Between Win-Win and the Manufacturing of Consent:

Collaborative Governance as a Lightning Rod in Cannabis Policy

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Abstract

Scholarship on collaborative governance emphasizes the importance of creating win-win situations as a way of generating policy innovation and effective problem-solving. However, the dynamics of collaboration are often more complicated than discovering mutual gains. An analysis of Cannabis legalization in the San Francisco Bay Area finds that "getting to yes" is often a subtle mixture of finding common ground and the manufacturing of consent. This means that some participants take the role of entrepreneurs in the collaborative process and push discursive dynamics towards a dominant perspective. Exploring the importance of power and politics in collaborative governance, the case illuminates how arena design, discourse, and coalition-building shape the scope and character of consensus formation.

1. Introduction

Collaborative governance is a central topic in public administration research, and we have learned a great deal about its potential and its challenges. Well-led and designed collaborations can break through bitter conflicts, catalyse public innovation, and create collaborative advantage, though collaboration can also be time-consuming, generate significant transaction costs and be prone to least-common denominator outcomes (Huxham and Vangen 2004; Ansell and Gash 2008; Emerson and Nabatchi 2011; Torfing 2016). At the heart of our understanding of collaborative governance lies the view that it is a process of developing "shared power" (Crosby and Bryson 2005) by "finding common ground" (Gray 1989) that produces "mutually beneficial" or "win-win" outcomes (Thomson and Perry 2006; Fisher, Ury and Patton 2011).

Yet the play of politics and power in collaboration is often more elusive than the image evoked by win-win negotiation, and in such cases it becomes harder to understand how shared power is realized or limited (Purdy 2012; Ran and Qi 2019; Wegrich 2019; Hafer, Ran, and Hassain 2022). While it is recognized that finding common ground can be difficult and even "intractable" (Booher 2004) and that successful collaborations must foster the conditions for "getting to yes" (Fisher, Ury and Patton 2011), collaboration is generally perceived as taking place in a distinct forum where a discrete set of "stakeholders" deliberate and negotiate on the basis of relative parity. It is useful to surface and probe these assumptions, because in some cases extra-forum action is prominent, some interests and identities are bestowed a special status, and debate takes on a performative quality. Under these conditions, collaborative governance may look as much like a "manufacturing of consent" as it does "win-win" negotiation. We explain these concepts in Section 2.2.

Building on prior discussions of the role of power in collaborative governance, this article examines collaboration to create regulations for recreational marijuana legalization in the San

Francisco Bay Area since 2018, drawing on insights from interviews, observations, and systematic analysis of policy documents. Cannabis legalisation in California offers a useful study as it represents a case where important social movements such as Black Lives Matter and AIDS patient advocacy come together to challenge the orthodoxies and positions of health and regulatory professionals. Our central research question is how does power shape the outcomes of collaboration, especially with respect to processes of building agreement and consensus? We show how collaboration was a means of managing the heightened politics of this policy area and an opportunity for community actors to build momentum. This policy process was closely managed by city officials, yet public health and public safety professionals exercised little influence. Instead, deliberative forums unsettled pre-existing power relationships and gave momentum to coalitions of actors who were quick out of the blocks to seize the initiative and shape policy priorities.

The study confirms the collaborative nature of this mode of policymaking but raises questions about whether this process is best characterized as a deliberative "win-win" negotiation. In this case, collaborative governance served as a "lightning rod" to channel explosive issues into discrete policymaking forums. It absorbed historically charged social and political issues (especially regarding racial injustice), eventually transforming them into consensus policy, though not one that represented the perspective and input of all stakeholders. While this case is certainly historically and politically unique, such political and power dynamics may be at work in many policy domains. As such, the analysis builds on, and contributes to, research on the expression, organization and management of power in collaborations.

2. Theoretical priors

2.1 Power and Collaborative Governance

Scholars have explored the different dimensions of power in collaborative governance. Bryson and Crosby (1993) propose a multi-dimensional framework for understanding power in shared-power situations that leads to the insight that power is often exercised indirectly through the design of forums. Power is needed to convene collaborative processes, but it can also be used to direct collaborative agendas and to exclude certain actors from participation (Bryson, Crosby and Stone 2006). Ran and Qi (2018) argue that the value of balancing and sharing power is contingent on supportive institutional environments, less exigent missions, the voluntary nature of collaboration and prior experience with power-sharing. Elsewhere they observe that it is not realistic to "share power" unless power is already distributed (Ran and Qi 2019).

The collaborative governance literature stresses the importance of power imbalances between participants (Huxham and Vangen 2005; Ansell and Gash 2008). Such imbalances can be ameliorated through careful process design and facilitation, though collaboration may sometimes magnify power asymmetries (Steen, Brandsen and Verschuere 2018; Brisbois, Morris and de Loë 2019; Ahn and Baldwin 2022). Decision rules and deliberation can moderate power imbalances (Choi and Robertson 2014), while stakeholder "salience," agenda control and the unequal timing of participation may exacerbate them (Cook 2015; Best, Moffett and McAdam 2019; Brisbois, Morris and de Loë 2019; Bentzen, 2022).

Power can also be used to constructively advance collaboration. Huxham and Vangen (2005) usefully distinguish three types of power. While one stakeholder may wield "power over" other stakeholders, enabling them to enhance their own gains in the collaborative process, power can also be used to further mutual gains ("power to") or to empower others ("power for"). "Power to" is particularly important for achieving win-win outcomes. Conceptualizing the collaborative process as having multiple "points of power," they argue, helps participants see the wider potential for "power to" and "power for" within the collaborative process.

