CITIZENS AND PUBLIC CONTESTATION: BROADENING THE LIMITS OF POLITICAL PARTICIPATION IN BRAZIL

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ABSTRACT: This article shows the results of a research whose aim was to understand the new forms of political participation in Brazil regarding some dimensions of democracy effectiveness. To reach this aim, the research analysed an experience carried out in the Brazilian Federal Senate, named Ideia Legislativa (Legislative Idea). This project allowed citizens and movements from civil society to question some laws concerning the rights and the uses of marijuana (*Cannabis sativa*) in Brazil. The analysis demonstrates that the use of both, the Internet and the cyber-activism aimed at promoting and deepening broad debates over marijuana through the political commitment of the citizens. These actions take place within the legal and institutional arrangements foreseen in the Federal Constitution (CF-88) and through formal mechanisms of civic participation in public debates. The results indicate a broadening of dialogue between political institutions and civil society, and at the same time, some limitations of institutional arrangements for strengthening democracy.

Keywords: Democracy, Political Participation; Cyber-activism; Senate; Marijuana.

INTRODUCTION

The purpose of this paper is to present the results of a study developed within the Projeto Temático Fapesp (Fapesp Thematic Project): "Lideranças Políticas no Brasil: características e questões institucionais (Political Leadership in Brazil: characteristics and institutional issues)", conducted by NEAMP (Center for Art, Media and Politics Studies at PUC-SP). We sought to discuss new aspects of Brazilian political leaderships that act through the new forms of political participation in contemporary Brazil to analyze the emergence of these new forms of political organization and the dynamics that new protagonists have exerted in place of traditional political leaders. In this sense, the political practices and actions of individuals and groups that engaged in marijuana issues were analyzed, as well as its therapeutic, recreational and industrial uses in public and political spaces, mainly through the e-Cidadania (e-Citizenship) website of the Federal Senate.

The Senate e-Cidadania website (http://www12.senado.leg.br/ecidadania#) was established in 2011 "(...) with the objective of stimulating and enabling greater citizen participation through information and communication in the legislative, budgetary, monitoring and representation

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activities of the House". That is, the tool is an attempt to bring Senate activities closer to popular participation through digital devices. For example, within the website there is the area called e-ct (e-Legislation), intended for monitoring Senate actions and citizen participation programs.

The marijuana discussion has been gaining new and relevant contours since the turn of the millennium for two key reasons: i) the failure of international politics known as the "War on Drugs" and; ii) new approaches and experiences in the public dealing with drugs, internationally. In this same period, it is also possible to notice how the theme "marijuana" has been occupying more and more space in society and in the Brazilian political debate. Several movements and individuals have been demanding some of the most important political institutions, such as the Federal Senate and the Supreme Federal Court (Portuguese acronym: STF), to discuss this issue more openly and in depth.

This call to institutions was triggered by contesting movements that have been organized since the early 2000s. As new conjunctures – national and international – emerged, more citizens, movements and other civil society entities took part in the debate and subsequently began a process of charging public authorities and policies for new parameters in addressing drug issues. Part of this process is closely related to Brazilian democratic possibilities, especially through the participatory bias made possible by the Federal Constitution (CF-88). In addition, more recently for advances and modifications in the very conception of citizenship in Brazil (HOLSTON, 2013).

Since the dawn of democracy, participation and public debate in the meeting to discuss the destinies of the city and society have been fundamental features of politics that have contributed to its development and its own contours. Even though participation has historically been relegated to a secondary role, in the 21st century it returns as one of the main pillars of democracy. Thus, the current political conception, which includes themes such as the consolidation and implementation of democracy, also involves the issue of broadening citizen participation. Several authors address the role of participation as a founding requirement of the current democratic state (DAHL, 2012), or as a central element of democratic quality (DIAMOND; MORLINO, 2005). Therefore, political participation has been placed as a fundamental element in contemporary politics, especially in democratic countries.

As more and more countries are classified (or classify themselves) as democratic, the new studies on democracies try to analyze the extent to which politics and / or society are democratic from a point of view, beyond institutions, that involves the society more effectively. For this, several perspectives are evaluated and measured to measure its quality. Citizen political participation, understood here in its broadest sense, is one of the variables of the quality of democracy (DIAMOND; MORLINO, 2005). Some authors even corroborate the very idea of

participation as important to the idea of radical democracy (MOUFFE, 1992) or even radical politics (FENTON, 2016)[4].

The absence of spaces for participation also corroborates dissatisfaction with the traditional political institutions that eventually enter the crisis of representative democracy (MANIN, 1997). So, public and state mechanisms that do not answer citizens' questions collaborate so that they do not feel as an integral part of representative democracy, widening their crisis, while participation public debate and the possibility of intervention, for example, via activism and political engagement (public discussion, protest, contestation and other forms of resistance) can foster new forms of participatory democracy. Thus, the crisis of representative democracy itself collaborates in creating new spaces for participation, or as Manin (2013) recalls, creating participation in non-institutional spaces.

In this understanding, the research made an exploratory analysis of the procedure of the Legislative Idea proposed by André Kiepper. The analysis systematically followed all the development of the Idea within the Senate. The public debates promoted by the Senate at the invitation of the rapporteur of the process, Senator Cristovam Buarque (PDT-DF), were accompanied in what can be characterized as a netnography[5]. Follow-up has been carried out since the emergence of the Idea in 2014 until its last update in December 2018 (it will be better dealt with below). In addition, we also follow the national and international debate on the subject. As Castells (2012) recalls, digital age movements are urban and interconnected with their "peers" around the world, helping in a new configuration of social and political arrangements. The theoretical debate and experiences of new public policies on the subject address the issue of marijuana in its recreational, medicinal, industrial, social, legal and even political aspects. Finally, we also conducted two semi-structured interviews with the initial proposer of the Legislative Idea, André Kiepper.

