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TOWARDS SOCIALLY EQUITABLE CONDITIONS: CHANGE IN COMPLEX
REGULATORY SYSTEMS

A Dissertation

Presented to the Faculty of
Graduate School of Leadership & Change
Antioch University

In partial fulfillment for the degree of

DOCTOR OF PHILOSOPHY

by

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September 2022

TOWARDS SOCIALLY EQUITABLE CONDITIONS: CHANGE IN COMPLEX
REGULATORY SYSTEMS

This dissertation, by Katherine A. Hoffman, has
been approved by the committee members signed below
who recommend that it be accepted by the faculty of
Graduate School in Leadership & Change
Antioch University
in partial fulfillment of requirements for the degree of

DOCTOR OF PHILOSOPHY

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ABSTRACT

TOWARDS SOCIALLY EQUITABLE CONDITIONS: CHANGE IN COMPLEX REGULATORY SYSTEMS

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Yellow Springs, OH

The purpose of this qualitative participatory action research was to explore how complexity is engaged and experienced in complex regulatory systems, and to understand how cannabis might be regulated in ways that lead to socially equitable conditions. This was accomplished by studying the lived experiences of governmental leaders charged with the responsibility of establishing regulatory frameworks for legalized cannabis where none previously existed. Using the learning history methodology, the study deeply explores the ways that complex systems coexist by capturing the lived experiences of research participants and enhance theoretical understanding of complex regulatory systems. Data collection occurred through reflective interviews, followed by distillation and thematic analysis. This resulted in the creation of a data table and a learning history artifact that were validated by distribution to research participants and used as both an actionable tool for participants and an analytical tool to distill and categorize research findings. The data table and the artifact established three main findings: complexity is both a property and characteristic of systems; complexity is not a behavior, characteristic or action of “leadership” or “leaders” in complex regulatory systems; and the interplay between social justice and social equity is complex and often oversimplified. Rather than directing, participants brought about change by building interactive trust through dialogue and relationship-building in interactive spaces across and between macro, meso, and micro systems

levels. Complexity arose from these participatory human relationships when both the properties and characteristics of these systems were engaged, but the theoretical construct of complexity does not explain the presence of agency within this dynamic. By recognizing agency across all systems, structural barriers may be reduced, resulting in regulatory frameworks that may lead to more socially equitable conditions. This research contributes to leadership and complexity scholarship by empirically describing how complexity is engaged in complex regulatory systems, examining whether complexity has any connection to the practice of leadership, and adding to the emerging area of cannabis scholarship as it relates to social equity and the broader impacts of the war on drugs. This dissertation is available in open access at AURA (<https://aura.antioch.edu>) and OhioLINK ETD Center (<https://etd.ohiolink.edu>).

Keywords: cannabis, cannabis regulation, complex regulatory systems, complexity, complexity leadership theory, drug policy, leadership, learning history, participatory action research, public administration, regulatory construction, social equity, social justice, structure and agency, war on drugs

Dedication

This work is dedicated to the people who walked before me, with me and hopefully, after me to end the war on drugs.

Acknowledgements

I would like to express my gratitude to my committee for thinking with me.

My deepest appreciation to Dr. Donna Ladkin for her support of my desire to challenge what we think we know and how we think we know it. Thank you for getting excited with me when these findings started to take shape, and for talking and thinking about hard, intense, socially charged things with me. Thank you for exploring the depth and breadth of racism in the United States with me and how it is woven into so many policies, regulations, laws, and even leadership theories. Thank you for supporting my commitment to speak out about all of it and honoring my sense of responsibility to do so.

Thanks to Dr. Dennis Tourish for his role in inspiring this work and his meaningful critical feedback all along the way. Thank you for supporting and encouraging deep and critical thinking about how and why we've gotten to where we are and what the pathway forward might look like. Thank you, also, for always keeping it real and sharing my sense of mostly controlled outrage about why we keep doing the same things when it looks like they probably are not working and really don't seem to serve any useful purpose. Thanks for encouraging me to keep asking "but . . . why?"

Thanks to Dr. Harriett Schwartz for her enthusiasm about unique research methodologies, and her support of this work. Her observation of symbolism in my defense and asking me to talk about it gave me even more opportunity to speak openly about the messy, deep parts of massive social change that are unrelated to theory but are very connected to human experience and the nuanced dimensions of change that can often only be expressed through emotion and visual means. Thank you for understanding that human expression cannot always be reduced to replicable statistics and findings and why this research matters.

Thanks to Dr. Tony Lingham for not wincing when I indicated that I wanted to research complexity. Thank you for scribbling early musings of this work on a whiteboard in Los Angeles, staring at it with me, contemplating what it all meant, and then saying something like, “I think you are on to something, and I think you are talking about how complexity is engaged in practice.”

Deepest gratitude to my research participants for the gifts of their time, stories, and perspectives, and for trusting me to preserve their history. Thank you for not only allowing me to tell that story with you but reliving even the most controversial and even painful parts of it with me. Your commitment to public service, the greater good, and sound stewardship of public resources was evident in our conversations. I hope this work sheds light on what you do, how difficult it is, and how tremendously unappreciated you are.

Thanks to the community of Seabrook, Washington for incredible Pacific Northwest coastal retreats where the majority of this work was written. A bit of my soul will always reside in the sunroom facing the Pacific Ocean and the rugged Washington state coast in the House of Whimsea.

Thank you to my family, probably better characterized as my captive audience. Thanks to my son, Alex, who patiently listened to bits of this work as it was being developed (although this usually happened either in the car or at a family gathering where there were few opportunities for escape). To Molly, who was similarly situated and made the best of it. Thanks to my rescue pups, Abbie, Emma, and Ellie, chihuahuas with uncharacteristically long attention spans. Thanks to my sweet Maltese, Zoe, who was and continues to be my constant and cherished research partner and devoted travel companion.

Finally, thanks to my husband, Larry, who was the recipient of hundreds, maybe even thousands of theoretical development bombs for much longer than I was in this program, day in and out, any time of day, none of which likely made any sense and interrupted countless football, basketball, and baseball games. Thank you for always holding steady during all of it, especially the hard parts. You are the butter to my bread and the breath to my life. I love you.

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CHAPTER I: INTRODUCTION

The challenge for each one of you is to take up these ideals of tolerance and respect for others, and put them to practical use in your schools, your communities, and throughout your lives.

—Nelson Mandela, *Nelson Mandela by Himself: The Authorised Book of Quotations*

Initium (The Beginning)

This dissertation tells the story of cannabis legalization in Washington State, Colorado, and Oregon by engaging the process of learning history to better understand the complexities of moving a product once considered to be illicit into mainstream commerce. Its purpose is to understand if cannabis might be regulated in a way that leads to socially equitable conditions. This study approaches this question from an assumption that to accomplish this, one needs to engage with complex systems across multiple dimensions with aspects that are incommensurable.

This dissertation also begins to examine and ask questions about ways of learning, knowing, and leading to better understand the past, present, and future of cannabis legalization. It accomplishes that by memorializing the lived experiences of governmental leaders charged with the responsibility of establishing regulatory frameworks for legal cannabis markets where none previously existed. It does this by asking what they did, what they learned, how they learned it, and now knowing all of that, how they envision moving into the next ten years.

The approach to this research is unique. Most of the scholarship and research around this topic is filtered through the lens of those outside of the regulatory system, and from a theoretical perspective, that positionality may control for bias. While that may be preferable in certain research circumstances, this topic is different: the people charged with effectuating cannabis law reform were metaphorically building their planes while flying them. I joined the flight crew in

2018. Detached analysis from the control tower is one thing; being there, doing and building it, and adjusting in the air without navigation tools is entirely another. By evoking and honoring these stories, with the researcher moving into a storytelling facilitator and curator role, the true substance and richness of each narrative can be honored and maintained, laying a foundation, and establishing a pathway for future learning.

At the same time, this research is a story about ideals of tolerance and respect for others put to practical use. The weaponization of cannabis is well-documented, resulting in the disproportionate incarceration of Black and Brown people across the globe, but those numbers are higher in the United States as a direct result of federal legislation and initiative. Cannabis reform efforts realized in state-level decriminalization and legalization have begun to dismantle the legal structures on which those measures were built. Even so, the stigma associated with cannabis production and sale, illicit or legal, is very much embedded in the social contours of the existing national landscape. Pulling back the curtain of illegality through both statutory and regulatory reform that may lead to socially equitable conditions offers opportunity to realize the practice tolerance and respect toward people who have historically been the targets of anti-cannabis bias.

But first, a caveat: this work exposes some of the raw, insidious truths about how institutional and structural racism are intricately and deeply imbedded in the foundation, frame, and architecture of American society. Reliance on injustice and inequality, and a caste system that white America does not believe exists, made prosperity accessible for a privileged few (Wilkerson, 2020). That injustice continues to be demonstrated and experienced in actions and attitudes that were codified fifty years ago and are still experienced today. For example, Richard Nixon's 1971 "war on drugs" policies disproportionately targeted all people of color, but

particularly Black people, through cannabis (marijuana) laws. The American Civil Liberties Union (2020) recently reported that nationwide, Black people are 3.6 times more likely than white people to be arrested for a cannabis offense, despite similar usage rates. That's roughly the same rate of disparity that existed when the American Civil Liberties Union (ACLU) released the first version of its report in 2013. That report also noted that since 2010, racial disparities related to incarceration have become worse in 31 states.

Why is this still happening? Why does it seem that the equality needle rarely moves, and when it does, it barely budes? Compare cannabis in relation to other substances it is often grouped with, like alcohol, tobacco, and vapor products. Consider that throughout history, alcohol has played various societal roles, from being believed to cure disease, headaches, and as both an anesthetic and antiseptic on the battlefield. It has been viewed as a product that pitted the country against itself during prohibition; it was also viewed as a commodity that could pull the United States out of the Great Depression by taxation overlaid with strict regulation (Okrent, 2011). Similarly, tobacco followed the same path: women were encouraged to smoke "Torches of Freedom" during early 1920s as part of the suffrage movement (Amos & Haglund, 2000), and soldiers in both the First and Second World Wars received an ample supply of cigarettes in daily rations (Brandt, 2007). These products were viewed as both necessary and relatively harmless. However, today, smoking is the leading cause of preventable death, and is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This equates to about one in five deaths annually, or 1,300 deaths every day (Warren et al., 2014). Similarly, also in the United States between 2011 and 2015, an average of 95,158 alcohol-attributable deaths occurred, and 2.8 million years of potential life were lost annually (Esser et al., 2020).

In contrast, cannabis has been treated very differently. Simply the word—cannabis—prompts a wide range of reaction. From a scientific perspective, cannabis in the botanical word for a hemp plant derivative. The slang word for cannabis—marijuana, largely believed to be of Mexican origin—carries sometimes dark, socially nuanced, and purposely racist undertones. Indeed, in 1925, Mexico prohibited its export to the United States following the International Opium Convention, and once this specific prohibition was enacted, both illegal immigrants residing in the United States, and United States citizens could be arrested for possession of it. In the United States it was largely an unnoticed, almost benign weed.

However, in 1930, a gentleman named Harry Anslinger was appointed to lead the first United States Federal Bureau of Narcotics, a tiny agency at the time that was a precursor to the current Drug Enforcement Agency (DEA) branch of the Department of Justice (Hari, 2015). Anslinger made it his purpose in life to eradicate drugs—specifically marijuana—not because it posed a threat to United States citizens, but because “the [B]lacks, Mexicans and Chinese were using these chemicals, forgetting their place, and menacing white people” (Hari, 2015, p. 26). To assist in that endeavor, the United States Marihuana Tax Act of 1937 put a tax on the sale of cannabis, legitimizing the use of the term “marijuana” as a label for hemp and cannabis plants and products in the United States and globally (Galliher & Walker, 1977). Through Anslinger’s effective propaganda and misinformation campaign, public perception of cannabis was negative, and connected to criminal activity and “behavior that could cause loss of control” (Galliher & Walker, 1977, p. 367). Thus, using this term in place of the scientific terminology has been a successful framing tactic with racial connotations that has crossed generations, and continues today.

Despite this, movement toward repealing prohibition accelerated in the mid-1960s. Efforts to illuminate the connection of cannabis prohibition to the disproportionate incarceration of Black and Brown people began to gain traction. The campaign to save the United States from the ravages of what was framed as an assault on youth by illicit drug pushers and promoted under the guise of protecting “teenagers from drugs and prevent[ing] addiction in general” (Hari, 2015, p. 26) has remained as a continuation of Anslinger’s decades old the war on drugs. As the promise of saving the nation through stringent, rigid drug enforcement began to fade, a significant shift in perceptions of cannabis emerged, leading to the beginning of legalization efforts (American Civil Liberties Union, 2013).

Currently, 19 of 50 United States have legalized cannabis for both adult and medical use. Although many industry insiders consider national legalization to be inevitable, it remains a prohibited, Schedule 1 narcotic at the federal level. This restrains many potential researchers from exploring its uses, prevents federal agencies who would normally provide regulatory oversight from doing so, and supports financial institutions hesitant to fund cannabis businesses. Added to all of this are the entrenched social dimensions of cannabis use, including the lingering effects of stigma, cannabis-related incarceration, public health, and prevention concerns, and established illicit markets. Simply stated, cannabis has been and continues to be weaponized to disproportionately incarcerate Black and Brown people, but under a homogenous, less dubious name: public safety. For states like Washington, where social equity was not a foundational element of cannabis law reform, but public safety was, the opportunity to course-correct regulation through a social equity lens toward a restorative regulatory approach presents unique opportunities to deconstruct long-held beliefs and practices connected to institutional racism.

In this study, I seek to understand the multidimensional and coarsely textured story of legalization and regulation of cannabis in the United States. I will also explore what part social equity played in that process. These are complex issues individually, but when considered together they may serve to deepen existing and future discussion around institutional and structural racism associated with cannabis law reform.

This introductory chapter is a compressed representation of my research. I begin by describing the challenge this work addresses, offering background, areas of controversy, and making connections to leadership, cannabis regulation, and social equity. I move to the overarching purpose and goal of this work. This is followed by a discussion of literature, primarily focused on complexity in context, and how this research attempts to contribute to that work by offering content designed to challenge, and indeed, question some current thinking around complexity and leadership. I then describe my positionality to this work, both professionally and academically. The research method is then introduced, followed by a discussion of how this work may contribute to leadership and complexity scholarship. In closing, I assert why I believe this research matters.

Note that each section of heading of this chapter is intentionally presented in Latin to demonstrate how assumptions concerning knowledge and access (we all know Latin, don't we?) can act as institutional barriers to understanding. Additionally, I lowercase the term "white" as it relates to race, ethnicity, and culture because white people generally do not share the same history and culture, or the experience of being discriminated against because of their skin color (Daniszewski, 2020). In that spirit, I offer the following.

Provocatio (The Challenge)

How did and do regulators interact with complexity in the context of ground-breaking regulation? This work seeks to answer that overarching question by exploring complex systems and the current and former practitioners within those systems: the Washington state liquor and cannabis board (WSLCB), the Colorado Marijuana Enforcement Division (MED), and the Oregon Liquor and Cannabis Commission (OLCC). Washington and Colorado were the first states to establish a legal adult-use cannabis markets, and Oregon quickly followed. These states are some of the first in the United States to pioneer and navigate the initial regulatory landscape. While many viewed this as a rather simple undertaking, it is important to first understand the truly complex and background of cannabis legalization in the United States.

Legalization Versus Decriminalization and Social Equity

It is important to pause here and distinguish between cannabis legalization and decriminalization. It is a difference that matters, and one that is often blurred in policy discourse around cannabis. Decriminalization essentially means that a given activity no longer qualifies as criminal conduct and can only be treated as a civil infraction, but that activity is unregulated. In contrast, legalization ultimately includes the ability to lawfully regulate a given activity, and that the activity is no longer considered criminal conduct (Harris Bricken, 2014).

These are important distinctions to understand because it directly relates to an important sub-interest of this research: whether cannabis decriminalization is enough to address social inequity even if it is one of many steps towards legalization and regulation. Does simply legalizing cannabis without additional action help to preserve the existing criminal monopoly over it? If so, does that monopoly sustain the social inequity associated

with cannabis because it maintains the structural consequences of illegality, including but not limited to risk of arrest for production? While these are not the primary research questions for this project, these subjects are important to states considering policy options and regulatory structures for cannabis legalization. Perhaps on an even broader scale, observations around these questions may have implications for other countries contemplating federal legalization.

A Brief History of Cannabis Legalization in Washington, Colorado, and Oregon

The use, sale, and possession of cannabis over 0.3% tetrahydrocannabinol (THC) in the United States remains federally illegal, despite a patchwork of state laws.

Washington State

Washington began its cannabis law reform efforts with a focus on increasing accessibility of cannabis for medicinal use. This occurred through a series of measures that began to frame the narrative for future recreational, or adult use legalization. For example, in 1998, Initiative 692 was approved by a 59% margin, creating an affirmative defense to the violation of state laws relating to possession of cannabis for medicinal purposes. Qualifying patients or their designated primary caregivers could establish the defense if they possessed only the amount of cannabis necessary for their personal use (up to a 60-day supply), and if they presented valid documentation from a physician to law enforcement officers (Washington State Senate, 2015). Nine years later, the legislature directed the Washington State Department of Health (DOH) to adopt rules to define a presumptive quantity for a 60-day supply of cannabis for medicinal use. The legislature also required DOH to expand the conditions for which cannabis could be authorized and revised the parameters of the documentation required from physicians (Washington State Senate, 2015).

In 2010, Washington State Senate Bill (SB) 5787 expanded on previous legislation by broadening the list of professionals who could authorize the use of cannabis for medicinal purposes by including all licensed health care professionals with prescribing authority, such as physicians, osteopathic physicians, naturopaths, and others (Washington State Senate, 2015). The following year, SB 5073 established a regulatory system for the production and distribution of cannabis intended for medicinal use. It also created a voluntary patient registry where qualifying patients and their designated providers could enroll and receive protection from arrest and prosecution. However, many parts of the bill were vetoed based on concerns that state employees would have faced prosecution for engaging in the activities associated with licensing cannabis production and dispensing facilities. Instead, patient home grows and collective gardens were authorized, giving rise to a statewide expansion of a sizable and profitable unregulated, untaxed and unmonitored grey market (Washington State Senate, 2015).

That market was reconciled in 2012 by Initiative 502 (I-502) that established a comprehensive regulatory structure for the licensing and taxation of cannabis production and distribution. It authorized the possession of cannabis for personal use (1 ounce or less) for persons 21 and older, and dedicated tax revenue for substance-abuse prevention, research, education, and healthcare. The measure was approved by 55.7% of the voters and directed WSLCB to establish regulations around production, processing, and sale of adult-use cannabis by December 1, 2013. It was designed to dismantle the existing vertically integrated grey medicinal cannabis market, placing all regulatory oversight with the WSLCB (Washington State Senate, 2015). That deconstruction continues to serve as a controversial and complex political undertone in the current environment.

In August 2013, the United States Department of Justice announced that it would not interfere with state legalization, if distribution and sales were strictly regulated by the state (Cole, 2014). On November 18, 2013, Washington began accepting applications for cannabis businesses including producers, processors, and retail outlets. The first recreational cannabis stores in Washington opened to the public in July 2014.

Colorado

In 2000, Colorado voters passed Amendment 20 the legalized small amounts of medical cannabis for patients and their primary caregivers. However, express authority to regulate the product, including its distribution and sale, was not included in the Amendment, although the Colorado Department of Public Health and Environment exercised some limited authority over distribution of product in dispensaries, and at one point attempted to limit the number of medical patients that could be served and the number of dispensaries (Sensible Colorado, n.d.).

In 2009, the Colorado legislature enacted the Colorado Medical Marijuana code that created a comprehensive system of medical cannabis distribution and regulation. The first of its kind in the world, it created a licensing system for the production and distribution of medical cannabis, and placed restrictions on patients, caregivers and doctors. At the time Colorado licensed more medical cannabis businesses than any other state in the country (Sensible Colorado, n.d.).

Colorado's proposal to legalize adult use cannabis, Amendment 64, gathered enough signatures and qualified to be on the ballot on February 13, 2012. Like Washington, the proposition encouraged regulating cannabis in the same way that alcohol had been, in a tightly regulated, age-gated and closed system.

The proposal passed on November 6, 2012, with 55.3% in favor and 44.7% opposed (Bowlan & Ames, 2018). Since Colorado was able to essentially replicate the existing medical market based for the adult use market, Cannabis sales from dispensaries began on January 1, 2014 (Hudak, 2020).

Oregon

The state of Oregon approached cannabis law reform in much the same way as Washington and Colorado. In 1998, Oregon joined a handful of states in legalizing medicinal use cannabis when voters approved Measure 67. The measure allowed patients with qualifying medical conditions to obtain a medical cannabis card, allowing them to grow, possess, and use limited amounts of cannabis. The law also created a registry for patients and their designated primary providers who could assist them in accessing medical cannabis. This resulted in the creation of the Oregon Medical Marijuana Program (OMMP) to administer the patient registry and housed within the Public Health Division of the Oregon Health Authority (OHA; Oregon Liquor Control Commission & Oregon Health Authority, 2019).

In 2005, the Oregon Legislature mandated a state registry for cannabis grow sites, permitting patients to obtain marijuana from an assigned grower. Beyond the registry, the law did not implement regulatory controls, and a grey market emerged in the same way that it did in neighboring Washington State. Eight years later, the state legislature passed a measure legalizing medicinal cannabis dispensaries and establishing a new registry program. This added a new regulatory component to OHA's role in medicinal cannabis, which had previously focused more on health. The law introduced regulatory controls to the medical market: dispensary registrants were required to install security systems, participate in product testing, and submit to inspections.

The law also gave the agency authority to inspect dispensaries (Oregon Liquor Control Commission & Oregon Health Authority, 2019).

In 2014, Oregon voters approved Initiative 91 legalizing the production and sale of recreational cannabis in Oregon. The OLCC was charged with regulating recreational cannabis in Oregon, including licensing recreational cannabis growers, processors, and retailers. The state's medical cannabis program remained with OMMP. The first retail cannabis store in Oregon opened in June 2014 (Oregon Liquor Control Commission & Oregon Health Authority, 2019).

Regulatory Framing

All 50 United States have regulatory structures in place based on federal statutes to manage the commerce of alcohol. Prohibition of alcohol in the United States ended with the ratification of the Twenty-first Amendment in 1933, although some states continued prohibition for a period of time after that. It is well documented that the period immediately following the end of prohibition was tumultuous in terms of its regulation (Okrent, 2011). However, over the last 89 years, states and the federal government have perfected and refined regulatory approaches related to alcohol, and have agreed on issues associated with its use, such as underaged drinking, impaired driving, and the potential health risks of consumption and over consumption. While the layers of regulation are often viewed and experienced as a tangled web of bureaucratic red tape and burden by those to whom they apply, they have served and continue to serve their ultimate purpose to protect public health and safety to the extent possible.

Cannabis legalization and subsequent regulation, however, is different than alcohol. While it could be compared to the period following the end of alcohol prohibition, states have learned that the substances are not the same and cannot be regulated in the same way. The first

few states legalizing cannabis overlaid existing alcohol regulatory frameworks since these had successfully guided that line of commerce for several decades. However, over the last few years it has become clear that among other things, not only are cannabis products different, but their producers, lobbyists, and consumers differ from their counterparts in the alcohol business. One market is mature where the other is still emerging and maturing. The major difference, however, lies in the products themselves. For example, alcohol is measured by volume, or ABV, meaning that the alcohol content in a product containing alcohol is represented by a specific number or range. Alcohol content statements are required by the U.S. Department of the Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB) and are uniform throughout the United States. Although a 1% variance is allowed, consumers can distinguish between what products have high or low ABV, and consumption choices can be made based on ABV (Alcohol and Tobacco Tax and Trade Bureau, n.d.). Additionally, alcohol blood levels to determine intoxication or impairments levels can be accurately determined by breathalyzer tests or blood draws.

In contrast, cannabis falls into one of two categories: hemp or marijuana. Both were considered to be Schedule I substances under the United States Uniform Controlled Substances Act because they both contain delta-9 tetrahydrocannabinol (THC). The distinguishing factor is the level of THC, either <0.3% or >0.3%. Hemp is distinguished by its lower levels of delta-9 THC and marijuana by its higher levels, even though it is the same plant. Products identified as marijuana above 0.3% delta-9 THC are considered to be intoxicating or mind altering in a way similar to alcohol. However, there are no uniform standards for that measurement, and in a way similar to alcohol, intoxication levels vary based on metabolism, and a variety of other factors. However, determining intoxication levels following marijuana consumption is far from exact science. In states where the product has been legalized and driving under the influence of drug

standards have been established, such as the 5 nanograms of active THC per milliliter of blood standard in Washington State, a medical cannabis consumer may regularly exceed that limit regularly based on their therapeutic dose.

These dissimilarities become more profound when layered with the social stigma connected with cannabis consumption, its connection to the war on drugs, and the disproportionate incarceration rates of Black and Brown people for possession of cannabis before, and after legalization. Top all of this with the reality that organizations leading the legalization charge viewed cannabis through the lens of social justice, meaning that the focus was on harm reduction as opposed to equity. These measures would never have gained any traction or the support of middle-of-the-road and swing voters of the time had they contemplated more than establishing basic regulatory structures and driving while under the influence of drug (DUID) limits. In the ten years since these measures passed, however, the United States has begun to seriously reckon with racism, and we can think about social equity in cannabis law and regulation that the political climate of 2011 and 2012 did not.

For early cannabis legalizers, no regulatory structures existed in the United States or elsewhere from which to borrow knowledge or extract guidance. In Washington, while the medicinal cannabis program administered through a public health agency (DOH) never quite had enough steam to get off the ground, the WSLCB—an alcohol licensing and enforcement agency—was the only agency tasked with creating a system for cannabis production, processing, and retail sales. This framework included, but was not limited to:

- how crops were grown;
- what pesticides could and could not be used during growth cycles and at what levels;
- creating product standards, establishing cannabis testing laboratory accreditation and protocols (which are not established at the federal level, so there are no uniform standards); and

- establishing product testing standards.

None of these activities typically fell under or within the expertise of an agency that previously only licensed alcohol business. For similar products, other agencies such as the Washington State Departments of Agriculture, Health, and Ecology, or the federal Food and Drug Administration would be tasked with shared oversight. These agencies remain unsure about how to assist based on federal funding streams that prohibit participation in illegal activity.

In contrast, the Oregon Liquor Control Commission's responsibilities for regulation were shared by their public health counterparts at Oregon Medical Marijuana Program. The existing structure designed to regulate medical cannabis provided somewhat of a blueprint for the development and creation of a recreational regulatory structure. The same was true in Colorado.

Leadership and Cannabis Regulation

There was no indication or promise that the social experiment of legalization would be successful, and the leaders of pioneering cannabis regulatory agencies found themselves in unique and uncharted territory. Leading change in this space was unprecedented. The intricacies around not only the product, but the authorizing environment and everything else associated with the production, processing and sale of cannabis offered many challenges. Among these was the opportunity to engage with existing unregulated and illicit systems and move them into a legal and regulated space within distinct state and federal boundaries in ways that had never been attempted before.

The COVID-19 outbreak served as a stress-test of the existing cannabis regulatory structure, even though it is consistently compared to the more mature alcohol industry. Similarly, the alcohol industry endured multiple stress tests post-prohibition (Okrent, 2011). For example, while the cannabis industry was deemed an essential service in states with legalized systems, most alcohol production was not unless the ethanol used to create the product was being offered

as an ingredient for hand sanitizer. Alcohol producers, distributors and retailers trying to keep the supply of alcohol flowing in restaurants, bars, and retail establishments were unable to remain viable as restaurants closed or went out of business, and stores selling alcohol temporarily shuttered their operations. And, once the demand for hand sanitizer was met by companies such as Purell and Clorox, distilleries, wineries, and other alcohol production facilities had little choice other than to reduce or eliminate production.

In some ways, this contrast between these major business lines—alcohol and cannabis—underscores the challenge of regulating cannabis during this moment in history. There are times when the regulator’s role seems similar to directing a scene from *West Side Story* although without choreography, costumes, and music. Like the musical, a dominant group (larger, more mechanized, and commercialized processors and producers) struggle to figure out how and if territory might be shared with a less dominant, but equally important group (smaller, less mechanized, more agriculturally oriented and specialized processors and producers). This struggle inadvertently, yet simultaneously honors and tests boundaries that were not really all that stable to begin with. Such a dynamic occurred as the Washington alcohol industry grew and is being realized in the cannabis industry. However, the pressure on regulators to make no mistakes from legislators, the industry itself, and local governments on a product with little history of regulation often neglects the fact that it took many years of alcohol regulation to reach this point in that industry’s maturity.

For example, in Washington State, the three-tiered system for cannabis production is based on the total size of growing space, referred to as canopy, that an applicant selects for cannabis production: up to 4,000, up to 10,000, or up to 30,000 square feet. A limited number of production licenses were initially issued based on demographics, consumer demand, and

economic forecasts. Licensees selected growing methods, sometimes based on several factors, such as the availability of and access to capital and resources, and the location of the license. Different methods of production exist within these production spaces. High-tech, highly controlled indoor grows with year-round production that is suitable, generally, for the Western, more damp side of the state is one option. Lower-tech, outdoor grows that use light deprivation, hooping techniques, and other agricultural practices consistent with outdoor farming traditions is another. These methods are better suited to the Eastern, dryer and more agriculturally appropriate of the state. Each method has strengths and weaknesses. However, the contrast highlights one of the early yet often overlooked signals that the regulatory structure did not result in socially equitable conditions. Minority applicants experienced barriers to license attainment in ways that the majority of licensees, who were and are primarily white, well-capitalized males, did not. For minority licensees, limited access to capital and lack of generational wealth often determined license type and tier, growing methods, facility placement, and other business decisions. Additionally, an applicant's criminal history impacted the ability to qualify for a license, underscoring one of the many disproportionate impacts of the war on drugs. For some, business models were based on choice and access, and for others, a narrow pathway to participation.

To regulators, neither indoor nor outdoor production is superior to the other. Instead, each produces a different type of product with unique characteristics exclusive to the manner in which the product was produced. Yet, within these license types and groups, discord exists. Rivalry between indoor growers who harvest year-round and outdoor growers who harvest once or twice per year is common. Advantages, either real or perceived, are believed to be leveraged by "big business" at the expense of "small business," even though technically, the majority of these

businesses are considered “small” as defined in statute (see RCW 19.85.020(3)). There is disagreement over which growing style is more sustainable and efficient. There is competition over shelf space, branding and product development. Self-regulation realized as a propensity to report and expose real or perceived violation of state or local regulation by competing licensees is common. That self-regulation is often administered through social media channels, in private groups, or in complaints to the agency. These tensions within the Washington state closed system are examples of just one dimension of the complex system that is cannabis regulation.

How do we better understand that complexity, its characteristics, and contours, and where it fits in the broader conversation around regulatory leadership? Does the desire to create or achieve social equity influence any or all of these elements? In other words, what exactly is complexity in this context, and how do regulatory leaders in legalized cannabis markets interact with it? What approaches have these regulatory leaders found to help or hinder progress as cannabis markets in Washington, Colorado, and Oregon mature?

This research adds to that conversation in a way that moves toward identifying and understanding the characteristics of change in new, complex, and unpredictable regulatory systems. It goes one step further in a participatory way by capturing and sharing what these regulatory innovators have learned in a learning history artifact described below and in Chapter III.

Condictio (The Purpose)

I am interested in this research from two distinct, and yet separate perspectives: as a practitioner working in cannabis regulation, and as a researcher who wants to explore the complex, multidimensional landscape that forms cannabis regulation. My practitioner-self is interested in specific topics, including whether leadership theories have any practical application,

and what is the best way to approach complexity. In contrast, my researcher-self cautions that bridging theory and real-life practice is not the only research imperative. As Bradbury (2001) notes, “Knowledge is about rendering useful interpretations for preferred action in the world, rather than simply ‘knowing’ facts which are thought to describe independent reality” (p. 312).

To that end, the objectives of this study are three-pronged:

1. To understand how complexity is engaged and experienced in complex regulatory systems and understand what the practice of leadership looks like when engaging with such complexity.
2. To understand how the history and story of cannabis legalization told from the perspectives of regulatory pioneers can help us to understand the ways in which that complexity was navigated, including an exploration of social justice and social equity dimensions.
3. To memorialize the story of cannabis legalization in the United States from the perspectives of early adopters by creating a living learning history artifact that serves not only as a historical tool but supports movement toward sustainable “yes/*and*” policy options.

Another important purpose of this research is to give voice to the leaders of three states that led the way in cannabis legalization before anyone else in the world tried it. Washington State, Colorado, and Oregon were tasked with moving an illicit market to a legal one without the benefit of federal oversight or direction. Their lived experiences can serve to offer guidance for future legalization efforts that can contribute to the discussion of leading change in new areas of complex regulation. Their stories also have the potential to inform broader conversations about transformative interventions that may reduce institutional barriers to opportunity. This is the social equity component of cannabis legalization that was not built into legalization initiatives of the time.

If there is anything to learn from 2020 and 2021—the period of time in which this research was proposed and conducted—it is that whatever leadership tenets and theories we held

as the absolute truth resulted in a complex, out-of-control global pandemic that led to loss of life. I hope that this research helps us to unthink and deconstruct what got us here, and moves us from thinking about what *is*, to *what could be*. In other words, instead of seeking *yes/no* solutions, it seems like a good time to look at what we have done, where we have been, and consider instead, *yes/and . . .*

Ad Litteras Pertinens (The Literature)

I take a critical view of the literature for a variety of reasons, but primarily because in its current form, there are many difficulties with the way in which leadership engages with complexity. The extant literature describes almost utopian leadership models that enable, administrate, and adapt to achieve a particular outcome or direction in complex systems. It accomplishes this through visuals and persuasive *Harvard Business Review*-style, polished narratives. Complexity-inspired leadership is performed by a person who possesses a “keen” (Uhl-Bien & Marion, 2009, p. 640) sense of knowing precisely when to engage with the agents of a complex system to move them toward emergence. Virtually all of the literature describes this remarkable, new process through metaphor, analogy, and colorful diagrams that do not address the messy, unglamorous, *human* parts of change. Most notably lacking are discussions or depictions of the power dynamics and politics that occur in these systems. This forms the backdrop for one of my overarching research questions: is leading complex systems as a practice *really* built on a theoretical construct? Are we merely relabeling power dynamics and traditional forms of leadership as “innovative approaches” to leadership in complex systems? I believe that my established positionality as a practitioner has guided my emerging positionality as a researcher in exploring this question. Before unpacking any of that, I must understand how complexity has been theorized, because no one can agree on that.

Merriam-Webster (n.d.-a) defines “complex” as a noun meaning “a whole made up of complicated or interrelated parts.” Merriam-Webster (n.d.-a) also describes it as an adjective, meaning “composed of two or more parts: composite.” It can also be a verb meaning “to make complex or into complex.” On one hand, it is interesting that a word can have so many meanings, in so many contexts, and so many ways. The English language is full of words like this. Yet, on the other hand, multiple definitions of the same word can lead to misinterpretation, misapplication, and more often misunderstanding. For the casual bystander, calling something “complex” or using the phrase “complexity theory” to describe something reminds us of some of the ways we have visualized complexity. For example, see Glouberman and Zimmerman’s (2004) table where the differences between simple, complicated, and complex problems are described. For example, a simple problem is equated with following a recipe, where the recipe is essential to assure easy replication and the best recipe delivers the same results consistently. This is compared to an example of the complicated problem of sending a rocket to the moon, where high expertise is needed to complete the mission and there is a high degree of certainty in the outcome. Both of these examples are then compared to complex problem of raising a child, where formulas, like consistent parenting do not assure success, and because each child is unique, uncertainty of outcome, such as whether the child reaches adulthood, are unpredictable and largely unknown (Glouberman & Zimmerman, 2004).

Similarly, Snowden’s helpful and often cited Cynefin model (see Snowden & Boone, 2007) adds a chaotic category to the problem types described by Glouberman and Zimmerman. Importantly, the concern that each of these models attempts to address is bringing order to disorder, and tables can nicely organize the distinctions between these problems in a way that

makes sense. These descriptions are often extended to systems and organizations by way of analogy and metaphor. However, neither approach quite gets to why it is always necessary to bring order to disorder, or why only one person or leader can or should do that. In other words, the literature tells us that complexity is sort of *implied* in multiple ways in multiple contexts, but it does not tell us how it is *applied*, if it applies at all, or what it even means.

In the chapters ahead, I will examine how complexity is characterized in literature and elsewhere in a number of ways, including but not limited to:

- origins, progression and development,
- the multiple ways complexity is defined, and
- how complexity is linked to leadership.