Purdy (2012) builds on Huxham and Vangen to propose a framework for understanding the role of power in the collaborative process. Her framework identifies three key sources of power—formal authority, resources, and discursive legitimacy—and focuses on how this power can be exercised over participants, process design and content. She also distinguishes between "surface" (overt influence) and "deep structure" (framing or constitutive) uses of power (see also May 2016; Gruberg, et al., 2022). While Purdy's account focuses on power internal to the collaborative process, Brisbois et al. (2019) stress that power dynamics external to the collaborative process also influence collaborative outcomes.

Finally, Hafer, Ran, and Hassain (2022) introduce four perspectives on power—functional, critical, social construction and pragmatic—and argue that the collaborative governance literature focuses too narrowly on functional and critical perspectives. They argue that a social constructivist perspective reveals the dynamic, contextual, and relational nature of power and a pragmatic perspective points to how collaboration operates in a web or network of power relations. These perspectives take us beyond the view that there is a right starting point for collaborative processes (i.e., an equal balance of power).

2.2 Two Processes of Consensus-Building: Win-Win versus the Manufacturing of Consent
These considerations suggest that the relationship between power, power-sharing and consensus-building is a complicated one. On the one hand, the "power to" design, facilitate and empower stakeholder engagement has the potential to balance overt power differences, enabling productive negotiations. On the other hand, as suggested by Purdy (2012) and Hafer, Ran, and Hassain (2022), power may be more constitutive, contextual, and relational, and forum designers and collaborative leaders may use their "power to" to advance some agendas over others. These contrasting perspectives on how power is expressed, organized and managed,

together with our case study, suggest two ideal-typical processes of building agreement or consent: A *win-win process* builds agreement and consent by balancing power and seeking compromises that benefit all parties; a *manufacturing of consent process* does so by channelling and bandwagoning support for popular positions.

A win-win process can be characterized as a stakeholder bargaining process. Stakeholders are typically organized groups with distinctive and relatively well-formed interests who negotiate to achieve mutually desirable outcomes. They vary, however, in their power, which is understood to stem from their organizational capacity, political influence or expertise. The win-win process regards such power imbalances as problematic for successful negotiations because they can lead to distrust and to "positional" bargaining where stakeholders are reluctant to explore mutual gains. Institutional rules, effective collaborative processes, leadership, and stakeholder interdependence, however, can help to balance power relations, shifting stakeholders from a "positional" to an "integrative" or "problem-solving" negotiating stance (Emerson, Nabatchi and Balogh, 2012; Fisher, Ury and Patton, 2011; Ansell 2011; Page et al., 2023). This does not mean that stakeholders abandon their own interests, resolve all conflicts (Ulibarri, 2024), or even reach agreement (Page et al., 2023), but it does imply they become more open to exploring opportunities for joint gain. In sum, power is expressed by different stakeholder endowments, with the expectation that institutional design, well-organized collaborative processes and facilitative leadership may partially equalize these differences, which in turn fosters the conditions for mutually-beneficial negotiated agreements.

Alternatively, the expression, organization and management of power may resemble a "manufacturing of consent," an idea first described by Walter Lippman (Lippmann 1929; Herman and Chomsky 2010). This phrase usefully captures the paradoxical notion that a consensus can marginalize some actors. As a process, the manufacturing of consent is

characterized by "bandwagoning." In international relations theory, bandwagoning refers to how weaker states ally with a stronger state, accepting a subordinate position in the alliance (Waltz, 1979). In psychology, it refers to the adoption of an attitude or stance because others have adopted it (Schmitt-Beck, 2015). With respect to collaborative processes, we interpret bandwagoning as the mobilization of support for a position that becomes harder to dissent from as momentum for it builds.

The conditions that favor the manufacturing of consent differ from those of the win-win process. Drawing an analogy with the international relations version of bandwagoning, it may develop where stakeholder power is asymmetric and where weaker actors are highly dependent upon more powerful actors, a situation Gray, Purdy and Ansari (2022) call "compliance." Alternatively, in a spirit closer to the psychological interpretation, even powerful and independent actors may find it difficult to dissent in the face of swelling support for a popular perspective. Anticipating our case study, this latter situation is more likely where 1) the expression of power is more diffuse and operates in a, "dynamic, contextual, and relational" way through "a web or network of power relations" (Hafer, Ran, and Hassain, 2022); 2) where "discursive legitimacy" is a more salient power resource than organizational capacity, resources or expertise (Purdy, 2012); and 3) where social networks mobilize support for widely shared aspirations or norms (i.e., "valence issues") or emotive or moral stances difficult to dissent from. Each of these conditions makes win-win negotiation more challenging while enhancing the ability of groups to rally support for a dominant perspective.

A manufacturing of consent is also more likely to occur where an issue has the historical spotlight, when there is urgency to address the issue, and where there is a hope that collaboration will resolve or at least successfully channel highly conflictual or particularly challenging issues. These factors enhance the situational power of certain actors or positions. In the case of

cannabis legalization, the aspiration to redress past inequities played such a role, pushing other concerns and potential disagreements to the side. In such a context, some actors become entrepreneurs (Mintrom and Thomas 2018) who utilize their reputational power or political momentum to drive collaborative processes toward a consensus position.

For those seeking to manage collaboration, this process is less about exploring the possibilities for constructive compromise and more about channelling power in ways that do not overwhelm the policy process. In this situation, collaborative governance may serve as a "lightning rod" to transmit high energy inputs into workable public policy outputs and agreement or consensus may be achieved at the expense of cowing or marginalizing dissent. Even if the collaborative process cannot be characterized as producing win-win outcomes, such outcomes may be positively valued by policymakers and allow them to avoid political failure.