POLITICAL PARTICIPATION AND DIGITAL ACTIVISM

The role of political participation has been seen as a fundamental requirement of the contemporary democratic state, whether by institutional politics (DAHL, 2012), by non-institutionalized participation (Manin, 2013), or by the search for new spaces, especially digital ones, to develop participation. In the last years of the twentieth century, there was a third wave of democracy, after the 60's and, even more, after the fall of the Berlin Wall (TILLY, 2013). From

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[4] It is worth remembering here that the idea of radical is related to its question of Latin etymology, something that goes to the root of the problems (FENTON, 2016).
[5] Netnography is a neologism for defining ethnography done on the Internet.

these perspectives, democracy is increasingly present in countries around the world, breaking with the borders of the western world[6].

Because of these new social dynamics, political systems in general have sought new forms of dialogue and incorporation of citizens' ideas into political debates, even outside traditional institutions. Participation in public debate and the possibility of intervention in the political field by activism or other forms of political engagement, such as public discussion, protest, contestation, resistance, among others, can foster new forms of participatory democracy, in addition to allowing citizens enjoy a more democratic political system.

The issue of participation in Brazil is linked to two important milestones: the period of re-democratization and the Federal Constitution of 1988, which established new contours for citizen participation, developed by mechanisms such as new spaces for propositions, discussions, debates on institutional policies, etc. The Constitution itself innovated by allowing and encouraging the social participation of citizens, whether by civil society participation councils, ombudsmen, referendums, referenda or even legal instruments such as laws originated from popular initiative, allowing and even stimulating new forms of citizen political participation. It also ensured new ways of inserting civil society organizations in the state through the possibility of participating in the decision-making process on public policies or even in monitoring their implementation (MOISÉS, 2010).

In turn, the issue of incorporating an increasing number of citizens into political participation helps to make its democratic quality even greater. Several factors can be understood as maximizers or minimizers participation. Often, it is up to the state to encourage effective social participation. For some authors, the exercise of mapping effective participation is important to understanding how it occurs. Understanding the configuration of different forms of political action is fundamental to measure the quality of political democracy in a given territory (RENNÓ *et al*., 2011, p.53-4).

Thus, it can be said that one of the current democratic dimensions is its social dimension. In other words, to what extent does it cease to be a political-electoral system and broadens its possibility of transforming people's lives in general, or how the political system incorporates the issues surrounding the daily lives of citizens. Moses (2010) raises two fundamental characteristics of the democratic regime: a) division of the power to make decisions that affect the community and b) the participation of citizens in the decision-making process. This second characteristic is still far from contemplating Brazilian wishes and desires in the political sphere.

The practice of encouraging participation and listening to citizen claims, defined as the ability to *"reflect and express the wills of the people"* (PENNOCK, 1952, p.790), is known as the

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[6] In recent years, it has been observed that many authors and published books deal with the reflux or death of democracy. Although we consider the observation of this phenomenon, it is not the object of study of this article. Moreover, this reflux corroborates the idea of waves of democracy, which are accompanied by waves of democratic deficit.

idea of responsiveness. Rennó *et al*. (2011) point out that increasing responsiveness in the quality of democracy concerns effective participation and not just the "right to participate". Democracy would be responsive when it meets the demands of the various social groups that make up the represented society. For this, there is a need for participation channels to exist and function efficiently and effectively. In this sense, the demands of the population must be considered in democratic regimes, although it is important to stress that not all wishes are achievable. Thus, listening to the wishes, claims, complaints and desires of the population by the state is characteristic of something that is still recent in Brazilian political history, and the Legislative Idea, analyzed here, is one of the cases in which the channels of participation are expanded.

One of the ways in which the state has to try to broaden participation is to respond to these citizens' wishes through public policies. Here, the perception that demands are dialogued and met reinforces characteristics such as the bottom up model in the political universe. Within the development of the public policy cycle, two movements are noted. The first is aimed at the pursuit of greater efficiency in the realization of policies, with the adoption of public management techniques, monitoring and strict evaluations aimed at the optimization of public resources within the fiscal adjustment model that guide the actions of contemporary states.

The second movement is related to greater popular participation within the public policy cycle, as the participation of citizens and organized civil society would allow in their different forms greater transparency and effectiveness of policies, as well as the consolidation of (participatory) democracy as a political regime, guaranteed by spaces for debate and deliberation. In other words, the idea of contestation and political participation (DAHL, 2012). It is on this second movement that the work focuses.

In another approach of the study, the emergence of ICTs (Information and Communication Technologies), which are presented as a new variable of contemporary politics, is also observed. From the 2000s onwards, the use of digital tools has been consolidated, which has expanded the possibilities of political participation by contemplating emerging citizenship themes and fostering some political actions. ICTs develop devices, connected to a global digital information network, which can assist in the development of new institutional designs to foster the interaction of both politics and, for example, public management with the citizen. Consequently, possibilities for expansion are opened for consultations, debates, deliberations, follow-up, access to information and social control, enabling the opening of new spaces for political participation and expanding the inclusion of civil society in the political and decision-making arenas.

The intense use of ICTs opens new possibilities for civil society to expand its active participation in public life, increasing the mobilization capacity and the articulation of citizens, providing greater involvement of social actors. In the network society (Castells, 1999) there is the possibility of incorporating mechanisms and communication devices from the internet that can increase citizens' participation in public life, either through individual action or through social

groups, reducing the costs of participation and making it more interactive and democratic (SUBIRATS, 2011).

Although ICTs offer political potential, they still depend on other social, cultural and political elements to be effective (FUNG, 2006). Something important and significant is the institutional design that operates directly for the capillarity and porosity of civil society demands in institutional spaces. In the case at hand, we observe that the e-Cidadania website actually opens the possibility for greater popular participation. However, this in itself does not guarantee the effectiveness of the proposals presented, as we will develop below. In any case, the political transformation provided by ICTs is undeniable, both in some social manifestations that occurred in Brazil, as well as in various parts of the world (CASTELLS, 2012). Fung *et al.* (2013) point out models of interaction or deepening in the relations between internet and democratic political processes, namely:

> i) the empowerment of the public sphere; ii) replacement of traditional organizations by new digitally self-organized groups; iii) digital direct democracy, support in trust; iv) constituent mobilization and; v) control supported by the social crowd (FUNG *et al.*, 2013, p.30)[7].