All of this suggests a larger question, however: if complexity is so problematic, why would I use it as a key construct for this dissertation? How does an abstract concept have any concrete or physical application in practice? The answer is because the systems and authorizing environments that comprise the cannabis regulatory landscape are complex. To learn about how cannabis might be regulated in socially equitable way, this research engages those complex systems to better understand them and move toward frameworks that have the potential to make socially equitable conditions possible. Thus, rather than continuing to theorize how complexity *might* apply in context, this research will attempt to move complexity beyond the abstract, into considering its use as tool that can be practically, collaboratively, and purposely leveraged to lead change in complex regulatory environments.

Positio (My Position)

I serve the citizens of Washington State as the policy and rules manager for the WSLCB. Among other things, I lead policy and interpretive statement development, advise agency and

other governmental leaders on cannabis and liquor policy, and manage the agency rules program. I have served as a policy advisor at various governmental agencies for many years.

Our mission statement provides that we “Promote public safety and trust through fair administration and enforcement of liquor, cannabis, tobacco, and vapor laws” (WSLCB, n.d.). I hold this mission less in the back of my mind, and more in my line of sight. I also maintain focus on two of our agency goals very closely. These are to “Ensure the highest level of public safety by continually improving and enforcing laws, regulations, and policies that reflect today’s dynamic environment” and, “Inform and engage licensees, the public and stakeholders in addressing issues related to our mission” (WSLCB, n.d.). I focus heavily on the second goal in my practice.

I see these as more than words on a webpage . . . I try *put them to practical use* in the spirit of Mandela. I have learned in many years of public service that demonstrating tolerance and respect for others is critical to constituent engagement. My personal values, based on a lifetime commitment to social justice, belief in equality, and human dignity cannot be balanced with professional responsibility without tolerance and respect.

How does one tie any of that to the regulation of alcohol, cannabis, tobacco, and vapor products? How can ideals of tolerance and respect be associated with products, and the people who produce and sell them, that some governments have intentionally age-gated because they may cause harm? Products that some believe to be addictive, offering gateways to more dangerous substances. Products that can, if used for protracted periods of time, over-used or abused, result in death and disease. Products that are associated with criminal behavior, and as noted above, have been weaponized as tools to harm, incarcerate and marginalize Black and Brown people?

The connection, or the tie in, is that there are social justice and social equity implications for the legalization of cannabis. My experience suggests that leading change in this context, through policy development, regulatory framework development, or guiding legislation, involves taking on dense problems of monumental, and sometimes overwhelming proportions. Social equity is one of those problems, and my experience also suggests that complexity is often used to describe these problems.

I am grateful to scholars for carefully constructed, thoughtful contributions to complexity discourse. Without them, I likely would not have become interested in the topic, thought about how it layered into the rest of my work, or tried to connect it with my commitment to social justice. Yet, if the limit of my contribution to academia was only to explore, explain or further existing theories, I would be doing the study of complexity and my lifelong commitment to social justice a great disservice. Here, I aim to offer new thinking and theorizing about how we approach complex regulatory systems and how we might create regulatory frameworks that lead to socially equitable conditions.

Where does that leave my research and why would I want to move it forward, situated in an inherently unstable and controversial landscape? What value is there in becoming comfortable with uncertainty and instability when, generally speaking, most bureaucratic structures are designed to achieve the opposite: bring order to disorder and *keep* it that way. Is that not what regulators are supposed to do? Is that not how bureaucracy works? I hope this work will move toward answering some of those questions. To accomplish that, I selected a unique participatory action research method.

Modum Investigationis (Research Method)

I am ultimately interested in knowing how the complexity of cannabis legalization is experienced by the state government leaders and organizations who initially established and currently maintain legal cannabis markets. I would also like to understand more about implications for social equity in that space. Collecting and memorializing lived experiences can contribute and guide present and future discussions and efforts related to cannabis reform. These lived experiences may provide insight into how barriers to opportunity could be reduced in ways that lead to socially equitable conditions, and help us understand what role, if any, leadership plays in the process.

When I began contemplating this work, it seemed to lend itself to the action research paradigm because such an approach allows research and practice to coexist and co-work simultaneously in problem solving. Action research seeks to effectively facilitate the creative tension inherent in the relationship between action and reflection by catalyzing synergy between scholarship and practice (Lewin, 1951). Knowledge, within the paradigm of action research, is about rendering useful interpretations for preferred action in the world, rather than simply knowing more “facts” that are thought to describe independent reality. In this sense, action research can be understood as a part within a wider trajectory of pragmatism (Rorty, 1989).

I offer that engaging scholarship that can lead to action is a critical outcome of action research, and necessary if one wishes to conduct research that results in actionable learning and outcomes. These are the essential goals of my research. Van de Ven (2007) defined engaged scholarship as,

a participative form of research for obtaining different perspectives of key stakeholders (researchers, users, clients, sponsors, and practitioners) in solving complex problems. By involving others, and leveraging different kinds of knowledge, engaged scholarship can

produce knowledge that is more penetrating and insightful than when scholars or practitioners work on the problems alone. (p. 9)

Boyer (1990) defined engagement as reciprocal and mutually beneficial partnerships: two-way streets defined by mutual respect for what each partner brings to the table (Shultz & Kajner, 2013). As noted above, this aligns well with the approach to this work and what I wish to contribute to both practice and scholarship.

The Learning History

The origins of learning history can be traced back to a movement in the late 1990s that was focused on building a learning organization (Gearty et al., 2015; Kleiner & Roth, 1996; Senge, 2006). A learning organization can be defined as an organization that proactively makes efforts both in the form of investment and encouragement to educate their employees so that the company can adapt with a rapidly changing technology and business environment. In addition to education, a learning organization gives support to its employees to take risks with innovative and creative ideas. In this way, they inculcate creative thinking and learning from experience and experiment in its employees (Senge, 2006).

The learning history emerged at a time when employees and organizations needed to find a way to evaluate the worth and significance of past learning experiences to the extent that those experiences supported continuous improvement initiatives connected to organizational development. Those experiences could be built upon to repeat successes, avoid mistakes, and spread a sense of achievement throughout the organization. Many companies found it difficult to institutionalize subgroup learning in way that could help the rest of the organization develop. Successful organizational learning efforts, however, generally require people to rise above their conventional blinders to add new ways of thinking and new forms of behavior to their repertoire (Kleiner & Roth, 1996). This needed to be seen through the various perspectives of people who

had been directly involved with the learning, based on actual data and offered in a way that made sense to them. Thus, when an organization has been through a learning or change process, participants needed and benefited from a feedback loop that established guidance and support. Yet reacting to the pressure of assessing learning could easily undermine any learning effort. As people became aware of being assessed and measured, the intrinsic motivation which drove them to learn was supplanted by an extrinsically motivated desire to look successful. Any feedback, mediated through an outside observer's eyes, could be tainted by this built-in set of distortions. Learning histories were invented in response to these concerns and needs (Kleiner & Roth, 1996).

Of the many action-research based methodologies considered for this research, the learning history method was determined to be the best fit. It helps to tell the story of how people learned to collectively inquire in new ways, generate insights, and then take actions which weren't believed to be possible before (Kleiner & Roth, 1996). This aligned exactly with what I am trying to understand here: Washington State, Colorado, and the state of Oregon had little to no insight or guidance to develop regulatory structures for an adult use cannabis market. This methodology allowed people in these agencies to tell their stories, describe how they acted and why. These stories and experiences, shared in their own words, and through their own self-reflection, helped to gain insight for future direction while leaving a rich history for current and future organizations to learn from. This research approach is more fully described in Chapter III.

Conlotionem (Contribution)

This research contributes to leadership and complexity scholarship in three ways. First, it empirically describes how complexity is engaged and experienced in complex regulatory

systems. Next, it examines whether complexity has any connection to the practice of leadership. Finally, it adds to the emerging area of cannabis scholarship, particularly as it relates to understanding social equity and the broader impacts of the war on drugs.

Quid Refert (Why It Matters)

Who wants to talk or read about the complexities of leading change in new regulatory areas, such as cannabis, *and* issues of economic, legal, environmental and development rights to access, such as social equity—in one dissertation? None of these things, taken separately or cumulatively, suggest simplicity or light reading. For example, we do not really know what complexity means. We are afraid or uncomfortable discussing cannabis because it has been criminalized, stigmatized and remains federally illegal. It is a symbol of counterculture and weaponized through propaganda campaigns such as the film *Reefer Madness* (Gasnier, 1936). Meaningfully discussing social equity means some of us might have to confront and sit with uncomfortable and inconvenient truths. One of those truths is that “cannabis enforcement remains as racialized as ever, notwithstanding similar underlying usage rates” (American Civil Liberties Union, 2020, p. 37).

All of that is *exactly* why this research matters.

Understanding the multidimensional complexities of cannabis—from its social connotations to its demonization to its ultimate legalization—might reveal some beliefs held as truth that are embedded in statutory and regulatory construction. Examining those truths may help us recognize their degrees of influence over regulatory outcomes that have not resulted in socially equitable conditions. Building on that learning, we can begin to sketch the contours of regulatory frameworks that might achieve socially equitable outcomes. To start this work, let us

take a look at what scholarship tells us about complex regulatory structures, complexity itself, and how complexity has been treated in leadership literature.

CHAPTER II: LITERATURE REVIEW

This literature review is designed to achieve several goals. The first is to explore and understand the characteristics of regulatory environments, with a concentration on the unique challenges regulatory agencies experience when creating regulatory frameworks where none existed before. This is accomplished by reviewing literature that speaks to the differences in service delivery options, and how governments tackle complex, wicked problems in equally complex environments and systems.

Next, I unpack the ways that complexity has been theorized. This is accomplished by reviewing literature describing the origins, progression, and development of complexity as a science and subsequently, a theoretical construct. I explore multiple definitions and contexts of complexity. I provide a review and analysis of complexity's arguably reluctant metamorphosis from a scientific construct to its appearance in the social sciences with a focus on leadership literature.

These analysis streams are then merged and discussed in a theoretical critique that serves to situate research goals concerning complexity in the context of this research.

The Characteristics of Regulatory Environments

Despite negative stereotypes, governmental organizations and agencies excel at implementing policies and delivering services that are relatively standardized, routine, and high volume (Head & Alford, 2015). The Washington State Liquor and Cannabis Board (WSLCB) is a governmental agency providing services responsive to the needs of Washington State citizens in a critical yet narrow area of service delivery. WSLCB does not regulate or create policy related to behavioral health, public health and prevention, law enforcement, substance use or local government services or delivery. Services are offered in a variety of ways, including but not limited to cannabis, alcohol, tobacco, and vapor product business license application review

and issuance; consultative services that support regulatory compliance, and business inspections related to license issuance and renewal. In other words, services are limited to, generally, oversight of product production, assuring that products are age-gated, and taxes are appropriately and timely collected. WSLCB is not authorized to establish product pricing, taxation rates or structures, or new license or endorsement types. These frameworks are all legislatively created.

Less routine service opportunities, such as those legislatively mandated by Initiative 502 (I-502) that required WSLCB to establish a “tightly regulated” framework for cannabis, a federally prohibited substance, presented many unique challenges (Initiative 502, 2012, p. 1). While those challenges can generally be characterized as complex, the two identified for this research can be identified in the following theoretical traditions:

- The first challenge—regulatory construction—can be conceptualized as a macro process (for example, see Berry & Berry (2018) regarding innovation and diffusion models). Creating a regulatory structure for the production, processing and sale of cannabis was a high-profile, time-sensitive legislative mandate clearly articulating that WSLCB design and implement such a framework. At the time of legislative enactment, it was unclear whether Washington implementation of I-502 would be preempted by the federal government since cannabis was classified as a prohibited schedule I drug. Here, the complex issue is connected to objectively created systems and program design, rather than individual values, choices, and behaviors.
- The second challenge—social equity—can be conceptualized in terms of the relations between micro processes (such as individual values, choices and behaviors) and macro policy processes (for example, see Kim & Roh, 2008, Ostrom, 1990; Sabatier & Jenkins-Smith, 2010). Social equity did not initially receive the level of attention or scrutiny that regulatory construction was given because it was not explicit in the legislative language. Although legalization had been promoted as a way to address the disproportionate social impacts of cannabis prohibition by removing criminal penalties for possession, some assert that social equity was implied, even though legalization was initially introduced as a harm reduction measure. However, such a measure reflective of social values presents a type of complexity beyond systems and program design. This underscores how subjective values can be deeply embedded in legislation, but if not explicitly articulated, unrealized in regulation.

Regardless of how these elements of regulatory and social construction were interpreted by members of the authorizing landscape, both involved many interactions and

interdependencies, some similar and some profoundly distinct. These interactions and interdependencies were and continue to be characterized, expressed, and realized in multiple ways, such as conflicting views and interests, lack of any type of longitudinal data on which to base decision-making, absence of funding for research, local moratoriums, and many others. The cause-and-effect relationships within those interactions and interdependencies was unknown when I-502 was being implemented in regulation, and to an extent, remain unknown today. Implementation is a term used to describe the process of realizing or creating regulation mandated or required by legislation.

Regulatory challenge of this magnitude can be difficult to estimate. Sometimes, governmental organizations trying to find solutions to these types of issues may actually contribute to causing them (Manning & Reinecke, 2016). An example of this is climate change. As global temperatures rise, developed countries respond by using more energy to meet the needs of populations seeking relief from soaring heat. This results in increased, often non-renewable energy consumption contributing to greenhouse gases that in turn reduce the global ozone layer shielding the earth from the sun. And that reduction or thinning of the delicate ozone layer contributes to global warming . . . which is the reason developed countries seek cooling options to begin with. Climate change is a type of problem, along with others like poverty, hunger, and others that are considered to be “wicked problems” (Rittel & Webber, 1973). Grint (2005, 2010, 2022) describes wicked problems as problems that are either new or recalcitrant, for which there are no apparent answers, and which require collaborative effort to address. While each wicked problem has unique and distinguishing characteristics, their common thread is that each involves a complex system or multiple systems whose interactions have the potential to allow dynamic reorganization and adaptation, sometimes for the greater good, and

sometimes in detrimental ways. Thus, not only are some *problems* extremely complex, or wicked, but the *environment or systems* in which they occur are equally complex.

In the regulatory context, such environments or systems are referred to as the authorizing environment. The authorizing environment matters here because it is not only a key focal point of both cannabis legalization and social equity, but also of the literature on regulatory leadership in complex systems. Within each component of the authorizing environment lies a heightened awareness of value and interest differences that mark and underscore deep-rooted disagreements “about the nature and significance of particular problems and possible solutions (e.g., policies concerning environmental protection, poverty, crime, welfare services, immigration, and citizenship)” (Head & Alford, 2015, p. 715). Indeed, these value and interest differences are distributed across the diverse social and political landscape and can collide with institutional complexity (the context of interorganizational cooperation and multilevel governance), and scientific uncertainty (fragmentation and gaps in reliable knowledge; Head & Alford, 2015). Within that multidimensional landscape, or authorizing environment, lies authority that can be exercised by some agents over others. Authority can constrain, control, influence or support certain behaviors, and has significant implications for what organizations do, how things are done, when, where and with whom those things are done (Andrews et al., 2017).

How is such an authorizing environment managed? Head and Alford (2015) suggest through collaboration and coordination. Collaboration offers one way of recognizing the complexity of problems and engaging the multiplicity of actors affecting the “wickedness” of a problem (Head & Alford, 2015, p. 728). This involves creating relationships of trust and a degree of autonomy, both of which can be vulnerable to political or financial barriers that can underscore power asymmetries (McGuire & Agranoff, 2011). Similarly, coordination in this

context can be considered in terms of how complexity could be *accommodated*, rather than reduced, through the purposeful synchronization of independent actors (Scharpf, 1994).

However, there seems to be an absence of literature diving deeply into the power imbalances and agency within the authorizing environments of regulatory systems, and literature regarding the ways that regulatory systems grapple with wicked problems, beyond theoretical application, is scant at best.

Given this backdrop, how might wicked problems be approached in complex regulatory systems? In beginning to define wicked problems, Rittel and Webber (1973) offered that, “There seems to be a growing realization that a weak strut in the professional's support system lies at the juncture where goal-formulation, problem-definition and equity issues meet (p. 156). And, they were somewhat bleak about wicked problem solving (Crowley & Head, 2017), never quite making it to offer a “constructive companion piece” (Catron, 1981, p. 14) to wicked dilemmas. Catron (1981) suggests that

perhaps some social problems can be solved “once, for all, and for always,” but most clearly cannot be. The more appropriate attitude, and the more promising analytic approach, is one which attempts to identify “preferred directions” rather than “optimal solutions” one that focuses on coping with problems rather than solving them. (p. 13)

This seems to align with Webber’s later support of “fostering of multiplicities of potential outcomes compatible with the wants of plural publics” (Crowley & Head, 2017, citing Webber, 1983, p. 89). However, resolving “problems of equity” (Rittel & Webber, 1973, p. 169) in regulatory systems seems to be an untouched area of research ripe for inquiry.

The Nature of Complexity

Origins, Progression, and Development

In Chapter I, I compared simple, complicated, and complex according to

Glouberman and Zimmerman (2004). I also spoke to why such an abstract concept might have a place as a key construct for this work. The systems and authorizing environments that comprise the cannabis regulatory landscape are complex. To better understand and learn more about how cannabis might be regulated in socially equitable way, those complex systems must be engaged so we can better understand and move toward frameworks that make socially equitable conditions possible. Thus, rather than continuing to theorize how complexity *might* apply in context, this research moves complexity beyond the abstract, into considering it as a feature of a system that can be practically, collaboratively, and purposely leveraged to achieve greater understanding. To begin that work, let us take a look at its origins.

During the industrial age, natural and physical sciences relied on Newtonian science to assert that precisely determined conditions established every element of natural processes, and that the laws governing these processes never changed because they were completely predictable. Fact, which Newton argued could be separated and empirically tested, was separated from the values of the knowing subject, which were inexplicable subjective states of their mind or heart (Morçöl, 2001). This model remained constant for more than three centuries, influencing and guiding sociology, anthropology, economics, political science, and eventually the humanities, until it was met with a two-pronged challenge.

The first challenge to this understanding was the law of entropy advanced by Clausius in 1865 (Dreyer et al., 2000; Prigogine & Stengers, 1984). The law of entropy is the second of the laws of thermodynamics, holding that the disorder of closed systems can never decrease, and when an isolated system reaches maximum entropy (the measure for the degree of disorder of particles), it remains in equilibrium, or balance, and can no longer change (Gunaratne, 2003). Clausius formulated this second law of thermodynamics by the statement that “the entropy of the

universe tends toward a maximum” (Raman, 1970, p. 333). This is relevant here because entropy considered an *approximation*, rather than an absolute determination of outcomes, and this did not align with Newtonian thinking.

The second challenge came from quantum physics, emerging in the early part of the 20th century. Quantum physics offered a theoretical frame describing the “incessant transformation of particles into one another” (Gunaratne, 2003, p. 438), that rather weakly spoke to the indeterminism of entropy suggested by Clausius. The literature reviewed offered little more than this, although Morçöl (2005) touches on it briefly in reference to “quantum weirdness” (p. 2) followed by an assertion that it was largely dismissed based on the absence of any strong evidence of its effects on macro-levels of experience.

Each of these challenges was a shift toward questioning deeply rooted scientific belief and understanding. Despite this movement, Newtonian science drove most research agendas through the mid-20th century, and eventually complexity studies began to emerge. The most important came from the Brussels school of the natural sciences under Ilya Prigogine.

Prigogine’s Nobel Prize-winning theory of dissipative structures pointed out that the Newtonian paradigm made several unfounded and incorrect presumptions. He reasoned that although Newtonian theory implied that all matter and energy in the universe would ultimately degrade to a state in inert uniformity, or equilibrium, it was actually an open, rather than a closed system. In simpler terms, Prigogine posited that systems did not naturally move to a state of equilibrium or stability, but instead were in a constant state of evolution, where the matter and energy of the system or systems freely interacted and self-organized, emerging as a new system, or a collection of systems. Prigogine then took this a few steps further by audaciously suggesting that this phenomenon was not exclusive to physics.

Prigogine's willingness to extend scientific findings and outcomes toward other disciplines represents the beginning of an on-going tendency to apply complexity and complexity theories to economics, political science, the humanities, and others by metaphor. As I will discuss below, this is problematic, but consider that Prigogine and Stengers (1984) found the implicit metaphor of Newtonian science—the clockwork universe—to be misleading (Morçöl, 2001). Even so, Prigogine's comprehensive theory of change became one of the foundations of complexity science. It offered the following notable points that are critical to understanding not only the origins of complexity, but its structure and formed the basis for generally asserted understandings of complexity:

Most parts of the universe are open systems, exchanging energy or matter with their environment. Some systems are isolated, others are near-equilibrium, and yet others are dissipated. Steady state systems, like mechanical systems, cannot evolve internally, and find themselves in the isolated category. Systems that are organized around the principle of minimum entropy production also cannot evolve internally but belong to the near-equilibrium category. Evolving systems found in enriched, free-energy environments whose far from equilibrium configurations are non-replicable over time belong to the dissipative category. (Harvey & Reed, 1997)

Fluctuation occurs in an open dissipative structure when energy flows become too complex for the system to absorb. When a single fluctuation or combination of fluctuations gathers enough power through positive feedback, a single bifurcation point arises that forces the system to reorganize. Each reorganization produces greater complexity and a greater likelihood of random fluctuations, or evolution. It is impossible to determine in advance the direction of the systems change, whether it will spiral into chaos, or give rise to a new, possibly higher order. (Prigogine & Stengers, 1984)

Non-linear relationships prevail when a system is in far from equilibrium state, where it becomes sensitive to external influences. A small fluctuation, or perturbation, can bring about startling, structure-breaking waves that replace the old with a new system, bringing order out of chaos. In contrast, a system in equilibrium may have reached its entropy capacity, and becomes paralyzed. (Gunaratne, 2003)

From these three points, the study of the *science* of complexity emerged, offering the notion that “instability, evolution, and fluctuation [are] everywhere” (Wallerstein, 2001, p. 165).

Defining Complexity

Prigogine expanded on the concept of probability in relation to complexity in a 2003 interview while he discussed the epistemology of complexity, and provided that, “complexity is generally related also to the arrow of time. What do you call complexity? *Complexity is a property of systems* that for given boundary conditions have more than one possible solutions [sic]” (p. 68, emphasis added).

Complexity, complexity science, and subsequently complexity as theory have since evolved and expanded as ways to understand and explain the structure and behavior of complex systems and problems, with a particular focus on the cooperative interactions of individual components that give rise to unpredictable outcomes and events (Cairney, 2012). Consistent with Prigogine’s original concepts, complexity theory suggests that we shift our analysis from the individual parts of a system to the system as a whole. Through this lens, that system becomes a network of elements interacting and combining to produce systemic behavior that cannot be broken down merely into the actions of its constituent parts. Rather, the aim of complexity theory is to identify what types of systemic output occur when system members follow the same basic rules, and how sensitive the system is, or what small changes in rules will produce changes in systemic behavior (Cairney, 2012). Complexity theory has received strong support in the social sciences, being used to understand international relations, public policy and policy making institutions, and has been used by think tanks, academics, and practitioners to recommend new forms of policy making and leadership.

Despite this broad application, there is no unified or coherent framework for complexity theory (Cairney, 2012; Cilliers, 1998; Morçöl, 2001; Mitchell, 2009; Snyder, 2013). To that end, Morçöl (2012) observed that “complexity is partly in the eye of the beholder” (p. 24). While it

can be argued that complexity theory has some fundamental definitional similarities across authors, researchers and disciplines, there are just as many dissimilarities across the wide variety of contexts to which it is applied, and agreement on a uniform definition isn't possible. For example,

- Dr. Paul Cilliers (1998), former Professor of Complexity and Philosophy at Stellenbosch University, South Africa, offered that, “Unfortunately the concept remains elusive at both the qualitative and quantitative levels. One useful description . . . states that complexity entails that, in a system, there are more possibilities than can be actualized. This can hardly serve as definition, but perhaps one should not be surprised if *complexity cannot be given a simple definition. Instead, an analysis of characteristics*” might be attempted (p. 2, emphasis added).
- Dr. Russ Marion (2008), Professor of Educational Leadership at Clemson University, United States, asserts that “complexity theory is the study of dynamic behaviors of complexly interacting, interdependent, and adaptive agents under conditions of internal and external pressure” (p. 3).
- Sean Snyder (2013), in an education working paper prepared for the Organization of Economic Co-operation and Development, asserts that “complexity theory posits that systems begin as collections of individual actors who organize themselves and create relationships. These relationships form in response to positive or negative feedback, though a degree of randomness is inarguably involved as well. New structures and behaviors then emerge as the actors act and react to each other” (p. 11).
- Dr. Paul Cairney (2012), Professor of Politics and Public Policy at the University of Stirling, United Kingdom, describes complexity theory being “sold” in the public administration context as “a new approach to science in which we identify (and then explain) systems and processes that lack the order and stability required to produce universal rules about behavior and outcomes” (p. 347).

Why does the illustration of these differences matter? It underscores just how far complexity has traveled, appropriately, or perhaps more to the point, inappropriately from its original, scientific roots. In contrast to Snyder, Marion, Cilliers, and Cairney's attempts to definitively frame it, Morçöl (2012) takes Cilliers' suggestion further by asking that we contemplate the characteristics of complexity in a new way.

However, even before Morçöl offered this suggestion, Mitchell (2009) was attempting to nail down those characteristics in an excellent discussion on the challenges of defining

complexity theory. She describes the difficulty that the faculty at the Santa Fe Institute had in defining complexity: “If we can’t agree on what is meant by complexity, then how can there begin to be a science of complexity?” (p. 94). She identifies six different definitions articulated by complexity theorists, framing complexity and simplicity in terms of the nature of information content:

- Complexity as *entropy* or the degree to which a message is orderly;
- Complexity as *algorithmic information content* which are the number of steps it takes to describe a system;
- Complexity as *logical depth*, which is the measure of how difficult it is to reconstruct an object;
- Complexity as *thermodynamic depth*, which is the amount of information required to reconstruct an object fully;
- *Statistical complexity*,” or the minimal amount of information about past behavior of system that is needed to optimally predict statistical behavior of the system in the future; and
- Complexity as *fractal dimension*, which is the extent an object can be reconstructed in fractal dimensions rather than discrete dimensions (Mitchell, 2009).

Similarly, Rescher (1998) notes that there are multiple “modes” of complexity and cites a lengthy inventory of the definitions of complexity compiled by physicist Loyal, although he suggests that “standards” might be a better characterization of Loyal’s inventory (pp. 2–3) and not complexity.

Although both Mitchell and Rescher offer support for the contention that there is no single definition of complexity, they do suggest that complexity is in the nature of the reality of the sender who is sending information, and the receiver that receives and interprets it. The nature of both the sender and receiver determines to what extent the information is complex, further solidifying Morçöl’s contention that complexity theory truly is in the eye of the beholder and embedded in context.

The Epistemology and Ontology of Complexity

Kitchener (2011) provides that epistemology “is concerned with providing an account of the justification condition—of when a belief or an action is warranted” (p. 84), and later notes, “it could construct a completely philosophical theory of knowledge with no (or little) dependence on any scientific fact” (p. 85). Comparatively, ontology can be described as the branch of philosophy that is concerned with the study of being and the assumptions about what exist that underlie any conceptual theme or theory, and so a philosopher’s ontology consists of the views held about what is (Parkinson & Burke, 1988).

Rescher (1998) identifies “modes” (p. 9) of complexity in epistemic and ontological terms. Within the epistemic mode, he identifies formulaic complexity as descriptive, generative, and computational complexity. Within the ontological mode, he identifies compositional complexity, which includes constitutional and taxonomical complexity (heterogeneity), and structural complexity, which includes organizational and hierarchal complexity. Rescher asserts that the best overall index and definition we have of a system’s complexity is the extent to which resources (of time, energy, and ingenuity) must be expended on its cognitive domestication. Thus, Rescher finds that complexity is not something purely ontological or epistemic, but involves both, and it “*hinges on the relationship between minds and things—on the ways in which the former can come to terms with the latter*” (p. 16, emphasis added). This is relevant to my research as a social scientist because I seek to understand the dynamics and textures of those relationships and how, as noted above, the complexity within and around those relationships may not only be characterized, but accommodated, rather than controlled.

Since it is clear that there is no unified theory or definition of complexity that is embedded in a single epistemology or ontology, this leads to a variety of ways in which

researchers draw from complexity (Loubser, 2014). Complexity theory does distinguish itself from Newtonian science mainly by its epistemological assumptions (Morçöl, 2001), but some view those assumptions to be less than certain. For example, aligning with Rescher, Israel (2005) asserts that while a concrete definition of complexity remains unclear, its concept “continues to wander around in limbo between epistemology and ontology” (p. 497). And, even though Prigogine and others tried to define it as a concept, property, or characteristic of the real world, it collides with empirical definitions like “reductionism,” as in, the whole is more than the sum of its parts (Israel, 2005, pp. 479, 497). So, one might ask, why is the epistemology and ontology of complexity even relevant in the context of the present research?

Let us unpack that. We know that the core epistemological assumption of Newtonian science is that the knowing subject can be removed or separated from its object (Cairney, 2012; Cilliers, 1998; Loubser, 2014; Morçöl, 2012). This allows the subject to test the truthfulness of any piece of knowledge by empirically testing its correspondence to reality. To ensure that knowledge corresponds to reality, scientists should separate facts, which are testable, from their values, which are subjective. This objectivism makes Newtonianism possible and aligns with Descartes’ notion that the mind should be separated from matter, allowing that matter to be special and divisible, and studied using reductionism and quantitative research methods (Morçöl, 2001).

Morçöl (2012) offers that many, if not most, foundational assumptions in the social sciences, including regulation and public policy, are rooted (as noted) in Newtonian science situated in positivist world views and philosophies. Since it is argued that complexity cannot be simplified, ideas which seem mutually exclusive are often united in the framework of reduction (Loubser, 2014, citing Morin, 1992). And although complexity theory challenges those views,

the epistemology and principles of classical science are still very much at work when researchers are looking for the laws of complexity (Morin, 1992). For example, Cilliers (2008) offers:

The problem is, however, severely compounded when the methods of the natural sciences are imposed upon, or even worse, embraced in a simplistic way by the social sciences and humanities. The impression is then created that a traditional understanding of the truth, which is problematic even in natural science, should be the criterion for proper work in social science. (p. 53)

In the regulatory environment that is the subject of this research, those “traditional understandings of the truth” are most commonly expressed through statutory and regulatory construction. Policy serving as the basis for those frameworks is developed through an often singular, objective lens of understanding, and developed in the rationalist and reductionist tradition of bureaucratic theory. Championed by Max Weber more than a hundred years ago, the theory holds that for government to function effectively and efficiently, it should be highly structured and organized consistent with six principles: top-down control emphasized by rigid hierarchal structures, labor specialization, strict rules, impersonal interactions, and organizational specialization. It was argued that adherence to Weber’s formula would lead to predictable, controllable outcomes in any organization. Most modern governments are based on this, or a version of this theoretical design, including current governmental structures in the United States.

Yet, Weber’s theoretical design is reminiscent of Newton, Descartes and a “traditional understanding of the truth.” This is why the epistemology of complexity is relevant and important to explore here. Traditional understandings of truth have informed the macro challenges of statutory and regulatory construction, or the mechanics of that construction which is more focused on objective processes and outcomes. But that rigid epistemology does not contemplate and may actually exclude subjective micro processes and outcomes that are

informed by values and human behaviors, such as social equity. These are often directly impacted by objective processes.

In the context of cannabis legalization, the objective facts of the macro system and the subjective values of the micro systems cannot be separated; they are inextricably entwined and interact with each other. And these interactions cannot be fully and meaningfully explored from an epistemological stance based in the empirical reductionism that complexity theory itself proclaims to be critical of, because it ends up actually taking on those very objectives and functions it claims are obsolete (Israel, 2005). So, turning back to Prigogine, if complexity is a *property* of a system, then the epistemological stance must shift to understanding how complex system properties, both macro and micro, coexist and collaborate by connecting a broader range of knowledge to better understand the dimensions, dynamics, and properties of the systems. Observing how those properties interact, and how those interactions lead to or can be guided to evolution suggests that complexity is neither a mode of analysis nor a tiger to be tamed, but rather, a characteristic to be explored in the context of how systems and the agents within them interact.

There is a handful of literature pre-dating Cilliers' 2008 reference to "traditional understanding of the truth" (p. 53) in the regulatory and policy contexts, coming from the public administration tradition. While public administration is sometimes described as the implementation of public policy, it is also an academic discipline. The role of public administration in support of governance institutions is essential to steer societies on chosen development paths, and it can serve as an organizational pillar in changing, complex environments (Puppim de Oliveira et al., 2015). Since this is one of the foundational contexts in which this research is situated, this literature is relevant to the present discussion, and offers

some exploration of what expression of knowledge, or embodiment, might mean if realized in the public administration realm. For example, Farmer (2001) explored how public administration theory and practice could seek understandings that result from recognizing more clearly that it deals with people and relations between people, rather than a “stick figure” (p. 193), representative of rational units of analysis. He offers that, “A living person can be separated for analytical purposes from ongoing implication with her environment; ontological separation is fatal” (p. 193). Agreeing with Farmer, Morçöl (2005) notes, “public administration theorists should include the embodiment of human knowledge in their theories” (p. 1).

In other words, consistent with the review so far, and relevant to this work, contextual, embodied knowledge presents significant epistemological and ontological challenges to Newtonian beliefs, and those beliefs form the basis of most statutory and regulatory construction. This research begins to question that long-held epistemological positionality in the context of regulatory systems.

Complexity in Context

Linking Complexity to Leadership

As part of this analysis, and because this work will be nested within an overarching context of change in complex regulatory systems, leadership literature was also reviewed. Israel (2005) asserts that, “a number of persons quite candidly admit that there is a tendency to pull complexity out of the hat whenever a difficulty of comprehension arises” (p. 497). Israel was referring to Flood and Carson’s 1986 text entitled *Dealing with Complexity*, which is really more about a general introduction, written for students, to one specific way of dealing with complexity: to use ideas concerning a holistic approach, such as that described by the systems

movement. This review suggests that some leadership theories linked to complexity may be pulled from the same hat.

Reflection

I have been a public policy practitioner for more than two decades. In that capacity, I have participated in “leadership” initiatives hosted by public agencies, including stand-alone two-hour seminars on how to be a transformational, servant, authentic or some other type of “leader.” These seminars typically touch briefly on leadership styles, but without offering background on the origins of the theories, context, or limitations to their use in practice. Instead, I received a checklist of things to do if I wanted to practice a certain brand of “leadership.”

As I advanced to positions of greater influence and began graduate studies, I searched for leadership theories that might guide me in the work I was performing with respect to change in the increasingly controversial, and indeed, complex bodies of policy I seem to be drawn to. That work is not limited to just my organization and internal interactions. My stakeholder base ranges from legislators and lobbyists to cannabis farmers, law enforcement, and convenience store owners. Guiding change in this context requires a type of agility and the ability to pivot that did not seem to be contemplated by, for example, transformational, servant or bureaucratic theories.

Enter complexity leadership theory (CLT). At first blush, it seemed like the answer I was seeking. It was framed as the outcome of the “entanglement,” meaning the “dynamic relationship between the formal *top-down, administrative forces of an organization* (i.e., bureaucracy) and the informal, *complexly adaptive emergent forces* (i.e., CAS) of social systems” (Uhl Bien et al., 2007, p. 298, emphasis original). This interaction would lead the agents of a complex systems to the edge of chaos. Somehow, from that chaos would emerge new ways of thinking and perhaps an organization’s best work. This section examines those assertions and the reluctant, and I

would argue, artificial, metamorphosis of complexity from its scientific origins to being appended to a leadership theory.

Complexity Leadership Theory

Complexity leadership theory (CLT) was introduced as the leadership answer to what was characterized as the fluctuating, unpredictable and unsteady atmosphere that comprised complex organizations of “the knowledge era” (Uhl Bien et al., 2007, p. 298). It was argued that traditional forms of leadership based on top-down control were “hopelessly out of date” (p. 298) and did not address the unique needs of complex systems. This was seated in the assertion that modern-era life, at least in 2007, was exponentially more complex than it had ever been in any other moment in the history of humankind. Proponents proclaimed that “complexity science suggested a different paradigm for leadership—one that frames leadership as a complex interactive dynamic from which adaptive outcomes (e.g., learning, innovation, and adaptability) emerge” (p. 298).