Win-win deliberation and the manufacturing of consent processes are presented here as analytical ideal-types. As visible dynamics, they may coexist without either one being fully realized and, in certain situations, may even be mutually reinforcing (e.g., where stakeholders bandwagon to converge on a particular interpretation of mutual gains). It may be useful to think of coalition-building as a common link between them, since stakeholders can and do form coalitions inside collaborative processes to strengthen their bargaining position (Weible and Sabatier, 2009; Koebele, 2019). In win-win processes, however, coalitional dominance is checked by opposing coalitions and the capacity and willingness of stakeholders to unilaterally withdraw their participation or support. In manufacturing of consent processes, coalitional dominance becomes possible because participants either jump on the bandwagon or are unable or unwilling to exit or to voice their disagreement. A vast middle ground of coalitional competition and conflict may exist that produces neither agreement on mutual gains nor hegemonic consensus.

3. Research Design, Data, and Methods

To analyse these processes empirically, we conduct a case study of the legalization of recreational cannabis in California at the local level, with a focus on the San Francisco Bay Area. The choice of case was prompted by its high profile following the results of the Proposition 64 vote in 2016, and the recognition that it presented the opportunity to study the unfolding of an important area of social policy in the U.S. Our analysis focuses on the implementation of Proposition 64, once it entered into force, in 2018. At this point, regulatory activities to regulate the consequences of the 2016 vote were in full swing at the municipal levels in the San Francisco Bay Area. The contested nature of drugs policy and the way in which it drew together important historical socio-political currents (including racial injustice and AIDS activism) made it especially appealing as a focus for inquiry. The authors benefited from good access (one as permanent resident, and two as visiting academics in the Bay Area). We focus mainly on Berkeley and San Francisco as nested in one "pathway case" (Gerring 2007, 2016). Additional interviews were conducted in Oakland, but the analysis could not go to the same length for reasons of feasibility.

We combine four different types of empirical analyses:

First, we undertook a review of cannabis policy in the U.S. to analyse the starting conditions for collaboration. Doing so enabled us to appreciate the highly political nature of collaborative policymaking in this case.

Second, we conducted observational fieldwork, which has become an important tool to understand the dynamics of bureaucratic activity (Kekez 2019; Zacka 2017). We observed two commission meetings—one of the San Francisco Cannabis State Legalisation Task Force and

the other of Berkeley's Cannabis Commission—to gain insights into actor constellations and participant dynamics and to orient our interview protocols. This phase of work also informed the development of a series of ethnographic vignettes, which are included in the supplementary materials (Trein et al. 2025). A vignette is an evocative description of a research encounter or setting that presents resonant findings and communicates social complexities (Reay, Zafar, Monteiro & Glaser, 2019). In a further analytical move (Pratt, Sonenshein, & Feldman, 2022) we disaggregated the vignettes to enable a fine-grained presentation of participant voices.

Third, we undertook documentary analysis of the San Francisco collaboration. We conducted a dictionary analysis of documents produced by the San Francisco Cannabis Commission and the Cannabis Oversight Committee in the period 2018-2021, including all online documents from each session. Specifically, we focused on information produced by the two committees, notably meeting agendas, minutes, recommendations for the Board of Supervisors and presentations by Committee members (N=68 documents). We did not include documents containing excerpts of laws or presentations from invited stakeholders, since we wanted to focus on collaboration within these Committees. To analyze the documents, we used a Dictionary Analysis software based on the R-package *Quanteda* (Benoit et al. 2018). This method built our confidence in the findings and in the representativeness of the meetings which we observed.

Fourth, in line with norms for qualitative research (Nowell & Albrecht, 2018), we present the results from semi-structured interviews with 18 different stakeholders, e.g., bureaucrats from different agencies and independent local actors seeking to exert influence at the intersection between state and civil society. The selection of interview partners started with a web-based search of actors involved in the policy process. We deepened this sample with participants we met at commission meetings and with people recommended during interviews. This

snowballing technique built confidence that we were talking to people relevant to the collaborative governance process. We also included experts (e.g. a senior health professor based in San Francisco) who could offer a wider view and with whom we could sense-check our emerging interpretations. We promised anonymity to our interview partners and returned to member-check our interpretations of the research conversations. A list of the organizational affiliations of the people we met is appended to this article.

Our initial approach to data analysis was inductive. The co-authors used manual coding to develop first order codes and second order themes from the interviews. The authors then compared these categories, arriving at a shared agreement of key analytical themes and the aggregate dimensions related to our theorisation of collaborative governance. In a series of conversations and iterations of the paper, and moving to a more abductive phase, we moved between the data sources and the literature on collaboration, investigating the interplay of different insights as a means of further developing our analysis and argument. The coding scheme for the interviews can be found in the supplementary materials (Figure S1, Trein et al. 2025).

The process of data collection was partially sequential and partially concurrent. Interviews were conducted between February and May 2018 and the field observations in February and March 2018. We reviewed the documentary sources as we collected them and later conducted a more systematic analysis. Taken together, the variety of sources and information allows us to paint a rich and contextualised picture of collaboration.