According to Fung, the Legislative Idea on Marijuana demonstrates how the Senate develops political processes on and over the Internet. In other words, citizen participation and state responsiveness are linked in and by ICTs. Castells (2012), Castells (2012), when analyzing activism, points out that the so-called brand new social movements are networked in multiple ways. For the author, this feature has caused the vertical and hierarchical forms of organization, typical of traditional political movements and parties, to begin to be replaced by more horizontal and decentralized forms. The use of social networks for political action has significantly changed the very role of leadership and the very character of movements articulated around social, economic, cultural and political demands. In general, we observe the multiplicity of demands in the composition of the agenda of movements called by Hardt and Negri (2005) of movements of the Crowd.

For authors such as Castells (2009), Hardt and Negri (2005), the social and political practices of the network increasingly mix and manifest in urban space, generating what is called autonomy space or flow spaces. These authors, even from different analytical perspectives, approach network politics as a boosting of the development of new collective practices. Para Castells (2009 For Castells (2009), the network enables the development of companionship. On the other hand, Hardt and Negri (2005) point out that communication flows favor the development

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[7] Authors' translation.

of cooperative lifestyles, based on the development of dynamics centered on what they call common.

Subirats (2011) points out that a living democracy requires spaces and opportunities for open debate to build shared ideas and visions, as well as places where everyone can intervene. Only then will a shared policy be possible. In other words, the internet contributes to new processes of relationships and experiences.

It is important to highlight that, in addition to the relationship between online and offline, the use of networks places us simultaneously, in constant dialogue with activism from various parts of the world, overcoming the identity barriers inherent to the borders of national states. The expansion of these forms of dialogue, from organized groups to less institutionalized collectives, from social, political and cultural movements in various countries, characterizes the political practices in a network. Thus, the international marijuana debate also finds echoes with Brazilian militants.

When it comes to the drug debate, another important issue to discuss is the behavioral, cultural and legal change that has been taking place in many parts of the world. Significant changes in behavior have been observed over the past few years, ranging from legalization / decriminalization experiences in certain regions (see recent cases in the Netherlands, Portugal, Uruguay, the United States, among other examples) to the opening of debates in academic and scientific or even economic sectors that advocate new possibilities for dialogue on drugs, especially marijuana. New civil society actors, not only in Brazil, point to many of these perspectives. The connectivity and information flows of contemporary society creates international convergence networks that continually exchange dialogues and experiences, helping to produce knowledge about the subject.

As a result, citizens who advocate new forms of treatment and confrontation of these issues, shaping the idea of radical politics, have promoted several topics such as the legalization, decriminalization of drugs. These approaches create various forms of political activism and through new action and performance repertoires have changed the way marijuana is viewed by certain social segments (FENTON, 2016 Recently, the debate about marijuana in Brazil now has actors who have not had such visibility before. New actors and activists took up public space to discuss the issue. Another form of action of these same groups is within the institutional ways, questioning the public power, in this case the Supreme Federal Senate, but also in other actions, the Supreme Court itself, for example.

Digital media enhance certain issues in the social and cultural fields and contribute to the formation of certain figures of subjectivity that may reverberate in a feeling of protest or indignation in some calls, allowing the opening of debate to topics considered peripheral in the agenda, such as the Marijuana issue. Thus, new forms of authorities develop that become the protagonists of these political actions, while the debate with the traditional institutions and leaders

treats the case as a matter of police and not as a matter of public health or from the economic point of view.

Within this conception, it is assumed that the debate and collective discussion of ideas can encourage citizen participation in the public space, not only in Brazil but in the world, as observed in various movements around the globe, such as camps in Europe and the Arab Spring (CASTELLS, 2012). In doing so, organized civil society groups or even individuals alone can propose laws, participate in policy making and processes. In addition, the state can become more receptive to "bottom-up" ideas, in designing and executing public policies while being more responsive in incorporating citizens' demands into their programs policy and public policy (Pennock, 1952 and Rennó *et al*., 2011). To better understand the marijuana debate, the following is a brief contextualization of its current and historical uses and debates. In the case discussed here, there is a clear role played by the activism of the proposer who initiated the Legislative Idea, André Kiepper[8].

CONTEXTUALIZATION OF THE MARIJUANA DEBATE

Historically, marijuana has always been a plant linked to the diverse cultures and spheres of social life, whether for its practical, everyday, commercial, recreational or even therapeutic uses. There are several studies on the history and involvement of societies with the most diverse plants, including marijuana (ESCOHOTADO, 1997). In all narratives there are common elements among their varied uses. The plant, of Chinese origin, would have reached India and the Middle East, then spread to Africa and Europe. It arrived in America with the great navigations and today is present in all parts of the planet (ROBINSON, 1999).

In the Brazilian case, the *cannabis*[9] arrived along with Portuguese colonization. Then it expanded with slavery, as its use was widespread in Africa, and later, with the discovery of the plant by the Indians, it spread throughout the rest of the country. For much of the Colonial Brazil period, marijuana use was associated with blacks and slaves. Its cultivation was even encouraged, even being produced as a raw material for the production of fabric, since its fibers are resistant and give rise to hemp (Rocco, 1999). In addition, in the nineteenth century it was used (in Brazil and worldwide) as a drug element with some soothing, antispasmodic and detoxifying therapeutic properties (França, 2014). These medicinal properties are now even better known and *cannabis* is used as a prescription drug for a variety of diseases in many parts of the world. In Brazil, its legalization has also been discussed in the Federal Senate in the course of the Legislative Idea.

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[9] *Cannabis Sativa* and *Cannabis Indica* are the two most known and widespread cannabis species.

Its use was not restricted to medical and commercial matters, as there was also a recreational and playful use of marijuana. For example, many artists have been using cannabis repeatedly since at least the 19th century. At that time, artists like Baudelaire or Delacroix wrote under the effect of marijuana[10]. In Brazil, for example, Olavo Bilac writes a short story entitled "Hashish".