Although Marion and Uhl-Bien (2001) relied on complexity as a framework for leadership in complex systems by connecting it to the foundational logic of complexity theory, it was not to engage the study of complexity, but to *revive the study and research of leadership*. We can assume this because they argue that there was a period of disillusionment in the field of leadership study at the turn of the millennium, and that approaches remained “heavily grounded in the premise that leadership is impersonal influence” (p. 391). They further assert that complexity theory offers a more holistic view of leadership by providing “linkages to emergent structures,” and that “complexity concepts can augment (not replace) our existing approaches and help move the field forward” (p. 391). While they argue that their research contributes to the “evolving process of moving complexity study from the arena of metaphor to that of science and

we operationalize the basic premises of complexity theory” (p. 410), they also “outline a *simplified* structure for studying complex leadership” (p. 410, emphasis added). These assertions speak to the early study of CLT and offer research pathways to extend the theory further. There is a fundamental flaw, however, in the way that approach and those research pathways are framed: by trying to simplify, Marion and Uhl-Bien slip into the very structure—the reductionist, Newtonian approach—that complexity theory questions. A description of how one might actually engage CLT in practice is not offered, nor is it clear how CLT moves from metaphor to implementation, or how any of the basic premises of CLT are or could be operationalized.

Marion and Uhl-Bien (2001) also assert that,

In the simplest terms, complexity theory moves away from linear, mechanistic views of the world, where simple cause and effect solutions are sought to explain physical and social phenomena, to a perspective of the world as nonlinear and organic, characterized by uncertainty and unpredictability. (pp. 389–390)

They fashion their argument on the idea that complexity theory focuses leadership on efforts and behaviors that *enable*, rather than direct organizational effectiveness through the actions of a single person identified as a leader. Citing Prigogine when describing the difference between classical science and complexity theory, they note that the latter sees nature as too unpredictable to be described by current simple models.

Shifting Scientific Complexity Thinking to Organizational Thinking and Dynamics

As CLT developed and evolved, Uhl-Bien et al. (2007) began to narrow and attempt to connect CLT to what they observe to be its leadership potential in complex adaptive systems (CAS). They define CAS as “a basic unit of analysis in complexity science . . . [consisting of] neural-like networks of interacting, independent agents who are bonded in a cooperative dynamic for a common goal, outlook, need, etc. . . . [t]hey are capable of solving problems creatively and are able to learn and adapt quickly” (p. 299). This definition of CAS assumes that

organizations are free of conflict, and that all individuals and groups within an organization agree on a common goal. It also assumes that there are no superordinate goals that may cause organizational division (Tourish, 2019), and that all individuals and groups within the organization have the same access to knowledge, resources, and most importantly, that power within the organization is equally balanced.

Even so, Uhl-Bien et al. (2007) introduce the argument that CLT adds a view of leadership as an emergent, interactive dynamic that produces adaptive outcomes, and they term this “adaptive leadership” (p. 299), expanding on work largely attributable to Heifetz (1994). They continue to contrast CLT to previous leadership theories that focus on leaders as individuals rather than the dynamic, complex systems and processes that they assert can comprise leadership. Furthermore, they cite Cilliers’ 1998 observations that traditional approaches to organization have sought to simplify or rationalize the pursuit of adaptation. They assert that these strategies have led to structures that define fixed boundaries, compartmentalized organizational responses, and simplified coordination and communication. However, discussion of the difference between a complex system and a complex *adaptive* system is completely absent from their argument for CLT other than asserting that a complex adaptive system is “a basic unit of analysis” (Uhl-Bien et al., 2007, p. 314) in CLT. The jump from introducing the basics of complexity science to CAS is forwarded merely by comparing a CAS to a complicated system, bypassing any development of parallels or alignment with complexity theory, and thus, CLT does not sufficiently differentiate between complicated and complex systems. By selecting only portions of complexity science that fit their model and asserting that CAS are unique and desirable in their ability to adapt rapidly and creatively to environmental changes, there seems to be no clear connection to complexity theory. Instead, only the elements of complexity theory that

are convenient to and support CLT are applied to suggest a connection between CLT and complexity science.

It is interesting to note that Uhl-Bien, Marion, and McKelvey's 2007 work references Stacey, Griffin, and Shaw's text published seven years prior, entitled *Complexity and Management: Fad or Radical Challenge to Systems Thinking? A single reference to Stacey, Griffin, and Shaw's text is offered to support their contention that, "Without realizing it, the inability to move beyond formal leaders and control inherent in traditional bureaucratic mindsets . . . limits the applicability of mainstream leadership theories for the Knowledge Era"* (Uhl-Bien et al., 2007, p. 301). However, they ignore the multiple sections of text that are critical of Marion's positions on emergence and self-organization within systems, including a sub-section that specifically questions his use of metaphor (such as the microcomputer industry) to describe interactions between human entities.

The nature of those interactions prompted Stacey to develop a theory of complex responsive processes (CRP) that focuses on patterns of communication and conversation (Simpson, 2007). CRP is the first complexity-based theory written specifically about human thought and communication, in contrast to other complexity theories based on natural or biological sciences and applied to humans by analogy or metaphor. CRP is reflexive: a social and psychological process of theorizing organizations as social and psychological processes (Simpson, 2007). Central to complex responsive processes theory is the notion of relationship, which is formed, sustained, and developed in responsive processes. Unlike approaches to complexity that employ systems thinking, like Uhl-Bien, Marion, and McKelvey the individual is not the prime agent of organization: "what organizes itself is themes in conversations" (Stacey,

2003, p. 311). Organization unfolds in self-organizing processes of communicating. Under certain conditions this will take the form of “free flowing conversations” (Stacey, 2003, pp. 379–380), which may generate creativity and novelty, and lead to innovation. This is particularly relevant to my practice, since some of the engagement models I use are based on the development of theme from dialogue between diverse groups of stakeholders. It is also relevant to my research, since my methodology is dialogue based.

Simpson (2007) relies on Stacey’s CRP theory “to develop an understanding of how complexity theory may be applied to an understanding of leadership and organizational dynamics” (p. 465). This is one of the few case studies in this area of scholarship that specifically examines how complexity theory informs leadership. Simpson conducted a case study designed as an organizational simulation. He engaged participants

in a developmental exercise that was part of a two-day residential event using the outdoors, run with a group of approximately 20 participants. In the exercise, the group was required to form a temporary organization with the task of engaging a “treasure hunt” in a range of hills over an area of 12 square miles. The task involved various problem-solving activities that provided clues for destinations where sub-groups could find further clues, eventually leading them to the “treasure,” which all members must reach by a set time. (Simpson, 2007, p. 470)

The most intriguing feature of the simulation was

the manner in which leadership moved around the group. Whilst there were clearly those who were more prominent as leadership figures, identifiable as “named” characters in the story and in the formation of an HQ, an overriding characteristic of the group was one of wide participation in decision-making and leadership. Leadership was exercised by participants—who were embroiled in the moment-by-moment dynamics of the organization whilst, simultaneously, able to stand back, reflect upon and then question or challenge the emerging process. (Simpson, 2007, p. 475)

One of the major implications of the study and of CRP theory was that *it is not possible to develop prescriptions for leaders or organizational design that will guarantee novelty and*

innovation. The leader is a participant, not an objective observer, and must learn to engage in a learning process as the organization emerges. Simpson (2007) provides that

There are those who wish to use complexity theory to promote the idea that leaders can control emergence within organizations. Complex responsive processes theory challenges us to work with awareness closer to that of Socrates, who famously claimed, “I know nothings except the fact of my ignorance.” (p. 480)

This is critical here because Simpson points out another fatal flaw in CLT: if complexity is the vehicle leaders use to “control” emergence within organizations, then it really is not complexity at all. Control = power, and power over a system points us back to Newton.

The concept of controlling emergence as part of complexity in the public policy context was part of an analysis prepared by Eric Hans Klijn (2008), a professor of public administration. According to Klijn, complexity theory is really collections of five distinct areas of research. Of those, the two most important to this review are CAS and dissipative structures. Klijn discusses the dynamics of dissipative structures when exploring how complexity theories tend to emphasize that systems are best characterized neither by linear dynamics nor by stable equilibriums. He explains that dissipative structures refer to new structures formed when systems move from stability to chaos. This speaks to the interplay between non-linear dynamics, equilibrium, and emergent patterns. He asserts that concepts around the edge of chaos or bounded stability are more frequently used in CAS literature emphasizing that systems seem to be constantly adapting and self-organizing in a zone between order and chaos. He further asserts that one finds the argument in organizational studies relying on complexity theory that organizations are most innovative in a zone between order and chaos, while a state of equilibrium implies death. He relies on Stacey (2003) for support of his position in the same way that Simpson does.

This idea regarding organizations being most innovative on the edge of chaos is extended into the leadership realm. This was accomplished by the introduction of ideas around tension as a driver of adaptive leadership within CAS which ultimately leads to adaptive organizational change, although the literature really does not provide a full description of what adaptive change is. Hazy et al. (2007) argue that because leadership is dynamic, it transcends the acts of individuals, and is the product of interactions, tensions, and exchange rules governing changes in perception and understanding. They assert that leadership is not an exogenous event, but rather “an emergent event, an outcome of relational interactions among agents” (p. 2). With respect to complex systems, this aligns with Waldrop (1992), Mitchell (2009), and J. Holland (2014). However, the assertion that from a complex systems perspective, the “logic” of leadership theory and research is based on an emergent *event* as opposed to a single person, and that leadership lies within the interactions of individuals within CAS, including tension as a driver of change seems to extend the argument in support of CLT. So does the assertion that a complexity view of leadership suggests a form of “distributed” leadership that does not lie in a person, but rather in an interactive dynamic, within which any particular person will participate as leader or follower at different times and for different purposes (Hazy et al., 2007, p. 3).

Uhl-Bien and Marion (2009) explore and attempt to qualify their 2001 assertions regarding CAS further by stating, “The value of adding a CAS perspective to leadership is that it offers a paradigm for thinking about leadership from which we can more easily explore issues that confound us from a traditional view—[including] issues of shared, distributed, collective, relational, dynamic, emergent, and adaptive responses” (p. 631). Even though these issues are raised, much discussion concentrates on adaptive response, reviving the assertion from their 2001 article that CAS “function quite productively and adaptively at the edge of chaos” (p. 640).

More interesting, however, are broadly sweeping, unsupported assertions that adaptive leaders “tend to have a keen sense of timing” (p. 640) regarding when to take action within CAS on the edge of chaos, knowing when to leverage tension, inject ideas and information flows, all while “embracing diversity *and* being comfortable with divergent and conflicting ideas.” This is one of the first times that we see Uhl-Bien and Marion offer a hint, albeit vague, of what attributes or characteristics embody CLT. This keen sense of timing suggests that a someone identified as a leader has or will control direction of a system.

This directly conflicts with the Hazy et al. (2007) assertion that leadership lies in the interactions of individuals as opposed to a single person because according to Uhl-Bien and Marion (2009), *only* the “adaptive leader” can sense or see interconnectivity and interdependencies in a system and know when to “inject ideas and information into the system for it to mull and process” (p. 640). The operative word here is “it,” since this creates a bright line between the leader and the system—not the *individuals* within the system. The leadership activity, then, does not emerge from the interactions of those individuals, but how the leader controls the system itself to move toward predetermined outcome, and here, that is the edge of chaos.

Uhl-Bien and Marion (2009) continue discussion and exploration of the ways that controlled chaos might encourage innovation through the practice of CLT. They assert that CLT is a way to manage the fundamental tensions in bureaucratic organizations because it incorporates the notion of “managed chaos” (p. 646) into leadership research by offering a theory that they believe is grounded in complexity science—a science that they argue is based in concepts of tension, chaos, and change. Thus, they believe that CLT helps address “a key challenge for modern day organizational leaders: the need to loosen up the organization—

stimulating innovation, creativity, responsiveness, and learning to manage continuous adaptation to change—without losing strategic focus” (p. 646). This paper seems to signal a point in the research stream where not only the boundaries around adaptation and adaptive leadership begin to stretch, but CLT theorists are struggling to truly align complexity theory with CLT as a new form of leadership as opposed to traditional theories of leadership, or management. This is one of the initial indicators in the research stream suggesting that perhaps complexity has a place somewhere in the study of leadership, but not as the foundation for a new theory.

From a practitioner’s perspective, this has implications in terms of practical application. Managed chaos is a theoretical construct that sounds workable from an academic perspective: there is some sort of invisible switch or spigot that allows someone identifying as a leader to somehow monitor, gauge, or manage the flow of chaos by reducing the intensity when it becomes too heavy or letting it expand when a person designated as a leader decides that the members of a system are ready for it. In and of itself, this suggests that leadership is not really distributed, as Uhl-Bien and Marion suggest, but there is one all-knowing leader who knows when and how to do this, even though it is asserted that “leaders cannot control the future (e.g., determinism) because in complex systems such as organizations, unpredictable (and sometimes unexplainable) internal dynamics will determine future conditions” (Marion & Uhl-Bien, 2001, p. 391). Instead, “complex leaders need to influence networks” (p. 391).

In reality and practice, there is no way to predict or influence the outcome of systems interactions. Attempting such a prediction is the diametric opposite of complexity and its parallels to anti-reductionism. This is particularly true in governmental systems, and even more so in regulatory systems where the outcomes of interactions within and between regulatory systems are rarely certain. Consider the context of this research: while I-502 created the

framework for cannabis legalization in Washington State, there was no way to predict with absolute accuracy whether the regulations realizing those laws would result in a viable or sustainable legal cannabis market. There was no way to know whether local authorities would accept cannabis businesses. There was no way to know whether adolescent cannabis use rates would skyrocket after legalization or if anyone issued a license to produce and process cannabis would be successful. There was no way to predict the “green rush” which meant 7,000 individuals applied for a total of almost 2,000 total licenses available for issuance within a thirty-day window. There was no way to know that cannabis price per gram would plummet after the first three years of production, nor was there any way to know that arrest rates for Black and Brown people would actually *increase* after legalization (American Civil Liberties Union, 2020). In other words, lawmakers and regulators could not predict any of these outcomes, and to a degree, still cannot even though federal legalization in the United States is a very real possibility. This suggests that chaos and complexity are not managed but accommodated by lawmakers and regulators, not individuals, to guide systems adaptation and change.

Complexity Implied, Not Applied

Trying to make complexity fit in leadership theory and practice was not limited to solely to ideas around adaptation. Hazy and Uhl-Bien (2014) aptly entitle their piece “Changing the Rules: Implications of Complexity Science for Leadership Research and Practice” and use it as a vehicle to introduce complex systems leadership theory (CLST). Relying on their previously described foundations of CLT, they define complex systems leadership as systems processes that change the rules of interaction and do so in specific ways that form human interaction dynamics (HID) into a complex adaptive system in a manner analogous to how physical and biological interactions are understood as systems. It is unclear how leadership is a part of this definition.

They theorize, as in their previous work, that just as complexity has become an overarching theoretical paradigm in the natural sciences, it is also serving as the basis for a paradigm shift in the social sciences, particularly in the areas of leadership and organizational studies. By shifting the focus from the individual to the organizing process itself, “a key value of complexity is its strong implications for practice” (p. 710).

However, there is nothing offered in this piece that connects any of the assertions to practice, and this seems to be how CLT is framed to this point in the literature—it is *implied* but not *applied*. The authors do distinguish CLST from CLT by framing how organizations evolve through variation, selection, and retention over many generations, and learn to adapt within a single organization. Hazy and Uhl-Bien (2014) offer that under certain exogenous constraints, a changing system of “fine-grained interactions can cause the emergent coarse-grained properties that are observed to undergo a qualitative transformation in coarse-grained patterns and structures” (p. 713). They further offer another natural science metaphor—the phased transition of liquid to gas—as an insight for leadership researchers and conclude by asserting that there are implications for practice, but that “the magnitude of the challenge is daunting” (p. 727), bypassing filling in the blanks on what those implications are or could be. Interestingly, CLT is only briefly discussed as a research lens.

The behavior of a complex system is inherently difficult to model because there are so many dependencies, competitions, relationships, or other types of interactions between their parts or between a given system and its environment. In contrast, and as noted above, a complex adaptive system is more concerned with the *interconnectedness of the systems*. It is a *model* of a special case of a complex system: one that exhibits the capacity to change and learn from experience. This is achieved through the interaction of agents that learn and adapt “in response to

interactions with other agents” (J. Holland, 2014, p. 8). It’s important to highlight here that although agents are recognized as part of the system, discussion of agency itself is not part of the narrative. I examine this absence more deeply in Chapter V. These elements, or lack thereof in the case of agency, can be directly linked to the complexity of regulatory environment that frames this research. The interactions and behaviors between the multiple parts of the system—the competitive market, dependencies between producers, processors and retailers, and the relationships between these entities and regulators—are difficult to model because they are unique to each legalized state and new as an overall regulatory structure. These relationships, interactions and interconnectedness, and their evolutionary process cannot be described or reduced by a metaphor of liquid to gas. Perhaps that metaphor could be broadly applied to macro level activities of the system. However, it completely ignores—and I will argue below that this comes from a place of epistemological privilege—micro level activities. This is critical to the present research because this is where social equity starts to become drowned out by privileged discourse.

The Limitations of Complexity Leadership Theory

This “new science” of leadership where complexity leadership found itself was connected to the notion that the world is more complex than it has ever been, demanding leadership that can navigate wicked problems and unprecedented turbulence in non-traditional ways. Uhl-Bien (2021) suggests that in this extraordinarily complex era, these problems become “adaptive challenges” or “complexity pressures” (p. 1401) although the description of such problems bear a striking resemblance to Rittel and Webber (1973) and Crowley and Head’s (2017) definition of a wicked problem:

Complexity begins in organizations as pressures, often in the form of an adaptive challenge—a problem for which a) there is no known solution, b) people must work

together in new partnerships who haven't worked together before, c) these partnerships are characterized by conflicting views (i.e., high heterogeneity), and d) agents have high interdependence such that, in extreme cases, they must adapt together or they will die. (Uhl-Bien & Arena, 2017, underlining added)

When COVID-19 hit we saw these *complexity pressures* everywhere, in the need to socially distance, pressures on governments to lock down, forced school and restaurant closures, safety concerns driving employees to work from home, and healthcare systems around the world scrambling for limited resources, including testing kits, ventilators and personal protective equipment (PPE). (Uhl-Bien, 2021, p. 1401, italics original)

The elevator speech was that organizations of the time were somehow falling short and needed to remain competitive in what were deemed to be increasingly competitive global markets, fast-moving information streams, and interconnectedness in ways never seen or experienced before. Absent from these assertions, however, is any statement of fact or evidence to support the position that we experience the world more complexly than we have before. It is fair to assert that every theory used to understand human organization has been based on ontological and epistemological assumptions that at the same time reflected and informed challenges at each historical period. While current challenges may be different, the question of whether they are truly more complex is ignored in the literature. Tourish (2019) contends that the rhetoric of complexity leadership is not evidenced and offers that “[i]t is the conceit of each new generation to imagine that the problems it faces are more challenging, more rapid, and more complex than those who that rose in earlier times” (p. 225). Indeed, Grint (2022) provides that the divisions made by problem categories, such as tame and wicked, are dependent on the categories that made a wicked problem wicked. Arguably, this logic could be extended to the assertion that we experienced or are experiencing a much more complex world during the “knowledge era” (Uhl-Bien et al., 2007, p. 299), and citing Hitt (1998) “we are on the precipice of an epoch, in the midst of a new economic era” (p. 299). If that is true, we have collectively been holding on for almost 24 years.

Additionally, emergence does not appear to be the result of the process of interactions, but takes place *during* the process of interactions (Schindehutte & Morris, 2009). Going back to Newton once again, reductionists can explain the interactions on the part of individual agents but not the whole, which on one hand limits epistemological emergence (Waldrop, 1992), and as noted previously, do so without paying attention to agency. Epistemic emergence is the idea that some systems cannot be described, as a matter of practice, in terms of their component units because of the limits to our knowledge, or in other words, our inability to obtain all relevant information and to do the math (Van Gulick, 2001). In contrast, systems thinking's holistic paradigm downplays the role of intentional action between individual agents and can only explain activity on a global level (Schindehutte & Morris, 2009).

These limitations, and the preceding brief analysis moves us to an assessment of how complexity theory informs—or fails to inform—leadership theory.

Theoretical Critique

Three distinct themes emerged in evaluating how complexity theory informs leadership theory. They are:

1. Reliance on metaphor as evidence.
2. The practice of complexity leadership is *implied* but not *applied*.
3. Critique of epistemological privilege.

Each of these is discussed in the following sections.

Reliance on Metaphor as Evidence

Waldrop (1992) offers wisdom from his interview with Brian Arthur, one of the founders of the Santa Fe Institute, that

If you truly have a complex system . . . then the exact patterns are not repeatable. And yet, there are themes that are unrecognizable. In history, for example, you can talk about

‘revolutions,’ even though one revolution might be quite different from another. So, we assign metaphors. It turns out an awful lot of policymaking has to do with finding the appropriate metaphor. Conversely, bad policymaking almost always involves finding inappropriate metaphors. For example, it may not be appropriate to think about a drug ‘war’ with guns and assaults. (p. 334)

But it was that very drug “war” that led to the disproportionate incarceration of Black and Brown people, and that metaphor was used as the foundation for statutory and regulatory frameworks for cannabis legalization, as in a “tightly” regulated system. Indeed, even referring to problems as “wicked” suggests something either completely fabulous or entirely dreadful. Which side of metaphoric interpretation one falls on depends largely on worldview, and yet it is that very interpretation that can result in policy and regulatory success or abysmal failure. In context of the present research, the war on drugs has been the latter.

Let us step back for a moment and touch on worldview because it is important here. This literature review has not discussed or explored it until now, because a philosophical discussion of worldview could have veered the present analysis toward a long (and likely irrelevant) detour. However, “many of the papers Hazy and Uhl-Bien cite as empirical studies in support of their view do not actually rely on complexity theory as an underlying argument” (Rosenhead et al., 2019, p. 17), and instead, they rely on complexity as metaphor. To understand the wobbliness of that reliance, and how that informs the direction of the present research, I look to Pepper’s 1942 root metaphor theory, which is grounded in worldview. Rosenhead et al. (2019) distill the rather conceptually large root metaphor theory in this user-friendly way: “people, including theorists, use metaphors to fundamentally shape the way we interpret empirical data and therefore see the world” (p. 18). Rosenhead et al. (2019) also aptly defines CLT as,

A stream of research which generally claims to study leadership based on consequences arising from the science of complexity theory itself or developed with complexity theory deployed as a root metaphor to drive a shift from a world hypothesis based on the

dominant integrative/ analytic mechanistic Weltanschauung [worldview] towards one that values integrative/synthetic organicism. (p. 21)

Indeed, Stacey famously offered that “For us, the complexity sciences are a source domain of abstract relationships from which we believe it is possible to derive insights about human interaction by way of analogy (Stacey et al., 2000, p. 191). In other words, the CLT relies on complexity science to justify its opposition to reductionism. At the same time, CLT relies on complexity science as metaphor to frame a “simplified” (Marion & Uhl-Bien, 2001, p. 410) leadership formula that if followed, will reduce or eliminate organizational instability, even though Stacey et al. (2000) and Pollitt (2009) warn us that complexity concepts should either be carefully applied or not applied at all in theories of organizational change. Neither mentions leadership.

These factors suggest that Prigogine’s definition of complexity—that it is the *property* of a system—may better serve to inform and nest the present research in its attempt to qualitatively enhance “the richness and vividness of complexity and indeterminacy faced by organizational subjects practicing leadership” (Rosenhead et al., 2019, p. 20).

The Practice of Complexity in Leadership Is Implied but Not Applied

The literature reviewed here lacked solid linkage between CLT and the actual practice, or the actual action of leadership. This is true where complexity is implied in public administration scholarship as well, where Pollitt (2009) notes, “What is missing . . . was an identification and elaboration on the specific causal processes or mechanisms” (p. 227). Previously I described realities concerning the instabilities and chaos that are part of day-to-day governmental regulatory practice. However, the literature suggests that practitioners can manage that instability and chaos in a constructive way with the previously noted “keen sense of timing” (Uhl-Bien & Marion, 2009, p. 640) that will lead to innovation. There are no verifiable instances of decisions,

practices, policies, or structures that are demonstrably different from what they would have otherwise been (Rosenhead et al., 2019). There is additional literature that was not reviewed here that may represent “illustrations” of complexity thinking, but the behavior studied, and experience analyzed is used “retrospectively as anecdotal validation for the relevance of complexity theory at work” (Rosenhead et al., 2019, p. 19). Pollitt (2009) refers to these as the “paper tigers” that are often set up to compare an older theory with one that is newer that is being offered as “obviously superior” (p. 223). This is true of McKelvey’s 2010 retrospective analysis of former GE (General Electric) President Jack Welch. To briefly summarize, McKelvey paints a rear-view mirror portrait of Welch’s leadership style as that of an unwitting complexity scientist, even though it ultimately lead to GE’s demise (McKelvey, 2010).

This absence of any observed application of complexity leadership theory situates the present research as it relates to the actual practice of leadership in complex regulatory systems. Do these leaders truly possess the extraordinary qualities that complexity leadership scholars assert are necessary to lead a complex system or organization? This research puts that assertion to an empirical test.

Critique of Epistemological Privilege

From my perspective, the undertone of privilege pervaded much of this literature review. I offer a critique of that privilege because it plays a foundational role in situating the present research. To illustrate how this theme is realized in both leadership and governmental contexts, I turn to the 1996 South African Constitution. It has been opined that this document is based on the legal philosophy of “the conqueror,” or the “so called right of conquest” (Ramose, 2018, p. 338). I would also note that it is argued that a similar philosophy formed the basis of the United States Declaration of Independence, as well (Hannah-Jones et al., 2021). This right of conquest

means that an outsider dominates or conquers the original inhabitants of a land or space, and I would argue that this extends beyond just tangible, or physical space. In South Africa, the dominance of this paradigm led to the total exclusion of Ubuntu philosophy, or the idea that a common bond exists between all people and through this bond, through interaction with other human beings, people discover their human qualities (Ramosé, 2018). I view this conqueror paradigm as a dimension of epistemic injustice and assert that it demonstrates how the assumption of epistemological privilege by a handful of individuals in power can and does subordinate the values and beliefs of, in the case of South Africa, the majority of the indigenous population. Ramosé (2018) offers that continuing epistemicide feeds on the delusory racial superiority experienced in South Africa. I believe this is true in the United States. I recognize that the assertion of this belief may cause some reader discomfort. I believe, however, that this discomfort is long overdue when contrasted to the centuries-old tradition of racism in the United States which formed the basis of, among other things, Jim Crow laws and practices. If we look closely at those laws and practices, the term “Jim Crow” that is relied upon to justify them is a sanitized name for apartheid (Hannah-Jones et al., 2021; Wilkerson, 2020).

I will not attempt to ease that discomfort because it speaks to how we might examine epistemic privilege. I will, however, offer that one consider the context in which the present research exists, because doing so begins to chip away at long-held beliefs and the perception that some are entitled to epistemic privilege. For example, cannabis legalization, framed by privileged, and enjoyed largely by white, well-capitalized males, was designed to regulate a previously illicit and weaponized substance that disproportionately impacted communities of color. The victims of that weaponization did not participate in regulatory formation, nor were they offered the opportunity to participate in or benefit from the profits of legalization.

Furthermore, the cultural aspects of how the substance was traditionally used—including medicinal and spiritual applications—were largely extinguished after legalization as the product became pharmaceuticalized in white owned production, processing, and retail facilities. In simple terms, cannabis was whitewashed after legalization, resulting in Black and Brown exclusion from the regulated market because privileged white producers were able to strengthen barriers to market entry. In other words, they came, they conquered, and it can be argued that they generally appropriated an industry that existed in communities of color and in the medical cannabis space for years.

To extend this concept further, the common purpose in championing complexity to inform leadership has parallels to that of the conqueror paradigm: a leader is believed to have an ability to determine the best course of action in an environment deemed to be “complex,” but in doing so, is free from acknowledging any power dynamics, human interactions, or human value recognition. Such a leader assumes that the agents within that complex system experience the system it in the same way the leader does. Such a leader also assumes that the agents within the system share, without question, his/hers/their worldview. There is no discussion of knowledge democracy. There is no mention of diversity, inclusion, social equity, belonging, or the inherent tension and power dynamics between leaders, followers, or any other part of the system.

I now turn this critique toward myself because this section would be incomplete without acknowledgement of my own epistemological privilege. My personal and professional experiences influence the knowledge I hold, why I hold it, and whether I am receptive to new forms of knowledge and differing perspectives. In this sense, epistemic privilege describes the knowledge I have that others might not. In contrast, consider the concept of epistemic humility, which speaks more to what we don’t know consistent with the Simpson (2007) reference to

Socrates above (as in, all I *do* know is that I know nothing). While I can appreciate and acknowledge the privilege I hold, it is by virtue of that privilege that I turn to epistemic humility to conduct this research. That pivot is critically important to this work. If I do not honor and recognize the epistemic privilege of the marginalized groups interviewed as part of this research and those that I may not have the opportunity to interview, particularly those impacted most by the war on drugs, I run the risk of overwriting narratives and stories with my own or other voices that traditionally dominate these narratives. This is not a new phenomenon, and I will discuss the tension it creates more fully in Chapters V and VI. This recognition, however, reminds me to pay equal attention to all the voices telling the story of cannabis legalization as part of my reflexive, critical research approach described in the next chapter.

This backdrop helps to further position the present research by forming the basis of exploration around the contours of cannabis regulation, drawing out and further examining what role and to what extent epistemological privilege played in the creation of regulatory frameworks for cannabis, with an emphasis on the overall impact that privilege had on creating, or not creating socially equitable conditions.

Conclusion

This review offered a multidimensional, textured analysis of the ways that complexity is experienced, implied, and theorized. It was then contextualized for this research.

To that end, the literature identified what wicked problems are in the realm of public policy and regulatory systems. There was an absence of literature, however, suggesting strategies to resolve or abate wicked, complex problems, including problems of equity. This absence situates the goals of this research, and points to implications for further exploration that are realized in one of the overarching research questions of this study: how complexity is engaged

and experienced in regulatory systems from the perspectives of practitioners on the front lines of cannabis regulation. This research may contribute to a better understanding of the ways that complex problems—such as regulating cannabis—are practically addressed. It takes that question one step further by adding dimensions of social justice inquiry in an effort to better understand how complex regulatory construction can lead to socially equitable conditions.

Additionally, literature speaking explicitly to what complexity *is* and how it is experienced by practitioners or organizations was largely absent from this review. In other words, it is unclear how one might “do” complexity (Pollitt, 2009). Complexity was abundantly theorized as a leadership approach in which “a very few special people resemble super-heroes” (Tourish, 2019, p. 40). These are heroes, however, who complexity scholars heartily and robustly assert are not practicing heroic leadership because the modern age of rapid information transfer and knowledge moves too fast for such an antiquated approach. In this way, it is offered as both an add-on or compliment to other leadership approaches. It is also offered stand-alone answer to dealing with organizations, people, and systems identified as complex, but needing guidance to become less complex . . . at least temporarily while some managed chaos is somehow added to the mix. This is then linked to the various notions of control expressed in the literature, which are the antithesis of complexity itself, but offered in the literature as an explicit, yet ambiguous feature of complexity leadership.

This literary backdrop nests the present research in its exploration of the dimensions of complexity, including its epistemology and ontology, and supports the idea that complexity is a characteristic, rather than a construct or something to be controlled. It also situates the research question concerning what the practice of leadership looks like when engaging with complexity or complex systems. The answer to that question contributes to the absence of empirical research

around whether complexity can be applied as a leadership construct as suggested—but never demonstrated—in the literature, whether it is a system characteristic or something else entirely. If it *is* a characteristic, the present research will begin to explore the dimensions and textures of the ways that individuals identified as leaders interact with it.

CHAPTER III: METHOD

When both scientific and alternative ways of thinking reach a limit in their capacity to fully comprehend complex social situations, participatory action research can offer a methodology that opens up new insights and strategies for change.

—Thomas Stern, *Participatory Action Research and the Challenges of Knowledge Democracy*

This chapter describes a participatory action research method that supports both research objectives described in Chapter I. Aligning with the epistemological position of this work, this method allows exploration of the ways complex macro and micro systems coexist by connecting a broader range of knowledge as described in Chapter II. The method accomplishes this by creating a unique framework that will help me to craft a “jointly told tale” (Kleiner & Roth, 1996) of cannabis legalization through the lived experiences of two regulatory agencies. At the same time, that mutually crafted story will help to describe the characteristics and contours of change in complex regulatory systems.

Learning history is defined as a participatory action research approach designed to explore and foster learning in organizations (Bradbury et al., 2015; Kleiner & Roth, 1996; Roth & Bradbury, 2013). The learning history methodology operates with an epistemology that is “quite different from normal science,” in that it includes an initial layer of analysis focused solely on iterative participant reflection, and a secondary layer of analysis that includes “enfolding of theory” (Bradbury, 1998, p. 61). For these reasons, the learning history approach has significant potential for this work since it is focused on both capturing experience and enhancing theoretical understanding of complex regulatory systems.

In this chapter, I will begin with a background on learning history as a research model. Then I will explain why it is the most appropriate research method for this work, followed by a description of the research design. I then move to situating myself as a researcher in context

because my relationship to the subject matter is unique, and I conclude with a brief discussion of limitations.

What Is Learning History?

Learning history is a type of action research that is “well adapted to complex issues” (Gearty et al., 2015, p. 46), such as cannabis legalization and the subsequent creation of frameworks to regulate it. Action research engages participants and stakeholders as co-researchers often through cycles of action and reflection, so that all involved can contribute both to the questions that will be addressed and to the actions that inform the research (Gearty et al., 2015).

Since the early work of Lewin (1951), action research projects have typically been local and often intensely focused on small groups of actors, or single projects generating a response to a convening problem. However, when issues are complex, “local responses” do not necessarily have application in a broader context (Gearty et al., 2015, p. 47). Gustavsen (2003) offers that we broaden the singular project research view and look at a number of projects simultaneously to compare, add, and learn from differences. Learning history accomplishes that in a unique and customizable way.

Learning history is an action research practice that is both a process and a product (Bradbury et al., 2015; Roth & Bradbury, 2013). The learning history methodology facilitates integration of both action and reflection (Bradbury & Mainemelis, 2001; Gearty, 2009; Gearty et al., 2015). The goal of learning history is to capture and share what an innovating group, or collection of groups have learned (Bradbury et al., 2015).

Bradbury and Mainemelis (2001) offer that the content and process design of the learning history is drawn from several theories. These include theories of learning that emphasize the

importance of integrating reflection, action, and social construction of reality. These also include theories that emphasize the importance of history as an informant of organizational awareness, learning, and preferred action. Roth and Bradbury (2013) have built on those theoretical streams, and offer four elements that create the design criteria, regardless of whether the learning history is bounded (closed) or unbounded (open):

- Multiple stakeholders design around “notable” accomplishments. In my context, “notable” means noteworthy, or significant outcomes important to the organizations.
- Insider/outsider team members lead reflective interviews in a way that combines practice and scholarship with practitioners (e.g., managers or local leaders) and as appropriate, working with consultants/change agents, and collaborating researchers.
- Distillation and thematic writing/presentation completed by the researcher (referred to as the Learning Historian)
- Validation and diffusion with original participants individually and in the presence of others (Roth & Bradbury, 2013).

In combining these elements, the learning history exemplifies many of the dimensions that action researchers find important: it is participant driven, it is collaborative, it leads to change and the improvement of practice, not just knowledge itself, and it is context specific.

Gearty (2009) described how learning history brings narrative and participatory approaches together in a new way to “articulate a fresh methodological approach that has relevance for learning in any field of connected organizations” (p. 7). This resonates with me based on the interconnectedness of the regulated cannabis market, regulators, and others, overlaid by the complexity of guiding statute and regulation. Of importance here is the assertion that, “the impediments to change lay not with the technology [being studied] itself but with a complex interlock of human, organizational and systemic factors” (p. 9). This aligns exactly with my research goals: to understand the dimensions of systems interactions beyond the systems themselves. One point of departure, however, is that Gearty sought to embed herself in the

organization she studied. In contrast, I am already embedded in the organization that I wish to study, and this presents some challenges I will explore later in this chapter.

Gearty (2009) further expands on interconnectedness by offering that learning history can help researchers “to understand how more connected learning between innovative projects might occur at the systems level” (p. 12). And, while reiterating the reflective process of learning history, Gearty focuses on the later stages of the process that pay attention to the “pragmatics of working with that history with participants to maximize learning from it” (p. 12). This is important, because she notes that the process seeks to “re-humanize” action research, but cautions that by virtue of the human element, the outcome of a learning history may not be predictable. Yet, it is that very element of learning history that makes it “action research’s answer to case study” (Gearty, 2009, p. 15). “Whereas case study will analyze an event in an objective way, learning history *reveals in the messy human story of that event*” (p. 15, emphasis added).

