions were associated with delinquency and addiction, putting consumers at the spot of moral surveillance. And, I an

incredible task of policy diffusion through diplomacy, this vision of drugs become embedded in international treaties and was diffused all around the world (McAllister 2000). However, not everything was about importation from the US. As some cases show, the first anti-drug laws in Latin America also responded to the fear of social decay linked to addiction and delinquency (and violence) caused by drug use (Garat, 2012; Campos 2012, Pérez Montfort, 2015; Enciso, 2015; Sáenz Rovner, 2007; Mauro and Ramirez, 2015). Drug policy all around the world has tended towards convergence and criminal punishment has become the rule to any drug-related action, from production to consumption, and especially for trafficking.

However, the negative effects of the “war on drugs” have been showing up since the beginning of prohibition. The most important anomalies of the prohibitionist paradigm have been the increased prevalence of drug consumption all around the world with a diversification of the substances that are allowed in the black market, and, the empowerment of illicit organizations that control such a market through violence. Without entering the specific histories of each country, the adjustments to the policy in order to face such irregularities have moved in one direction: the increase in sentences related to drug offenses. These evolutions correspond to the so expected ‘first order changes’ in Hall’s theory.

Besides, in the recent years, some other adjustments have taken place in parallel. Thanks to the extension of rights in democratic Latin American countries, the courts have widely implemented a move towards decriminalization. This evolution of the policy responds to another anomalies related to (i) the mass incarceration of consumers and small links in the traffic chain, (ii) the violation of the right to a free development of one’s personality. This change corresponds to a ‘second order learning’ and provokes a change in the instruments used to fight for a ‘drug free world’ that focus more into big criminal organizations and traffickers than in peasants and consumers.

Despite the large adjustments that drug policy has supported, the anomalies linked to the prohibitionist paradigm still present. Mass incarceration related to drug offenses is still a reality all across the region, consumption of different substances is growing, and the illegal minor or medium traffickers are multiplying after the decay of big cartels.

This is why legalization appears as a solution for all these problems, concerning a change of the goals of the policy. However, the rationales, as we have seen for the case of Uruguay are confusing. While some actions try to tackle the security issues related to the prohibition, others focus on the public health and/or the respect of human rights. Thus, legalization is thought to have a positive impact in (Sanjurjo 2016):

- security issues by recovering the market that is today in illegality;
- health issues by improving the knowledge and education of the substance and reducing then its problematic use and separating the markets of the substances;
- human rights issues by normalizing and de-stigmatizing the consumers.

The legalist paradigm has been supported by: social movements of consumers and cultivators, bureaucrats in government (sensitive to mass incarceration and the prevalence of illegal trafficking), and parliamentarians who managed to recognize the social and governmental demands. Also, in 2009, a big shift in the region came from former presidents of the region that call out for the legalization of drugs (Global Commission on Drug Policy 2009).

However, the legalization of only one substance would is not considered an alternative paradigm for drug policy. In order to have a real impact on the anomalies, legalization has to occur with all the substances (and one might think in all the countries concerned by the production of the substances). Such a change is not likely to happened, so the legalization of cannabis would not be a miraculous solution to all the problems related to drug policy.

But it can be consider experimentation. By changing the overall goal of the policy, and considering that some consumption could exist and can be legal, the prohibitionist paradigm is put at stake. Thus, the result of the paradigmatic contestation is a mixed-policy that involves both prohibitionist and legalistic arguments. The result of the contestation is then hybrid and the paradigms and so how commensurable.

As we defend in the paper, the Uruguayan change of the policy is the only one leading to ‘third order’ experimentation. Concerning the ideational variables, cannabis users demanded, On the one hand, recognition of their right to consume through the acceptance of legal ways of procuring the substance. On the other hand, government control of the market was seen as a way of taking power away from illegal criminal groups that directly benefit from the illegal drug market. Crucial actors then carried out the theoretical coherence of the solution: the parliamentarians ascribe to the president’s party and the bureaucrats responsible of implementing the drug policy.