4. Results

We now turn to the presentation of our results from the empirical analyses. Guided by our research question, we analyse how power shapes the collaborative process in ways supporting

a win-win or manufacturing of consent interpretation. We begin by presenting the historical background of drug policy in the U.S., which represents the starting conditions for cannabis collaborative governance in the Bay Area. We then examine the process of collaboration, aligning our analysis with (but not explicitly discussing) policy process theories (Weible 2023). First, we analyze how city officials who had the power to design the collaborative process assess collaboration. This speaks to the question of how the policy arena comes to be organized. Second, we investigate the framing of cannabis legislation as a policy issue. Third, we examine policy entrepreneurship to understand which actors take a leading role in the collaborative process. These questions relate to how power is expressed. Fourth, we focus on whether there are conflicting coalitions in the collaborative process. Finally, we judge how these aspects of the policy process shape the management of power in relation to the two theoretical processes we have developed.

4.1 Historical Background

To understand the process of cannabis legalization in the San Francisco Bay Area, it is important to understand the historical context. U.S. drug policy has been politicised and controversial. Successive federal governments have had ambiguous relationships with cannabis policy and individual states have taken the lead in reform, producing a "… a patchwork of regulatory strategies" whose effectiveness is unknown (Klieger et al. 2017). The Ogden Memo (2009), issued by the Department of Justice during the Obama Administration, stated that federal prosecutors "should not focus federal resources… on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of cannabis." As a result, states initiated more specific policies to ensure legal compliance, stimulating a flurry of policy action driven by various factors (Caulkins and Kilmer 2016; Hannah and Mallinson 2018; Koppel et al. 2014; Mallinson, Hannah, and Cunningham 2020; Pacula and Smart 2017; Raphael and Stoll 2013).

California has been at the vanguard of campaigns to liberalize U.S. cannabis laws, beginning with the country's first ballot initiative in 1972 and later becoming the first state to legalize medical cannabis in 1996. San Francisco has long been a national centre of campaigning to legalize medical cannabis, partly driven by the work of patients' groups including those representing AIDS patients. San Francisco, Oakland, and Berkeley all officially deprioritized arrests and prosecutions for possession or cultivation of cannabis for medical use and the San Francisco Cannabis Buyers Club became one of the earliest dispensaries for medical cannabis. In 1996, a state-wide ballot initiative, Proposition 215, was passed with 56% of the vote, legalizing medicinal use and cultivation for anyone with a doctor's letter (Vitiello 1998). In 2016, Proposition 64, the Adult Use of Marijuana Act, legalized recreational use of cannabis in California. Legal sales for non-medical use began on January 1, 2018.

The success of Proposition 64 at the ballot box was possible in part because the supporters of the initiative managed to carry the message that the legalization of cannabis would repair the negative social consequences of previous drug policies. The criminalization of cannabis under the "War on Drugs" had entailed a law-and-order approach with a particularly negative effect on poor and non-white residents. To win support for the ballot initiative, advocates argued that legalization would create economic opportunities for those who had suffered the most under previous drug policies (Holmes 2019, 942–43). In San Francisco and Alameda Counties (Berkeley and Oakland are in the latter) voters adopted Proposition 64 with overwhelming majorities.[1]

This political legacy suffused the subsequent development of local cannabis policy and represented the "deep structure" of the collaborations that followed (Purdy 2012). This legacy bestowed legitimacy on local activists and small business owners who supported policies to

help those negatively affected by the "War on Drugs." In addition, activists who wanted to create business opportunities were able to generate political support in city councils for their voices to be heard. This deep structure oriented the expression, management and organization of power in ways that favoured a manufacturing of consent.

4.2 City Officials and the Organization of the Collaborative Process

The first step in the empirical analysis focuses on the role of city officials regarding the collaborative process. On the one hand, the city administration and council members were involved in designing the collaborative process. On the other, they also accepted the results that came out of it.

Keenly aware of the complex and highly contested nature of this policy area, the city councils of Berkeley, Oakland, and San Francisco each decided to structure the formulation of cannabis policy as a civic and collaborative process. San Francisco created the Cannabis State Legalization Task Force, which later turned into the Cannabis Oversight Committee. In Oakland, the City Council created the Cannabis Regulatory Commission, and in Berkeley the City Council created the Cannabis Commission. In each case, the city councils exercised long-established legislative procedures for creating commissions or task forces to provide input from citizens and experts into the policy process. As noted by Bryson and Crosby (1993), they also exercised a degree of power through the design of their respective collaborative arenas. In Berkeley, for instance, commissions must be created by an enabling act of the city council and members are selected by individual city council members. With respect to Cannabis policy, the municipal code (§12.26.110) created a commission of nine members and specified that "[a]t least one commissioner shall be a member of a medical cannabis dispensary, one shall be a member of a collective that is not a dispensary, and one shall be a cultivator who is not primarily associated with a single dispensary and provides cannabis to more than one dispensary."

Berkeley city residents could then apply to serve on the Cannabis Commission, filling out an application that requested information on whether applicants met any of these criteria. As this design indicates, the city council sought to ensure a minimum representation for dispensaries, patient collectives and cultivators.

Once established by their respective city councils, each formal arena then developed its own programmatic agenda, produced position and discussion papers, testimony and research, and recommendations for policy and regulation. These outputs were subsequently used in local legislation. For example, in San Francisco, the work of the Cannabis Commission led to a raft of 'amendments' to Police, Administrative and Health Codes and to regulations related to the permit application process, good neighbour policy, community outreach, and equity.[2]

Interviews revealed additional insights about the dynamics of these processes. First, there was widespread agreement among interviewees about both the closeness of the relationship between the administrators and the non-state actors (especially the patient and consumer advocates). As one patient advocate in San Francisco described this relationship:

> "The council has been pretty open-minded. Two thirds of our recommendations went through. Only one third of the stuff we talked about didn't go through the board last year. There is rich cross section of people who are really important. Everyone from the city family has buy in."