Learning History, Collaborative Inquiry, and Cooperative Inquiry Compared

Learning history has much in common with other forms of research (Gearty & Coghlan, 2018), belonging to a “family of experienced based, action-oriented inquiry strategies . . . with different names and slightly varying profiles” (Yorks & Kasl, 2002, p. 4). Learning history builds on these strategies and to an extent, contains elements of each. For example, “cooperative inquiry involves two or more people researching a topic through their own experience of it, using a series of cycles in which they move between [an]experience and reflect together on it. Each person is co-subject in the experience phases and co-researcher in the reflection phases” (Heron, 1996, p. 1). Similarly, Desmond (2019) offers that, “The fundamental aim of collaborative inquiry is to develop new understanding with and by others that reflect the lived experience of

participants in [a research] group” (p. 59). Like learning history, collaborative inquiry offers learnings, rather than findings, along with participant reflection and co-creation. Like learning history, the focus of both collaborative and cooperative inquiry is learning, and researching *with* and *by* people, rather than on people. Even though collaborative and cooperative inquiry are frequently identified as being the same and associated with each other, there are points of departure, albeit nuanced and historically based.

Yorks and Kasl (2002) assert that they “chose the term *collaborative inquiry* in 1991 at a time when many labels were being used for action research” (p. 4, emphasis original). Although based on the then emerging idea of cooperative inquiry, they note that collaborative inquiry is geared toward *peers* or groups of peers such as teaching professionals. According to Bray et al. (2000), as cited in Yorks and Kasl (2002), collaborative inquiry is “a systematic process [for learning from personal experience] consisting of repeated episodes of reflection and action through which a group of peers strives to answer a question of importance to them” (p. 4). More recent literature supports this notion, providing that collaborative inquiry continues to be framed as “a multidimensional *peer* inquiry that crosses methodological boundaries” (Hanlin-Rowney et al., 2006, p. 323), and can be used as a tool for knowledge generation and “empowerment for those who expertise is often not recognized and validated as ‘proper’ knowledge” (Chowns, 2008, p. 568).

However, in cooperative inquiry, researchers are identified as the subjects of their research, and the outcomes are typically answers to “real world problems that people face in day-to-day-living” (Hanlin-Rowney, et al., 2006, p. 322). Heron and Reason (2008) offer that

Cooperative inquiry is a form of action research in which all participants work together in an inquiry group as co-researchers and as co-subjects. Everyone is engaged in the design and management of the inquiry; everyone gets into the experience and action that is being explored; everyone is involved in making sense and drawing conclusions; thus everyone

involved can take initiative and exert influence on the process. This is not research on people or about people, but research with people. (p. 366)

In contrast, learning histories were developed to capture, assess, and diffuse learning and change initiatives with more of an organizational focus (Roth & Bradbury, 2013). The goal of the learning history is to capture what an innovating group has learned that can be transferred to other groups and organizations. The process involves convening salient stakeholders, and sometimes outside participants, and is generally conducted by “outside learning historians who work with insiders in an organization, developing their inquiry skills and establishing processes that enable and support organizational reflection” (Roth & Bradbury, 2013, p. 350). Learning history also produces an artifact that can be used to diffuse learning and help the organization change and grow. I discuss the importance of the artifact and my unique position as an insider learning historian later in this chapter.

Origin of Learning History

As previously noted in Chapter I, the early 1990s found a group of researchers at the Massachusetts Institute of Technology’s (MIT) Center for Organizational Learning interested in learning from experience. Bradbury et al. (2015) note that, “Their efforts were focused on supporting organizational development” (p. 3), and in fact, Roth was one of these original MIT researchers. Initially, learning histories were used within “business units” (Bradbury et al., 2015, p. 3) to memorialize innovation, and manage organizational knowledge. Those learning histories were then shared throughout an organization, and eventually with other organizations. These organizations became to be identified as “learning organizations,” defined as places where “people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspirations are set free, and where

people are continually learning how to learn together” (Senge, 2006, p. 3). Thus, the learning organization was the original context for learning histories (Bradbury et al., 2015).

The shift from learning within individual business units to cross or multiple organizational learning also produced a new understanding of learning histories that distinguished bounded, or closed systems from unbounded, or open systems learning histories (Bradbury et al., 2015, citing Gearty, 2009; Gearty et al., 2015). For example, Bradbury’s 1998 dissertation describes how closed learning history was used to study the leaders of a Swedish environmental organization called The Natural Step, creating some of the initial contours in the development of the learning history methodology. Speaking to the way that the methodology supports organizational learning, Bradbury offers:

A learning history is a tool whose goal is to help an organization become aware of its own learning and change efforts (Roth & Kleiner, 1997). *It does this primarily by offering an opportunity for reflection to people whose work life does not allow this.* Its content comes from the people who initiated, implemented and participated in the original change efforts as well as nonparticipants who were affected by them. The learning history is a written document (or series of writings) which makes extensive use of participants’ own narratives, as well as outsiders’ assessments of the story. (Bradbury, 1998, p. 51, emphasis added)

As Bradbury notes, the learning history culminates in an engaging document that does not intimidate or alienate people who are not involved in academic research. This speaks to its applicability in my context. While the process and outcome bears some resemblance to consultative approaches in that it results an artifact that serves primarily to anchor active, dynamic conversation, it is not designed to capture static truth. This fits perfectly with the dynamic, multidimensional systems that are the subject of this research.

The Learning History Artifact

The artifact is a critical, distinguishing feature of learning histories. Bradbury describes the initial manuscript of a learning history in two columns—one of interviewee narrative, and the

other of researcher reflections and commentary. This approach follows “grounded theory building” (Glaser & Strauss, 1967) through “open” and “axial coding,” allowing “subthemes in an overarching joint narrative” to be identified (Bradbury, 1998, p. 287). This also “offers a way to contextualize” the “qualitative analysis so that it may avoid the appearance of relying on the quotations that suit the researcher’s predetermined expectations” (p. 287).

It is at this point that the methodology departs from traditional case study and moves into actionable learning because the initial manuscript is shared with participants, not only to validate findings, but to promote research participant learning through reflection. In this way, the methodology allows the learning historian to go beyond case study and move into actionable learning that is co-created by participants. This jointly told tale does not stop at merely describing and analyzing actions but dives more deeply into the thinking behind those actions, and potential pathways forward.

Thus, learning history action research is designed to work *with* change. So, rather than stopping at *being* the change, the methodology can actually move the researcher into *doing* the change *with* research participants, in service to the tradition of participatory action research. This aligns with the present research goals.

I conducted a learning history pilot project in preparation for this research. The pilot allowed me to test the methodology in a limited way to determine whether it would achieve what I hoped it would, and whether I had any skill or ability to use it. It represents the tale of how two colleagues experienced the passage of I-502 and its subsequent implementation. I conducted initial interviews that lasted about two hours each, followed by approximately two weeks of intense distillation and finalization after participants reviewed interview transcripts. Validation was conducted on an individual level as opposed to in a group. Wider learning, in the sense that

wider learning meant I would share the artifact with the entire agency, did not occur since the pilot did not dip as deeply into the subject matter as I knew my dissertation work would. For these reasons, along with time limitations and a purposely narrow project scope, the learning history artifact was abbreviated.

Even when tested in abbreviated form, I learned that this methodology is extremely—and this is not in any way an exaggeration—powerful methodology that truly gets at the “messy” bits of human experience in ways I did not expect. I also did not realize until I tried it that I had any talent at all for the type of interviewing that learning histories require, and I completely underestimated myself. My legal background (think, for example, deposition preparation and attendance) coupled with years of stakeholder group facilitation in multiple venues was brought to bear. I was reminded of attorneys I previously worked with who would “send” me in if they needed a client to share bits of a story that were uncomfortable or embarrassing, or they wanted something from opposing counsel that the attorney wasn’t able to obtain. This is not offered as self-aggrandizement, but as a demonstration of the art and importance of interview as dialogue, rather than interrogation. I learned and experienced that the former is one of the elements that makes learning history work. If there had not been a deadline attached to the project, I likely would have spent significantly more time on distillation and finalization because the interview material was so rich, and more themes emerged than I anticipated.

The artifact produced as a result of this research is constructed similarly, and I expanded the scope of the artifact in ways I was not able to in the pilot. For example, I did not specifically ask pilot participants questions that would prompt discussion or reflection around social equity at the time of legalization, even though participant world view was evident in responses. Similarly, I did not concentrate on or ask questions that would prompt response on how the complexity of

the regulatory structure, the authorizing environment, or anything else was experienced. Rather, I added observations that I entitled “Through a Complexity Lens” under each significant sub-section that focused more on the *system* as it changed rather than how the *participants* navigated it. While this gave me a brief opportunity to apply some of the theoretical constructs of complexity theory, it did not contemplate testing leadership theories based on notions of complexity in those subsections. Here, I had that opportunity.

I want to highlight and underscore how social equity has impacted discussion around cannabis equity reform since the time I conducted the pilot project. The word “marijuana” was used throughout the pilot artifact. Since the time that document was prepared, WSLCB and others across the nation have acknowledged the derogatory, racist connotations of the word. In fact, as I write, Washington State’s Governor, Jay Inslee, just signed House Bill 1210 that changes all references in Washington State law from “marijuana” to “cannabis.” Thus, even though the pilot was merely a “practice run,” it serves as a real-time example of where we have been, and how far we have come as a society since I began this work.

While the final artifact of this work in some ways resembles the pilot and its artifact, it is truly much more dynamic, rich, and comprehensive. The difference between the pilot and this work is that I was not restrained by a deadline or any other time limitation. I was able to carefully tend to the story as it unfolded, in the time and with the attention it needed to be told. That is the beauty of the method.

Methodological Fit

Bradbury (1998) asserts that learning history “[is] predicated on the belief that methodological processes ought to be philosophically congruent with the study at hand” (p. 50). I agree with Bradbury’s thinking as to methodological selection. That agreement also extends to

three methodological imperatives “operating simultaneously in a learning history: the research imperative which seeks to be loyal to the data; the pragmatic, which seeks to be loyal to the audience who will hopefully seek to create or improve their own practice; and the mythic, which seeks to be loyal to telling a compelling story” (Bradbury, 1998, p. 52). Why do these methodological imperatives matter here?

In discussing methodological imperatives, Danziger (1985) offered that “[if] we enjoy contemplating science as though it were a finished edifice, we can limit ourselves to its theories and observations. But if we regard it rather as an ongoing work of construction, we cannot really ignore the scaffolding of procedures” (p. 1). In the research context, scaffolding, or methodological procedure, produces observation. And methodological procedure can also serve as a “repository of explicit and implicit theoretical assumptions” (p. 1). Consequently, it is possible for the relationship between observation and theory to be facilitated by methodological assumptions. If those assumptions are designed only to test theoretical claims, then researchers may not be able to dramatize a theory to explore its implications. It is within that dramatization that the unexpected can emerge (Hunt & Vipond, 1991). This is important to the present research because it explores the characteristics of regulatory systems. In the context of cannabis legalization, this method will allow me to dramatize, or in other words, attempt to adapt and apply complexity in that field and unpack its implications, while at the same time co-creating a story of how that complexity was experienced.

From a practical perspective, learning history suits the present research because the artifact can be used for policy, as well as for regulatory development and growth. This is of critical importance to US States who have just joined the ranks of cannabis legalization. These States continuously look to early adopters, such as Washington and Oregon, for guidance and

assistance. Since it is likely that the United States is only a few years away from removing cannabis from the list of Schedule I drugs, the artifact may serve a useful purpose in that effort.

The Open Systems Approach

Learning history practice provides both a philosophical and methodological basis for addressing issues related to how organizational learning is captured, shared, and acted upon. With respect to the present research, “Open systems learning histories follow stories that extend beyond a single organization and move into action and systems issues, structured by the network of relationships between multiple constituent organizations, agencies and individuals” (Bradbury et al., 2015, p 3). This differs from the bounded learning history approach where the organization being studied is “bounded by the network of relationships from which the original [research] project arose” (Gearty et al., 2015, p. 46). Gearty et al. (2015) offer the following table (Table 3.1) contrasting the characteristics of bounded and open systems learning history approaches:

Thus, “the location of learning in the ‘open system’ contrasts with the bounded learning history in that it is explicitly at multiple levels—within the originating organizations of the learning histories and also within the ecology of organizations and networks that relate in some way to the subject at hand” (Gearty et al., 2015, p. 51). This aligns with both the context and overarching goals of the present research.

Table 3.1*Bounded and Open Learning History Approaches*

	Bounded learning history	Open system learning history
Learning history 'process'		
Steps	Linear, six-stage process	Iterative series of six-stage processes
Production phase	One – lengthy, rigorous and central	Several – shortened, provisional and intermediate
Validation and diffusion phase	De-emphasised Validation can become passive Diffusion often limited to a one-off event	Emphasised and iterative. Validation part of learning Diffusion is a series of participative, proactive 'learning events'
Learning	Bounded: takes place within original project and related organisation(s)	Open: extends dynamically outwards across organizations as process develops
Knowledge transfer	Under-explored. Challenges at end stage can make this become dissemination	New knowledge cumulatively generated in new contexts via participative action research
Learning history 'artefact'		
Form of representation	Two-column formatted written document	Flexible, multi-vocal representation Oral and multimedia forms also possible
Content	Towards a complete history	Towards a provisional history
Place in process	Produced towards end of process	Produced mid-way
Role	Legacy Artefact supports continued learning after process completes	Catalytic Along with other histories, supports cycles of further learning within process
Number produced	One written document	Many, taking varying forms
Learning history 'practice'		
Role of researcher	Outsider researcher mediating organisational learning	In-system researcher mediating and orchestrating learning within and between organisations
Research practices	Interviewing, analysing writing, planning, engaging and communicating	Interviewing, analysing storytelling, systems design, partnership development, opportunism, engaging and communicating
Validity	By cycling back to the research data and validating	By cycling back to the data and cycling out to the system for feedback
	Through reflexivity	Practicing reflexivity with others

Note: From Gearty, M., Bradbury-Huang H., & Reason, P., 2015, *Management Learning*, 46(1), p. 52. Copyright 2015 by SAGE Publications, Ltd. Reprinted with permission.

Applicability

From a functional perspective, Kleiner and Roth (1996) and Gearty (2014) offer that learning histories are labor intensive and can be expensive. Even though a small project can be captured with two- or three-days' worth of interviewing, the distillation and validation process can take a significant amount of time. This was the case with my pilot project, and occurred here, as well. Even so, the process results in a history of practices and experiences that goes beyond

"best practices" to show not just what people *did*, but what they were thinking, what assumptions they made, how they came to their decisions, what others thought about their actions, and how they expect to move forward. Instead of merely copying the best practices of others, people who read learning histories can be equipped to develop their own best practices, and the process itself can build or continue to build actionable knowledge among organizations. This is so relevant here because the actionable knowledge of Washington, Colorado, and Oregon can not only serve to inform and set direction for each states future regulatory direction, but may also inform the regulatory efforts of states entering the legalized cannabis space.

This method aligned perfectly with my research interest and applies to the context of this research in at least three ways:

First, the learning history model extends and expands on some of my existing stakeholder engagement models by helping me tease out, understand, and make space for agencies and other to share—in their own words—how people within or connected to specific organizations engage, or interact with complexity and complex systems in cannabis regulation. The model will allow these entities to describe how they experienced change in practice that captures personal, interpersonal, and impersonal knowledge. This is accomplished by “connecting up collective learning and learning histories from multiple organizations, within a more spacious inter-organizational field and beyond the open system” (Gearty et al., 2015, p. 46). Open systems learning history incorporates the production of several lighter, less rigorous learning histories (Gearty et al., 2015). This is a goal of the present work: to take what is harvested and culled from conversations, and *not* re-writing it or homogenizing it, but finding the similarities and shared experiences that tell the story.

Second, I seek to overcome what Bradbury et al. (2019) refer to as “the chasm between expert knowledge and stakeholder participation” (p. 5). Bradbury and Lichtenstein (2000) termed this “the space between” (p. 551) and note that it is “the essence of [Martin Buber’s 1970 dialogue] work . . . that points to the relational perspective that self and other are not separable, but are, rather, coevolving in ways that need to be accounted for in our organizational research” (p. 551). This was one of the reasons I was not interested in reliance on a mode of knowledge production, such as narrative inquiry, that might suggest movement toward an absolute “yes/no” outcomes, and “privilege[s] individual observation and sense-making related to the ‘measurable’ external world in the belief that it is possible to be independent from what is observed” (Bradbury et al., 2019, p. 6). In this way, the learning history encourages collaborative action and knowledge creation while describing a history of something that can lead to change in the future, inform and guide decision making, and then continue to do so.

Third, learning history offered a way for me to approach my work from the perspective of *what could be*, or “yes/and . . .,” and provides a living document that will keep me and my work in open dialogue long after this dissertation is completed. This approach begins by recognizing my place within the research as an expert practitioner who truly understands the complexity of this context, and at the same time understands that I must also shift to a researcher’s perspective in helping those with a stake in my topic to walk through their experiences and act based on and through their shared learning (Bradbury et al., 2019). To accomplish this, I relied on Gearty’s 2014 open system learning history model, that “...outlines five [process] stages where the first four stages relate to the front-end production of the learning history and the fifth relates to the back-end post-production learning stage” (p. 6), presented here as Table 3.2:

Table 3.2*The Five Stages of a Learning History Project*

Nr	Stage	Description
1	Planning	Insiders and outsiders come together to co-design the project. Multiple stakeholders are invited to negotiate the storyline and the range and scope of the history. An insider/outsider 'learning historian' team is set up. This stage culminates in identification of insider protagonists and an invitation to interview is issued to them.
2	Data gathering	The main data gathering stage. Learning historian(s) conduct reflective 1:1 or sometimes group interviews that are recorded to provide verbatim quotes. Additional material from company documents, websites may also be gathered at this stage.
3	Distillation and production	Recorded data is usually transcribed and distilled for (i) key storylines (ii) key themes (iii) key illustrative quotes. These, together with any background data are crafted into the chosen learning history form where thematic, narrative and insider voices are placed side by side.
4	Validation	A draft of the learning history is shared with those who contributed. Validation can occur on an individual or group basis.
5	Wider learning	The backend stage where the agreed learning history is now taken more widely to support wider learning – either within the originating organisation or further afield. Sometimes termed dissemination, this stage has more recently been interpreted as have significant potential for system-wide learning by taking a more participative approach to it.

Note: From Gearty, M. learning history, in Coghlan, D. and Brydon-Miller, M. (eds.), *The SAGE Encyclopedia of Action Research*, pp. 494. Copyright 2014 by SAGE Publications, Ltd.

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I describe each phase of the learning history methodology in context below.

Planning Phase

Participants from Washington, Colorado, and Oregon were identified based on their role in early cannabis legalization from several perspectives. The first was at the agency level, such as agency directors, followed by individuals supporting or assisting those agencies, such as attorneys general, and those generally involved in some aspect of legalization either as a

stakeholder, a legacy market member, or involvement in organized cannabis legalization initiatives. I introduce these participants in Chapter IV. Additionally, there were some unique advantages discussed below, as well as some challenges related to participant identification that I discuss more fully as limitations in Chapter VI. These are based largely on my position as an inside action researcher and the nature of that position.

I drafted two main questions and added several sub-questions in an effort to encourage participants toward thinking reflectively, broadly and deeply. These questions began to emerge during unrelated discussions with these and other individuals over the past few years. From that perspective, participants had an early, and unforeseen role in the co-design of my study. I did not anticipate or expect that each and every interview question would be answered since the process of reflection and iteration was driven by each participant. I viewed these questions as prompts that will lead to additional probing. I offered the following:

1. Please describe the extent of your involvement and your experiences in the initial implementation of enabling legislation to legalize cannabis, including but not limited to external and internal stakeholder engagement.
2. What was the extent of your knowledge around cannabis before it was legalized in Washington (Colorado or Oregon)?
 - a. What influenced that knowledge?
 - b. What concerned you most about legalization? Least?
 - c. If you were involved in prosecuting cannabis related offenses before legalization, what was the extent of your involvement?
 - d. What was your understanding of cannabis legalization and decriminalization?
3. Was there a key moment in implementation that was personally significant to you? Why?
 - a. Where and when in the process of implementation did that moment occur?
 - b. Who else was involved, and to what extent were they involved?
 - c. What were the challenges and triumphs that made this a key moment for you?
 - d. Did that moment influence your perspectives and understanding of legalization? How?
 - e. If you could go back and guide yourself through that moment (or those moments if there is more than one), what advice would you give yourself?

4. How did you navigate varying stakeholder perspectives, such as those from citizens who did not vote to legalize, and those who did?
 - a. Who had the loudest voice? Who had the quietest voice?
 - b. Looking back, who had a quiet or no voice?
 - c. Did any of those voices influence the way you approached your work?
 - d. Were you involved in any statewide stakeholder meetings? To what extent?
 - e. Did any part of the development process scare you or cause concern? Why? What did you do to mitigate that concern?

5. As you look back on your experiences during the formation of the initial regulatory structure, which hold the most prominent space in your mind?

6. What was your role in creating regulation?
 - a. Did you feel like you were heard?
 - b. Did you think the rules were too strict or not strict enough? What concerned you most?
 - c. What were the most hotly contested parts of rule? The least?
 - d. What was your perception of stakeholder comment on draft rules?
 - e. Did you think the rules aligned with the intent of enabling legislation? Why or why not?
 - f. Do you think there was a general understanding of why rules were needed?
 - g. Who pushed back the hardest, and why?
 - h. Who were supporters, and why?

7. What was it like to enforce regulation?
 - a. Did any of the rules have unintended consequences? How so?
 - b. How did you feel when a licensee found a loophole in a rule?
 - c. Do you think the rules did what they were designed to do? Why or why not?
 - d. Can you recall the first administrative violation the agency issued?
 - i. What did that feel like?
 - ii. How did the licensee react?
 - iii. What was the outcome? Was it satisfactory to you?
 - iv. Is there anything else you think I should know?

Since I am imbedded in one of the agencies involved with this research and had worked with other state agencies tasked with cannabis regulation, I was able to identify insider and outsider protagonists quickly. Invitations to participate were offered once ethics approval was received and invitees quickly accepted.

Interpretation (Data) Gathering Phase—Learning History Dialogue

In general, this phase of learning history research is referred to as data gathering but I am more inclined to call it interpretation gathering as Kleiner and Roth (1996) do. It is my belief that categorizing what is gathered from interviews as “data” seems to immediately dehumanize it. For that reason, in the spirit of *rehumanizing* action research, I interviewed participants who were selected as noted above from the Washington State Liquor and Cannabis Board, the Colorado Marijuana Enforcement Division, the Oregon Liquor Control Commission, along with others who either worked with these agencies or did not have any connection to these agencies but were involved in the legalization movement. These are the protagonists of this story.

Participant Engagement

These interviews occurred during the late summer and fall of the first full year of the COVID-19 pandemic. For that reason, all interviews were conducted through Zoom. Interviewees received questions at least one week in advance, along with consent forms and a general overview of the interview structure. Some interviews were scheduled for two hours and others for one hour depending on availability and on comfort in sharing experiences and reflection. All interviews were recorded with interviewee consent.

Ethical Considerations

Prior to interviewing, I provided each participant an informed consent form and requested that it be signed and emailed back prior to our scheduled interview. Once the interview began, I reiterated the context of the interview in broad terms and requested permission to record the interview. I offered that I was not seeking a particular answer or position, but the participants honest reflection. This resulted in deeply reflective, as opposed to, superficially reactive responses because our context typically only allows for the latter. This underscores some of the

sensitivities and political undercurrent present in my role as both a learning historian and a practitioner in this research environment. I discuss this dichotomy further below.

Distillation and Production Phase

The goal at this phase was not to seek generalizable results, or attempt to prove or disprove a theory, but rather to use the reflections of participants in their own words because these would construct the story. As co-researchers, we wove a story about how cannabis legalization was experienced, what was learned from those experiences, and how those experiences might inform the participating organizations and others in the coming years.

This phase began with transcription of recorded interviews. I used a transcription service, supplemented with field notes. Participants were provided with the transcripts to assure accuracy and allow for corrections, and once that was complete, I began the process of analysis. True to the method and the extraordinary richness of the data, this phase was lengthy and intense.

While I am already familiar with the practice of thematic analysis from previous experience, this systematic process required arranging original text into summary sentences, then into keywords or categories representing those themes. What I began to see emerging from this distillation process was a chronological timeline, so to explore further, I loaded complete narratives associated with timelines to look for common words and phrases that might add distinction to each phase of legalization. The categories or themes were then collated into overall categories or themes. Again, staying true to the method, I did not “prune away the lived experience” (Gearty et al., 2015, p. 46) looking for repetition. Generally, I would pull out the variances in lived experience because this is part of what I might share back with participants. However, as I note in Chapter IV, despite these states having entirely separate statutory and regulatory systems, the experiences were very similar with some interesting and illuminating

variances that I speak to in Chapters IV and V. That sharing was achieved through individual follow up meetings with individual interviewees and will be shared more broadly through workshops attended by all interviewees, or a combination of the two.

Consistent with Kleiner and Roth (1996) and Bradbury (1998), I began by preparing the learning history two-column format, with sidebars and full text hoping to support that. These columns served to present a sense of the whole story in a thematic way, but not to undermine the narrative by assessing the situation (Bradbury, 1998).

However, I soon realized that this needed to be modified because the content culled was not only voluminous, but so extraordinarily rich, multidimensional, and textured that I could not accurately capture, organize, and share data just using two columns with sidebars. Instead, I used this format as a tool to develop themes. Then, I broke this down even further by a time stamp, or a significant moment in the history of cannabis legalization. The final table is attached to the final learning history artifact as a guiding analysis for the work. I relied on this approach to assure that the project remained within a reasonable scope, and the material contained in the right column will be incorporated into the final learning history. See Appendix G.

Validation Phase: Reflective Feedback

This phase included quote-checking to assure that participant quotes were accurate, allow for revision where needed, and assure participant comfort in sharing the content before anyone within the organizations or elsewhere reviewed the material. Validation protected anonymity at this phase and helped to build another level of perspective as participants considered their and other statements (Kleiner & Roth, 1996). It also signaled a part of the process where I began to determine how the learning history would be most useful.

During this phase, I shared the learning history artifact and data table document with all participants and met with those who wished to meet individually to review. It was during this phase of both the pilot study and the actual research project that expected, unexpected, and poignant responses and reactions emerged. Participants were surprised by how similar their experiences had been, what they learned about each other, and we discussed how we might use what they learned in future interactions. I also began to consider my role in moving the agency I work for toward broader policy change in the sense that I became more of a consultant, rather than a colleague. This ability to detach from my role as a practitioner was critical to this work, but at the same time, helped me to know what to pay attention to so that I could tease out pieces of the story of cannabis legalization that often go unnoticed or are left out of most discussions. I accomplished this through the process of interpretive analysis, where I was able to contrast common narrative that I have grown accustomed to viewing and hearing over the past several years, contrasted to narrative I was not familiar with. These narratives included, for example, the very personal accounts of medical cannabis patients and the harm suffered during prohibition. I discuss this more fully below.

The validation process allowed participants to use *their* history to inform direction in future policy development. My role in this part of the process was to guide and explore with participants, and it is where the notion of the “jointly told tale” was fully realized. I guided participants toward clarification and acknowledgment of both accomplishments and areas of challenge that could be leveraged to inform future work and actionable future efforts. This included organizational change, regulatory development, and other elements that emerged during the interviews. Thus, the quotes provided in the learning history served to not only to tell the story, but to punctuate and authenticate it.

The learning dialogue that occurs between participants and the historian (or researcher) during this phase can be illuminating, profound, and powerful. That was experienced here as conversations took detours that began to reveal the complexity of not only the regulatory environment, but the cultural textures and dimensions of cannabis legalization. The beauty of this part of the process was that no participant had “the answer;” rather, their experiences were viewed as the seeds added to the community garden from which new ideas and future direction can be discussed. It is also the phase at which I finalized the actual learning history artifact that reflects the collective learning of the first states involved in cannabis legalization.

Diffusing and Learning, or Wider Learning

The learning history artifact and data table were shared with all research participants as part of the iterative learning process, and to encourage and make space for continuous learning within the agency in the spirit of Kleiner and Roth. Some participants were not available based on scheduling conflicts, the legislative cycle, and current events, such as emergency public health concerns around the rapid expansion and presence of impairing, unregulated and untested substances derived from hemp in the general consumer marketplace. This speaks to the unique circumstances of the present research, the authorizing environment in which it occurred, and the social magnitude of drug policy reform with respect to cannabis. It also speaks to the pace at which change occurs in this area of regulatory oversight, how the market continues to rapidly evolve, and the challenges state legislatures and regulatory agencies encounter in trying to keep up with it.

Additionally, the content of the data table and the learning history artifact informed findings related the overarching research questions posed in this work, described and demonstrated in Chapter IV.

Situating Myself as a Researcher

Becoming a Learning Historian

I am part of the lived experience that I researched. For that reason, I handled research objectives and positionality carefully. I situated my research approach from the perspectives of a both a practitioner, *and* as an emerging learning historian. I sought to align these perspectives in a way that highlighted and leveraged the strengths of these positions, while at the same time seeking to balance each through reflexive practice. My goal in doing so was to achieve the type of empirical outcome that went beyond contribution to scholarship generally, but challenged existing theory, long-held social construction, and generated knowledge around whether regulatory construction is “simply a social product or whether it is based on objective truths not affected by the social world” (O’Leary, 2007b, p. 251). For that reason, I relied on a constructivist approach to this research.

In the simplest terms, constructivism is based on the belief that human behavior and action are based on experience, and that humans construct reality based on their understandings of the truth and their unique perspectives, rather than a single reality (Della Porta & Keating, 2008; Creswell, 2013). Leaning into a constructivist approach meant that as a learning historian, I accepted that the “jointly told tale” I was co-writing with my participants described a social phenomenon they each constructed based on their experiences. At the same time, the findings gleaned from that story allowed me to deconstruct existing theories related to complexity and leadership, compare my research findings, and then reconstruct knowledge describing the phenomenon in a different way. This was possible through “levels of self-reflection” (O’Leary, 2007a, p. 223) and “reflexive levels” (R. Holland, 1999, p. 474) or reflexivity, that allowed me to reflect on how my positionality as a practitioner might influence the construction of new this

new knowledge. In other words, my interactions with the research had the potential to shape both the process and the outcome. Applying a reflexive approach provided a way for me to recognize this dilemma and work toward authentic interpretations of the story and data collected *and* the story I co-wrote that considered the impact of my relationship to the work as a researcher (O’Leary, 2007a, p. 224). This is reflected in the learning history artifact, in my analysis of complexity leadership theory in Chapter V, and in my conclusions and recommendations described in Chapter VI.

Through the process and practice of reflexivity, I recognized that I needed to attend to and pay close attention to the rigor of this research to assure that I might be “taken seriously as a theorist” (McNiff, 2017, p. 92). I attribute this to my unique positionality related to the research. For example, based on my positionality, I was able to draft research questions from situated knowledge. I took great care in designing questions that did not underscore what I already knew, and instead laid a framework for deeper understanding of social and political, rather than a structural or procedural phenomenon. In doing this, I was able to honor *and* harmonize the boundaries between my role as practitioner and a learning historian. The approach allowed me to think about the substance and depth of my overarching research questions rather than focusing on for instance, understanding the intricacies of statutory and regulatory construction, and legislative and regulatory process. Understanding those processes first might be the research path for an outside action researcher. In other words, I was able to fully focus this research and my emerging skills as a both learning historian and a reflexive researcher on the social interactions and phenomenon of cannabis legalization, and whether systems change is a social product, or whether it is based on objective truths that are not impacted by the social world (O’Leary, 2007a, p. 224).

The “Doing” of the Learning Historian: Constructivism and Reflexivity in Practice

As I engaged in the stages of the learning history process, I consistently “attend[ed] to and inquir[ed] into” (Gearty & Coghlan, 2018, p. 470), both my practice and research recognizing that knowledge production in both realms can often be “inherently political” (p. 470). Understanding that made the act of continual reflection necessary throughout this process to assure honesty, but also was “vital in helping the researcher to question his or her choices and to explore his or her own perspectives and prejudices” (Gearty et al., 2015, p. 15).

Acknowledging this apparent tension, I visualized myself as sort of a helicopter pilot, hovering over my role as practitioner and dipping into that role when and if needed during investigation. Doing so allowed me to write myself out of the narrative when the situation called for it, instead telling the story from the distance that is required of my researcher role, while at the same time, writing myself *in* when the facts suggested it. This helped me to align the political and personal dimensions of telling the story so that it flowed in a careful way and allowed me to check in and interact with my own agenda (Gearty & Coghlan, 2018).

From more personal and practical perspectives however, this also meant was that there was little separation between who I am as an individual and practitioner juxtaposed against who I was becoming as a learning historian relative to the research I was undertaking. For me, the meaningfulness of this research more closely aligned with a value to be enacted rather than a problem to be overcome by the research design, meaning that I hoped to expand my work beyond the confines of abstract knowledge to include personal meaning and social conscientiousness (Bradbury & Lichtenstein, 2000).

Thinking about and positioning my research in this way allowed me to specifically explore the contours of social justice and social equity in context for the purpose of theoretical

contribution. That contribution depended on my ability to manage and harmonize the effect of my presence as a researcher and learning historian on the investigation, particularly when that investigation included self-feeling (Mead, 2009). To that end, my research, and its meaningful theoretical contribution “depended on the reflexive interpretation on [my] experience together with the experience of others” (Lafitte, 1957, p. 21). Combining reflexive interpretation with a constructivist approach allowed me to approach the research with some prerequisite knowledge, recognizing that each time I reflected on the data and with my participants, I might bring something to light that was not known or explored before, allowing me to construct realities subjective to each of my research participants, and generate new knowledge.

Limitations and Conclusion

The learning history has both strengths and limitations that “echo those of its methodological ancestors (anthropology, action research, and grounded theory; Lyman & Moore, 2019, p. 479). Although learning histories have many valuable traits, including a first-hand account of organizational learning, and bridging theory and practice by generating practice-based theories that can be tested through further research, the method relies on participant memory to tell the story. Those memories may be both biased and unreliable. It is also possible to attempt to over-generalize findings from a single learning history. This particular project, however, is the first of its kind concerning leading change in complex regulatory environments. While there are not similar histories available for comparison, the application of this methodology in this context demonstrates the flexibility and customizable possibilities of learning histories.

As Bradbury notes, current unsustainable times require action-oriented research for transformations. These transformations are fundamentally about experimentation, learning, and

doing something that has never been done before, requiring constant attention and reflection on what is being done to uncover unrecognized assumptions (Bradbury, et al., 2019). The legal status of cannabis in the United States will likely experience transformation in the coming years. My aspiration is that this research can help to inform states and hopefully others who are or may be considering participation in that transformation.

CHAPTER IV: FINDINGS

The war on drugs has contorted us as a nation. It has taken what it means to be an American, to live in hope, to live in dignity, to live in freedom, and has turned it on its head.

—Alison Holcomb, *Evergreen: The Road to Legalization*

This study has a three-pronged purpose: to explore the extent to which leadership theories have any practical application; to understand what the best way might be to approach complexity including social equity dimensions; and to memorialize the history of cannabis legalization and subsequent regulation in the United States through the voices of who were at the forefront of legalization and subsequent regulation. As described in Chapter III, the learning history action research method supports this purpose, as well the stated research objectives and epistemological position. This chapter describes findings based on observed themes emerging during co-creation of the learning history artifact that pertain to the purpose of this research.

This study included participants representing and reflecting the authorizing environments in which cannabis legalization initially occurred in the states of Washington, Colorado, and Oregon. These are the state where regulations were first implemented, and where both medical and adult use cannabis products continue to be regulated. Participants included agency directors and staff, policy advisors, and stakeholders involved in the legacy cannabis market, meaning the quasi-commercial market that existed prior to adult-use legalization. Since the majority of the participants were active government employees, great care was exercised to protect their identities. For this reason, participants are identified by a unique code assigned at the time of initial interviews. To provide an overview of the participant continuum, each is identified below in Table 4.1 by general terms.

Table 4.1*Participant List*

Participant	Relationship to Legalization
P1	Attorney
P2	Regulatory agency
P3	Stakeholder
P4	Attorney
P5	Regulatory agency
P6	Attorney
P7	Regulatory agency
P8	Regulatory agency/public health
P9	Stakeholder
P10	Regulatory agency/enforcement
P11	Regulatory agency
P12	Regulatory agency

Interviews averaged one and a half hours each, and second interviews occurred for two of the participants before drafting the learning history artifact. There were fewer participants from Oregon and Colorado than there were from Washington state based primarily on participant availability and access to publicly available resources. These interviews generated over 425 pages of transcript that was supplemented with additional material, such as publicly available recorded interviews and press releases, both in print and video; video documentaries such as “Evergreen: The Road to Legalization” and “Protestival: Seattle Hempfest, a 20 Year Retrospective.” These additional materials added dimension, depth, and texture to oral interviews, and to the stories collected during that process.