However, tolerance for marijuana use began to change in the early decades of the twentieth century. In 1912, the first International Opium Convention took place, constituting the first treaty on drug control. In 1925, a new convention is held and the final text includes the inclusion of the international marijuana ban. Franklin D. Roosevelt then proposes the Marijuana Tax Act of 1937, which becomes the first US national law, imposing a prohibitive tax on marijuana use. In Brazil, in 1932 is published the decree nº 20.930 intended to regularize the use of drugs and psychoactive substances (FRANÇA, 2014). This prohibitionist stance, associated with the idea of using marijuana as negative and harmful, becomes the dominant voice in the relationship between drugs and society. In the US, some sectors of society became known as "moral entrepreneurs" who occupied public space to pressure the state into demanding tight controls on drug use and trade (FIORE, 2008)

At the same time, both medical and commercial use of marijuana are under persecution in these environments. Hemp fiber, a fabric used for hundreds of years, is now seen as obsolete and outdated by new synthetic fabrics such as nylon. The textile industry enters the discussion of marijuana prohibition. Its idea is to prohibit the production of the plant and the original fabric of its fibers for the use of new textile technologies and the implication of the royalties involved in this operation (Robinson, 1999) in a prevalence of the economic capital of the new companies in relation to the more traditional forms of production.

In addition, the pharmaceutical industry has also developed new drugs that have been encouraged by medical associations, particularly in the postwar period. Henrique Carneiro (2008) points out that the invention of medicines classified as "antidepressants" served as a counterpoint to the prohibition of psychoactive drugs. Carneiro points out that both classes of drugs act at the level of the transmitters (serotonin, dopamine, among others).

> The difference is that antidepressants act in regular doses over a long time and have a discreet and unremarkable effect whereas psychedelics act in single doses and have an intense and extraordinarily remarkable effect (CARNEIRO, 2008, p.79).

Here too, one observes the prevalence of the economic rights of pharmaceutical companies, who prefer to prescribe longer-term, more profitable drugs than single-dose drugs. No wonder, in the last ten years, major medical research centers such as John Hopkins University (Baltimore), New York University and Imperial College (London) have been researching the

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[10] Baudelaire's book "Artificial Paradises" would have been inspired by the Paris Hashish Users Club.

therapeutic uses of marijuana, LSD, MDMA and other psychoactive substances (POLLAN, 2015). Noorani (2015) points out that a new concept emerges for those who work with psychoactive substances: psychonaut. The psychonauts would be the explorers of "inner and subjective spaces", as opposed to the cosmonaut who travels out of space. However, before the return of this academic and scientific interest in psychoactive substances, especially marijuana, it is necessary to emphasize all the policies elaborated from the 1970's on against drugs, which focused on the repression of producers, traders and consumers.

All of these actions can be summed up in the idea of a "war on drugs", consisting of a policy developed since 1971 by Richard Nixon, then US president, in declaring that these substances were "the No. 1 public enemy" of that country. Therefore, there was an increase in repression against producers, traders (in this case, traffickers) and the final consumer. Repression becomes the key concept of the drug war. Since then, countless sums of money have been spent around the globe, without this policy reducing the number of users. Another important fact is that, as a consequence of this policy, the prison population in the countries that developed it increased, generating another debate about mass incarceration for crimes of less potential offensive (such as drug users). That is why, at the beginning of the 21st century, several countries began to re-discuss it.

> Expressing itself, since then, without any subterfuge in this policy of 'combat' and 'war', building the warlike framework that emphasizes the expanded role of punitive power in contemporary societies and the consequent violations of fundamental rights that are certainly inseparable from the very idea of war (KARAN, 2016, p. 176).

It is important to emphasize here the focus on treating drug users from public safety rather than public health, considering this user as a criminal who should be removed from society, that is, arrested, which leads to an increase in the prison population and the incarceration of these users. Global initiatives that seek alternatives to the failure of policies established from the guidelines that guide the war on drugs have been growing in several countries, these initiatives seek to avoid the worsening effects on users of actions established in the fight against drugs. As will be discussed below, the Legislative Idea intended to amend Brazilian law based on this new conception of public health and on recreational uses. In this regard, the Global Commission on Drug Policy report, issued in 2016, states that:

> The new report from the Global Commission on Drug Policy issues the following recommendations 1. States must abolish the death penalty for all drug-related offenses. 2. States must end all penalties—both criminal and civil—for drug possession for personal use, and the cultivation of drugs for personal consumption. 3. States must implement alternatives to punishment for all low-level, non-violent actors in the drug trade. 4. UN member states must remove the penalization of drug possession as a treaty obligation under the international drug control system. 5. States must eventually explore regulatory models for all illicit drugs and acknowledge this to be the next logical step in drug policy reform following decriminalization (GLOBAL COMMISSION ON DRUG POLICY, 2016, p.2).

Initiatives such as the Global Commission have been playing a key role in qualifying the drug debate, as well as seeking alternatives that can transform current policies. The Brazilian Drug Policy Platform (Portuguese acronym: PBPD) is one such initiative. It is a network created between NGOs (Non-Governmental Organizations), political action collectives on the subject and experts from various fields of knowledge to debate and promote drug policies based on the guarantee of human rights and, fundamentally, reducing harm from the complex use of drugs and, especially, the violence that is often associated with illegality. As Karan says:

> What causes violence is prohibition. Production and commerce are not violent activities in themselves. Illegality causes violence that produces and inserts criminalized companies in the market, simultaneously bringing violence as a byproduct of their economic activities (KARAN, 2016, p. 179).

The main objective of the PBPD is to stimulate policies that enable the autonomy and citizenship of drug users and the guarantee of the right to health and treatment in freedom. In this sense, the Platform is guided by a set of principles that govern its performance, namely:

1) Promotion of qualified debate;
2) Failure of the policy of repression;
3) Orientation through what is a human right;
4) Change of focus from substance to human being;
5) Building a culture of peace;
6) Social participation; and
7) Respect for freedom and the individual.