As noted by one city council official, the cooperation between the cannabis industry and public bureaucrats felt unprecedented:

> "It's unusual. When you deal with industries that are being regulated you see industries shrink back and defend themselves from regulators … This industry hasn't had that experience enough yet to be callused by that… It was a really pure form of

communication and policy making. People are still coming saying… I want to be in a regulated space. That difference is palpable."

She implies that there is a certain 'greenness' to these operators, perhaps that they have yet to unlearn these behaviours and become more distanced from, or more guarded with, the regulators. But her reflection highlights the early work by operators to nurture close relationships and establish intimate dialogues with local administrators.

In these accounts, we witness what appears to be a "win-win" situation between city administrators and activists in that both sides perceive shared interests. The city council exercised its convening power ("power to") in creating the deliberative forum, and a process to manage contested issues. Council officials also exercised "power to" in creating a regulatory framework to establish a market that was informed by expertise from within the community, and a process for generating insights that could help cannabis legalisation serve as a vehicle for equity. Both sides exercised their "power to" in making the collaborative process effective by creating co-produced solutions. However, the relative absence of coalitions mobilising effectively on the opposing side (e.g., the failure of public health professionals to join with other sceptical voices) contributed to the manufacturing of consent.

4.3 Equity and Business Regulation as Dominant Policy Issues

In the second step of the empirical analysis, we turn to an examination of the framing of recreational marijuana legislation to identify how it was interpreted. We conducted a dictionary analysis of all the documents produced by San Francisco's Cannabis State Legalization Task Force and the Cannabis Oversight Committee for the period 2018-2021. The analysis included all available online documents from each session of the committee. The analysis focused on information produced by the two committees, notably meeting agendas, minutes, recommendations for the Board of Supervisors and presentations by members of the Committee

(N=68 documents). Documents containing excerpts of laws or presentations from invited stakeholders were not included since the goal was to focus on the collaborative process within these Committees. Ultimately, seven themes emerged from our dictionary analysis using the R-package *Quanteda* (Benoit et al. 2018) (Figure 1).[3]

Figure 1: Analysis of cannabis documents, San Francisco
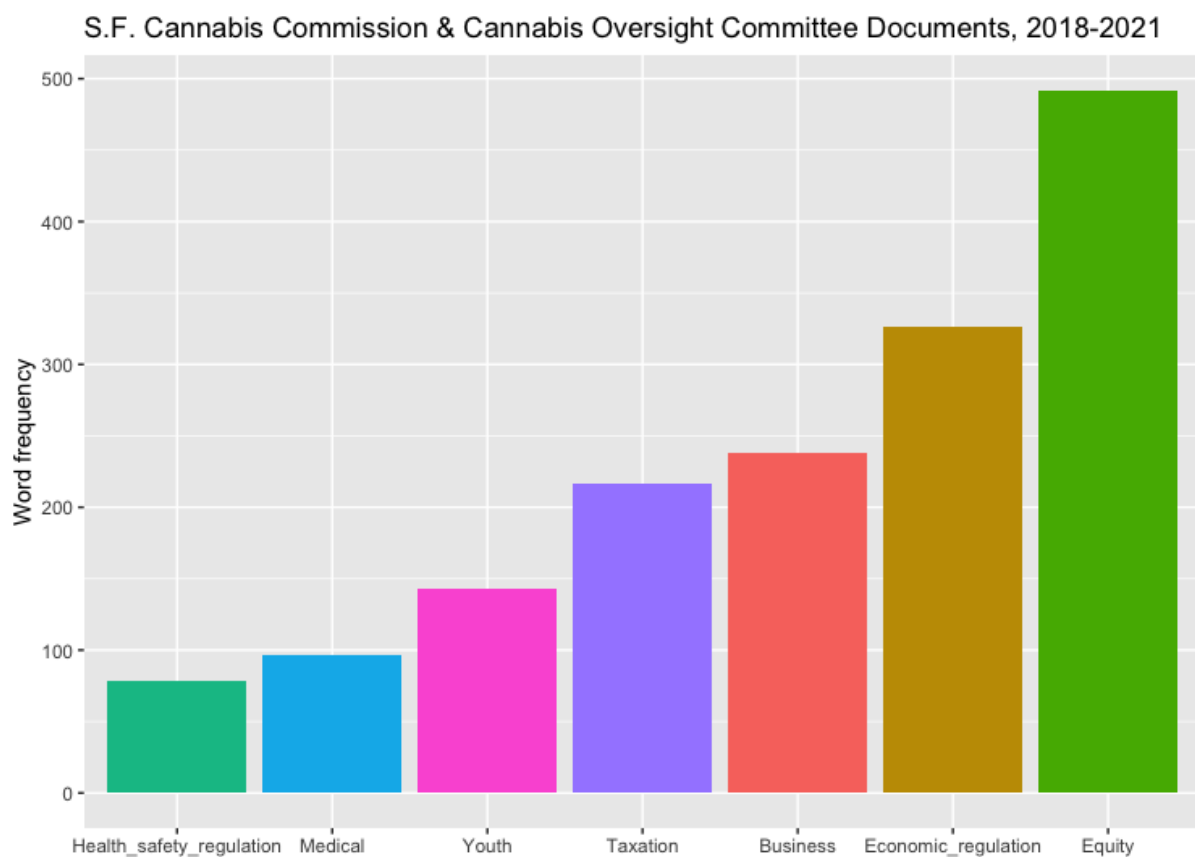
The findings indicate that equity was by far the most frequently mentioned theme in the materials, followed by economic regulation, business (opportunities), and taxation. The themes related to protecting the public, educating minors (youth) and health and safety regulations received much less attention (the medical theme refers to easing access to Cannabis products for patients). This contrast between the dominance of equity and economic considerations and

the limited attention paid to public safety, youth education, or public health suggests bandwagoning around the theme of creating economic opportunities to redress past inequities.