The learning history artifact review and validation meetings averaged one hour each, resulting in two revisions. The learning history artifact was then shared with agencies as a living document that could be modified to not only continue to memorialize history, but a way to use that history to inform future efforts and areas of focus. In this way, the methodology was customized to meet the needs of participants and align with research goals of this project.

Situating Learning History in These Findings

As provided in Chapter III, the learning history research methodology is a tool that can be customized to achieve the unique goals and objectives of a research project. As Uhl-Bien and Marion (2009) noted, leadership researchers need to explore methodologies that allow them to gather rich, dynamic, contextual, and longitudinal data that focus on processes rather than static, decontextualized variables. This method accomplishes that by distilling gathered data—interviews and other related materials—to identify key themes and storylines rather than attempting to generate some sort of simulation or model (Uhl-Bien & Marion, 2009). Here, because learning history was used as both a tool to create an actionable learning artifact *and* to explore specific research topics, the distillation and thematic development phase followed two separate but interrelated tracks.

The first track pertains to an identified purpose of the present research: to create an artifact that would achieve the goal of capturing the history and learning of multiple organizations involved in the first efforts to legalize cannabis in the United States. This was realized through co-creation of the learning history artifact, located in Appendix F generated during the distillation and production phase. The artifact contains a series of themes that emerged during that phase. These themes help to frame, arrange, and guide the “jointly told tale” of cannabis legalization, highlight shared experiences, and draw attention to significant moments in time. These themes pertain specifically to the *story* of cannabis legalization.

The second track pertains to the exploration of complex regulatory systems and leadership in a more general sense, with the overarching goal of addressing the following topics:

- To understand how complexity is engaged and experienced in complex regulatory systems and understand what the practice of leadership looks like when engaging with such complexity.

- To describe how the history and story of cannabis legalization told from the perspectives of regulatory pioneers can help us to understand the ways in which that complexity was navigated, including an exploration of social justice dimensions.

For these reasons, the distillation and production phase of this process also resulted in themes and subsequent findings related to these topics. Since participant interviews were not focused on questions specific to complex regulatory systems or complexity, these additional themes emerged based on their connection to theory and serve to frame the findings presented in this chapter.

Gathering Data: Reflections

As discussed in Chapter III, insider action research uniquely positions the researcher for several reasons. Primarily, participants for a project are generally known to the researcher based on professional affiliations and relationships. I discussed my reflexivity as an insider action researcher and a practitioner in Chapter III. I found that my reflexivity, meaning the two-way street between the subject of this research and my relationship with it, presented another layer of challenge when seeking ethics approval to begin this work. This underscored my dichotomous position both within and outside of the research. As a result, I was acutely aware of the extra care needed in my approaches to interviews, data preservation, distillation, and confidentiality.

As colleagues, participants trust that we can share ideas and thoughts in our professional capacity and in an environment that can be characterized, generally, as objective and task-focused to “get the job done.” There is little time or need for personal reflection or a walk down memory lane when deadlines are short, legislative bodies need answers, and stakeholders demand immediate action. These elements are constant in the fast-paced, often reactionary regulatory environment.

In the present research, personal reflections and experiences were both enthusiastically and voluntarily shared with me in my role as a researcher outside that environment. While this

was humbling, I found it to be laden, and rightly so, with great responsibility and a sense of heightened duty to preserve and protect collected data. The significance and truly, the weight of my position in both worlds accentuated that duty to my colleagues, but also to the integrity of this research. These responsibilities cannot be understated, and I did not take any of them lightly.

I mention these aspects of my positioning here because these elements of insider action research are not widely discussed in literature. For me, this position influenced how data were collected, stored, analyzed, and how they are shared here. For example, my understanding of the political landscape, history and context of the subject heightens my awareness of what material is appropriate for this work, and what may not be. In other words, I hold and cherish the stories that feel gifted to me as if I were a guardian of the history. I very much lived this research through and with my participants while conducting it. I felt their concern, outrage, frustration, pride, and exhaustion before, but more profoundly during this project as they shared their stories. I did not anticipate and was not prepared for the depth in which I would begin to understand what the end of cannabis prohibition *really* meant in these states, nor did I anticipate that I would be living and reliving it with my participants in the way I did. I offer this here because true to the method, learning history gets at the “messy human parts” (Gearty, 2009, p. 15) of change and storytelling in a way that allowed me to experience both *with* participants in profound ways. I explore and reflect on this experience more fully in Chapter VI.

While these findings are representative of observed themes, they are also very much reflective of the breadth and depth of the human experience of change in complex regulatory systems, messy parts and all.

Research Findings

Findings are presented in a structured way and with features consistent with learning history. As discussed in Chapter III, the third phase of learning history is identified as distillation and production. It includes reviewing interview transcripts for key storylines, themes, and illustrative quotes, and to establish patterns and connections between shared or common experiences. This resulted in an initial table cataloguing themes, illustrative quotes, and associated field notes. Consistent with the method, actual quotes were relied upon to assure that the storyline and themes remained anchored in participant voice and experience. This table was then further refined to build the learning history storyline, including significant events, points of reference, and connections to theory. This iteration of the table informed the chronological order of the learning history artifact, and clearly established that the three phases of cannabis legalization—pre-legalization, legislative implementation, and future direction—were as distinct to participants as they had been to me in terms of creating historical markers to guide storytelling.

As noted in Chapter III, to further, but informally, validate this structure, I loaded only illustrative quotes into Wordle by historical marker to informally explore word frequency. This confirmed not only the significance of the phasing structure but highlighted the focus of each phase. Ultimately, these confirmed phases formed the framework for the learning history artifact and served to inform findings presented here. Through this iterative process, I was able to further facilitate necessary reflexivity in my approach to and interpretation of these data.

I now turn to the substance of these findings.

Empirical Reductionism Versus Empirical Emergence and Why It Matters Here

Looking back to Chapter II, I discussed problems related to reductionism, and the epistemology of complexity. To connect that discussion with the findings offered in this chapter, I note there that the interactions between the systems being researched in this context cannot be fully and meaningfully explored from an epistemological stance based in the empirical reductionism. Complexity theory itself proclaims to be critical of such reductionism because it may end up actually taking on the very objectives and functions that complexity theory claims are obsolete (Israel, 2005). This approach is situated among several that avoid reductionist findings.

Under that premise, findings presented related to research questions are not necessarily “answers” but instead frame and align themes with broader research topics. As a result, my focus moves away from “answering” a specific research question or questions and instead provides a range of responses reflective of the breadth and depth of the participants’ experiences as those experiences relate to complexity. In other words, these findings do not follow the path of empirical reductionism designed to maintain traditional understandings of truth. Rather, these findings seek to offer what I will refer to as empirical *emergence*. While empirical reductionism may produce generalizable findings, such an approach does not better our understanding of how complexity is experienced by people identified as leaders of complex regulatory systems, nor does it capture the realities of practice. More importantly, it may not improve the precision of knowledge expression and may restrain knowledge democracy. Both are foundational to my research, and essential to the form and content of Chapter V concerning what I learned about complexity.

Additionally, in the spirit of anti-reductionism and as a symbolic but demonstrative gesture, I have not reduced or tried to paraphrase the majority of participant quotes offered in these findings. From my perspective, and to stay true to the methodology, reducing participant narrative to sound bites or broken pieces of thought that make reading this dissertation easier significantly and profoundly minimizes the power and authenticity of participant voice. Part of my purpose in conducting this research was to *give* voice where it had not been focused before. Indeed, one of the goals of this research is to get at the human side of change. If we are to begin to better understand how change happens, we need to pay attention to the whole, rather than curated, conveniently situated narrative. In taking this approach, I hope to inspire and encourage deeper thinking by sharing—unfiltered and unvarnished—full quotes.

Themes and Subthemes

With all of that as a backdrop, I turn to the three major themes and associated subthemes which emerged from this process:

Theme 1: Complexity is both a property and characteristic of systems.

- Change occurs based on the properties and characteristics of systems and collective systems behavior. (Emergence is discussed in Chapter II).
- Systems with complex characteristics self-guide by and through communication and collaboration.
- Collaboration and communication within these systems occurs at the systems level by building interactive trust.

Theme 2: Complexity is not a behavior, characteristic, or action of “leadership” or “leaders” in complex regulatory systems.

- Change, emergence, and innovation in complex regulatory systems is not the result of the actions or behaviors of a “leader” or the practice of “leadership.”
- Tension in complex regulatory systems can be engaged as a dynamic and driver of change, but “leaders” do not control over the level or flow of tension, even when embedded in the system.

- Collective action connected to purpose guides complex regulatory system change.

Theme 3: The interplay between social justice and social equity is complex and has been oversimplified.

- Oversimplification is a pervasive barrier to achieving social equity goals.
- Social justice initiatives must occur before social equity can be realized.
- Cannabis-related bias is multi-dimensional and pervasive.

Each of these themes and their accompanying subthemes are discussed more fully below.

Theme 1: Complexity Is Both a Property and Characteristic of Complex Systems

This was one of the first and most obvious themes to emerge during this research. Rather than discovering this theme during the distillation and production phase, I began to detect it during interviews. Properties and characteristics are constructs of systems and systems thinking, and part of the language of complexity theory. For example, there are a handful of traits generally attributed to complex systems, such as feedback loops and the ability to be adaptive. Meadows (2008) refers to resilience as a “recognizable systems property” (p. 74) and offers that “The most marvelous characteristic of some complex systems is their ability to learn.” (p. 76). Similarly, Ostrom (1990) refers to system “characteristics” (p. 33) in the context of common pool resources. As I began to unpack this further in the cannabis regulatory space, it appeared that there were additional properties and characteristics, specific to these systems, that influenced and impacted participant experience and systems interactions.

Systems Are Distinguishable by Properties and Characteristics

As I went back to review field notes between interviews, I could see a pattern beginning to develop in the way that participants described not only the various stakeholder groups and their affiliations within the authorizing environment, but also the properties and characteristics of those groups. This included describing the traits and features of the group to which they

belonged or self-identified with, and to which they did not. To explore those observations, I prepared a comparison table that allowed me look more closely at the substance of illustrative quotes. I based the design of this table on my discussion of complexity's epistemology in Chapter II. That is, traditional understandings of truth inform macro challenges of statutory and regulatory construction which is more focused on objective processes and outcomes. However, that rigid epistemology does not contemplate and may exclude more subjective micro processes that are informed by values and human behaviors, such as social equity. This approach allowed me to sort content in a way that assisted me to more closely examine whether the quote seemed objective or subjective. Under each illustrative quote, I added a "Historian" note. These are my Learning Historian field notes that associate the quote with one or the other column, but also serve as a prompt for additional discussion here and in Chapter IV. That table is offered in Appendix A.

It is worth noting that some of the identified characteristics and properties appear in both columns. For example, participants recognized marginalization as a both a property and characteristic. It also worth noting that these properties and characteristics may be exclusive to the complex systems that are the topic of this research, and certainly, this speaks to the contextual nature of complex systems. This table is built out more fully, including theoretical analysis, alignment, and contextualization in Chapter V.

More notably, several participants identified power dynamics or their perception and experience of where power existed within these systems. For example, a participant offered that members of the legacy market felt or experienced a loss of control once legalization occurred. Comparatively, three participants noted that "the power seemed to be held by 'the suits,'" which is generally a negative reference to corporate entities or governmental agencies. These appear to

be references that align with the shift from an unregulated, informal cannabis market to a formal, regulated market.

Additionally, and with respect to power dynamics, subject matter expertise (specifically concerning the legacy market) was identified as more of a human value characteristic, while lack of subject matter expertise was identified as a property of connected to process or outcome.

Although participants did not directly connect knowledge or expertise regarding cannabis production to power dynamics, this concept reappears in the description of initial stakeholder listening sessions following legalization. In both instances, knowledge appears to have been leveraged for power in various ways and degrees with mixed outcomes.

Change Occurs Based Not Only on The Properties and Characteristics of Systems, but Also on Collective Systems Behavior

Collective systems behaviors are things that systems might do together that they would not do alone. For example, in this context, systems with properties that are process and outcome based are comprised of federal, state, and local governments, law enforcement, and specific to this subject matter, the judicial/legal system. Generally, the legal/judicial system would be assumed to be included in reference to federal, state, and local governments, but its role in cannabis legalization has been and continues to be prominent and critical, and for these reasons, it is spotlighted here. Taking a bold concept, such as moving cannabis from its status as a prohibited substance to a commodity produced, processed, and sold in a “tightly regulated system” cannot be achieved by the actions, direction, or influence of any one individual within this collection of systems. The traits and attributes of these systems, specifically those focused on observed objective processes and approaches to achieve particular outcomes such as passing an initiative, are not embodied in or directed by an individual leader, a subsystem within it, or a

partial collection of those subsystems. Instead, they occur based on the behavior of the entire system. Participants offered further substantiation of this finding:

Colorado has been successful in part because the regulator has generally been at the table helping shape legislation. (P2)

It's not determined by what a particular, any one legislator says, or even the sponsor necessarily says. But it's supposed to be the intent of the legislature in case of the initiatives, the intent of the people. (P4)

Buried within these illustrative quotes is rich context that I will explore more deeply in Chapter V. For purposes of these findings, however, it is important to note the power of citizen initiatives. Here, the behavior of the largest portion of the outcome-oriented system—the citizens of Washington, Oregon, and Colorado—was based on the property of objectivity and focus on process (voting on an initiative or proposition), that resulted in an outcome: cannabis legalization. No one legislator, citizen, or anyone in between caused that to happen.

In contrast, systems with subjective values and human-based characteristics did not appear to engage in the same type of collective action or coordinated response. Instead, these systems seemed to demonstrate more individualized traits that focused on subjective individual experience, such as a sense of fear of the unknown, distrust in the structure and form of government, and fear of exclusion experienced as marginalization. Strength was expressed in the form of subject matter expertise about how to grow and sell cannabis. These characteristics were described in ways suggesting that people within these systems felt impacted by the properties of objective systems. These impacts were perceived and expressed as limitations to opportunity and the ability to act independently as they had pre-legalization. In other words, the ability to make decisions about how their businesses would be conducted and their free choice to do so was absolutely impacted by either perception of or experiences with the objective system.

Additionally, the lack of cohesion, or interconnectedness and organization in both the legacy and

current markets resulted and continues to result in an apparent absence of coordinated subjective systems response to issues like legalization, subsequent legislation, and future direction:

There didn't seem to be really much organized opposition to it. (P4)

we didn't have a well-funded opposition campaign. (P1)

we were not as organized . . . we were not as legislatively astute. (P3)

I think there's a real lack of creativity and initiative to organize collectively. (P7)

[I]nitiative 502 publicly had almost zero, opposition. No one really came out in any sort of big way to oppose the thing. (P7)

we were also less developed as an industry in terms of understanding the way to wield political power. (P9)

These are interesting observations given that these systems were truly more driven by individual, subjective characteristics rather than objective, arguably collective behavior.

It is also important to note, however, that there were hints of subjective characteristics embedded within the objective system. For example, a participant who identified as a member of the system with objective properties indicated sensing marginalization based on membership within that system. While this may seem a small, insignificant outlier, it is one of the more profound findings of this research, and I discuss this more fully in Chapter V.

Although participants identified system members or agents when discussing systems, the systems behavior was not attributed to the individual member or agent. Rather, *the individual was mentioned in the context of their participation in or contribution to a process or action of a system, or their membership or position within the system.* In other words, individual agency seemed to be subject to and described by systems properties and characteristics. I explore this more deeply in Chapter V, as well.

Systems with Complex Characteristics Self-Guide Through Communication and Collaboration

Although this finding pertains to systems, the importance of communication and collaboration on multiple levels was a recurring theme throughout interviews. This specific finding requires some scaffolding to adequately present the nuanced data collected. I draw attention to it because it is important to framing findings here, as well as the section that follows pertaining to leaders and leadership.

The first “plank” of our scaffold speaks to a characteristic of all participants in this research: experience and knowledge of cannabis prior to cannabis legalization. This is one element of contextual subject matter expertise. Without exception, participants who were more involved in regulation and legislation indicated that they knew little about cannabis before it was legalized in their states, although some had varying professional experience:

The more interesting thing is I think the lack of knowledge I had before cannabis was legalized. (P9)

I on a very personal level was . . . quite the cannabis novice, didn’t really know anything about cannabis. (P1)

I was not involved in cannabis. (P3)

I’ve had some exposure to the medical side. Beyond that, not much. (P5)

My involvement was primarily again, taking phone calls that would come, almost always from patients who had experienced some kind of adverse event. (P6)

I was on the street and arrested people for simple possession of marijuana and found marijuana and pipes on searches. (P2)

my first real experience with cannabis came through the observations of individuals who were being arrested for cannabis offenses and representing them in court. (P1)

In contrast, participants who were closer to the legacy market, medical cannabis patients and their advocates, and many others, were well-versed in the existing state of unregulated cannabis commerce:

it was an industry. I mean, it was vibrant. It had rules and there was hierarchy and there was structure and all of that. (P3)

Cannabis culture in Seattle was strong and very much influenced by Vivian McPeak and Seattle Hempfest, which was viewed as “the expression of the people who were using cannabis, it was part of their culture” (P3). But the expertise seemed to be largely connected to the product, culture, and an underground system.

The second “plank” of our scaffold also concerns subject matter expertise of a different kind. Although subject matter expertise is generally not requisite to drafting or being able to draft legislation, to implement statute, or to engage with government, cannabis legalization presented new challenges. As noted throughout this dissertation, cannabis had never been legalized for adult use before. No other state, or country for that matter, had ever attempted to legalize and regulate it. For these reasons, the states to legalize first were going where no one had gone before, even though they knew how to build the legislative and regulatory frameworks.

Participants from regulatory agencies or working with regulatory agencies acknowledged this:

None of us know what we’re doing. (P5)

I remember the first time I got online, and I saw this equipment that was being used for production, and I’m like, what? You know. Where did all this come from? Just really kind of surprised at how much I didn’t know. (P8)

we were on the cusp of doing something that was going, that could potentially change, not only policy in Washington state, but across the country and around the world because really it—it wasn’t legal anywhere. (P1)

there was no jurisdiction in the world that had legalized and regulated production of cannabis for any purpose. (P1)

For us, we didn't have a regulated medical program. Our people were not licensed or permitted, and so we had to start from scratch. (P11)

It was, it was if you consider that the initiative passed in November of 2012, and we did not hear from the Federal Government officially until August of 2013. All that time, we were flying blind. (P7)

This need for knowledge exchange presented an opportunity to regulators—the collective “government”—to reach out to the legacy market for guidance, and ultimately, collaboration.

This scenario underscores the uncertainty of building statute and regulation where it had not existed before: *no one knew* or could predict how the unregulated system would respond to regulation, whether the federal government would shut businesses down, or if the entire experiment would be a massive failure. And yet, participants expressed a desire to “do it right,”

I felt a responsibility like I think a lot of people did to be able to do this right and to be able to demonstrate that we as an agency and the state, we're gonna do it right and defy the tons of people within the industry who said that we're going to screw it all up. (P7)

even though a characteristic of the system pervaded (and continues to pervade) that relationship with an undercurrent of mistrust and uncertainty:

And so, they don't trust, you know, the systems that are set up that are, you know, whether they be medical systems or governmental systems or whatever it is. There's a, there's an inherent mistrust that kind of permeates everything because of the way they personally been affected. (P3)

Even so, subject matter expertise was leveraged, and used to engage with the legacy market and others under the premise that if communication was open and transparent, the possibility of a positive outcomes might increase:

[I] wanted it to be a success. And I felt like the more I could talk with people, the more input I could get from them, um, that the better chance we had of this working. (P5)

It is well document here, in the media, literature, and multiple other places that engagement across and between the systems impacted by cannabis legalization, at least in Washington state was challenging at best. However, never mentioned in that narrative is the goal

of engagement, which is central to this research: by hosting these engagement opportunities, regulators were trying to “do the right thing” by being fair, smart, listening and adjusting as needed:

We, we held an event. We were charged by legislation to come up with recommendations to the legislature on what a merging the system could be like what a medical market would be. And, we had one of our public events held at St. Martin’s University in Major Event Center. So, there's a lot of room and it was just like a circus, you know, people came in and they, it was organized. REDACTED was one of the organizers and bussed people in, and they just got up there and didn’t have a whole lot of constructive things to say, but an awful lot of nasty things to say and stuff. And so, that kind of stuff can motivate you from a negative point of view, too, because it pissed me off. But, that was part of it and that’s part of being a regulator is you make a lot of people upset and, but I think that *what we tried to do was to be fair and to be smart and to listen to people along the way and be willing to adjust*. And that, I can say, definitely happened. *That gives you purpose. If you’re doing that as your job, you feel like you’re doing the right thing.* (P7, emphasis added)

These four elements—being fair, smart, listening and being agile—describe some of the dimensions of collaboration and communication evident in this system. Those dimensions were realized by providing the opportunity for cross-pollination in the following ways:

Direct invitation:

Well how you going to have the expertise? How you gonna get it done?” I said “We can get it done because you’re gonna help us do it! We’re going to engage you to do it. That’s how we’re going to do it. (P12)

Formation of workgroups or committees:

And so, we formed the rules advisory committee, which is always a part of our rulemaking processes and it was a very economical you know, cities, counties, law enforcement, marijuana folks, balanced group to recommend to me, how to do the rules and then I recommend to my commission. (P12)

Creation of opportunities and forums for cross-systems engagement, interaction and knowledge exchange:

And so the first thing we did is we held forums across the state, and within the—we’d spent a day in Spokane, for example, and what we would do in the morning is we would meet with—morning and afternoon, we’d meet with stakeholders, we’d meet with elected

officials, the Mayors and City Councils, we'd meet with the prevention community and public health, and we'd meet with law enforcement. In the evenings, we held long sessions in community colleges and large venues where hundreds, if not a thousand people, would come and hear how we were gonna layout, mostly again now, sharing the timeline for setting the program up, the program up, when growers and processors, the applications would begin to be taken and when that might go into effect, and when the retail market might open. That was a small piece. Really, the bigger piece was, tell us what you're gonna—how you're gonna regulate this product. And so we would take hours of testimony, mostly from people who are in the business, in the medical program, who had been in the illicit program, who are looking at wanting to be licensees. So really, the public that was present in the evening of those meetings was really the people that wanted to get into the program and were giving us feedback, when we write our regulations, this is what you need to be aware of. (P11)

but just standing and talking to people and eventually is, well, come and look and we'll show you what we do. (P5)

But it took patience to get to the point where those conversations could happen in a constructive way. For example, there was a cavern between the interests of the legacy market and public health and prevention:

the vitriol that was spewed at any prevention people who had the nerve to get up and speak. They would be shouted down, they would be, um, you know, they'd usually be sitting toward the back of the room, but they're in the midst of all these people. One person spoke in Olympia, we had the public hearing at St. Martin's. And she got up and spoke and they were yelling at her and she tried to say, you know, you've had your chance to speak, she stayed very calm. I'd like to have mine. And when she sat down, somebody sitting by her said, "I hope you get pregnant and have a baby and it's deformed. . . . When she was leaving, somebody you know, basically kind of spit at her. And another person . . . walked her to her car. (P8)

Similarly, there was a divide between the legacy market and the WSLCB:

You had groups or people were really excited because they had won the lottery, so to speak. You know, they are on the list to get a grow license or to open a store to be a processor. You had people in the medical community that felt they were being excluded. So they were angry. Um, really angry at times. In fact, there was one meeting at Saint Martin's College and somebody threw a shoe at the board. (P5)

There was also a divide between law enforcement, local jurisdictions, and the WSLCB:

They were so against the idea that we would call this recreational marijuana. So they were angry. I went with our chief of enforcement at the time and they were mad at him, and the deputy chief. They're mad at both of them because they were supposed to be a

law enforcement, and here we're letting this thing happen. And I kept reminding them, we didn't let anything happen to the voters who voted it in. Yeah, so let's try and make it work the best way we can for everybody involved. Um, so you had that group of people that were mad. You got people where stores are going to be located that were mad. (P5)

And there was interest—and a divide—between Washington, Colorado, and the rest of the world:

we had international, many international news organizations come in from around the world with you know, translators from China and Japan, France . . . all those guys coming in and spending a lot of time with us and they were fascinated by it. And you know, it was a fascinating subject creating something that didn't exist anywhere else and something that people were familiar with, right? (P7)

So we met with, um, Central and South American Representative, country Representatives in Denver, Colorado. We put together this meeting, with people from all those other countries that were absolutely furious. Both us and Colorado . . . because for years the United States had forced them to participate on the war on drugs. And now here we are simply opening up. There had to be in at least a dozen or 15 countries in there. We had headphones on because there were different languages being spoken. There's English and Portuguese and Spanish. So, you know, we're wearing headphones as if it was a UN meeting. But you can tell when somebody was talking at us that they were not happy even way before it got translated . . . that was a tough meeting. (P5)

In contrast, states legalizing after Washington and Colorado tried a different approach.

Following a coordinated campaign entitled, “What’s Legal?” that front-loaded legalization information, Oregon relied on a similar forum model for engagement that served as a way to inform a broad range of stakeholders, and resulted in less conflict:

So, we did go around the state, we had these listening sessions, you know, we got four hundred, five hundred people . . . I think we went above that in a couple of places and then other ones in rural, maybe a little smaller but we would do our presentation, we had PowerPoint, we would talk about the issues that we thought were important for people to think about, that we were thinking about and then we'd open it up and take dialogue and we would literally exhaust everyone who had a question and so, these were hours, long sessions and very extensive. And, the reality was that actually gave us a huge advantage and concurrent with the beginning of a legislative session. What we thought we needed the legislature to consider, to put in place, to move forward. So, we had like fifty recommendations . . . some of them were recommendations we endorsed, some of them came entirely out of the process only itself, right? from the public that we had heard in and that turned out to be invaluable guidance to legislature test to the process going forward and really form the basis of the legislative consideration.

So, early on, we entered this world with a ton of credibility, clear recommendations and we had this great start based on [that]. (P12)

Despite growing pains and difficulties, participants generally noted that stakeholders and regulators eventually found a way to collaborate and move forward:

I think everybody at some point in time agreed to try and make it work. There were a lot of disagreements, but we worked through them. (P5, emphasis added)

But the fact that there was having that voice and being able to contribute and being part of that discussion, I think was, was probably the biggest piece of that. It wasn't just, well, you go over here and do your education and we'll do the rest of it. We were, we were all there. (P8)

Perceptions of Communication and Collaboration

Even though agency participants generally indicated a belief that all voices were heard, some participants did not necessarily share the same perception of those interactions. For example,

there was definitely some outreach initially to the medical business owners but then they did not feel like it was useful in the end . . . Whereas they felt like they were gonna be collaborators and it didn't come to pass that way. (P3)

I mean, I don't think anybody was listening to any of us. I mean we were trying . . . I would say in the beginning, there was little to no stakeholder engagement. I mean, i—if you talk about engagement, I mean, I'm sure that there were a lot of opinions given, whether or not anybody was paying attention, I doubt, but then again, we were also less developed as an industry in terms of understanding, um, the way to wield political power. (P9)

And sometimes, even though processes were in place for final decision making, governmental officials, such as legislative bodies, sometimes forged ahead without collaborative consultation:

Well, when we had the edibles conversation, everyone at that time was, “Are we gonna have edibles? or we're going to delay them? Are we going to take some more time till we figure it out?” But they were signed up with the marijuana committee saying, “Yeah, we're going to have edibles”” and there was no alternative voice that really got heard in that process . . . that decision, that's the kind of thing where you saw that the absence of maybe, consideration? That was a perfect exhibit. At the time I was like, “Really? There's not even a speed bump between them and the decision there.” Because we don't know about this stuff . . . give us six more months. We need a little more time to think

about that and everyone was . . . they were clear about what they wanted to do. And we really didn't hear another voice of caution. (P12)

Collaboration and Communication within These Systems Occurs at the Systems Level by

Building Interactive Trust

Many of the illustrative quotes above pertain to this finding, but there were specific quotes and observations that suggested how participants leveraged diversity of opinion and expertise to create coalition or partnerships across the entire constellation of stakeholder groups and entities that formed the authorizing environment:

so we were very open about the process and that was also part of, you know, that mix of gaining that *interactive trust* as the regulator or dealing in an unknown world of marijuana regulation. (P12, emphasis added)

“Interactive trust” was a critical element of successful communication, and combined with the expertise of each system, resulted in positive collaboration. Processes borrowed from long-standing, well- functioning regulatory systems were built into legislation to leverage the strength of existing interactive trust. This encouraged cross-agency and cross-state collaboration and demonstrated how policy and strategic expertise supported pathways to build strong relationships:

[W]e tried to borrow a lot at the language from the liquor control act so that it would be a little bit easier for LCB to undertake the rulemaking. (P1)

that structure also helped ensure all of our state agencies were at the table. The Department of Public Health and Environment was a key player and supporter. The Department of Agriculture was there which over time took on even more importance as hemp emerged as another key area of policy development. The Department of Public Safety. I will say that one lesson learned from my perspective was that it's not sufficient to only have the department heads or cabinet level appointees at the table. There was huge value in having principal or key state staff at those meetings as well. (P2)

Colorado also legalized adult use in 2012. And so both—both of us embarked in a journey where we shared much of the knowledge and information we've received. A lot of it came from Colorado, who was the only state at that time, that had a functionally

regulated medical system, which—we had a medical system in our state, but it wasn't regulated. (P11)

Another area of coordination was around law enforcement. In the early days of legalization that was really critical. One thing that MED did well and because I came from a law enforcement background, I helped promote a law enforcement coordination meeting of federal, state, and local law enforcement agencies. (P2)

Additionally, collaboration occurred at the federal level. After Washington and Colorado passed legalizing legislation, there was concern that neither state would ever get to the point of full implementation based on federal preemption. This meant that because cannabis (marijuana) was still classified as a schedule I controlled substance under the federal Controlled Substances Act, and its production, processing and sale was considered a criminal activity, neither state would be able to issue licenses because the federal government would shut down programs before they ever started. However, Washington had collaborated with the author of their enabling statutes and the federal government while drafting conceptual regulations:

And so the Cole memo was a really pivotal point in legalization. It was that day, that that was issued and then we knew because we had been in discussions with the US attorneys in Washington, both of them. They were looking toward and in fact . . . wrote it to reflect what . . . would be of concern to the US attorneys and to the federal government, knowing that it was creating a program that was illicit federally. Then the Cole memorandum came, those 3 enforcement priorities are actually 8 enforcement priorities embedded within the memo. But the 3 big ones, how you going to limit youth access, how you going to keep the criminal element out of licensure cartels and the like, and then, how are you going to keep it from being diverted out of the state? Really those were, those were covered in our regulations and so it was at that point . . . there was a belief for a moment, okay . . . the system that we've set up is very consistent with those enforcement priorities. (P11)

finally, a couple of years ago I actually got to ask James Cole to give a presentation at . . . [a]conference in Maryland . . . I had our picture taken with him and I—I asked him and he said, yeah, they had looked that up. (P4, referencing draft conceptual rules to implement enabling legislation)

In summary, this particular set of findings speak to the nature of complex systems. Participants described systems properties and characteristics, and the interactions of those properties and

characteristics that suggest communication and collaboration were critical to building interactive trust between and across systems. Participants made space for interactive trust to develop, but it was not designed as “adaptive space” consistent with complexity leadership theory. Rather, it was space created to bring multiple systems together, build relationships, share information, and align purpose. The most important piece of this is that systems actions, interactions, and subsequent emergence as new systems was not driven by any specific person. This parallels the second theme emerging from interviews, and that is:

Theme 2: Complexity Is Not a Behavior, Characteristic or Trait of “Leadership” or “Leaders” in Complex Regulatory Systems

Change, Emergence, and Innovation in Complex Regulatory Systems Is Not the Result of the Actions or Behaviors of a “Leader” or the Practice of “Leadership”

Contrary to much of what is offered concerning complexity leadership theory, these findings suggest that complex systems change is not connected to the actions or behavior of any one individual identified as a leader, such as a director, executive, or any other person embedded within these systems. One participant provided an elegant, simple statement that summarized experience of change in complex regulatory systems:

I am a survivor, not a leader. (P12)

I contemplated concluding discussion here because this sentence seemed to accurately represent what I learned from participants about their experience as “leaders” while creating regulatory systems and subsequently regulating cannabis. It also caused me to think about the difference between “leaders” and the practice of “leadership.” Do either really exist? More about that in Chapters V and VI.

Be that as it may, there are additional points to consider as part of this finding.

Participants did not state, suggest or claim credit for the direction of any group, entity or system involved in cannabis legalization and subsequent regulation. As discussed more fully below, participants recalled experiences in terms of group or systems activity, instead speaking more in terms of “we” rather than “I.” As noted above, participants also willingly acknowledged that legalization required them to create regulations for an existing area of then grey-market commerce that they were unfamiliar with. How are these two themes related?

Participants were clear and resoundingly unified in their characterization of that work as a participatory, inclusive process. Narrative illustrated that participants recognized that systems had to work together in the early stages of regulatory construction, in a way that would result in collective systems change, but the change had to be *driven by the systems, not individuals*. For example:

We wanted it to, um, bring people out of the shadows. Let’s try and get them into the light and make them as ‘real world’ as possible, you know, so that they’re not continuing to operate in the black market, which would have been [more] competition for one thing. But give them some credence to what they’re doing. That it is now okay in the state of Washington to do this. I think one of the good sides [about I-502] . . . was [that it] tried to include as many people as possible and bringing them into, you know, the legal marketplace. (P5)

We hadn’t been as an agency involved in regulating cannabis in any shape or form when it was medical. So the only thing I knew was the initiative that I read before it was adopted by the people. There was not a lot of time or effort to look at how this was going to work. We began to put teams together just as it became more clear that it looked like the initiative would pass. But the extent of my knowledge was almost zero—as far as how we would regulate the new industry. I mean we’re all aware of cannabis, but as far as how it would be regulated, none. (P11; this quote appears in part above, but bears repeating in full here)

So, we were able to bring in representatives from the FBI, DEA, Postal Inspector, and other federal agencies, as well as state agencies like State Patrol and the Colorado Bureau of Investigation, and police departments and sheriff’s offices. Of particular value were local agencies that had regulated marijuana in their jurisdictions. On a monthly basis we would meet and held what we called the MILE meeting—or Marijuana Interagency Law

Enforcement meeting. It was an effort to bring major law enforcement stakeholders together to get information, and share information, at a policy level and operationally. I think that went a long way in attempting to be responsive to law enforcement concerns with the impacts of legalization. (P2)

Eventually, as the market began to mature and the idea of legalized cannabis became less threatening to many, relationships evolved:

society and culture and public opinion on cannabis has shifted in the last decade and so I think in some ways the problem is resolving itself in the sense that the MED is clearly more focused on the regulatory side and it's not unfair to say that we clearly are in some ways a partner with our industry, working together with our licensees. It doesn't mean that we aren't still taking enforcement action or taking administrative regulatory actions routinely. But we're clearly working far more closely together than probably in those early days when we were still trying to work through what that relationship would look like. (P2)

Participants also recognized that the progression of those relationships was important to the legalization continuum, noting that certain individuals had specific, but limited roles in that continuum:

I think that I did what I was good at. And that it's okay that that wasn't everything. But it was a—you know, I think I did what—I think I played the role I was supposed to play. (P1)

he was very much, uh, of a reasonable type of viewpoint . . . always been flexible. He knows how to walk in the law enforcement world, but he also knows how to walk in the broader picture world of what we do. And so he was the right leader, I think for division, uhm, at that time. (P5)

To illustrate this further, Participant 1 spoke to change and emergence as a collective systems dynamic. Note, however, that the focus of the quotes below are on the overall effect of *an initiative as a catalyst for change*, rather than a specific individual leading that or “leadership” being embedded in a complex system to bring about change. Instead, a handful of systems are referenced in a foundational context that led to creation of a tool or a catalyst—Initiative 502—that would impact the broader system, and ultimately, result in cannabis legalization:

the word I use for 502 and—and what—what makes it so successful to me is that it was a catalyst, that's what it was intended to be. It was a catalyst and it did that. And the more poetic image that I have of it was when it came to me when I was . . . but—but it's the image that comes up for me is the diamond tip spear. So, I imagined cannabis prohibition in the war on drugs in general is a very, very, very thick plate of glass. (P1)

And 502 is intended to be a diamond tip spear that hit it and started making cracks, started making fissures and that it was going to be more and more work and more and more pressure that was gonna break those fissures, make them longer, broader, et cetera, until the pool wall came down. And that's what it's always been for me. It was never an end point. It was always the thing that was supposed to capitalize on the momentum that had already been built right. There had to be someone to throw that spear and that's like going back to Seattle Hempfest being around for decades, going back to the medical marijuana laws being passed. It was so much energy that was building in this direction to be able to land that spear and start cracking it. But yeah, there's still work to be done before the glass shatters. (P1)

Participants did not provide responses suggestive of a checklist of unique but requisite “leader” or “leadership” actions or behaviors that were used during legislative implementation or afterward. Instead, they relied on the tools and processes available to them and adjusted where necessary. Turning back to a quote from above, “There was not a lot of time or effort to look at how this was going to work” (P11). The inference that I draw from this statement and from the general sentiment of participants is that no one relied on a theory of leadership to design their approach to cannabis legalization, before, during or after legalization. No specific “leader” was designated to coax or enable innovation. From a practical perspective, timelines were too tight to do that, and this is the reality of public, governmental systems. If leadership occurred here at all, and I explore that further in Chapter VI, there is no leadership theory that describes participants’ experience. Responses suggest that complexity did not have a role as a tool to guide people toward directing emergence or innovation in cannabis legalization.