The main pillars of this initiative are not only the failure of the war on drugs but also the urgency of establishing debate on other levels. Thus, displacing the discussion of a traditionally moralistic bias to deepen the focus on reducing harm, promoting rights, reducing the criminalization and violence that the most vulnerable populations suffer in the face of combat guidelines with an emphasis on repression and public safety.

The issue of human rights is key in this debate, considering the numerous aggressions in this field, which is the result of drug policies. The PBPD argues that any and all policies should be focused on promoting public health for users, on substance abuse education, on social and economic development, considering that trafficking is fed in regions where poverty and lack of social inclusion options and economic are the main factors that lead individuals to engage in trafficking activities. That is, it proposes the exit of the drug policy from public safety to public health.

The composition of the members of the PBPD expresses a multidisciplinary concern to address the issue. The members are from areas such as legal, health, communication, sociology, among others, demonstrating that it is from the approximation of various knowledge that a deep and critical debate on the issue of drugs in contemporary times should be configured.

The PBPD undertakes several actions to achieve its objectives, among which we highlight the elaboration of a drug guide for journalists[11], explaining clearly and simply the main legal and scientific concepts around drugs. The Guide also provides a glossary demystifying some myths about substance use and serves to guide the production of more qualified news on the subject. This is an interesting strategy, given that the configuration of public opinion on the subject is very important to deconstruct distorted images about drug use.

At the initiative of the PBPD several events are also held to promote and discuss these issues, seeking to address the issue that shifts the gaze from issues traditionally treated in a biased and superficial manner to the qualification of discussions. It is interesting to note that this strategy is at the core of the Platform's action and guides discussions aimed at broadening the understanding of the complexity of the theme and ensuring the participation of organized civil society in this kind of reflection that concerns society as a whole.

In the international context, the Netherlands was the first country to look for alternatives to the drug war issue. To that end, it made recreational use of marijuana legal. From this experience, several other countries have changed their perspective, often changing their anti-prohibitionist policies and laws to new ways of addressing the issue. Thus, drug use, especially marijuana, has shifted from a criminalist view of penalizing its user for public health bias. Moreover, several groups still question their own medical-health references and appeal to the right to free choice and self-determination for drug use in general[12].

In Brazil, since the turn of the millennium, various social groups and movements (of the most different ideological nuances) have resumed the public and political debate on drug use. In

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[11] The drug Guide for journalists consists of an alphabetical glossary of over 200 entries commonly used for drug coverage, among other important information on the subject. To learn more see: http://pbpd.org.br/glossario/guia-sobre-drogas-para-jornalistas/. Accessed: 09/30/2018.

[12] These other approaches, while important, are not discussed in this article.

this context, it should be noted that the main discussions and flags are focused on marijuana, in its legal possibilities, its recreatíonal, commercial, economic and therapeutic uses, among others.

Next, we will analyze the Legislative Idea, an important initiative of the Federal Senate that tries to be open to propositions of Brazilian society expressed by both organized civil society and autonomous citizens.

LEGISLATIVE IDEA

In this article we specifically deal with the Legislative Idea which has as its central issue "regulating recreational, medicinal and industrial use of marijuana" (BRAZIL, 2014a), created by André Kiepper. As seen, the rapporteur was assigned to Senator Cristovam Buarque (PDT-DF), who after promoting debate and discussions in the Senate, gave rise to suggestion No. 8 of 2014 (BRASIL, 2014b). Prior to that, the creation of a Senate subcommittee on the medical use of marijuana was proposed. However, the aim of this article is to take a closer look also at the performance of Idea's proposer, André Kiepper, to better understand his role as an activist and the importance of ICTs in this process. Moreover, how this activism helps broaden popular participation in political-institutional processes and the very meaning of democracy.

Kiepper has worked since 2012 at Fiocruz, where he is Health Management Analyst, Management and Institutional Development profile. At Fiocruz, he is a member of the Institutional Program Working Group Crack, Alcohol and Other Drugs, which makes him close to the marijuana theme and probably knowledgeable about several distinct aspects about it. Today it advocates for the shift from drug issues from criminal to public health.

As already said, the Legislative Idea tool is on the Federal Senate e-Cidadania website, created in 2011, to stimulate popular participation in legislative activities. The program serves as a channel for citizens to propose matters they consider important for discussion and, as a last intention, to make them law. If supported by at least twenty thousand signatures within four months and meets some other prerequisites, the Idea goes to the Committee on Human Rights and Participatory Legislation (Portuguese acronym: CDH) and is intended for a senator to report on the process. From its launch in 2012 until 2018, the website has received 104 proposals with over 20,000 supports. Of these, 42 were debated by the CDH and ten were transformed into a Bill or PEC (Portuguese acronym for Proposed Constitutional Amendment). The numbers corroborate the limitation of popular participation as a proposer of actions in the Federal Senate. Even lower, this is the possibility of the Idea becoming law.

André Kiepper suggested the Legislative Idea in February 2014 and it became Suggestion No. 8. The proposal was submitted through the e-Cidadania website of the Federal Senate. The aim was to promote the discussion of marijuana regulation for medicinal and recreational uses and to get the twenty thousand signatures to be taken to the Senate Committee on Human Rights

and Participatory Legislation, where it was taken over by Senator Cristovão Buarque and discussed during 2014, becoming a report prepared by the Senator.

It is interesting to note that this whole process is due to the participation of a citizen, of course not exclusively, but undoubtedly with a central role. To make this possible it was necessary to use the internet in several steps. Firstly, in the Legislative Idea itself, which has its scope increased by the internet. Later it was necessary to work to get the signatures, process carried out by social networks. This shows us the importance of ICTs in citizen participation processes. Any proposal has a statutory deadline for getting signatures so it can move forward in the Senate. If it does not get this amount, the proposal is archived. The use of ICTs has made the analyzed proposal reach minimum signatures in much less time, corroborating the idea that digital activism increasingly acts in traditional political spheres, significantly changing contemporary political practices (SANTOS, 2016).