4.4 Entrepreneurs in the Collaborative Arena

To understand whether the collaboration comes closer to a win-win or manufacturing of consent process, we now turn to an analysis of the dynamics of the deliberative forums, drawing upon observations of local meetings. We conducted observations of meetings held by the San Francisco Cannabis Task Force and the Berkeley Cannabis Commission to produce a more fine-grained picture of the collaborative process, especially regarding the role of entrepreneurship. The participants included different groups impacted by the decision to legalize recreational cannabis, such as business owners, representatives of the cannabis industry, neighbourhood associations and policy experts.[4]

We observed a number of features of the collaborative process consistent with a win-win process, including the importance of face-to-face dialogue and trust-building, a commitment to collaboration and the development of shared understandings, a concern for intermediate outcomes, and appreciation for the unique knowledge of non-state actors. However, we also noted the particularly prominent role played by activists in these meetings. In San Francisco, an activist chaired the committee meeting and worked with officials. In Berkeley, city officials chaired the meeting but were explicitly sympathetic to the needs and demands of different cannabis producers. As explained by a Berkeley dispensary manager, the activist community took the lead in the development of cannabis policy: "We're at forefront of standards of normal products, paying taxes, following state laws and regulations… Lots of people look to us. The city looked to us to codify a lot of our programmes. Ours are not crazy concepts." There was a sense of radical and perhaps disruptive change underscored by the difficult lived experiences of many of the participants. As the chair of the San Franscisco forum put it during one meeting,

the task force had succeeded in shifting "from being an obscure advisory body with no place at the table to creating the system and having a place in that system in terms of influence."

Activists and business owners were deeply engaged in policy entrepreneurship and empowered by or closely aligned with city officials. In the San Francisco meeting, an activist for equity chaired the committee meetings and patient activists exerted strong influence. In Berkeley, a city manager led the committee but openly sided with patients and producers. In both instances, we observed little intervention by the public health or criminal justice communities, who might have been expected to be concerned about the negative consequences of legalizing recreational marijuana. Our observations of the salience of activist policy entrepreneurship, with the support of public officials, together with the absence of any significant counter-discourse, reinforced our view that a bandwagoning process was at work in these collaborations.

4.5 Coalitions during the collaborative process

The power of grassroots political activism and local producers: Building on our interviews, we next investigate how policy entrepreneurship resulted in the building of coalitions. The history of cannabis cultivation and use in California meant that the state had extensive networks of producers, consumers, patient-users, and advocates. A member of one patient group describes the close ties and sense of community among activists:

> "California is very unique because there's been an industry, a commodity that's been bought and sold for generations, it just hasn't been regulated. It's unique compared to anywhere else. There's a huge number of operators here. We're definitely a community."

This activist community was skilled in the arts of political networking to achieve influence. As one activist noted:

> "We utilise our experience. We're from a grass roots tradition and do political lobbying and advocacy on multiple levels with city, state and national stakeholders, and local influencers and community leaders who are powerful and have impacts on any policies that get pushed through."

The Berkeley Patients Group, founded in 1999, provides one illustration of the activist roots of some key actors. It is the oldest continually operating dispensary in the country, founded by activists during the AIDS crisis in 90s, at a time when no such relief was available for AIDS patients.

The strategy and skills deployed by local activists emerged from previous efforts to get Proposition 19 on the ballot in 2010 and then through years of discussions among operators.[1] As one activist put it, the 2010 ballot inspired this group to 'really hone-in on the strategy.' She describes the process of agreeing on common goals among the different groups:

> "I sat in on lots of strategy meetings with other operators and went over different touch points [about] what should be allowed and not - caps, residency rules, what controls local jurisdictions should have. Talking it out, brainstorming it… When things started moving it was a case of making sure policymakers understood the industry right now."

This pre-history of cooperation among a select group of activists suggests how they worked through "a web or network of power relations" (Hafer, Ran, and Hassain, 2022).

Defining themselves as pro-patient and sceptical of big business interests, activists presented themselves as a voice of expertise, as representatives of a battle-scarred community, and as operating according to a less instrumentalist ethos than profit-seeking businesses. This self-identify granted them significant discursive legitimacy and power in the collaborative process.

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[1] California Proposition 19, Marijuana Legalization Initiative (2010). The proposal was rejected by voters.

This legitimacy is well illustrated by the way the Berkeley Patients Group had become embedded in local political life on a rage of levels:

"We've been a part of what's been going on at state level in the past 3 or 4 years. We are very well respected in the community. We've always given back. City of Berkeley has declared a Berkeley Patient Group Day. We got a certificate of recognition from Congresswoman Lee. […] It's always been a major challenge to get people to take this seriously […] and we have made every effort to look and be as professional and mainstream as possible… ."

This capacity, experience, and probity added to the legitimacy of the activist community and helps to account for its influence.

Another source of their influence stems from the complexity of issues in this policy arena. One senior San Francisco official pointed to the number of departments—around 65—with some jurisdiction over local cannabis policy. The official noted that individual actors in this institutional landscape have limited knowledge of the industry and their own crowded agendas: "Most of those departments have not wrapped their heads around what a big existing industry we already have. And they all have competing priorities." A patient advocate agreed that many city professionals had a knowledge deficit:

"It's a matter of educating people. No one who hasn't been doing this day in day out has any idea of scope of any of this and what it means. And how could they? It's massive and it's changing literally every single day, so that they really need people to educate them about the impact and implications of different policies."