Tension In Complex Regulatory Systems Can Be Leveraged As a Dynamic and Driver of Change, but “Leaders” Do Not Have Any Control Over the Level or Extent of That Tension

Participants clearly knew they were walking into existing complex, yet informal systems and formal systems that had yet to be built that they *could not control*. Transcripts tell us that the word “control” appears only in one of three contexts. The first is in reference to the Controlled Substances Act, or CSA, that describes drug scheduling previously discussed in Chapter I. The second is in reference to language in I-502, specifically, “Takes marijuana out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for *controlling* hard alcohol.” The third is in reference to the Washington State Liquor Control Board or the Oregon Liquor Control Commission. However, participants recognized that there were systems tensions that could impact or influence how systems interacted, and ultimately, regulatory success. In other words, the authorizing environment was filled with unknowns and instability. For example:

think about the difficulty of creating a policy that restricts, and you’ve already got all these growers out there growing illicitly. (P11)

Other recollections included,

it was walking through a minefield, I guess. (P5)

It was unknown. (P11)

dealing [with] a unknown world of marijuana regulation. (P12)

there was always the thought that we, as the Marijuana Enforcement Division, even though many of us, about half of us, were police officers carrying guns and handcuffs, that we, ourselves, could be charged by the federal government under some theory of complicity. (P2)

always walking that tightrope was part of the equation. (P5)

there are competing priorities for this kind of regulatory process, and you lose some. (P8)

There was also tension with legislative bodies and regulators:

I think there was always this tension with the legislation each year. In some circumstances we appreciated when the legislature would closely define in statute exactly their intent; but with other issues they granted broad rulemaking authority to us and the direction to us was to have a pretty robust conversation with our stakeholders. Candidly the folks with the most to gain were licensees. That was the community typically with their lobbyists and counsel. I don't think there's any question there. What I think MED tried to do was make sure that we broadened that circle at rulemaking to make sure that we had all of those voices at the table. (P2)

There was pre-existing tension between the legacy market and the initiatives and propositions to legalize cannabis:

So right now it's a misdemeanor if you sell to a minor alcohol. The fact that you would give a young person a felony at a young age for selling cannabis to someone underage, just give you an example how strict the initiative was in order to get the, the support of folks out there like law enforcement, for example. So just think the initiative was written in a fashion to be rather conservative. With a high tax rate on it to generate revenue. (P11)

So there were a lot of things that I can see now the initiative, but it also made it very very difficult for the regulator coming in to have to deal with the conflicts that were established by that initiative, of the only regulated marketplace out there and not very regulated as you know, but medical and it was really we still, we still get the criticism today of that initiative, not properly addressing the needs of medical patients. Even though we've tried. (P11)

There was tension in communities over where cannabis farms would be located:

So, we had some residual sort of national lead and Washington dealt with this . . . whole group which was sort of anti-drug . . . they had their reach into states and they had their reach into Oregon. So, we had a lot of that overlook on our implementation from what I would say was sort of the very, the conservative community . . . we had rural landowners that didn't want to see their countryside overrun by marijuana growers, didn't want to be next to them, they don't want them as neighbors, didn't want the water use or the conflicts that even just farming . . . production would bring to them . . . so we had that in the mix, and then the whole issue of taxation was not well-crafted inside the ballot measure and now that was gonna need some reworking, everyone knew but everyone was concerned about that. So, there was active constant resistance. (P12)

Almost all of the above narrative speaks to tension that exists beyond the regulators purview, but that very much reside in the systems within the authorizing environment. For example, even though measures to legalize the possession and sale of cannabis passed in the three states,

passage margins were thin compared to other initiatives, underscoring the tension between conservative and less conservative voters. There was existing tension between prohibition-minded entities, such as public health and some law enforcement agencies, and entities interested in removing prohibition, like the ACLU and NORML. Furthermore, that authorizing environment is where regulations are created. Participants seemed to address this tension head on, with in-person meetings or “road shows” as described in previous subsections of these findings, to build relationships, seek common ground, build trust, communicate and collaborate. In this way, participants were able to leverage tension to achieve a common goal.

Participants did not indicate that they had any control over the amount of tension applied to a system, its duration, or its substance. As one participant noted, even though cannabis has been legal in their state for over a decade by initiative, not by a singular agency action,

we still get the criticism today of that initiative, not properly addressing the needs of medical patients. Even though we’ve tried. (P11)

Collective Systems Action Connected to Purpose Can Result in Complex Systems Change

Interview questions were open-ended, inviting participants to describe the “how” of leading change in context. For that reason, while leadership was not necessarily the focus of the question stream, participants described how they managed being at the “tip of the spear” in ways that clearly demonstrated group involvement, and not a singular effort to lead change in the way leadership theories seem to describe. This was evidenced by participants who might have been anticipated to refer to their actions in directing or guiding systems behavior one way or another continually referred to their actions in terms of “we” as opposed to “I.”

Although referenced previously, two quotes illustrate a perception and belief by those interviewed that unified purpose drives systems change.

But, that was part of it and that's part of being a regulator is you, is you make a lot of people upset and, but I think that what we tried to do was to be fair and to be smart and to listen to people along the way and be willing to adjust. And that, I can say, definitely happened. That gives you purpose. If you're doing that as your job, you feel like you're doing the right thing. (P7)

I felt a responsibility like I think a lot of people did to be able to do this right and to be able to demonstrate that we as an agency and the state, we're gonna do it right and defy the tons of people within the industry who said that we're going to screw it all up. *And I felt the weight of not failing but in fact succeeding always* and I think that, that drove me and the time is just like a blur now, even those many years because it was so much work. (P7)

I wish I would have kept a journal of who I saw and when, because it was a lot of traveling, a lot of talking with people. But one of the key things for me is I wanted it to be successful. I knew there'd be jumps and starts to this thing, and it wasn't going to be smoother. It'd be bumpy to get it up and grow everything new was bumpy. But I wanted it to get past that and be successful. (P5)

The story unfolded to indicate that even unified purpose can change over time based on a variety of factors. Consider that in 2019, legislation was introduced and subsequently enacted that changed the way WSLCB applied its regulations pertaining to enforcement and education. Consistent with an assertion above, society has become more familiar with cannabis. Concerns about its production, processing and sale, and as a result, concerns are beginning to diminish. Simultaneously, political movement toward relaxation of originally restrictive regulatory frameworks has gained traction, and much like the enabling legislation, WSLCB had an opportunity to revise enforcement practices to flex with the market:

leading all the way up until the events of the last couple of years where we sort of reorganize the purpose, and de-emphasized enforcement and more education came about in some ways from reactions from the industry, who thought that some of their Enforcement Officers, uhm, were too strong. (P7)

In summary, this collection of findings speaks to the way that participants described being part of a monumental change in drug policy that was brought about by the will of citizens. They described that change in a way that suggests that even though several were recognized as

directors of agencies or directors within agencies, they did not “lead change” as much as they *participated in the process of change* in complex systems. They did not describe leading anything complexly or guiding any part of a system or the collection of systems. Rather, they described working with the tensions of and between the systems as legalization and subsequent implementation occurred, moving with the systems through change by building interactive trust even in spaces that were not hospitable.

Theme 3: The Interplay Between Social Justice and Social Equity Is Complex and Oversimplified

Oversimplification Creates Barriers to Realizing Social Equity in Cannabis

For purposes of these findings, it may be helpful to establish some understandings of social justice and social equity. The following are offered as part of the learning history artifact:

Social justice is a communal effort dedicated to creating and sustaining a fair and equal society in which each person and all groups are valued and affirmed. It encompasses efforts to end systemic racism and all systems that devalue the dignity and humanity of any person (John Lewis Institute for Social Justice, n.d.).

Social equity is the fair, just and equitable management of all institutions serving the public directly or by contract; and the fair distribution of public service, and implementation of public policy; and the commitment to promote fairness, justness and equity in the formation of public policy (McSherry, 2013).

These definitions suggest that social justice may be more connected to a society in general and more specifically to racism, while social equity may be more connected to the way in which institutions serve the members of society. This distinction may be nuanced and small to some, but in the present context, it is a difference that matters. The following explains why.

The first efforts to legalize cannabis in the United States—Washington’s Initiative 502 and Colorado’s Amendment 64—were rooted in criminal justice reform. As much as segments of

the authorizing environment frown on that characterization, these measures were framed to begin the conversation,

I think it's a great thing that people feel so comfortable now in pointing out the flaws with 502 because that means it worked. (P1)

and participants were clear that both were conservative approaches designed to pass,

It's my opinion that the bill was written to pass, not to be good law, with the expectation that as soon as it passed, the legislators could then manipulate it to make the changes needed to make it good law. (P10)

and to be the first, not the last blow, to cannabis prohibition:

So, I imagined cannabis prohibition in the War on Drugs in general is a very, very, very thick plate of glass. And 502 is intended to be a diamond tip spear that hit it and started making cracks, started making fissures and that it was going to be more and more work and more and more pressure that was gonna break those fissures, make them longer, broader, et cetera, until the whole wall came down. And that's what it's always been for me. It was never an end point. It was always the thing that was supposed to capitalize on the momentum that had already been built right. (P1)

it was a catalyst, and that's what it was meant to be. (P1)

but the hope is that we get a foot in the door and we start kicking the door open wider and wider and wider. (P3)

For these reasons, these initiatives had to be narrowly tailored to make that first strike. The political and cultural landscape at the time these measures were introduced played a significant role in their underlying purpose.

So, Seattle gathered gleefully around the International Fountain at the Seattle Center (home of the 1962 World's Fair and the Space Needle) on legalization day December 6, 2012, to light celebratory pipes, doobies, and bongs together. And, as Jimi Hendrix and Pearl Jam played in sync to the lights of the fountain and the air filled with skunky musk, a medical cannabis consumer could breathe a little easier, but probably for a different reason. While many believed that I-502 made smoking weed in the streets possible (it didn't), what they were actually toking

to was one of the first successful cannabis prohibition harms reduction measures in the world at that moment in history. Washington State made international news.

Multiple examples of the scope of that harm, along with the victimization of medical cannabis patients and others were offered during interviews. I share these in their entirety because to paraphrase these here would dilute the gravity, depth and truly, the terror of the war on drugs:

I'm doing this for the people who are getting hurt the most by our current policies. So, everybody who gets arrested, everybody who gets stripped searched when they are put into a jail cell, experiences a trauma that is absolutely horrific. The shame of being publicly charged as a criminal of having to show up for court appearances, that the—had the way that that puts your life on a completely different trajectory once that's happened to you is horrible for every single human being. There's nothing good about the criminal justice system for anybody that gets pushed into it. But for people with terminal and medically debilitating conditions, that's just not—that's just not an acceptable outcome at all. So, at a minimum, we needed to deal with that. (P1)

It's—it's always been about the people at the core of the harms that, um, that have driven me to do the policy work. (P1)

And that's—that's what medical patients were dealing with the time, is not knowing if they would get raided being afraid to grow for themselves because they knew that would be an even more serious than if they were just caught in possession of a personal use of amount. But both were crimes both subjectively. And even if you had a doctor's authorization, it was still only an affirmative defense, meaning all that piece of paper got you was the opportunity to put on a defense at trial after you'd already dealt with all the stress of being in the margins of the law. Maybe had your home raided. Maybe been put in handcuffs. Maybe had to spend one or more nights in jail, gotten charged. Maybe your—maybe your family deserted you because of the stress. Maybe you've lost your job. All of these horrible things could still happen to you. That was absolutely okay, under the law, as it existed. All that you got was, you know, once you got charged with a crime, you could stand in front of the judge and or the jury or both, and explain “I have this authorization” And then you would have to defend whether or not you've had a 60-day supply, right? Because if you have more than 60 days ago, it didn't even matter. (P1)

We had patients who were actually victims of crime. And they had nowhere to go, they didn't want to tell law enforcement or doctors, because if they told law enforcement about the crime they experienced because they were trying to obtain medical marijuana then they would then be subject to arrest so they would call and sometimes they needed somebody to talk to. Um, some, some of them recognized that they were in a catch-22 situation and they just needed to talk to someone about the fact that not only were they

being taken advantage of in contracts, but they were victims of crimes. I remember these 2 women who quite a few months apart, called me and, separately and, I don't think they knew each other but they saw some information where they could get medical marijuana or heard about it. So they met up with this person, at the REDACTED Counties area and they became victims of rape by this person. (P6)

some of the dynamics in that space where that, you know, if a patient did to make a particular coop owner, as we called them at the time, upset with them would be socially ostracized. Not be able to come to that coop anymore. And wouldn't have anywhere else to go because again, this was all, at the time, all of these coops were operating in this gray area that had no actual legal structure around it, and were subject to the possibility of raids at any time. So it was just a very—it was a very fragile environment for somebody with a terminal or seriously debilitating medical condition to be navigating, trying to secure something that provided them relief from pain and address other symptoms associated with their conditions. (P1)

Of note in these reflections is what is missing. While participants offered responses from the general underlying premise that the war on drugs disproportionately impacted communities of color, observations and reflections of other harms associated with cannabis prohibition were not connected to a specific race, but more to the medical cannabis community. This seems to suggest that there was more political and cultural texture underlying initial legalization efforts than has been acknowledged in the current narrative around legalization, and that as a social justice (relying on the definition of social justice above) measure, I-502 may have quietly contemplated dimensions beyond race:

if you have the space to just protect everybody from that kind of suffering, you should just go ahead and do that. And that's what we realized is that the political—the political winds shifted tremendously from 2009 to 2012 because we had, you know, the Ogden memorandum come out and say that the federal government was not going to be spending resources going after medical cannabis. (P1)

Additionally, the legacy market, consisting of unlicensed producers, processors, and retailers, was unregulated. While there were segments of that market committed to staying within the boundaries of law and the few regulations that existed pre-legalization, there were just as many,

if not more, that were not. This was one of the reasons that there was no way to know how many of those businesses were owned by Black and Brown people.

there's a lot of an awful lot of talk now about that system and what was owed to people of color but that system merged because there was nothing in there that distinguished, a black-owned business from a white-owned own business because most of them weren't actually businesses. (P7)

Even if agencies were able to make that determination while early legalization efforts were underway, how would framers identify pillars of social equity in cannabis and then align them with social justice efforts when neither had been attempted before, and the political climate of the time may not have been supportive of either element?

This begins to highlight the connection between cannabis' history, social and racial justice, and considering how we might consider creating socially equitable conditions moving forward. It also moves us into the next finding.

Social Justice Initiatives Had to Occur Before Social Equity Could Be Realized

Participants provided eloquent narrative to link social justice and social equity in context:

The problem with trying to draft 502 from a social equity perspective is not just that that was so far beyond where Washington State voters were in the conversation but also because it's very difficult to do in one state, where you know that the federal government, one of its primary concerns and letting you go forward, and this is exactly one of the things that came out in the memo, you know, the Cole memo. I keep saying Coles. It was Holder who did that medical marijuana when the Holder was also the one who advised Cole on the factors, right? The eight factors that the federal government would look at right. And cannabis is seeping across state lines. It was gonna be a real problem and not having a lockdown system is going to have a real problem.

And so, when you have artificial market restrictions on a new industry so that you're trying to control how much cannabis is being produced, you're trying to control how many shops can be opened, trying to control, you know, how many retail outlets there could be in the same way that the liquor control board established when we are in state monopoly for alcohol. They chose how many there were, right. *So, if you have that artificially constructed marketplace, the people who are going to benefit are people who already have access to capital and wealth and power.* And this is a country that is built on centuries of concentrating wealth in the hands of a few elite white colonists.

So, there's no way that getting marijuana legalization and regulation passed in Washington State in 2012 was going be able to create a socially racially equitable

marketplace. That dynamic—the structure was just not there to do that. We also couldn't because of our anti-affirmative action law passed. We couldn't have the state saying it wasn't possible for the state to say we're actually going to give the licenses to people from specific racial categories or some give them preference. We couldn't preference anything in that way. Even if voters would have gone for that 2011–2012. So, yes, I think that the—I think that the conversation right now is extraordinarily over simplified, um, and, um, but that's okay. *What—what matters to me is that the conversation is happening.* (P1, emphasis added)

Our focus has been how do we ensure diversity and not erect barriers to color in the ranks of licensees, particularly with equity ownership. That can be very challenging because of the structure and history of American capitalism and how in an ideal world, social justice would have been a theme around which Amendment 64 could have been wrapped 10 years ago. But again, I think, Amendment 64 was born in an era of federal prohibition, with marijuana as a Schedule I controlled substance, and there were other priorities. There was not the same level of interest or understanding at the time so the special challenge for pioneering states like Colorado is that we didn't have the opportunity or the direction when we created the framework and the economy around the industry to prioritize social equity higher. And so once that framework, and investments and licensees are in place, it becomes challenging to modify later. (P2)

While these initial legalization efforts concentrated on beginning to tear down the walls of prohibition by focusing on social justice,

much of the treatment of cannabis is largely race-based and you truly need to understand that if you're going to really understand the concern about social justice and the right responses. (P2)

the focus was *not* on social equity:

no one that I remember ever ever came forward and said, "What are you gonna do about social equity within the system? It was all "How are you going to get this system up and how soon? Because it should be up yesterday." And I talked to an awful lot of people and an awful lot of reporters, representing an awful lot of people. I don't remember a single one ever asking me that . . . but, social equity in retrospect is really something that came at a later date, when I think California and some jurisdictions in California, started taking a look at that and that, that started I think a lot of conversations, including up here in Washington. (P7)

Social equity can come in a variety of ways as we've learned. Now, unfortunately, the initiative was silent on that. (P11)

We began only as we learned in California, New York, Michigan, Illinois. Massachusetts that communities of color were rising with these new initiatives to legalize adult use.

That they were saying, "Hey, wait a minute, there's more to this program than just making it legal. You need to do what you can to create a social equity license. In other words, giving preference or set aside for people that were harmed. And so we had already issued licenses, our system is set up in our state is particularly problematic because we have limits to the number of retail locations. So even when we passed our social equity bill 2 years ago to allow for it, our system was already set up. So there's only a handful of licenses even today that are available, which for the—So the critics look at that and say, you just throwing crumbs at a problem because it's already been established. So we've been left out of the cannabis industry. There's some truth to that, because if you didn't, if you weren't successful initially at licensure then you were left out. (P11)

This highlights the overarching policy challenge,

And when we merge medical, we saw a bigger problem because there were folks who were in the medical dispensaries community who, of communities of color, who said "I lost my dispensary because you didn't allow for more retail locations than the number that we had when we had medical dispensaries which obviously made them feel like again, they have been purposely left out of the system. (P11)

and sets the course for the future:

And now we need to fix it. Now we need to, you know, we need to keep improving it. And we need for social equity to become a centerpiece of the policy going forward and to inform whatever the federal government decides if and when it changes cannabis laws at the federal level. (P1, emphasis added)

While states have significant efforts underway to begin addressing social equity in cannabis programs, there is much to do. Some options to support that work—to move statute and regulation in a direction that supports socially equitable conditions, are offered in Chapter 6 based on these findings.

Yet, the more pervasive challenges, as noted by participants are the bias and stigma that remains around cannabis.

Cannabis-Related Bias is Multi-Dimensional and Pervasive

There's quite a bias out there against cannabis legalization . . . It's, it's time to take the bias away and the stigma that people have placed on cannabis for years, even those that supported legalization. We still, we still deal with it today. (P11)

That bias, however, is not always focused on the plant itself, who uses it, or the reasons they use it. Some public health and prevention advocates have played and continue to play a significant role in cannabis stigmatization by reliance on the failed policies of the war on drugs. Participants recognized that youth have always had access to cannabis, regardless of its legal status. The apparent refusal of many public health and prevention advocates to find common ground with regulators, the regulated community, and others was recognized as a missed opportunity to offer education, support, and engagement as a collaborative approach to legalization. Indeed, during the 2022 Washington state legislative session, a white public health-focused legislator brought a measure forward that would impact the way public health resources, education and outreach were provided to communities of color on this premise that such efforts would work toward achieving environmental justice in communities impacted by health disparities. However, the legislator did not consult with *any* communities of color, or legislators of color that would be impacted by such a measure before introducing it. This unspoken assumption of knowledge supremacy and privilege is woven deeply into the fabric of measures packaged and sold to support public health and prevention efforts. These measures are often directed at the agencies tasked with implementing legislation to legalize, and with rulemaking authority to change rules in response to market trends, industry growth, and as new information and best practices are developed. Participants recognize this:

The public has a bias against it . . . I can't change reality. I can't, I can, I can recognize that the bias is, is not healthy for the industry and that we should do everything we can to remove it. But don't be so naive to believe that, that wouldn't be there. *That will take time.* (P11, emphasis added).

What seems to matter is how energy is expended to move toward socially equitable conditions. Currently, an extraordinary amount of negative energy is focused on regulators, even though the agencies are carrying out the wishes of citizen's initiatives and legislative mandates:

Don't rally against the regulator, or don't rally against it, because the bias is there, of course. We just recognize it . . . and then we address it as we can. (P11, emphasis added).

In summary, findings suggest that changing statute and rule alone will not lead to socially equitable conditions. Efforts to begin the process of deconstructing institutionalized exclusion in the form of cannabis prohibition is an iterative process that needed a starting point, and legalization efforts were the first—not the last—of those efforts. By oversimplifying the history of cannabis legalization, we lose sight of the reasons for legalization in the first place. I-502 and Proposition 64 laid the foundation for conversations around social equity to be possible today. Even so, cannabis stigma and bias are still very much a part of the United States narrative, and like any significant social shift, will take time to change. In the meantime, lessons from the past can be relied upon to inform the future and remind all of us that the more hands we have on the spear, the greater our chances of achieving a fair and just society.

Conclusion

These findings suggested three primary themes that describe the ways that complexity is experienced in regulatory systems. First, complexity describes both the properties and characteristics of systems. Change occurs in complex systems based on these properties and characteristics. These properties and characteristics seem to fall into two categories: those that are related to processes and outcomes, and those that are related to subjective values and human behaviors. Interestingly, there are some properties and characteristics that are similar. Systems with these complex properties and characteristics are capable of self-guiding by and through communication and collaboration, and this occurs at the systems level by building interactive trust.

The second theme builds on the first by describing participants shared experiences which suggest that complexity does not describe a behavior, or an action leading people or systems).

Instead, systems interactions are guided by a range of participants with common purpose, and this can result in systems change. Additionally, tension that is inherent in some complex regulatory systems can be engaged as a dynamic driver of change, but an individual identified as a “leader” do not control the level or flow of that tension, even when it is embedded in the system.

The final theme is related complex interplay between social equity and social justice, and participant observation that this interplay has been oversimplified. However, the propensity to reduce complex issues may serve as a barrier in achieving social equity goals, and in some cases, social justice initiatives must occur before social equity can be realized. It is part of an iterative process that can be tied to a number of variables, including pervasive cannabis-related bias, including but not limited to stigmatization and weaponization.

CHAPTER V: ON COMPLEXITY

There is no more important task in a democracy than resolving the differences among people and finding a course of action that will be supported by a sufficient number to permit the nation to achieve a better life for all.

—Robert McNamara, *In Retrospect*

Complexity is a key construct of this research. In Chapter II, I provided a critical analysis and synthesis linking complexity theory, research, and practice in both the public administration and leadership realms. To add more depth to our understanding of complexity and contribute to the call for consistency in the ways that complexity is constructed and applied in practice, this chapter more deeply explores complexity and complex regulatory systems based on my findings.

To accomplish this, I have structured this chapter in a way that presents the two most prominent concepts offered by this research in order of occurrence. I offer this type of scaffolding not only because it is necessary to understand the breadth and depth of the content offered, but also because these concepts progressively and chronologically build on one another. In doing so, however, I take great care in providing detailed descriptions and analysis. I take this approach to demonstrate that in oversimplifying complexity and complex issues, by privileging checklists, how-to articles, and bullet points, we fail to understand, recognize, and acknowledge the complexity of complexity, and how it might be better theorized in government, leadership, and academics. In some ways, then, the form and substance of this chapter could be considered as a version of my own learning history.

I pause to recognize that in Chapter IV, this research offers what I refer to as *empirical emergence*, rather than generalizable findings. This is reflective of the authorizing environment that situates this research, which I have noted can be characterized as ambiguous and unstable, and for which problems may have a range, rather than a single, solution. It also aligns with one of my research goals to seek *yes/and* solutions, recognizing that for some problems, solutions are

more of a moving, amoeba-like target where a range of options and some flexibility may be the best approach. Cannabis regulation and the challenges associated with it fall into that category.

I begin by discussing linkages between findings offered in Chapter IV and the elements of complexity leadership theory. With this as a backdrop, I resituate and anchor complexity theory beyond what was offered in Chapter II. Building on this, I then conduct a systems level analysis that explores the properties and characteristics of the complex regulatory systems that are the subject of this research. I rely on a theoretical blending of complexity and systems levels to frame this analysis, contrasting complexity leadership theory's treatment of complexity with research findings. This framing is not only critical to better understand the nature and dynamics of complexity, complex systems, and the dimensions of change in context, but to understand what role leadership played in that change, how complex regulatory systems evolved during the course of cannabis legalization efforts, and how participants engaged with complex regulatory systems.

Linking Complexity Leadership Theory to Findings

To further connect research findings to the theoretical constructs of complexity, I focus on two specific elements of complexity theory that underpin complexity leadership theory (CLT). I explore these elements as they are applied in CLT and analyze whether there are linkages between CLT and my findings.

As noted in Chapter II, defining complexity has proven to be a challenge. Despite this, there are a collection of insights from complexity science and theory that are used to explain “the function of human organizations and the roles of their managers and leaders” (Stacey et al., 2000, p. 154). Among these are emergence and adaptation (Cairney et al., 2019; J. Holland, 2014; Kok et al., 2021; Morçöl, 2012; Mitchell, 2009; Waldrop, 1992).

Emergence

CLT proponents assert that emergence occurs through a specific type of leadership that is part of the CLT suite of three leadership types. Identified as “enabling leadership,” this prong of CLT “not only fosters internal tension, it judiciously injects tension” (Uhl-Bien et al., 2007, p. 311). Rosenhead et al. (2019) offer that “Studies that leverage the theoretical lens of emergence are interested in understanding how ‘adaptive change actually happen[s] at the coarse-grained level when human interaction is experienced and predicted at the fine-grained level” (p. 9, citing Hazy & Uhl-Bien, 2014, p. 712).

From a more complexity science-based perspective, J. Holland (2014) offers that, “emergence occurs when the generators for a generated system combine to yield objects having properties not obtained by summing properties of the individual generators” (p. 69). As an example, J. Holland provides the following example:

the characteristics of “wetness” cannot reasonably be assigned to individual H₂O molecules, so we see that the wetness of water is not obtained by summing up the wetness of the constituent molecules—wetness *emerges* from the interactions between molecules. (p. 49)

This aligns with Prigogine’s (2003) assertion that “[a]lso in complex systems long range correlations appear between components with very short-range local interactions” (p. 55).

Additionally, the New England Complex Systems Institute suggests that emergence might be defined as “the existence or formation of *collective behaviors*—what parts of a systems do together that they would not do alone” (New England Complex Systems Institute, n.d.).

In contrast, CLT does not provide a consistent definition of emergence or its implications as part of the construct. Rather, it shifts in meaning that ranges from, for example, a way to lead, the results of leadership, or a descriptor of the outcome of what is characterized as innovation. Similarly, in other disciplines, like management and organizational development, emergence “is

vaguely defined . . . [and] somewhat controversial” (Morçöl, 2012, p. 62), and often merged and coupled with self-organization (Stacey, 1995).

From the public administration perspective, Morçöl offers that to understand emergence, we should look to established theories of public policy related to macro and micro systems and consider the major and minor persistent problems with it. Morçöl notes that conceptualizing micro-level processes like individual behavior might be described by punctuated equilibrium theory, and macro-level processes might be described by institutional rational choice theory. In contrast, CLT does not extend its query, although it is possible that the fine-grained and coarse-grained interactions that Hazy and Uhl-Bien (2014) reference might suggest contemplation of some sort of connection to micro-macro systems, albeit insulated from the messy parts of human interaction. I discuss such linkages later in this chapter.

While exploring the group of theories Morçöl suggests might frame exploration around emergence might answer a different set of questions related to the present research, the micro and macro systems level behavior Morçöl alludes to suggest a different approach. Systems levels are more closely related to sociological or psychological theory, specifically the “micro-macro problem” (Morçöl, 2012, p. 62). This “problem” is very much associated with this research and runs parallel to another issue related to sociological theory that concerns the relationship between agency and structure (Ritzer & Stepnisky, 2017). As I will describe below, this relationship is also important to this research. These problems are identified in other disciplines like public administration by different names, but leadership does not appear to be focused on it, although many leadership theories involve these very relationships. What does any of that have to do with emergence?

Although the roots of these conflicts go back to Hobbes, Smith and others, the central problem concerns “how the purposeful actions of individuals were connected to macrosocial phenomena. How do the acts of individual political (and economic) actors lead to macro events in politics and the economy?” (Morçöl, 2012, p. 63). Beginning to understand these acts—the actions of individual humans that exist within and comprise these micro and macro systems and determining whether there are corresponding structure and agency dimensions as sociologists theorize—is critical in exploring the dynamics of complex regulatory, and possibly other, systems.

Agency, Structure, and Emergence

Morçöl (2012) offers that complexity theorists’ answer to the agency and structure problem is emergence. Indeed, CLT proponents imply that complexity thinking informs emergence in social systems, such as organizations. For example, Marion and Uhl-Bien (2001) assert that “the complex leader creates organized disorder in which dynamic things happen in multiple locales” and such a leader “spawn[s] emergent behavior and creative surprises rather than to specify and control organizational activities” (p. 406). Plowman and Duchon (2008) suggest a “new reality,” where rather than leaders influencing outcomes, that “leaders encourage processes that enable emergent order” (p. 143). Uhl-Bien and Arena (2017) furthered this thinking by offering that “Successful enabling leaders use complexity thinking to catalyze and energize networked interactions that enable emergence in an organization” (p. 17). They indicate that such leaders better understand “how to read a system and watch signs for emergence. Those who know how to apply it know how to use pressures, linking up, and timing to anticipate, interact with, and channel emergence” (p. 17).

These multiple perspectives and interpretations underscore the conflict within CLT concerning whether emergence is something that an individual with special skills at one end of a bureaucratic organization, such as a regulatory agency, might manage, or whether the action of leading is the focus, as in “leadership is an emergent phenomenon” (Hazy et al., 2007, p. 2) at the other end of the spectrum. Wherever one falls within that CLT continuum, the human side of emergence does not appear to be a central focus.

Linkage to Findings

CLT literature indicates leaders leading complexly either are or should be able to “recognize that emergence is only as good as its ability to translate into results...” and “mobilize emergence . . . to tip it into the operational system for implementation as new adaptive order” (Uhl-Bien & Arena, 2017, p. 18). Uhl-Bien and Arena’s 2017 passage suggests that regulatory leaders knew, know or should have known how to “enable emergence” and “mobilize” it, even though emergence in this context was more of, as Boulton et al. (2015) note and the scientific paradigm offers, a structural property that had yet to emerge. In other words, if agency directors remained focused on results, which at the time were completely unknowable, and mapped an existing operational system over the existing micro systems, a “new adaptive order” would emerge.

Findings suggest that it didn’t quite happen that way. Participants indicated that a “new adaptive order” did not “emerge” without human interaction that involved all participants *across all systems*, before an operational, or regulatory, system was *co-created*:

And so we would take hours of testimony, mostly from people who are in the business, in the medical program, who had been in the illicit program, who are looking at wanting to be licensees. So really, the public that was present in the evening of those meetings was really the people that wanted to get into the program and were giving us feedback, when we write our regulations, this is what you need to be aware of. (P11)

but just standing and talking to people and eventually is, well, come and look and we'll show you what we do. (P5)

Well how you going to have the expertise? How you gonna get it done? I said 'We can get it done because you're gonna help us do it! We're going to engage you to do it. That's how we're going to do it.' (P12)

The focus was *not* on “spawn[ing] emergent behavior and creative surprises” or “specify[ing] and control[ing] organizational activities” (Marion & Uhl-Bien, 2001, p. 406). Participants focused on collaboration and *engaging* systems' properties and characteristics (as noted in Chapter IV) *before* new regulatory frameworks were created. In other words, the act or acts of someone identified as a leader simply mapping or creating an overlap between existing systems processes and outcomes, and existing systems values and behaviors were not described as much as engagement and interaction with and between systems was described.

Adaptation

As noted in Chapter II and above, leadership theories relying on complexity theory are replete with suggestions, advice, and discussion around how “leaders” tease out emergent order in organizations by injecting tension into “adaptive space” to achieve particular outcomes in complex systems. In some ways, this is similar to the way emergence is described in CLT. For example, McKelvey (2004) offers that organizations designed for emergence are characterized by adaptive tensions, by the presence of conflict, and the recognition of adversity. Thus, rather than ignoring conflict and adversity, leaders practicing CLT use adversity to learn and grow. Separately or together, neither of these features is necessarily negative.

For example, Plowman and Duchon (2008) suggest that “leaders are destabilizers who encourage disequilibrium and disrupt existing patterns of behavior (p. 142). Lichtenstein and Plowman (2009) follow by suggesting that this type of leadership behavior generates constructive controversy and conflict, and it is within this space that new ideas occur. This

happens or can happen through dialogue management, where “strategic leaders *articulate their visions* by telling stories and promoting dialogue in which an organization’s past, present and future coalesce” (Boal & Schultz, 2007, p. 426, emphasis added).

Wheatley (1994) offers that organizations and people thrive in a state of disequilibrium. She offers that being or feeling out of balance is closer to our primal instincts, and therefore a natural and comforting state of being that allows us to change and grow. Under this non-threatening premise that CLT seems to suggest is possible, it is unclear how the humans on the receiving end of adversity and conflict injections are attended to, or whether they are held in adversity/conflict suspense for an indefinite period to force continual innovation because they eventually adapt to it. It is also unclear whether the “dialogue management” that occurs through the Boal and Schultz approach is influence-free, two-way dialogue, or if it too isn’t another way for a leader to inject themselves into a conversation through a form of management designed to achieve a specific outcome. Indeed, dialogue can be unifying, but it can also be the opposite, and as Stacey et al. (2000) note, “Power relations determine which words can be used officially and which can only be used unofficially” (p. 175). This is another example of leadership literature in general, but CLT specifically, bypassing humans in complex systems. As I have noted, my findings suggest that this is an important element in understanding complex regulatory systems.

It is through this thought stream that CLT incorporates the metaphor of chaos drawn from complexity theory. From the complexity science perspective, chaos “is concerned with the behaviour over time of certain kinds of complex systems” (Rosenhead, 1998, p. 2). Stacey et al. (2000), offer that the specific metaphor of the “edge of chaos is a dynamic that occurs when certain parameters fall within a certain parameter” (p. 146). CLT scholars extend the concept to what is termed “managed chaos” which is offered as a tool in the suite of leadership resources

that if “inject[ed]” (Uhl-Bien & Marion, 2009, p. 645) will lead to adaption and innovation (p. 646). Boal and Schultz (2007) assert that such “leaders play a crucial role in moving organizations to the ‘edge of chaos’ and aid in organizational learning and adaptation by influencing the tags that produce the structure of interactions among organizational agents” (p. 411).

However, in taking this approach, using as a metaphor for what happens in an organization based on the actions of a leader, “they immediately collapse these parameters into one of formal organizational structures, where it becomes a choice for managers to make” (Stacey et al., 2000, p. 147). By providing these prescriptions for moving an organization to the edge, they choose the dynamic for the system, directly conflicting with complexity itself because “local interactions amongst agents producing emergent outcomes is lost” (p. 147). A manager or leader choosing that dynamic demonstrates rationalist, Newtonian thinking, not complexity thinking.

Linkage to Findings

Participants did not describe managing or controlling dialogue, moving their organizations, staff, or stakeholder groups to the edge of chaos, or injecting tension it into an adaptive space to force innovation. Rather, participants suggested that adaptive space was more like a playing field equalized in a way that leadership theories relying on complexity do not appear to explain or contemplate. I focus on each of the essential findings here.