However, the tool itself presents some difficulties or barriers to its operation. One of them is the restricted space for proposals (today they are two fields that, together, make 700 characters available for the proposal, including the optional field). Another weakness is that from the submission of the suggestion, the whole process is in the hands of the Senate, revealing the impossibility of the proponent to participate more actively in the political process that he created. In addition, there is a chance that the Legislative Idea will be rejected if it is referred to a senator who has a different political, ideological or even moral alignment than that proposed, and he is unwilling to pursue the discussion further. André Kiepper himself raises this question:

> Senator Cristovam did and has done an excellent job, as he called public hearings throughout 2014, which for me was unexpected. Another less democratic Senator of the evangelical base might not have given the same treatment to the proposal. An ultra-conservative Senator, unaware of the wishes of today's young people, could have considered the proposal irrelevant, produced an inconsistent report, or even closed the proposal without approval (KIEPPER, 2015).

Ultimately, the proposal is threatened with failing to advance the debate on criteria of subjectivity and personality that are not compatible with contemporary democracy. Another limiter is the way the rapporteur conducts the process. Inviting citizens with differing opinions to debate on a topic in an attempt to produce a new understanding about it or, furthermore, to develop a new policy, is more democratic than preventing discussion within the most appropriate space for it – Parliament – or produce a biased debate, giving voice to only one side of the issues. A double limit is then set for Legislative Ideas, both within the scope of the proposal's qualification (small space in the text), as well as the continuity of the process or the parliamentary will. That is, the intention to increase participation, approaching the idea of a radical policy, depends on the internal institutional arrangements to be developed.

It is noteworthy that, despite the limits, this Senate initiative is very important for Brazilian democracy, as it opens space for different, sometimes conflicting, agendas, such as the drug debate in general and marijuana in particular. Gomes (2011) states that for a digital initiative to be relevant to democracy, it must have at least one of three purposes:

> Strengthening the competitive capacity of citizenship; 2. Consolidate and strengthen a society of rights, that is, a political community organized as a rule of law; 3. Argument for pluralism and increased competitiveness of minorities s (GOMES, 2011, p.29-30).

The initiative studied here fits at least the last two purposes by (i) trying to secure new understandings of marijuana use rights and (ii) making it possible for more plural proposals and different political actors.

Senator Cristovam Buarque (PDT-DF), after promoting six public debates with different civil society actors, as well as discussions in the Senate, drafted Suggestion No. 8 of 2014, which had more than one thousand individual participations and brought the following referrals:

1) Marijuana for medicinal purposes should be recommended;
2) Industrial use has not been analyzed; and
3) Recreational use would need to remain under discussion.

Regarding the first point, the rapporteur himself questioned whether this would still be feasible or whether ANVISA (Brazilian Health Regulatory Agency) had anticipated and was already addressing this issue. The second point was not discussed at length, because in the rapporteur's own words it would be a much more complex subject. By contrast, the third point would still need to broaden the debate. The senator commented that there were doubts about Brazil's social, cultural and political maturity in recommending the release of recreational use. However, the debate should follow, according to him, the importance of deepening the discussion. The contradictions in the debates that took place did not allow value judgment or definite positions, so the suggestion should not be archived. More than that, the debate on the subject should continue.

Another point acknowledged by the report is that there are already many different experiences with marijuana around the world, and even more so that the drug war policy is not the most effective one. He also questioned points about increasing incarceration and drug-related violence and current policies. Another aspect raised is the issue of unequal treatment of drugs regarding racial issues, among other aspects.

The report produced by the Senator has already been approved by the CDH and directed to the creation of a subcommittee to deepen the debate. Consequently, there was the suggestion of a bill to regulate "the medical use of marijuana (sic)". On the internet, support remained present, reflecting the new actions of digital activism. During discussions there is a possibility of

supporting or denying support for the proposition. In the online calculation, of the 67,162 total votes, 63,228 supported the proposition (or 94.14%). That is, the relationship between digital activism and dialogue with traditional political institutions is clear.

Some questions Kiepper addressed in the interview are relevant to understanding how ICTs assist in contemporary political processes. It is also worth mentioning the ease provided by ICTs, as they allow a "couch activist", as the author defines himself, to make politics from social networks. The ease found by the proponent in initiating the Legislative Idea within the website and the fact that he had no previous militancy in the area, but believed that it would be possible to raise an issue of interest through this tool. This shows how important the website is in getting nontraditional actors, who do not come from the so-called organized civil society, to have their proposals evaluated by the Senate, giving them a voice and at the same time showing a seemingly more responsive Senate.

In Kiepper's opinion, the Internet, especially Facebook, was central to Suggestion No. 8 and continues to be its activist role. He finds some characteristics that contribute to political activism, as this form of activism is more practical and cheaper (allowing someone like him to participate), as well as facilitating the formation of affinity groups. The internet also works for him as an amplifier of his voice, making it easier to perform high-impact actions and access to information. He also states that all major groups that work on the subject of marijuana make use of the internet, which demonstrates the importance of the tool for the subject.

Another noteworthy fact is the way André Kiepper got subscriptions through the use of ICTs and especially online social networks. Here Kiepper describes how this process went:

> Although the proposal was included in the e-Cidadania website on 01/30/2014, only on 02/05/2014 I realized that it was already available, because the system, at that time, did not notify by email the status of the registered suggestions, which they included later. In the morning of 02/05/2014 I posted the link to the proposal on my Facebook profile, and a blog that disseminates news about cannabis culture and legislative reforms around the world, SmokeBuddies, produced and posted a quick call, urging readers to support. This SmokeBuddies post on Facebook became viral quickly, having been shared and spread in different ways by others. On the second day, mass communication vehicles, such as Folha de São Paulo, O Globo and the website Terra had already announced the proposal, due to the fast adhesion obtained (KIEPPER, year).