In fact, for the government, the main interest of the regulation is to face the greatest social concern of the moment in the country, while advocating the recovery by the state of a "deregulated" economy. The Uruguayan model of regulation requires strict control by the government that is part of the social-democratic *referential* that has lead the country since 2005. But in terms of political interest, public opinion was not in favor of such a change and the opposition for a so strong state control was high.

The decisive factor of the experimentation in Uruguay is the strong regulatory institutions the country has. This institutional apparatus has the confidence of the population. And overall, the new structure put in charge of cannabis regulation was conceived as having a double advantage: a close relation and direct dependence from the traditional structures of the state, and a financial independence deriving from the market itself. The cost of innovation was thus reduced and trust was high.

The Uruguayan experience has not shown results yet and expectations remain high. But if it works, experimentation can lead to a paradigm shift in drug policy worldwide. In Mexico and Colombia, the debate on the advantages of marijuana legalization has been very similar to that in Uruguay (based on the recognition of the right to free personality development and a way of counteracting security problems), but faced a technical problem of implementation: in the short time, legalization will benefit criminal groups, much more important in Colombia and Mexico than in Uruguay, as they will be able to exploit the market more freely and could compete with an industry subjected to quality and price controls.

The political interest in changing drug policy in Mexico and Colombia is very high because it allows for a demarcation of the policy it has carried out (since the 1990s in Colombia and 2006 in Mexico) and has been considered a failure (the number of deaths from the war o drugs is officially estimated at 150,000 in Mexico and coca cultivation in Colombia is still growing). But the institutions of these two countries have neither an institutional force (presence in the whole territory) nor a strong confidence, and in such a lucrative market the risks of corruption are very high, especially if the economic model takes into account the liberal economic policy of these countries. Thus, Colombia and Mexico did not experiment with the legalization of drug markets for recreational use, but nevertheless managed to regulate a smaller market: the medical marijuana market.

The idea behind the creation of a medical cannabis industry is based on the fact that there are patients who call for safe access to the substance as a treatment. The political interest is high because, if successful, a new industry is created that is part of a goal of modernizing the country within a globalized market. In addition, and more clearly in Colombia than in Mexico, the state's ability to regulate pharmaceutical markets is reliable as there are institutions that monitor markets with controlled substances today. These experiments seek to improve the understanding of these markets and to operate could be the basis for the regulation of a domestic production of poppy crops in Mexico, and of poppy and coca in Colombia, for medicinal purposes.

Experiments in Latin American drug policies thus illustrate a process of building public policies where knowledge is created through collective experience and not through laboratory testing. Experimentation on the legalization of cannabis seeks to test ideas about the advantages of legalization, without premonitions being accepted today in a dominant way. If they work, such policies will be the new paradigm in drug policy, and if they fail, decision-makers will need to think of alternative solutions to alleviate the anomalies of current drug policies.

(Preliminary) Conclusions

The focus on experimentation allows to go beyond the critical limits of Hall's theory. As it has been widely stated (Wilder and Howlett 2014, Carstensen and Matthijs 2015) Hall's account for policy change has three main problems: (1) the difficulty of empirical differentiation between a

policy and its instruments; (2) the enormous power of external shocks in determining change; and (3) the supposed incommensurability of the paradigms. Focusing in the period in between the institutionalization of a paradigm, one can see that paradigms can be hybrids and new ideas can become incorporated in a prevailing paradigm, challenging its overall coherence. Thus, the materialization of these ideas into the policy needs to be contrasted with the objectives of it, since a same instrument can served different objectives. The way of construction of anomalies is then crucial for the understanding of the political issues at stake and how policymakers can be incited even from the inside of the “locus of power” to challenge their paradigm.

Our reflection has been build upon the idea that “policy change is often much less logical in a paradigmatic sense that has traditionally been assumed” (Wilder and Howlett 2014: 194). We defend a new approach on policy experimentation that integrates a ‘third order’ experimental approach in which policies are developed in regard to the overall coherence of ideas, but also a positive context of institutional capacity and a particular interest of important actors to engage in such a policy.

References

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