A member of the Berkeley commission further illuminated the fragmentation of the professional landscape:

> "Public Health is concerned. Police are saying if you guys want it go ahead but keep us out of it. Economic Development doesn't see the need for equity. They say if we're going to get some money in, let's just get some money in from this."

In sum, a combination of networking power, discursive legitimacy, political skill and expert knowledge allowed grassroots cannabis activists to become policy entrepreneurs who could credibly bandwagon support for their agenda.

Political conflict regarding public health: While policy entrepreneurship is not incompatible with a win-win process, it was the quiescence of alternative voices that suggested the manufacturing of consent. A senior city health officer described the clever drafting and policy advice from activists, where ordnances were drafted 'very strategically', in ways that public health professionals were slow to spot:

> "Some people live in housing where they are not allowed to smoke anything. So if they don't have access to spaces, you have to provide commercial indoor spaces to smoke in. They knew what they were doing. They looked very public health oriented. Truth is it created a path to full commercialisation… People did not realise that until we saw – 'Ah!' It was designed by intention."

This health officer observed that it is difficult to counter pro-cannabis messages. The grass-roots campaigning origins of these actors provided them certain advantages, protections from criticism, and platforms for influence:

> "You can demonise the tobacco industry. You cannot demonise the cannabis industry because it emerged from people who had medicinal needs and from compassionate use. A lot of the people who set up the dispensaries are part of the community. The dynamics are very different. So while we want to regulate it like tobacco, we can't treat people who are in the industry like tobacco".

This view was shared by another public health expert who expressed great frustration about the influence of pro-cannabis activists, suggesting why the policy arena is so open to local network influence, and why public health has found it difficult to counter:

> "At least in the US, the tobacco industry is so negatively viewed by public, due to a lot of work down the years. That does not carry over to the cannabis industry in the same way as the shadowy big tobacco industry. There is no bogeyman effect."

Another public health expert pointed out that the public health community was slow to engage in cannabis policy, suggesting that the lack of mobilisation had left the way open for pro-cannabis voices to dominate the policy discourse:

> "The public health response has been pretty fractured… I was going to meetings for months and public health professionals weren't showing up in San Francisco. They were suddenly concerned in January 1 2018. People had been writing prop 64 [Proposition 64: The Adult Use of Marijuana Act] for years."

One member of the Berkeley commission agreed that there was a lack of balancing voices and perhaps an unrepresentative membership: "It's not representative generally, it's definitely a commission of advocates. That's not necessarily a problem. But there is no balancing group."

These insights suggest that at least initially after the process towards implementation of Proposition 64 started there was a win-win collaboration for a coalition of actors such as local producers, small business owners, patients, and for those who suffered from the highly restrictive drug policy in the US prior to the legalisation of recreational cannabis. However, this coalition did not include public health professionals and experts who might have voiced concern or opposition with respect to business regulation or product access. They did not manage to oppose the discursive power and influence of local producers and grassroots activists. From their perspective, the process was not a win-win collaboration, but rather a manufacturing of consent.

5. Power Dynamics in Consensus Formation

The cannabis case suggests the importance of paying close attention to the power dynamics of consensus formation. If cannabis policymaking in this case were best characterized as a win-win process, we would expect to see bargaining and negotiation between stakeholders with different interests, resources and capacities seeking to identify productive compromises or opportunities for mutual gain. To encourage constructive bargaining and negotiation, we would expect to see efforts to equalize or neutralize power imbalances through leadership, trust-building or institutional design. Otherwise, bargaining and negotiation would likely grow acrimonious, and stakeholders might vocally withdraw their support or even exit the process and contest its legitimacy.

From this perspective, the role of the public health and public safety communities is puzzling. While deliberation and cooperation were observed, particularly between city officials and the cannabis movement, the outcomes did not fundamentally reflect or incorporate public health or public safety concerns. The participation of public health and public safety stakeholders was weak to non-existent, though they were neither explicitly excluded nor did they vocally withdraw their support, make a dramatic exit, or contest the process.

In contrast with this quiescence, cannabis policy was an emotive issue for cannabis activists that evoked powerful historical grievances and a sense of future possibility. Cannabis legalization was framed at the outset by a public sense of the injustice caused by prior drug laws and limited medical access, and by the need to right these wrongs. A powerful and mobilized activist community carried this flag forward and city officials were, to a significant degree, dependent on this community for knowledge about cannabis production and distribution. As a result, the discursive power of the cannabis movement harnessed the mood and spirit of the historical moment and mobilized its claim to represent the past and to speak

authoritatively for the future. This discursive power drew on a "deep structure" that framed the issue as one of redressing past inequities and that positioned the cannabis movement as both a victim of criminalization and as the champion of decriminalization.

The cannabis movement also drew on relational or network power that built on social networks forged between activists based on years of political work. Moreover, city officials exercised their convening and facilitating power to design collaborative forums in ways that were sympathetic to and promoted cooperation with the cannabis movement. The cannabis movement capitalized on this cooperative relationship with city officials and skilfully deployed its discursive power, political acumen and personal networks to build a dominant perspective. This process was cooperative and deliberative and stakeholders saw themselves as interdependent and engaged in problem-solving (Trein and Vagionaki 2022). However, the acquiescence or silence of public health and public safety stakeholders suggests this cooperation and deliberation operated within the bounds of the master frame established by the cannabis movement.