It can be stated that the collection of signatures was only possible in the necessary time due to the networks that supported him and divulged his proposal. As stated earlier, he was not the leader of any organized civil society organization, which could perhaps facilitate this process (his action was individual and as a citizen). In the process, we also see a reverse movement from traditional communications, because first, the news appeared on the Internet, and later the traditional media spread it, showing the strength of this type of communication today.

In addition to obtaining signatures for Suggestion No. 8, Kiepper also obtained signatures (thirty thousand in total) to hold three public hearings in the Chamber of Deputies on different aspects of the Bill which deals with changing drug laws in the country (PLC 37). He points out that he only got these subscriptions because of Facebook and that without the use of social networks this would be practically impossible.

André Kiepper also created, together with a small group of people, the website www.reguleamaconha.com[13], which aims to convince and mobilize people about marijuana regulation. The website broadened the debate at the federal level in Brazil and was based on two other websites: the site for the campaign for marijuana regulation in the state of Colorado, US, and the campaign for legalizing marijuana in Uruguay. By adapting these proposals to the Brazilian reality, the site proposed a regulation that was not of a state characteristic as Uruguayan or as marketable as Colorado. The site featured an activism kit from the Drug Policy Alliance (DPA), the US organization that deals with drugs' regulation. This kit aims to teach citizens to press the state for their causes by providing guidance on how to communicate with their representatives (both in terms of communication channels, in terms of language and format of communications) and how to make use of the media, among other guidelines. Kiepper himself acknowledges contact with this organization earlier.

Finally, it is important to point out that the proponent does not identify any leadership in the marijuana debate in Brazil and makes the impossibility of permanent leadership, as there are diverse interests among those who raise the flag of marijuana legalization. Kiepper does not position himself as a leader or protagonist in this process, trying to stay out of any group or organization that fights for marijuana regulation. He himself states that he feels more comfortable like this, to have the freedom to move between groups without formally belonging to either. In addition, he says he seeks to present himself as a Fiocruz server and not as a proponent of Suggestion No. 8 or as a member of another organization.

Today, Suggestion No. 8 of 2014 was filed, with the extinction of the temporary Senate subcommittee that aimed to work on the issue on August 2, 2017, and it is important to remember that the theme left the agenda of the day in view of the current political conjuncture, especially after the impeachment of President Dilma Rousseff.

FINAL CONSIDERATIONS

In general, there is an increasing use of ICTs and online political engagement in an attempt to broaden the political debate on marijuana use through increased participation and radical policy (FENTON, 2016). These new forms of mobilization and political contestation can be interpreted as new forms of expression of the new social movements that collaborate in the lever of social

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[13] Currently disabled.

change (CASTELLS, 2012). These engagements end up proposing a new way of doing politics in contemporary times, in a different sense from what used to be observed in the past, that is, today movements also move from society to the state or from the bottom up. The change in relations between state and civil society becomes increasingly present through citizen participation.

Analyzing these new forms and new protagonists of political action helps to shape new democratic contours. On the one hand, they act to force public authorities to position themselves on the subject of marijuana. To this end, they carry out actions, protests, marches and debates that rely on certain types of citizen engagement and bring out the theme of drugs so that society, in its various expressions, can participate.

On the other hand, they act within the legal margins of the system, so that traditional political representatives can tackle the issue as well. Here, it is possible to observe that the institutional designs are important to advance the discussions arising from the popular initiative. The Legislative Idea, although porous to participation, has an arrangement that makes its implementation difficult. In the example discussed here, existing channels may become impeditive if, by chance, the senator chosen to be the rapporteur of the case submits the proposal for archiving without discussing its merit. This corroborates the idea of limiting popular participation as a proposer of actions for analysis by the Federal Senate. That is, ensuring that citizen voices are effectively heard is not yet assured in this process. Consequently, the possibility of the Legislative Idea become law is even lower.

It has also been noted that more recently other actors have entered the scene. Some organs linked to the judiciary have also been moving and, more than that, provoked appreciation of the issue by the Supreme Federal Court that, currently, has been judging the issue of decriminalization of marijuana (trial suspended by request of views by one of its ministers). Moreover, the academic environment has also constituted groups of studies and research that try to contribute to the debate in the most diverse aspects, going through the sanitary, medical and pharmaceutical question, in one aspect. On the other, research takes place in the field of law, thinking from the perspective of individual liberalism to prison issues, for example, as pointed out in Senator Cristovam Buarque's report. In addition, the field of the Human Sciences also addresses cultural, social, philosophical and political issues.

From the point of view of digital activism, one of those responsible is a militant who does not speak on behalf of any organization, tries to advocate for his cause individually and makes intense use of the internet, unlike the traditional activist, who is established by the organization from which is part and speaks from it. Importantly, for him, the cause goes beyond party subtitles, thus modifying more common patterns of political action. For this, the use of the internet and ICTs is fundamental.

As seen, the debate on the Legislative Idea proposed by Kiepper culminated in a Suggestion Report, No. 8, 2014, signed by the rapporteur Cristovam Buarque. In 2018, another Legislative Idea culminated in Suggestion Report No. 25 of 2017[14], signed by Senator Marta Suplicy. This idea was also about the therapeutic use of *Cannabis*. Both reports are being processed in the Bill (514/2017), which aims to regulate the medical-therapeutic use of marijuana.

REFERENCES

BRASIL. Senado Federal. **Ideia legislativa**: Regular o uso recreativo, medicinal e industrial da maconha. Brasília, 2014a. Disponível em:
<https://www12.senado.leg.br/ecidadania/visualizacaoideia?id=19341>. Acesso em 12/04/19.

BRASIL. Senado Federal. **Sugestão 08/2014**: Regular o uso recreativo, medicinal e industrial da maconha. Brasília, 2014b. Disponível em:
<https://www12.senado.leg.br/ecidadania/visualizacaomateria?id=116101>. Acesso em 12/04/19.

CARLINI, Elisaldo A. (2006). A história da maconha no Brasil. **Jornal Brasileiro de Psiquiatria**. v 55, n 4, p. 314-317, 2006.