Tension

In context, the adaptive space or playing field was already rife with tension, uncertainty, and conflict. Participants did not describe injecting additional tension into such spaces or any of

the interactions between regulators, the legacy market and others as much as they described *seeking to work with it*:

We wanted it to, um, bring people out of the shadows. Let's try and get them into the light and make them as 'real world' as possible, you know, so that they're not continuing to operate in the black market, which would have been [more] competition for one thing. But give them some credence to what they're doing. That it is now okay in the state of Washington to do this. I think one of the good sides [about I-502] . . . was [that it] tried to include as many people as possible and bringing them into, you know, the legal marketplace. (P5)

Rather than managing by tension, or injecting it, regardless of degree, participants described systems interactions more in terms of engagement, meaning that the process of change was a participatory, shared process where all who wished to participate, regardless of the position within the overall structure, could do so. This was demonstrated in the mutual participation and relationship building that occurred during initial and ongoing regulator and stakeholder meetings and interactions. However, rather, than creating space to adapt to a leader's direction, the space participants created might be better characterized as *interactive* space (van Wijk et al., 2019) where dialogue "among actors with alternate views of social problems" (p. 896) could occur:

And so, we formed the rules advisory committee, which is always a part of our rulemaking processes and it was a very economical you know, cities, counties, law enforcement, marijuana folks, balanced group to recommend to me, how to do the rules and then I recommend to my commission. (P12)

And so the first thing we did is we held forums across the state, and within the—we'd spent a day in Spokane, for example, and what we would do in the morning is we would meet with—morning and afternoon, we'd meet with stakeholders, we'd meet with elected officials, the Mayors and City Councils, we'd meet with the prevention community and public health, and we'd meet with law enforcement. In the evenings, we held long sessions in community colleges and large venues where hundreds, if not a thousand people, would come and hear how we were gonna layout, mostly again now, sharing the timeline for setting the program up, the program up, when growers and processors, the applications would begin to be taken and when that might go into effect, and when the retail market might open. That was a small piece. Really, the bigger piece was, tell us what you're gonna—how you're gonna regulate this product. (P11)

This concept of dialogue is important here, and I will discuss it further below.

Interactive Space

Participants described systems *merging*, rather than adapting within an interactive space that honored the integrity and structure of these existing systems. Indeed, “Space [was] not an empty dimension along which social groupings become structured, [*but was*] *considered in terms of its involvement in the constitution of the systems of interactions*” (Giddens, 1984, p. 396, emphasis added).

There are no findings to suggest that participants attempted to embed or map existing macro structure—a bureaucratic regulatory framework—in these interactions to intentionally result in meso-micro system adaptation *or* emergence. As noted in Chapter I, although Washington state participants were directed by I-502 to fashion the new regulatory structure after existing alcohol rules, initial contact with the legacy market was exploratorily framed. Rather, the emphasis was placed more on ways to merge or unite *with* the legacy market to co-create and co-construct a regulatory framework. Consistent with Simpson (2007) and as noted in Chapter II, participants identified as “leaders” or placed in “leadership” roles in this context were *active participants* rather than objective observers injecting “managed chaos” at opportune moments in cross-systems interactions.

Building Interactive Trust

Participants acknowledged that initial engagement was challenging and sometimes described as polarizing. From a complexity perspective, this type of tension is believed to result in novelty, or the innovation that CLT suggests is possible as long as the three types of leadership prescriptions are employed. However, that novelty occurs in an “adaptive space” that is apparently a value-free, non-political sort of staging area where leaders skillfully insert

conflict and adversity, practice three forms of complexity-inspired leadership, and innovation that meets goals and objectives materializes.

Findings suggest that it didn't happen that way. For example, participants were clear that first, this was unknown space:

It was unknown. (P11)

dealing [with] an unknown world of marijuana regulation. (P12)

always walking that tightrope was part of the equation. (P5)

there are competing priorities for this kind of regulatory process, and you lose some. (P8)

Findings also suggest that tension related to what was not known was not used to encourage innovation, force agreement, or manage chaos or tension, but as an indicator of how to build *interactive trust* across systems levels in an interactive space by leveraging that very tension:

so we were very open about the process and that was also part of, you know, that mix of gaining that interactive trust as the regulator and dealing a unknown world of marijuana regulation. (P12, emphasis added).

They, you know, there were times they should have gotten up and walked out, I think, and they didn't, they just sat there and they let people yell. Um, yet um, I mean, there were times it just, you know, we had security at all of these events. (P8)

I think everybody at some point in time agreed to try and make it work. There were a lot of disagreements, but we worked through them. (P5)

But the fact that there was having that voice and being able to contribute and being part of that discussion, I think was, was probably the biggest piece of that. It wasn't just, well, you go over here and do your education and we'll do the rest of it. We were, we were all there. (P8)

In other words, participants did not “serve as a reference signal in that evolutionary process, providing a significant *selection force* in the development” (Boal & Schultz, 2007, p. 427, emphasis added) of new regulatory frameworks. Instead, participants focused on systems interaction *across* system levels focusing on balancing competing interests while at the same

time promoting community “interests and goals within the larger world and reaching out for new opportunities and resources” (Room, 2011, p. 242). Participants did not “achieve innovation and change by demonstrating [their] legitimacy and consistency with the past” (Boal & Schultz, 2007, p. 427) to replicate it.

This type of policy-making skill—building interactive trust—requires the development of relevant management abilities premised on the awareness that there are limits to the capacity for predictability and control (Kavalski, 2013). In this respect, findings “expose the extent to which participants were willing to ignore the need to adapt (or change) failing governing practices in new regulatory systems only to maintain the mode of business-as-usual” (Kavalski, 2013, p. 870). Rather, through collaborative engagement in interactive spaces that built interactive trust through dialogue, systems merged in a way that maintained the integrity and structure of each system but in new ways.

Creating the first set of cannabis regulations in the world was not, and would never be, business as usual.

Empirically Emerging Concept 1

Complex regulatory frameworks can be co-created by collaboratively engaging complex systems properties and characteristics. Such engagement occurs in an interactive space through dialogue aimed at building interactive trust, resulting in systems merging rather than emerging. This does not result in the collapse of one system into another, but rather the alignment of systems in new ways.

For these reasons, we can reasonably conclude that participants did not rely, either purposely or inadvertently, on CLT to lead change in complex regulatory systems. Instead, they *engaged* with the complex elements of systems and the people who are part of the systems to guide change. To better understand those interactions and complexity in context and based on my findings, I move

toward establishing a consistent understanding of complexity to ground the remainder of the chapter and center the discussion.

Anchoring Complexity in Context

The landscape of knowledge production has changed in the last forty years. That change has resulted in a group of “new disciplines and methods that have flourished on the borders of traditional disciplines” (Tukdeo, 2014, p. 1014), including systems, management, and organizational studies, public policy, and leadership. Complexity theory has been applied in each of these disciplines in different ways, each offering a type of “complexity theory-based prescription” (Rosenhead, 1998, p. 5). However, the majority of the research introducing complexity science as a construct from which we can draw implications for management, organizations, and leadership, was generated by scholars, for scholars.

As I noted in Chapter I, this early and subsequent research has contributed to thinking about how know the principles of complexity science might be applied beyond biology and quantum physics. Yet, as I noted in Chapter II, virtually all the work extending complexity science to the social sciences is by metaphor or analogy (Maguire & McKelvey, 1999; Rosenhead, 1998; Rosenhead et al., 2019; Tourish, 2019). Literature would be “impoverished without it,” (Rosenhead, 1998, p. 10) and from a natural science perspective, metaphors such as Lorenz’s butterfly effect to explain chaos theory help us to understand certain phenomenon. When applied to organizational or social systems behavior, however, chaos and complexity theory metaphors lose their prescriptive force (Rosenhead, 1998).

Additionally, although some early research concerning complexity in organizational and management studies contexts started to explore epistemological perspectives and considerations (Allen et al., 2011), that inquiry has seen limited, if any, discussion in current literature. For

example, Morçöl (2012) discusses the epistemology of complexity in the public administration realm, deeply exploring determinism, uncertainty and context. Several scholars from other disciplines, such as Tourish (2019), Rosenhead (1998), and Rosenhead et al. (2020) agree with Pollitt (2009) when he offers that from the public administration perspective, complexity theory “appears to lack epistemological unity and clarity” (p. 229).

Despite these limitations, consistent with one of the overarching research questions offered here, how might complexity theory inform efforts to harmonize scholarship and practice in ways that have not been explored previously? A good starting point is to recognize that we still have much to learn and understand. As Uhl-Bien (2021) notes,

If there is any one lesson we can take away from COVID-19 and the complexity of 2020, it is that *we must do better in understanding that leadership and followership are a complex social phenomenon* of leaders and followers relating together in ways that co-produce leadership and its outcomes . . . for better and for worse. (p. 1403, emphasis added)

While I agree that the lessons learned from COVID-19 should encourage us to do a better job in understanding complex phenomenon, I would offer that these understandings are difficult to apply in practice when generated by “critics who locate themselves apart from the social problems in question” (Lane, 2016, p. 11). Indeed, lessons learned from COVID-19 demonstrate that existing understandings and applications of leadership combined with several other factors may have *resulted* in a global pandemic. While complexity-focused leadership theories might explain, at least in part, some of the responses to the pandemic, a different approach to complexity thinking should be considered since current approaches, thinking, and arguably “leadership” associated with that thinking brought us to this moment in history.

To that end, Cairney and Geyer (2017) opine that “complexity does force us to recognize that scholarship is both a political and academic enterprise” (p. 461). Further, as Tourish (2019)

notes, “[w]e need a consistent view of complexly constructed leadership in organizations (p. 233). To work toward both achievement of such consistency, and harmonization of political, practical, and academic enterprise, I would offer that we start with a better understanding of complexity itself. I suggest that we “take [complexity] more seriously and consider whether it offers opportunities to develop new theoretical frameworks” (Room, 2011, p. 16) that are observed and developed from practice. This has the potential to move us toward articulating a theoretical framework where complexity theory is *applied*, rather than implied. To begin that dialogue, I begin by taking us back to the origins of complexity science.

Prigogine’s Complexity

In Chapter II, I offered a close-up of Prigogine’s understanding of complexity in the context of a literature review to frame my research. Here, I widen our lens to provide a more panoramic portrait of Prigogine’s understanding. This broader view, when linked to my research findings, form the basis and foundation of the analysis and assertions offered in this chapter. To begin constructing that linkage, I turn back to the most relevant section of the full interview between Prigogine and Ioannis Zisis, appearing in Prigogine’s 2003 final text. The section is entitled, “Time in the Epistemology of Complexity:”

IZ [Ioannis Zisis]: Your work has opened up many directions in different disciplines. But the main issue is the way of thinking: you seem to be very persistent and very innovative. Many have spoken about the interdisciplinarity and transdisciplinarity of your work. On the other hand, you reject a quick and easy synthesis. How do you see the synthesis of different disciplines?

IP [Ilya Prigogine]: I don’t think we can make a synthesis because Psychology will always be different from Physics. The only thing is to establish a non-contradictory view, a universe where Biology is not in contradiction with Physics. Biology is an evolutionary science while Classical as well as Quantum physics are deterministic and time reversible sciences. Therefore there is a gap. You can say that this is because the universe is not unified. You may even say that the universe is contradictory. My point of view was to show that there is no contradiction. But I don’t want to identify Physics with Biology.

IZ: On the other hand, complexity has enormously contributed to interdisciplinary research.

IP: Yes, but that is part of the problem. Because complexity is related to the arrow of time. What do you call complexity? Complexity is a property of systems that for given boundary conditions have more than one possible solutions [sic]. Also in complex systems long range correlations appear between components with very short range local interactions. (2003, p. 55)

How might we break down Prigogine's words to better understand the basis of complexity from his perspective? First, he notes that disciplines, or branches of knowledge, cannot be synthesized or combined because they will always be different, and provides examples of two: one that is evolutionary, or related to gradual development, and one deterministic, meaning (generally) that all events are determined by preceding events and therefore predictable. On this basis, and thinking about current context, management, science, leadership, public administration, chemistry, and other disciplines could be viewed as conflicting. However, Prigogine held that although there are clearly distinctions, they are all part of a universe consisting of difference branches of knowledge. How does complexity thinking contribute to that constellation of knowledge?

Prigogine offers "*that is part of the problem . . . [c]omplexity is related to the arrow of time*" (p. 55). Simply stated, the arrow of time is a concept holding that time flows one way and is irreversible, although whether irreversibility is the basis of the arrow of time is "hotly debated" (Weinert, 2005, p. 41). Under this premise, time could be a subject, possibly an object, unlikely a process, or a behavior. Prigogine and Stengers (1984) offered that "the arrow of time is a manifestation of the fact that future is not given" (p. 16), referring to the notion that we cannot predict the future or try to predict or control outcomes through deterministic approaches. This aligns with challenges to Newtonian thinking. The most critical thing to note here, however, is

that this discussion and these concepts pertain to the physical sciences. Prigogine speaks to and acknowledges the properties of systems, but he was referring to *chemical* systems.

Properties of Systems

How might we better understand his phrase, “properties of systems”? In the same way that complexity does not have a universal definition, “system” generally refers to connectedness, a set of elements or agents, within a boundary (Morçöl, 2012; Boulton et al., 2015). Cilliers (2001) offers that a system can be simply defined as making a distinction between what is “in” and what is “out,” presuming that there is something that separates a system from its environment, and constitutes which is bounded (p. 141), and which is not bounded. Turning to the word “property,” the essential, everyday meaning of “property” is “a special quality or characteristic of *something*” (Merriam-Webster, n.d.-b, emphasis added). If we combine these two definitions, this suggests that according to Prigogine, complexity describes the properties of a thing, or an inert object or objects, like water, oil, or other matter. Indeed, similar substances were the basis on which Prigogine built his Nobel Prize-winning theory of dissipative structures. The theory was not developed from the study of psychology, organizations, management, or leadership, or perhaps, even the study of systems.

Even so, Prigogine did not indicate that there were not other ways that complexity might be considered. He offered that complexity exists within and across the knowledge universe, but it applied to physics and biology differently than it might to management, organizational, public administration, or leadership. These disciplines do not identify with physical sciences. Thus, we can assume that there is a difference in the way complexity might be relied upon as a construct or theory between its original scientific application and its broader implications in other disciplines.

J. Holland (2014) confirms this assumption and expands Prigogine’s observation by noting that as the study of complexity evolved, “it split into two subfields that examine two different types of *emergence*: the study of complex physical systems (CPS) and the study of complex adaptive systems (CAS)” (p. 6). CPS “focuses on geographic (often lattice-like) array of elements, in which interactions typically depend only on effects propagated from nearest neighbors” (p. 6) like atoms and machines. In contrast, CAS studies “elements that are not fixed” (p. 7), referred to as agents who “learn or adapt in response to elements interactions that are not fixed (p. 7). J. Holland offers an example of a commodities market where agents buy and sell, adapting their “selling strategies as market conditions change” (p. 9). Critical to this discussion, however, is J. Holland’s assertion about the application of CAS:

Solutions to some of the most important problems of the 21st century—enhancing the immune system, making ecosystems sustainable, regularizing global trade, curing mental disorders, encouraging innovation and so on—depend on a deep understanding of interactions of adaptive agents in CAS. (p. 9)

Further, J. Holland (2014) asserts that in CAS, the *elements* are the adaptive agents, causing the elements to change as agents adapt, resulting in the analysis of CAS to become difficult:

In particular, interactions between adaptive agents are not simply additive. This non-linearity rules out the direct use of PDE [partial differential equation] in most cases . . . [t]he difficulty is compounded because in most disciplines involving CAS, such as the social sciences, *there is no standard language for describing, let alone analyzing, the interaction of agents*. This lack is surprising because there are precise languages describing other kinds of complex human interactions such as scores of music or the choreographic notation used in ballet. (p. 11, emphasis added)

In other words, Prigogine and J. Holland tell us that complexity is not a theory designed to be layered atop an ambiguous social construct, such as leadership, and it recognized elements, rather than humans, as adaptive agents. It was designed as a theory to describe the behavior of *complex systems*, both inert and living, in different ways. Indeed, as Pollitt (2009) notes, “The ideas of complexity theory function more as a *descriptive conceptualization of the backdrop to*

action” (p. 229, emphasis added). Boulton et al. (2015) agree, noting that “complexity represents the world in concrete terms, as things, albeit things that can show differences between them, but are connected by forces, albeit forces that are not in general linear” (p. 69).

I refer to this understanding of complexity theory as “Prigogine’s complexity.” With it as a backdrop, I turn next to understanding complex regulatory systems in context.

Creating a Framework to Understand Complex Regulatory Systems

The next stage of this analysis moves toward unpacking the data presented in Chapter IV as Appendix A. In my findings, I separated narrative data by property or characteristic based on whether it was or appeared to be an objective or subjective participant observation. I sought to better understand the association between these narratives and wondered if a system level model might assist. For this reason, I explored how such models had been applied in leadership, complexity, public administration, and other social science contexts. I mentioned this briefly above but explore more thoroughly here.

Systems Level Analysis

Complexity’s extension from science and economics to the humanities and social sciences brought reference to system level analysis to leadership and public administration research and literature. From the public administrative literature, Morçöl (2012) offers that systems are complexes of interdependent elements with *macro* properties that cannot be reduced to the properties of their elements. Similarly, Uhl-Bien and Marion (2001) introduce their “logic of complexity theory” through descriptions of “macrodynamic” and “microdynamic” forces in relation to the emergence of systems dynamics (p. 392). Uhl-Bien and Marion later bring meso arguments, dynamics, and a proposed model to complexity leadership theory (CLT), although situating complexity within that model seems to wander around between the three systems levels,

eventually landing on a “model perspective” of CLT: “Complexity Leadership Theory is a meso model perspective that taps informal [complex adaptive systems] leadership behaviors within the context of larger (bureaucratic) structures” (Uhl-Bien & Marion, 2009, p. 647). This appears to be a precursor to fine-grained and coarse-grained interactions as noted above.

A few years later, Fairhurst and Uhl-Bien wondered if “there [are] separate “macro” and “micro” levels of [societal, institutional, and interpersonal] context, or if there is just the ongoing stream of behavior in which the [researcher-imposed] macro level of analysis locates itself within the [researcher-imposed] micro level when considering leadership” (Fairhurst & Uhl-Bien, 2012, p. 1046). They note that “Space limitations do not permit a full treatment of this subject for the study of leadership, but they can be found elsewhere” (p. 1046). I make that space here.

Multi-Level Modeling and Theoretical Blending

I noted above that macro/meso/micro system level references were offered in the literature but did not seem to be further defined and explored. Indeed, there seemed to be an assumption that the reader automatically knew exactly how these systems levels were embedded and experienced in organization. For that reason, I turned to Bronfenbrenner’s 1977 ecological systems theory to better understand the relationship between:

Systems *properties* that findings suggested were related to *objective processes*, such as the environment in which laws and regulations are made, and

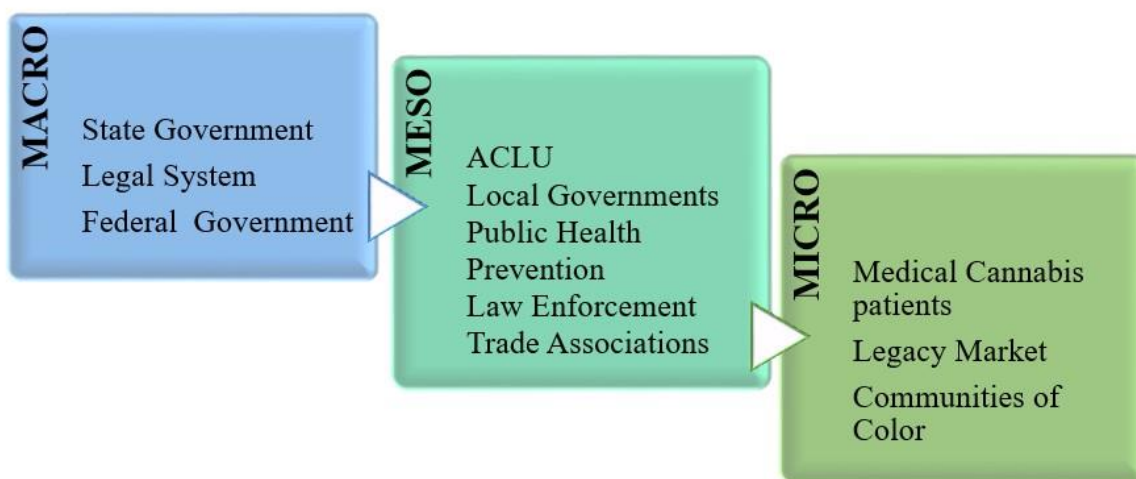
Systems *characteristics* that findings suggested were related to *subjective human values and behaviors*, or the humans who are subject to and impacted by those laws and regulations, and indeed, whose behavior and world view may be shaped by those laws and regulations.

I selected this theory based on the multiple references to such modeling that I’ve noted above, but also because I thought it might shed light on “[t]he changing relationship between person and

environment . . . conceived in systems terms” (Bronfenbrenner, 1977, p. 513). In other words, I thought it might serve to draw out the connections and symmetry that seemed to be emerging between the micro/macro and agency/structure features I was noting in my findings. This approach supported that effort by providing both levels of analysis and descriptors to categorize and scale these systems. Figure 5.1 offers a visualization of the levels of analysis (macro, meso, and micro) with contextual descriptors.

Figure 5.1

Macro- Meso- and Micro-Level Systems in Context



Pollitt (2009) suggests applying complexity concepts in combination with other bodies of theory to investigate what they can contribute in a theoretical partnership. On that basis, I combined Prigogine’s complexity with Bronfenbrenner’s systems theory to identify and nest systems within the authorizing environment that frames this research. This approach highlighted structural overlap between systems, creating a pathway for both closer examination of how those overlaps changed over time, and deeper insight into the dynamics of complex systems relationships.

I continued this theoretical blending by establishing the following macro/meso/micro level definitions. These are rooted in levels of social justice since the present research explores how cannabis may be regulated in a way that leads to socially equitable conditions, while also moving toward exploring the sociological aspects of change that seem to be absent from the extent literature:

The *macro level* is itself subdivided into several layers. The highest layer is that of the constitutional order of a society: its polity determining the (permitted) forms of *government and the ground rules, as well as scope, of 'normal' politics*; its economic regime, its social and legal systems, and the integration of its major institutions into one large scheme. *The next lower layer is that of concrete politics*. Here, different social groups compete for influence in the designation of particular policies concerning all aspects of social life which can become a matter of political and legal regulation under the chosen constitutional frame. And finally, there are the policies themselves, e.g., particular fiscal, economic, educational, welfare, etc. policies. The initial design of such policies can have far-reaching implications for future policies because once a particular policy structure or pattern is established in a given field, it tends to shape the public's expectations towards it and to lead to a certain degree of inertia, *making radical changes difficult and limiting the options available to future policy makers*.

The *meso level* is the level of organizations. When considering organizations from the point of view of social justice, it is useful to distinguish between types of organizations according to the societal sector or social subsystem into which they fall, e.g., business organizations belonging to the economic system, political parties belonging to the political system, hospitals belonging to the health system, schools belonging to the educational system, etc., because the various subsystems follow different logics of operation, subjecting their organizations to separate 'local' rationalities which in turn affect the ways in which these organizations (and their representatives) conceive of and deal with 'local' justice problems. .. The problems are typically dealt with and resolved by the respective organizations themselves. *However, both the degree of local autonomy and of local scarcity are subject to the influence of macro level decisions*. Thus, the state can mandate particular principles that must be observed in their handling (e.g., anti-discrimination laws) or it can refrain from doing so; it can issue rules for some such problems but not for all of them, and these rules can be more or less determinate.

The *micro level* . . . concerns a separate societal level, namely that of interactions between *individuals in relatively unorganized social contexts*. An example are families and the ways in which they allocate the burdens facing them in their everyday life. It is obvious that at least theoretically this level of decision making leaves the widest scope for individual choice. However, in reality this scope is constrained by cultural traditions framing the perception of appropriate choices, even though the traditions themselves may undergo constant changes. Moreover, *higher-level decisions can have a significant impact on this micro level as well*. (Schmidt, 2001, pp. 14338–14339, emphasis added).

With this analytical framework as a backdrop, I began the process of distinguishing the differences or linkages between systems properties and characteristics.

Complex Systems Properties and Characteristics

Generally, the words “property” and “characteristic” are synonymous in the literature reviewed here. However, I look back to Prigogine, and add to his observation concerning problems in extending complexity theory beyond the scientific realm: the distinction between complex systems properties and characteristics is *another* part of the problem related to extending complexity into the social sciences. Based on my understanding of Prigogine’s complexity, and leadership’s less than solid relationship with it, I would offer that these words describe different elements in the context of understanding complex systems dynamics beyond the elements of emergence and adaption discussed in Chapter 2 and above. Understanding this distinction begins to highlight the macro-micro relationship and dynamics of living systems that do not seem to be discussed or recognized in both literature and contexts where complexity thinking has been implied.

Distinguishing Between Properties and Characteristics

A characteristic describes how something *behaves*, appears, or interacts. Characteristics of systems can change (Boulton et al., 2015). In contrast, a property is the foundation of something, and is considered to be more concrete. This aligns with Prigogine’s distinction between the physical sciences and social sciences, and the ways complexity may apply to both.

Proponents of CLT refer to the “characteristics” of both systems and organizations, and these words are used interchangeably, even though in context, and according to Prigogine, an organization might not display the same properties as a system. For example, Uhl-Bien and Marion (2001), describe “the uncertainty, unpredictability, and nonlinearity—the

microdynamics—that characterize complex systems” (p. 396). Boal and Schultz (2007) offer that organizations “can take on the characteristics of a complex adaptive system” based solely on the presence and actions of a “strategic leader” engaging in a specific process (p. 426). In other words, characteristics can be inherent to complex systems, but at the same time, the behavior of an agent possessing certain characteristics can, by mutual interaction with other agents in the same organization, help the organization take on the characteristics of complex adaptive system in a way reminiscent of Adam Smith’s invisible hand, although CLT does not explain how that happens. Thus, it is unclear from a CLT perspective how one might describe properties and characteristics of systems or organizations.

In contrast, Prigogine’s complexity describes the properties of a system, as opposed to the behavior of agents or a process used to move the system toward a goal, result or outcome.

Prigogine (2001) was aware of this, and offered:

There is a large difference between the behavior of inert systems and the behavior in living systems. In living systems, even very simple ones, the behavior at a given time is purely determined by memory and partly by the anticipation of the future. In this sense, the future contributes to the present. (p. 225)

Boulton et al. (2015) note that in this passage, Prigogine is describing how thinking about the future becomes part of the complexity of a situation, and I’ve discussed that to an extent above. Prigogine’s point, however, is that living and inert systems are different, because living systems have a sense of time. This is consistent with the idea of the arrow of time discussed above, meaning that living systems don’t necessarily revert to a previous form or forms and may rely on memory to create a new or different form. In contrast, an inert system such as the molecular structure, or system, of water, does not possess such a memory. This is another reason that complexity theory is not a one-size-fits-all concept easily lifted and shifted from one discipline to another. It is also consistent with my finding that complexity is not a behavior, characteristic, or

action of “leadership” or “leaders” in complex regulatory systems, but rather a descriptor of the properties and characteristics of systems.

How does this apply to the present research? Recall that systems are complexes of interdependent elements and have macro properties that cannot be reduced to the properties of their elements (Morçöl, 2012). This is not a new way to conceptualize complexity and another way to say that a complex system is greater than the sum of its parts. Yet, systems change. The nature of the “relation among its remnants, their *interdependency relations*” (Morçöl, 2012, p. 55) are generally stable, at least for a while, otherwise those elements would constantly be in a state of flux. While they are stable, “we can say they have a ‘structure’ and structure signifies stability” (Morçöl, 2012, p. 55). Cilliers (1998) offers that, “When we look at the behaviour of a complex system as a whole, our focus shifts from the individual element in the system to the complex *structure* of the system. *The complexity emerges as a result of the patterns of interaction between the elements*” (p. 5, emphasis added). This is also the point at which CLT scholars generally indicate that “leadership” emerges, but it is also the point at which the distinction between complex systems properties and characteristics becomes important.

The Concept of Interactive Change

At this point in the analysis, my findings seemed to suggest something other than CLT’s rendition of “adaptive change” had occurred, and perhaps what I was seeing was more in line with what I will term *interactive* change. It was becoming apparent that neither complexity theory nor CLT alone could explain the dynamic interplay between systems’ properties and characteristics because that interplay involved human interaction and participation that occurred through dialogue in an interactive space. As discussed above, the change that occurred—a new regulatory framework—was not the result of adaptation, or a fight for survival, but more of a

unified action where change happened *with* rather than *to* participants. For these reasons, I dove more deeply into these dynamics using the structure of the learning history artifact as a guide.

Analyzing Systems Properties and Characteristics

In alignment with the learning history artifact and to further explore my findings, I have broken this part of the analysis into two temporal phases, that are representative of both the progression of cannabis legalization and of major shifts in the systems impacted by legalization. I focus on Washington State because as noted previously, it was the first state to build a regulatory system for the production, processing, and retail sale of cannabis products from the ground up. These temporal phases are:

1. Pre-legalization: the period leading up to the passage of I-502 (November 6, 2012):
 - a. Systems properties and characteristics
 - b. Leadership observations
2. Post-legalization: the period between enactment of I-502 (December 6, 2012) and the present:
 - a. Systems properties and characteristics
 - b. Leadership observations

I now turn to analyze the properties and characteristics of these complex systems through systems level analysis, comparison to existing literature, and evaluating whether Prigogine's complexity or CLT explains my findings.

Pre-Legalization: The Legacy Cannabis Market

Prior to formal legalization, the cannabis supply chain consisted of a lightly regulated medical market and an unregulated market. Participants (P3 and P9) and others associated and familiar with these markets refer to these as legacy markets.

Properties and Characteristics

The environment in which the legacy market was nested is best characterized as a multidimensional, autonomous community. This was demonstrated in findings, media materials, and an extremely small collection of literature. Descriptions painted a picture of a constellation of intricate networks framing a complex, but closed environment with an informal hierarchy that made space for committed activists to develop early legalization concepts:

it was an industry. I mean, it was vibrant. It had rules and there was hierarchy and there was structure and all of that. (P3)

these dispensaries have pounds and pounds of marijuana coming in. You have marijuana brokers, you have people who are gauging the quality of the marijuana, setting the price for it like any other product. (Morton, 2013)

You have a large patient community that have their own interests that they have to look out for. (Morton, 2013)

This self-governing, self-sustaining market had begun to establish forms of organization such as the Coalition for Cannabis Standards & Ethics, an organization established when the City of Seattle asked local cannabis businesses to establish a professional resource that the City could approach with questions (Cannabis Alliance, n.d.). Additionally, national legalization movements, such as the National Organization for the Reform of Marijuana Laws (NORML), who “provided a voice in the public policy debate for those Americans who oppose marijuana prohibition and favor an end to the practice of arresting marijuana consumers” (NORML, n.d.) were gaining traction during this time. It was from this environment that varying perspectives and degrees of system separation would later occur, influencing and informing cannabis law reform and policy. This speaks to the *systems properties* of the pre-legalization legacy market.

With respect to systems characteristics, we look to human interactions generally associated with micro systems. The legacy cannabis market offered an opportunity for

unlicensed producers/processors and retailers to interact directly with consumers to discuss the ways that different cannabis strains could meet the needs of patients with what were referred to as “qualifying conditions,” (discussed in Chapter I), even though not all consumers sought the product for medicinal use. As a result, and since cannabis is (and remains) federally recognized as a Schedule I controlled substance, participation in the legacy market and membership in the legacy community involved substantial risk:

So it was just a very—it was a very fragile environment for somebody with a terminal or seriously debilitating medical condition to be navigating, trying to secure something that provided them relief from pain and address other symptoms associated with their conditions. (P1)

During this period, the legacy market could be identified as a meso system as defined above, with additional levels or layers within it that included unregulated cannabis producers, processors, and retailers. Informal methods of quality standards and control existed, although these were not uniform. Medical cannabis patients and communities of color could be identified as micro systems based on stigmatization, victimization, and marginalization beyond the indignity of arrest as described in Chapter IV:

We had patients who were actually victims of crime. And they had nowhere to go, they didn't want to tell law enforcement or doctors, because if they told law enforcement about the crime they experienced because they were trying to obtain medical marijuana then they would then be subject to arrest so they would call and sometimes they needed somebody to talk to. (P6)

Additionally, and consistent with the definition of micro system above, these groups were generally not as organized as the meso system, and they were greatly impacted by decisions of higher-level systems, both macro and meso:

All that you got was, you know, once you got charged with a crime, you could stand in front of the judge and or the jury or both, and explain “I have this authorization” And then you would have to defend whether or not you've had a 60-day supply, right? Because if you have more than 60 days ago, it didn't even matter. (P1)

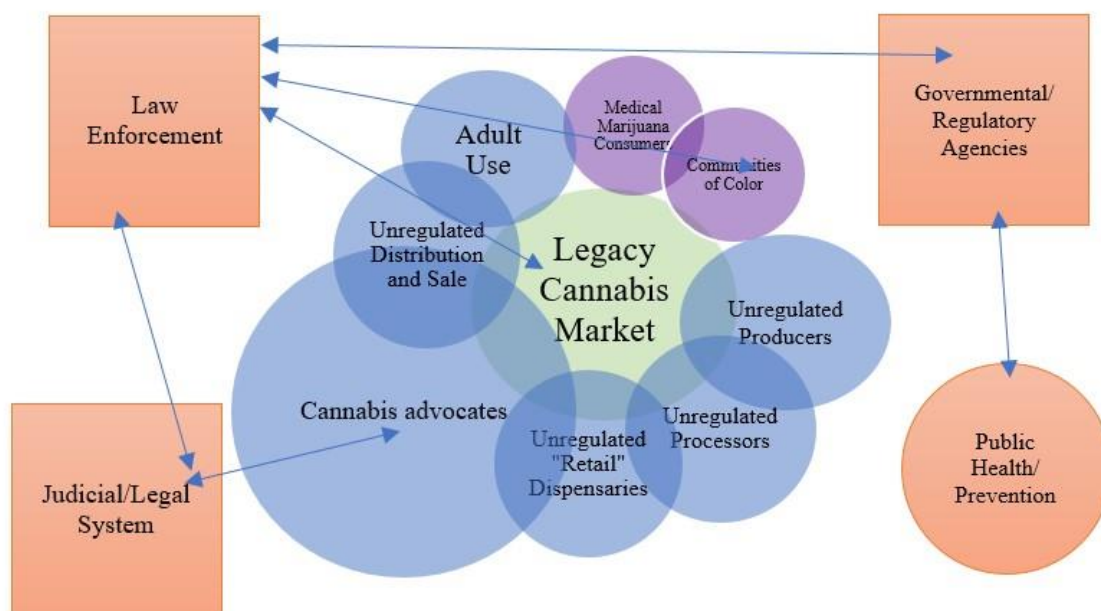
we were not as organized . . . we were not as legislatively astute. (P3)

At any time, the meso and micro systems could be impacted—and often were—by the macro systems of both law enforcement and the judicial system. However, these systems did not directly interact with governmental or regulatory agencies such as public health and prevention in ways that might impact the structure of the system.

I offer a visualization of this system below in the way that I think Prigogine might have sketched it.

Figure 5.2

Pre-Legalization System Visualization



These systems did not necessarily contradict each other as Prigogine offers, but at this point, the legacy market identifies with its subsystems, as opposed to governmental or bureaucratic systems, even though the legacy market demonstrated its own brand of bureaucracy. Although there was interaction between these systems, participants did not describe those interactions in a

way that suggested a particular style of leadership. Instead, interaction was described in a way that aligned with Schmidt's meso and micro systems level descriptions above, such as

I really saw, I really saw a strong and deliberate and intentional effort by the people that I was working with and surrounded by to understand what was happening to influence where they could and comply so they could be successful. But then, all kinds of external forces came into play that they were not even prepared for and that runs the gamut from other associations with much more political power and resources. (P3)

Note that the visualization depicts legacy market system interconnectedness with very few connections to governmental systems. This illustrates the separateness of these entities pre-legalization, where the only point of connection was likely either through a straight line to law enforcement or the judicial system. Therefore, these systems are depicted as squares and the legacy system are represented by circles of varying sizes based on reported their prominence, placement and power within the collection of systems. For emphasis, the sharp edges of the squares suggest rigidity while the circles are more fluid and easily overlap.