Win-win and manufacturing of consent processes suggest different types of consensus. A win-win process suggests that stakeholders exchange perspectives, arriving at agreements responsive to their respective *differences*. In economic terms, the underlying logic is a "positive sum" game where stakeholders seek to negotiate positions that make them all better off. Stakeholders compromise on some issues to achieve gains on others. As a result, a consensus is an agreement that garners broad support because it is responsive to multiple interests and perspectives. By contrast, consensus has a different meaning for a manufacturing of consent. Consensus is achieved by establishing a dominant or hegemonic perspective or "master frame" to which all actors consent or acquiesce or from which they are unwilling or unable to dissent.

Cooperation, deliberation or negotiation may be visible in this process, but within the bounds of a dominant perspective rather than across perspectives.

From a win-win perspective, the manufacturing of consent appears undesirable because it does not fully incorporate and adjudicate diverse talents, skills, perspectives and interests. We share this view but point out that a manufacturing of consent might have its own desirable features. First, if we accept that collaborative governance operates in the real world of politics, we must acknowledge that it will be responsive to the intensity as well as the diversity of meanings and emotions. In the cannabis case, the dominant meanings and emotions at this critical juncture were about redressing the inequities and injustices associated with the "war on drugs." Second, where highly-charged and potentially highly-conflictual issues are at stake, channeling this energy into a constructive process is a considerable feat. Collaboration may not have created an ideal forum for cannabis deliberation, but it did serve as a "lightning rod" that allowed city councils to establish constructive relations with the cannabis movement.

6. Conclusion

This case study of cannabis legalization in three cities in the San Francisco Bay Area contributes to theoretical work on the role of power in collaborative governance. Prior research clearly establishes that power is inherent in collaboration and shapes the process in complex ways. Power is exercised to convene and lead collaborative forums but can also be used to control agendas (Brisbois and de Loë, 2016; O'Riordan, McDonagh and Mahon, 2019). Prior research also appreciates the importance of power differentials and has distinguished different kinds and sources of power, pointing out how it can operate in less visible ways. While power differentials can make it difficult to share power, well-organized and well-managed collaborative processes can partially equalize power differentials and create the basis for constructive problem-solving.

Drawing on this prior research and our case study, we contrasted two different theoretical perspectives of how power relates to collaborative agreement and consensus-building—a win-win process and a manufacturing of consent process. The win-win perspective is well-known in collaborative governance research and lies at the heart of what makes collaborative governance normatively attractive: If the power of stakeholders can be relatively equalized through institutional design and leadership, good faith negotiations will follow and stakeholders will find ways to make everyone better off. We formulated the manufacturing of consent process because the cannabis case seemed puzzling with respect to our own priors that agreement and consensus are built on positive-sum negotiation. We witnessed apparent agreement and consensus but found that some significant stakeholders felt marginalized. The manufacturing of consent process suggests that strong political mobilization around popular themes can lead to dominant positions from which others do not vocally dissent.

The cannabis legalization case does not suggest that we should jettison the win-win perspective, but that we should widen our perspective on power by exploring the way that collaborative agendas are shaped and consensus is formed. The manufacturing of consent perspective illuminates the process by which certain agendas come to dominate the collaborative process even as other agendas become marginalized or silenced. Whereas the win-win perspective emphasizes good-faith negotiation between relatively equal stakeholders sitting around a bargaining table, the cannabis case calls more attention to the way that the cannabis coalition utilized its discursive and relational power to bandwagon around a dominant agenda.

This case also suggests why public officials may support such a process. City officials anticipated that legalization would be controversial and created collaborative forums to channel these energies into constructive policymaking. They then worked closely with the activist community to generate new legislative proposals. We have used the metaphor of "lightning

rod" to describe this channelling of potentially explosive societal issues into policy forums. Our research suggests that manufactured consent may be more likely than win-win outcomes where collaborative forums serve as lightning rods and where public officials ally themselves with external social movements.

We acknowledge the limitations of the study. Although the case cuts across different administrative programmes and policy portfolios and is relevant in situations where public bodies must respond to complex, historically-charged policy pressures, it was also time-limited, restricted to one region and dealt with an historically-specific issue. Further research would therefore be needed to determine whether the manufacturing of consent dynamics described here are visible in other collaborative governance cases. We hope this research opens up further discussion of how collaborative policy agreements form and what they mean.

Notes

[1] New York Times, August 1, 2017.

[2] San Francisco Cannabis Oversight Committee [https://officeofcannabis.sfgov.org/regulations].

[3] The themes we analyzed using the following keywords: Medical = "Compassion", "compassion", "patient", "Patient", "Caregiver", "caregiver"; Business = "Retail", "retail", "Retailer", "retailer", "non-profit model", "non-profit models", "Industry", "industry", "Market", "market"; Equity = "Equity", "equity", "Criminal record", "criminal record", "Criminal records", "criminal records", "Justice", "justice", "Injustice", "injustice", "community benefit", "Community benefit", "Community benefits", "community benefits"); Economic regulation = "Planning", "planning", "Access permit", "access permit", "Access permits", "access permits", "Standards", "standards", "Consumption", "consumption", "Edibles", "edibles", "Packaging", "packaging", "labelling", "Labelling", "Distribution", "distribution"; Health & Safety Regulation = "Environmental protection", "environmental protection", "Law enforcement", "law enforcement", "Public health", "public health", "Public safety", "public safety", "Zoning", "zoning", "Licenses", "licenses"; Youth = "Youth", "youth", "Education", "education"; Taxation = "Taxation", "taxation", "Taxes", "taxes", "Tax", "tax".

[4] Table S1 in the Supplementary Materials shows the types of members in the San Francisco Cannabis State Legalisation Task Force.

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