CARNEIRO, Henrique (2008). Autonomia ou heteronomia nos estados alterados de consciência. In: LABATE, Beatriz *et al* (org.). **Drogas e Cultura**: novas perspectivas. Salvador: EDUFBA, 2008, p. 65-90.

CASTELLS, Manuel. **Redes de Indignação e Esperança**: movimentos sociais na era da internet. Rio de Janeiro: Zahar, 2012.

_____. **Comunicación y Poder**. Madrid: Alianza Editorial, 2009.

_____. **Sociedade em Rede**. Vol. 1. São Paulo: Paz e Terra, 1999.

DAHL, Robert. **Poliarquia**. São Paulo: EDUSP, 2005.

DIAMOND, Larry; MORLINO, Leonardo. **Assessing the quality of democracy**. Baltimore: The Johns Hopkins University Press, 2005.

ESCOHOTADO, Antonio. **La cuestión del cáñamo**. Barcelona: Anagrama, 1997.

_____. **Las drogas**: de los orígenes a la prohibición. Madrid: Alianza Editorial, 1994.

FENTON, Natalie. **Digital, Political, Radical**. Cambridge: Polity Press, 2016.

FIORE, Maurício (2008). Entrevista Gilberto Velho. LABATE, Beatriz *et al* (org.). **Drogas e Cultura**: novas perspectivas. Salvador: EDUFBA, 2008. p. 123-140.

FRANÇA, Jean Marcel. **História da Maconha no Brasil**. São Paulo: Três Estrelas, 2014.

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[14] More information: https://www25.senado.leg.br/web/atividade/materias/-/materia/132047. Last accessed on: 02/22/2019.

FUNG, Archon. **Empowered Participation**: Reinventig Urban Democracy. Princeton, NJ. Princeton University Press, 2006.

FUNG, Archon; GILMAN, Hollie; SHKABATUR, Jennifer. Six Models for the Internet + Politics. **International Studies Review**. Disponível em: <http://archonfung.net/docs/articles/2013/SixModelsPublished2013.pdf>. Acesso em: 19/09/2017.

GOMES, Wilson. Participação política *online*: questões e hipótese de trabalho. MAIA, Rousiley; GOMES, Wilson; MARQUES, Francisco Paulo Jamil (2011). **Internet e Participação Política no Brasil**. Porto Alegre: Ed. Sulina, 2011, 19-45.

GLOBAL COMMISSION ON DRUG POLICY. **New report from the Global Commission on Drug Policy**: Advancing drug policy reform: a new approach to decriminalization. Washington D.C., 2016. Disponível em: <http://www.globalcommissionondrugs.org/wp-content/uploads/2016/11/161121-GCDP-2016-Report-Press-Release.pdf>. Acesso em 12/04/2019.

HARDT, Michael; NEGRI, Antonio. **Multidão**. Rio de Janeiro: Record, 2005.

HOLSTON, James (2013). **Cidadania Insurgente**: disjunções da democracia e da modernidade no Brasil. São Paulo: Companhia das Letras, 2013.

KARAN, Maria Lúcia. Alternativa à "Guerra às drogas". COLETIVO DAR (org.) **Dichavando o poder**: drogas e autonomia. São Paulo: Autonomia Literária, 2016, p. 175-198.

KIEPPER, André. Entrevista concedida aos autores (Pedro Malina), Rio de Janeiro, 26/09/2015.

LABATE, Beatriz; GOULART, Sandra; FIORE, Maurício; MaC RAE; Edward; CARNEIRO, Henrique. **Drogas e Cultura**: novas perspectivas. Salvador: EDUFBA, 2008.

MANIN, Bernard. **The Principles of Representative Government**. Cambridge (UK): CUP, 1997.

_____. A democracia do públicos reconsiderada. **Novos Estudos CEBRAP**, São Paulo, nº 97, pp. 115-127, 2013.

MOISÉS, José Álvaro (org.). **Democracia e Confiança**. São Paulo: EDUSP, 2010.

MOUFFE, Chantal (ed.). **Dimensions of Radical Democracy**: Pluralism, Citizenship, Community. London: Verso, 1992.

NOORANI, Tehseen. Politics and authority in psychedelics research: scene, space and commom experience. In: SIMPÓSIO INTERNACIONAL AUTORIDADES EMERGENTES E FORMAÇÃO DOS COMUNS, 14-17 de junho2015, João Pessoa (PB).

POLLAN, Michael. Doce Remédio. **Revista Piauí**, nº 115, junho de 2015, p. 45-52.

PENNOCK, J. Ronald. Responsiveness, Responsibility, and Majority Rule. **American Political Science Review**, Vol. 46, p. 790-807, 1952.

RENNÓ, Lúcio; SMITH, Amy; LAYTON, Matthew; PEREIRA, Frederico. **Legitimidade e qualidade da democracia no Brasil**: uma visão da cidadania. São Paulo: Intermeios; Nashville: LAPOP, 2011.

ROBINSON, Rowan. **O Grande Livro da Cannabis**. Rio de Janeiro: Jorge Zahar, 1999.

SANTOS, Marcelo Burgos P. dos. Lei da Ficha Limpa: entre a sociedade civil e arranjos estatais. In: MESQUITA, Nuno C. (org). **Brasil: 25 anos de democracia**: Participação, sociedade civil e cultura política. Rio de Janeiro: Fundação Konrad Adenauer, 2016, p. 217-255.

SUBIRATS, Joan. **Otra sociedad, otra política?** Barcelona: Icaria Editorial, 2011.

ROCCO, Rogério. A cannabis no Brasil. In: ROBINSON, Rowan. **O Grande Livro da Cannabis**. Rio de Janeiro: Jorge Zahar, 1999, p. 114-123.

TILLY, Charles. **Democracia**. Petrópolis: Ed. Vozes, 2013.

VELHO, Gilberto. O consumo de psicoativos como campo de pesquisa e de intervenção polític. In: LABATE, Beatriz et al (org.). **Drogas e Cultura**: novas perspectivas. Salvador: EDUFBA, 2008, p. 123-140.