Pre-Legalization Leadership Observations

Findings did not suggest that leading and leadership were part of the legacy market and community focus or narrative. To the contrary, agents were collectively considered to be the “wind in the sails” (McPeak, 2011, p. 7) of the legacy community, and Hempfest was viewed by the community as “the expression of the people who were using cannabis, it was part of their culture” (P3). There was no suggestion or indication that any individual within that market, community or both acted independently or individually to guide or direct any part of the system toward legalization. Efforts to organize were centralized, characterized as grass roots, and consistently gaining momentum, like Hempfest along with early, yet failing, efforts to decriminalize cannabis. Indeed, Hempfest was “made possible by a huge community of individuals who have at one time or another made the sacrifice necessary for it to happen . . .

thousands of people . . . made significant contributions to the event, the organization and the community . . . I am not aware of a more grassroots event” (McPeak, 2011, p. 7). There was also organized activism through NORML.

While exploring grass roots leadership and the foundations of activism, including the power of local organization, may be a subject for future research in complex systems, findings to this point seem to support Grint’s (2000) assertion that “what counts as a ‘situation’ and what counts as the ‘appropriate’ way of leading in that situation are interpretive and contestable issues, not issues that can be decided by objective criteria” (p. 3). Based on this, CLT does not describe how leadership was experienced in the legacy market.

With respect to other elements of the system, it is fair to assume that traditional, bureaucratic forms of leadership were still very much a part of the law enforcement, judicial and legal systems (all part of the macro system) narratives and experiences. The macro system approach to cannabis and cannabis prohibition remained firmly rooted in power and control as realized by the war on drugs: incarceration, severe penalties, stigmatization, and marginalization even after legislation to create medical programs was enacted and subsequently implemented:

Maybe had your home raided. Maybe been put in handcuffs. Maybe had to spend one or more nights in jail, gotten charged. Maybe your—maybe your family deserted you because of the stress. Maybe you've lost your job. All of these horrible things could still happen to you. That was absolutely okay, under the law, as it existed. (P1)

This aligns with Weber’s (1947) thinking as discussed in Chapter II and is consistent CLT’s multiple descriptions of autocratic leadership. These findings regarding pre-legalization systems behavior, along with studies and other reports that examine the macro systems described here, provide a window into how interactions with the meso/micro systems resulted in disproportionate impacts, including arrest and incarceration in communities of color and medical

cannabis patients. These studies concentrate more on the social impacts of cannabis prohibition rather than systems dynamics.

Complexity, Leadership, and Initiative 502

I focus on the significance of I-502 because in context, it was a moment in time that quite literally changed everything. To be clear, I-502 did *not* legalize adult use, “recreational” or medical use cannabis. I-502 created a *system* for regulating commercial cannabis activity, regardless of the intended use of the product (Holcomb, 2015). Even so, it is generally referred to as “legalization” even though cannabis by its legal name, marijuana, is still a federally prohibited schedule I drug.

I-502 was a harm reduction measure and remains a harm reduction measure until voters or the Washington state legislature decide otherwise. It created a system to frame commercial activity in a way that would allow for the production, sale, and possession of small amounts of cannabis and result in reduced incarceration rates, increased revenue through legal product sales, and increased public education efforts. It was not designed solely to support small, predominately white-owned business in Washington State as is vigorously asserted by some, nor did it create a duty for the state or any regulatory agency to support commercial cannabis businesses at the expense of public health and safety. Why is it important to highlight this here?

Oversimplification of complex issues distorts meaning and history, and by extension, understanding. It is also an example of why recognizing the arrow of time, as Prigogine and Stengers note, is important. We have seen the effects of this oversimplification phenomenon play itself out in several ways, particularly since the 2016 United States presidential election, the COVID-19 outbreak, and more recently, the January 6, 2021, insurrection at United States capitol. These are extreme examples but they illustrate how embedded oversimplified,

reductionist thinking pervades national discourse in the United States, and the profound, sometimes fatal, but generally ill-informed, myopic outcomes such thinking promotes. In other words, consistent with a quote my mother often relied on, those who forget the past are doomed to repeat it.

Conversely, however, oversimplification can be an indicator that a change initiative worked, as P1 noted: “I think it's a great thing that people feel so comfortable now in pointing out the flaws with 502 because that means it worked.” This suggests that some change efforts may be part of a strategic, iterative effort, designed to bring about incremental, rather than broadly sweeping, massive change. To that end, I-502 might be considered as more of a joint effort or “a catalyst” (P1) designed to be the first, but not the last blow against the war on drugs (Morton, 2013). To wit, former law enforcement officers and prosecutors, public health workers and addiction specialists, attorneys and legislators, and various organizations “banded together as the sponsoring committee of I-502” (Morton, 2013). Although the initiative had a collection of primary authors, those individuals did not conceptualize or promote the initiative in a vacuum and did not purposely engage with or follow any specific construct for “leading” a complex, statewide change effort or even an organization in the way that McKelvey (2010) asserts former General Electric (GE) CEO Jack Welch apparently did. Although Mr. Welch’s “unwitting” practice of CLT was touted as an “incredible success” in that he “replaced old-style, top-down ‘*management by objectives*’ with ‘*management by tension.*’ *This is complexity leadership at its best!*” (McKelvey, 2010, p. 29, emphasis original), it did not ultimately result in long term, positive outcomes (also see Tourish, 2019).

It took the efforts of many across several organizations and systems to move the initiative to the Washington state ballot in a coordinated campaign that led to a vote. This raises the

question of whether the campaign itself might be viewed through a CLT lens. Surely the campaign director played some part in influencing behavior through management of people, complex networks, resources, and interactions. This is what opponents of I-502 believed was the case: “Why people think this whole thing is about legalization, I don’t know. It seems like an obvious scam to me” (Morton, 2013). CLT might offer that such influence could be viewed as an example of a leaders enabling a certain outcome, in alignment with the adaptive component of CLT.

Did the ACLU rely on complexity thinking when drafting I-502? My findings suggest that if the organization did, it was not intentional, but we cannot assume that this was an inadvertent demonstration of CLT at work. Alison Holcomb, the campaign director of New Approach Washington offered, “We’re not simply saying the war on drugs has failed and let’s give up. What we’re saying is the war on drugs has failed, and here’s something that might work better.” (Morton, 2013). Another participant offered, “the hope is that we get a foot in the door and we start kicking the door open wider and wider and wider” (P3). In other words, I-502 was not designed to be the answer to the war on drugs in Washington state, but an *incremental, collective, strategic* approach to changing and dismantling failed drug policy. This “new” approach aligns with Catron’s (1981) ‘preferred directions’ rather than ‘optimal solution’ [when] one focuses on coping with problems rather than solving them (p. 13) as cited in Chapter II.

From a CLT perspective, this fact pattern might be characterized as confirmation that the staff of the ACLU collectively engaged the enabling leadership function. However, I cite Marion (2012) to illustrate that this is *not* what happened here:

Enabling leadership functions to foster conditions in which complex dynamics can emerge . . . Formal leaders . . . are particularly well-positioned for this role because of their access to resources and authority, although one cannot assume that all positional leaders are capable of performing the enabling function. (p. 468)

This passage seems to suggest that under CLT, “formal leaders” of the ACLU, such as the campaign director and the authors of I-502 somehow influenced staff in the organization to not only create the content of the initiative, but possibly, based on their “leadership,” the outcome of the campaign and subsequent election, “because of their access to resources and authority.” There is nothing in the findings, or through any other source suggesting this approach was used by the principal organizers or the director of the campaign.

Instead, a complex organization, the ACLU, engaged and interacted with existing, but unrelated complex systems using a voter initiative as catalyst for change “...and that’s what it was meant to be” (P1). These interactions are not identified as being connected to or directed by formal leaders intending to drive change, but rather, as the *organization* identified with suggesting change, initiating *interactive change*. Statute, or law, guides the process of that activity, and a framework to support that democratic process remains in place to allow Washington State citizens to vote on it. This aligns with my assertion based on findings in Chapter IV. Specifically, complexity resides in the collective behavior of a complex *system*’s parts that “represent the world in concrete terms, as things, albeit things that can show differences between them, but are connected by forces, albeit forces that are not in general linear” (Boulton et al., 2015, p. 69). This does not align with a socially constructed way of “leading” that can be described or “decided by objective criteria” (Grint, 2000, p. 3). Indeed, “...leadership involves the social construction of the context that both legitimates a particular form of action and constitutes the world in the process” (Grint, 2005, p. 1471).

Post-Legalization: System Change

The magnitude of the shift from an illicit to regulated market cannot be understated, notwithstanding the enormous policy shift—a fundamental drug policy change with social justice

implications—it represented on a global level. From a complexity theory perspective, this type of change could be characterized as evolutionary consistent with Prigogine as noted previously. To refine and further contextualize this evolution, “the dimensions of a problem change, and there are changes at the micro level, such as new entrants or new features to some of the population of existing agents. *This is called structural change, and there will be new emergent properties at both the micro and macro levels*” (Boulton et al., 2015, p. 77, emphasis added). It is this co-evolutionary process that affects the environment in which the system operates. Here, meso and micro system fractures and reformation occurred resulting in new systems competing against each other where they had not before, or some becoming obsolete. The ways in which systems also merged or collapsed into either a larger or smaller systems is more fully described below.

Post-Legalization Systems Properties and Characteristics

To unpack systems relationships and dynamics as participants described them, and to examine the properties and characteristics of these systems, such as whether emergence occurred as a result of adaption or during interaction, I grouped these as described by participants into macro, meso and micro buckets consistent with Schmidt’s descriptions. These are presented in Table 5.1 below.

Table 5.1*Macro, Meso, and Micro Systems*

<p>Macro Systems: forms of government, rules: “normal politics,” social and legal systems social and legal systems, and the integration of its major institutions into one large scheme.</p> <p>Department of Revenue Legislature Legal/Judicial System WSLCB/OLCC/MED Federal Government Law Enforcement</p>	<p>Meso Systems: Non-governmental organizations. Can be business organizations, trade associations, political parties, hospitals within a health system. May be self-autonomous, <i>but the degree of local autonomy and of local scarcity are subject to the influence of macro level decisions. The mesosystem is interlinked to the microsystems in which a person participates.</i></p> <p>ACLU Banking Systems Cannabis Advocates Unregulated Distribution and Sale Legacy Market Public Health Prevention Regulated Cannabis Market</p>	<p>Micro Systems: separate societal level, primarily interactions between <i>individuals in relatively unorganized social contexts. higher-level decisions can have a significant impact on this micro level as well.</i></p> <p>The Public Medical Cannabis Patients Anti-legalization Movement Communities of Color</p>
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To create these groupings, I evaluated each system based on Schmidt’s systems level definitions described above, participant observations, and on my current understanding of the authorizing environment. Note that I connected the meso and micro level systems but did not collapse one into the other, but rather, they *merged* while still maintaining their structure. This distinction is important to maintain because the micro system had the least leverage across the spectrum of systems and subsystems, and that leverage significantly decreased after legalization. These were systems identified as having virtually no voice in any of the systems changes that occurred following legalization. (“Um, the quietest group, I think, were the people that didn’t have a clue about what the government process was” (P5), referring to micro level legacy market consumers, some vendors, and others). Of the three levels, however, the meso and micro systems are the most closely related, and this is consistent with the literature review, system levels descriptions and findings.

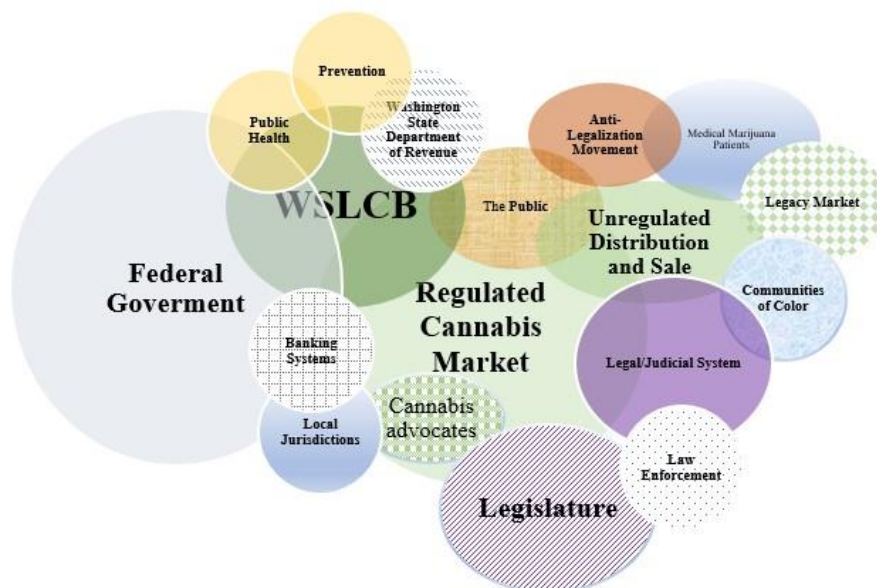
I pause here to offer a caveat on bias. This categorization was accomplished, at least in part, based on my professional experience and extensive working knowledge of the overall

authorizing environment. While participant observation took precedent over my own understandings, I relied on some of my institutional knowledge to guide and refine systems placement in these buckets. It is worth noting that during the validation phase, participants indicated that they had not considered authorizing environment relationships with this level of detail and found the categorizations to be accurate, somewhat surprising but thought provoking as presented.

To compare the pre-legalization and post-legalization systems structures in a meaningful way, and going beyond simply bucketing the new systems structure, I updated Figure 5.2, and created Figure 5.3 to provide a visualization of each system's observed power and control as reported by participants, within the overall systems structure. This is represented by the size of each object in the visualization. It also includes new entrants to the system, such as local governments, the banking system and the Washington state legislature.

Figure 5.3

Post-Legalization System Visualization



What does this figure tell us? The most significant feature is that the legacy cannabis market broke in two based on the way that I-502 was written: the adult use market was displaced but merged with the regulated cannabis market. However, the medical market did not, although it was still tangentially connected, with clear connections to medical cannabis patients, and unregulated distribution and sale. Unregulated processors, producers and dispensaries voluntarily merged with the newly regulated cannabis market or maintained space in the unregulated distribution and sale subsystem. New entrants to the regulated cannabis system, such as the WSLCB, the Washington State Department of Revenue, banking systems (composed in Washington of a handful of credit unions rather than banking institutions guaranteed by the Federal Deposit Insurance Commission, and these entities would not participate in cannabis banking or lending based on federal illegality), the public in general, the Washington State legislature, local jurisdictions, and the anti-legalization movement were interconnected but had varying levels of prominence within the overall system. The federal government also entered the system in a more prominent way, but primarily connected to public health, banking systems as noted previously, local jurisdictions, and the WSLCB. Public health and prevention previously held a space outside the legacy market, but moved to a more connected place with WSLCB, the federal government and local jurisdictions. Finally, based on the legalization of possession of small amounts of cannabis, law enforcement and the legal system shifted from a disconnected, but prominent part of the system, to a lesser, more removed part of the overall system.

It is important to note that this diagram captures the period of time *before* the 2015 passage of Washington State Senate Bill (SB) 5052 that was characterized as a merger of all medical dispensaries, or the remaining legacy market, with the adult use system. There were only a few hundred available retail licenses created as a result of the legislation, and existing legacy

medical cannabis dispensaries that did not join the adult use market, many of which were minority owned, were shut down because they were unlicensed. Some of the owner/operators did not qualify for licenses based on, among other things, the presence of a criminal history, amplifying the impact of the war on drugs. The implementation of SB 5052 is extraordinarily complex, and given the scope and gravity of that complexity, was not included in this research to keep the project within reasonable bounds.

There are two additional points to recognize concerning this system evolution. First, note the movement of communities of color from a close and interconnected relationship to the legacy market, to virtually an outlier more closely connected to the legal system than any other system. This was the impact of the construction of I-502 and the creation of a closed system. I discuss this more fully below. Second, note that previously, pre-legalization systems were relatively tangential with clear separation between what could be considered as governmental systems and the legacy market. Post-legalization, these systems all became connected in one way or another.

This systems' reorganization both impacted and influenced relational and hierarchal dynamics between systems in ways that legislation could not anticipate or predict. The observed property and characteristic changes are discussed below.

Systems Properties and Characteristics Through Multi-Leveling Modeling

Applying Systems Levels

Through the learning history validation process, categorized comments were presented in Chapter IV as Appendix A. I have taken that table and added multi-levels to closely analyze interactions, explore linkages between them, and whether those linkages might reveal anything about relational or hierarchal dynamics and complexity. Column headings are updated to reflect systems level designations, historian notes are updated to reflect these level designations, and

re-presented in Appendix B.

By integrating these systems level designations, we can begin to better understand how the subjective values and human behaviors, such as distrust in government, perceived loss of autonomy or fear of such loss, and lack of interconnectedness within the legacy market and community fit within the meso/micro systems designation. These dynamics manifested themselves in a variety of ways, but most notably as animosity and distrust in government generally. This animosity and distrust was targeted at regulators specifically, even though regulators were implementing a voter initiative that mandated the creation of a framework for a new adult-use, regulated cannabis system. We can also see that regulators were managing conflicts that are inherent in working with a well-established legacy market that had never been regulated by before, consistent with macro level systems designation. This was manifested as the appearance of wielding power and heavy handedness by some of the meso, but all of the micro systems. In other words, the macro system was perceived to constrain human action displayed by the micro/meso systems (Giddens, 1984). This seemed to suggest that individual human agency played a larger role in systems dynamics than extent literature suggests. This dynamic resulted in extraordinary tension between these systems. However, it was this very dynamic that the macro system recognized and sought to neutralize through engagement with, rather than structural control over the micro/meso systems. For example, findings describe the neutrality of that engagement:

We, we held an event . . . [b]ut, that was part of it and that's part of being a regulator is you make a lot of people upset and, but I think that *what we tried to do was to be fair and to be smart and to listen to people along the way and be willing to adjust*. And that, I can say, definitely happened. *That gives you purpose. If you're doing that as your job, you feel like you're doing the right thing.* (P7, emphasis added)

Is that dynamic or leveraged tension explained by CLT? To an extent, I explore that above. However, to dissect it further, I looked back to Prigogine's recognition of the distinction between complex inert and living systems above, Newton's mechanistic, reductionist worldview described in Chapter II, and the macro-micro and agency-structure debate. Although CLT continually refers to leadership in complex "organizations," and the literature recognizes such organizations as CAS, it only recognizes that there might be agents who are humans within those systems, never exploring the agency of those humans. "[I]ronically, complexity leadership often seems to imply that there is no role for human agency in the world of complexity because focus is on the *systems* and the *contexts* over and above *individual leaders*" (Rosenhead et al., 2019, p. 14).

Agency is the ability of individuals to act intentionally (Bandura, 2001). CLT seems to assume that human agency to be either embedded in systems or organizations or stripped out of the discussion to support the theory even though this is contrary to a basic tenet of complexity: systems are not machines. Yet, the CLT machinery only seems to function if systems or organizations are recognized as inert and agents are without or lack agency.

It was at this point in the analysis that I began to realize that systems properties, characteristics, and multi-level distinctions might actually be more integrated and linked than the reviewed literature suggested.

Synthesizing Properties, Characteristics, and Systems Levels

As noted in Chapter IV and above, there are properties and characteristics of these systems that were similar: subject matter expertise, and the other a sense of marginalization. These similarities are critical to understanding complex regulatory systems dynamics in context for two reasons.

First, it suggests that the systems involved in this research demonstrated both inert properties *and* living characteristics. This does not necessarily appear to conflict with Prigogine’s statement that there is a difference between the behavior of each. As Stacey et al. (2000) note, “Prigogine casts his theories in terms of entities resonating with each other and evolving as collective ensembles” (p. 164). Here, if the regulator’s emphasis on implementation of I-502 had only been on macro system supremacy, the regulatory outcome might have been different. Turning back to Chapter II, the objective facts of the macro system and subjective values of the macro system became inextricably entwined—interdependent—following the formation of a *dialectical relationship built on interactive trust that occurred without imbedding macro understandings of truth in those systems.*

For example:

we’ll show you what we do (P5)

I think having *somebody that they felt was actually listening to them and cared about what they had to say*, that’s what I tried to convey to the people I talked to and met with, *was I care about what you’re saying and it is important to me.* And I think once that got around that, that was where I was coming from and everything that I was doing, I think it made people really comfortable and allow them to open up more than they would have opened up, and *allow them to open up without being angry, which—which I think helped us accomplish a lot more.* (P5, emphasis added)

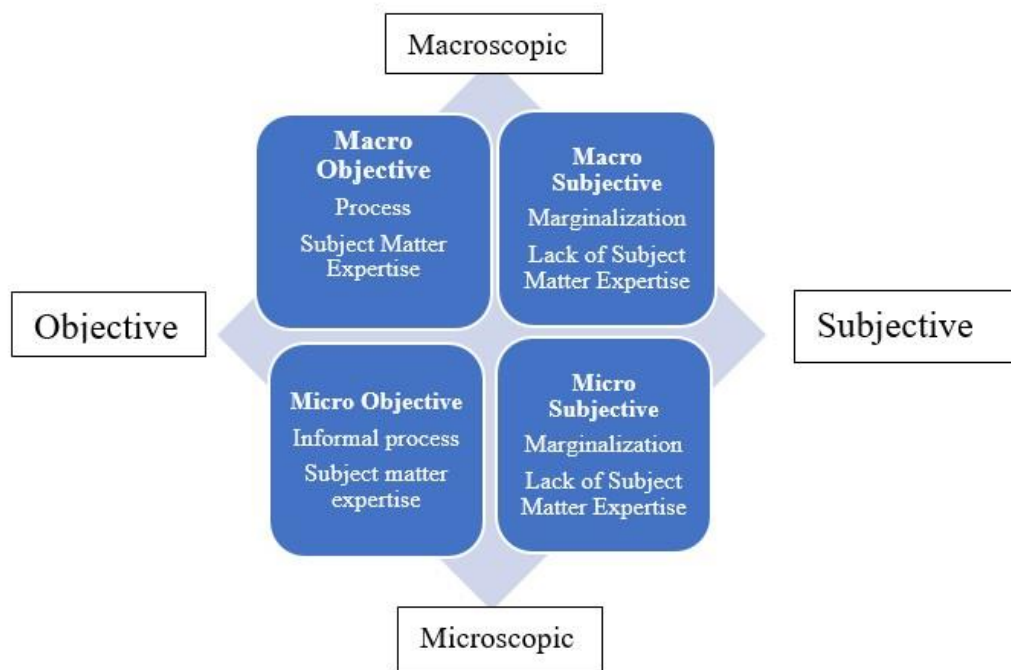
I think the best part of the navigation was to, at times, *just shut up and listen* what were they dealing with, what were they angry about, what did they think of solution was, so that we could take all of that back and have a discussion. Does this idea even work? Um, is it going to violate other rules? Yeah, I think *just giving them a sounding board.* (P5, emphasis added)

It can be reasonably assumed then, as noted in Empirically Emerging Concept 1 above, that these shared features made collective systems action possible, but that action was rooted in the interactions—the relationships—between systems, *but these are human, not systems relationships.*

Second, these similarities underscore and highlight and the duality of the macro system. Indeed, the *bureaucratic macro systems seemed to demonstrate agency, or human values and behaviors*. Findings suggested the macro system demonstrated these spatiotemporal dimensions—both structure *and* agency—rather than the asymmetrical status that scholars such as Giddens (1984) have suggested. To wit, “[Giddens] stresses that institutions are connected to specific forms of power and domination. But Giddens does not develop the full critical potential of these innovations because he is actually more interested in the existential situation of individuals, rather than in the nature and effectivity of structures of domination” (Jessop, 2001, p. 1222).

Micro-Macro Integration

This apparent phenomenon can be explained by Ritzer’s major levels of social analysis that recognizes the linkage or interrelationship among macro and micro systems. Instead of recognizing only a horizontal or vertical relationship between systems, Ritzer creates a micro-macro continuum that ranges from individual thought and action to larger systems. To this he adds an objective-subjective continuum that ranges from material phenomenon such as individual *action* and bureaucratic structures to nonmaterial phenomenon such as norms and values (Ritzer & Stepensky, 2017, pp. 338–339). I have modified and customized this model in context, and offer it in Figure 5.4.

Figure 5.4*Macro-Micro Integration*

Note: From Ritzer, G., & Stepnisky, J., *Modern Sociological Theory*. 8th Edition, 2018, p. 338, Copyright 2018 by SAGE Publications. Adapted with permission.

This confirms that if these systems were actually more integrated than not, and as I noted in Chapter II, that the *objective facts of the macro system and the subjective values of the micro systems cannot be separated; they are inextricably entwined and interact with each other*. CLT suggests that a leader pushes these systems to the edge of chaos by creating adaptive space to do so, and as I've noted, it is unclear whether leadership emerges from that adaptive space or leaders complexly lead the systems to it. That generally happens, according to the collection of CLT diagrams, in a straight line with what appear to be two feedback loops, but within that, there

is no importance attached to people, differences between people, or the acts of human relating (Stacey et al., 2000). My findings suggest that these human acts of relating and the dialogue associated with that relation are part of the dynamics of complex regulatory systems.

Agency

I pause here to recognize that human agency in a bureaucratic macro system emerged as a theme in this research only after I began seeking a deeper understanding of the unique interplay between complex regulatory systems properties and characteristics. For this reason, my literature review did not include an exploration or discussion of structure or human agency in complex regulatory systems, nor was it included in the presentation of findings. I have reserved it for this chapter and place it here in this chronology and analysis because this is truly the point at which the revelation occurred, and I was better able to grasp the empirically emerging importance of it: none of the leadership literature, and very little of the public administration literature reviewed during this research reference human agency in the way that the theme began to take shape in this study.

It was through this “spadework” (a term used by a research participant) of analysis that my findings seemed to suggest that understanding how human agency is situated in macro systems was part of understanding this system’s properties *and* characteristics, but more to the point, understanding that *human interactions are complex and as much a part of the complexity of systems as the complex systems themselves*. As noted in Chapter III, these are the “messy” bits of the human experience that this research sought to understand. However, trying to explain these interactions through a complexity or CLT lens does not explain this concept.

Consider that CLT presents an idealized view of humans interacting that “abstracts from the power relationships and conflict” (Stacey et al., 2000, p. 165). Diversity of opinion or

thought, purpose and value are aligned. Complexity is used to justify human behavior but there is nothing in the process of interaction in CLT that speaks to equality or distribution of power, and in doing so, there is no substantive importance attached to diversity or any of the aspects of human relating (Stacey et al., 2000). Here, human relating is important.

Additionally, buried within this table is the implied reality that as part of this system integration, a portion of the legacy system was negotiating its merger with a future regulated market. This meant that it was essentially giving its power away “The lack of control, feeling, feeling like they don’t have control over who’s growing” (P3), but “we’ll show you what we do” (P5) suggests this. I was unable to find examples in the literature of such a power shift happening on this scale, in this space or in this way. Here, this shift in market oversight, or perhaps better characterized as governance over it, from one system to another, escalated tension (“it was walking through a minefield, I guess” (P5)).

Interestingly, and at the same time however, the meso/micro systems *held* power in knowledge that the macro system needed to successfully create regulation framing the activities associated with cannabis production and processing. In this way, the legacy market was able to *maintain* its structure, meaning that by holding that power and knowledge, it was able to produce and reproduce the rules and resources to support action, such as best practices and perhaps social order within the legacy market.

This has tremendous implications regarding how regulations might be crafted in a way that lead to socially equitable conditions, and I discuss those more fully in Chapter 6. It also has implications in the ways complex thinking might be applied in practice and confirms my findings, best summarized by Pollitt (2009), as I’ve offered previously, that “complexity theory

function[s] more as a *descriptive conceptualization of the backdrop to action*” (p. 229, emphasis added).

Empirically Emerging Concept 2

Complex regulatory systems display micro, meso and macro properties and characteristics that cannot be separated. These properties, including human agency, are integrated, and intertwined. These intertwined systems communicate through relationships and dialogue grounded in interactive trust that creates a pathway for knowledge exchange while retaining macro, meso and micro systems structure.

The theoretical construct of complexity does not explain this phenomenon or the presence of agency within this dynamic, but rather, explains the system dynamic. Complexity arises from participatory action, human relationship, and dialogue because it is the nature of this engagement that describes the dynamic.

To further explore what role “leadership,” “leading” or “leaders” had in this process I turn to a discussion of post-legalization leadership observations.

Post Legalization Leadership Observations

I began this chapter comparing findings to CLT, comparing participant experience to the elements of CLT. I concluded that such a leadership theory did not explain the experiences of this study’s participants. However, it is also unclear whether concepts and theories of “leadership,” “leading,” or “leaders” explain participant experience.

Like complexity, there are many perspectives, theories, and understanding of what “leadership” is and how it is demonstrated, practiced, and experienced. Northouse (2015) suggests that “leadership is a process whereby one person influences one or more people in order to achieve a specific purpose or goal” (p. 6). Others find it less simple to define. For example, in questioning whether “leadership” exists at all, Grint (2010), offers a typology that expresses “a significant portion” of what definitions for leadership include:

Leadership as position: is it *where* “leaders” operate that makes them leaders?

Leadership as person: is it *who* “leaders” are that make them leaders?

Leadership as result: is it *what* “leaders” achieve that makes them leaders?

Leadership as process: is it *how* “leaders” get them done that makes them leaders? (p. 4)

Uhl-Bien and Marion (2009) provide that “CLT is a contextual theory of leadership—it describes “leadership” as necessarily embedded in context and “socially constructed in and from a context” (p. 632). Under this definition, CLT could fall under any or all Grint’s definitions. Indeed, as discussed throughout this work, CLT “aims to accurately reflect the complex nature of leadership” (Nooteboom & Termeer, 2013, p. 2). However, neither complexity theory nor CLT recognize or explain the actual *practice* of leading change in complex regulatory systems. This returns us to one of my central assertions, now supported by findings that by “simplify[ing] and reduc[ing] an abstract and complex phenomenon to a clear-cut practical entity” (Crevani et al., 2010, p. 79) complexity is merely implied in “leadership” rather than applied.

Participants with titles signaling or signposting a leadership role indicated that they did not “lead” anything; rather, they became the *participants*, rather than disassociated, objective “leaders” of change. I am not suggesting that findings indicate consideration of “abandoning vertical hierarchies altogether and simply adopting a more horizontal approach” (Grint, 2022, p. 9) as I’ve noted above. That approach does not align with the realities of complex regulatory systems and the notion of systems integration.

This underscores the challenge of extending complexity theory into the social sciences, but it is particularly problematic in leadership studies. Buried within that field of study is an assumption that a leader can observe an entire system and all of its parts, or in other words, take a whole-systems view (Wheatley, 1994), then select a leadership style that aligns with Grint’s nomenclature or a hybrid of that nomenclature. Theoretically then, a leader leading complexly inherently knows how to manipulate the system well enough to inject and stir some tension into an adaptive space somewhere within that whole system that simmers until the time is right and

innovation or novelty emerges. However, if these systems are as metaphorically complex as asserted, and this is the way that complexity theory is suggested in leadership studies, then the leaders who are “agents within those systems . . . are themselves . . . participants unable to step outside, make objective observations, then design and chose dynamics” (Stacey et al., 2000, p. 206). The question becomes, then, is it leadership at all?

Findings suggest that participants did not believe it was, and as highlighted earlier, one poignantly offered that “I am a survivor, not a leader” (P12). Reaffirming but expanding on Empirically Emerging Concept 2, these findings suggest that complexity does not describe the socially constructed concept of leadership as much as it does the collective action of a system, and the interactions of agents within those systems.

Conclusion

Complexity is a big, but often over-extended concept. Leadership, leading and leaders also seems to fit within that large conceptual pool. The findings of my study indicate that there is no causal, linear link that can be made between governmental actions, such as legislation, proposition or initiative, and regulatory outcomes that could be attributed to a leader, leadership style, whether one complexly leads, leads complexity, or subscribes to a particular leadership theory.

Instead, this study demonstrates that participants broke a long-standing tradition when engaging with the legacy market to establish the first regulatory frameworks for a commercial cannabis system. They did not adhere to traditional, macro-level understandings of truth and continue with “business as usual” but built and fostered interactive trust in interactive spaces to connect a broader range of knowledge through dialogue and relationships across systems levels.

Thus, rather than bringing about change through managed emergence and staged adaptation, change could be characterized as interactive.

The theoretical construct of complexity does not explain this phenomenon or the presence of agency within this dynamic, but rather, explains the system dynamic. Complexity arises from the participatory, human relationship, dialogue and engagement because *it is the nature of this engagement* that describes the dynamic. Thus, rather than focusing only on systems and contexts, participants *engaged* the properties and characteristics of complex systems—including human agency—to bring about *interactive* change. This participatory approach, recognizing systems integration, paved the way for regulatory innovation, interactive change and regulatory structures where none had existed before.

CHAPTER VI: DISCUSSION

In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.

—Thurgood Marshall, *Furman v. Georgia* (1972)

The purpose of this study was to understand if cannabis might be regulated in a way that leads to socially equitable conditions under the premise that to achieve that goal, one needs to engage with complex systems across multiple dimensions with qualities and features that cannot be measured in the same way. I took an unvarnished look at the messy, human side of change related to a controversial area of drug policy reform from the perspectives of people who were and for some, still are on the front lines of making that change.

Using the learning history action research approach, I interviewed twelve individuals representing three different states, along with others who were or continue to be involved in aspects of cannabis legalization and subsequent regulation. This approach provided a way to gather data related to my overarching research questions, while providing participating agencies with an actionable document that memorialized lived experiences in their own words and described their shared vision for the future. Despite the structural differences between individual state governments, legislative bodies and regulatory frameworks, the experience of being at the forefront of monumental social change in the form of drug policy was similar for all participants.

In this concluding chapter, I focus on two key issues. First, what my research says about leading in relation to complex contexts. Second, what my research says about leading in ways that bring about socially equitable conditions. I then move to a discussion of limitations to the present research, followed by suggested focus areas for future research. I close this chapter by reflecting on my research and offering concluding remarks.

Understanding how change might be lead in a way that results in socially equitable conditions is the central inquiry anchoring this work. The inquiry presents two questions, though, related to systems interactions. The first concerns leadership, and the second concerns social equity. Here, I will discuss the first.

Critique of Complexity Leadership Theory and Leadership

What is “leadership” in the context of this research, how do those identified as “leaders” lead, and what does complexity have to do with any of that?

I have offered that leadership theories relying on complexity appear to assume that all the agents within a system share the same world view, and experience system and structural dynamics in the same way, regardless of where they are situated within a system’s levels. By basing its position on this assumption, CLT aligns more with the mechanistic, Newtonian thinking it criticizes. As a result, the adaptive responses it holds will occur if its prescriptions are followed do not seem to recognize cross-systems interactions that acknowledge agency, but the impact such adaptive responses have on systems, even if agency is ignored. This has the potential to result in unintended consequences with long term and far-reaching effects. In addition to my research, I turn to a recent discussion of CLT as an approach to the COVID-19 pandemic, but also as a cautionary tale:

Adaptive responses emerged in COVID-19 when complexity pressures activated ideation processes of entrepreneurial leaders and followers working together to search for adaptive solutions and new ways of doing things, for example, distilleries converting their facilities to producing hand sanitizer; Elon Musk using his network and financial resources to acquire 1200+ ventilators from China; hospitals turning to crowdsourcing and 3D printing to address equipment shortages; an informal trading economy emerging in the face of consumer product shortages (e.g. toilet paper). (Uhl-Bien, 2021, p. 1401)

This opinion piece begins by reaffirming, consistent with most literature concerning CLT, that the world is increasingly complex. The piece broadens the scope of that assertion by offering that

since the 1990s, CLT scholars have held that “traditional leadership models . . . do not capture the lived experience of navigating leadership” (Uhl-Bien, 2021, p. 1400). This is an interesting assertion given that since that the 1990s, a number of scholars have questioned the theory based on its lack of empirical support and among other things, its reliance on metaphor as validation (Cairney, 2012; Cairney et al., 2019; Cairney & Geyer, 2017; Grint, 2020, 2022; Kok et al., 2021; Pollitt, 2009; Rosenhead, 1998; Rosenhead et al., 2019; Tourish, 2019). Despite this, it is suggested that these “adaptive responses” are the direct result of CLT in practice.

Unintended Consequences

From a practitioner’s perspective, and more specifically, a regulator’s perspective, such adaptive responses present a variety of challenges. For example, the “expanded take out” (Uhl-Bien, 2021, p. 1400) mentioned in the piece is framed as an innovative “adaptive solution” to challenges of the pandemic. In practice, it was an extraordinarily controversial topic for alcohol regulators, departments of revenue, public health, prevention, law enforcement professionals, trade organizations, and lawmakers. This “adaptive solution” expanded the hours of operation in which alcohol could be sold, allowed cocktails to go in various forms, curbside delivery of cocktails to go, and in some instances bottle sales from restaurants that are not subject to the same taxation rate as alcohol retailers are for the same sale. For public health, prevention, and law enforcement, this “adaptive solution” increased and expanded alcohol outlet density which increased the risk of youth access, and increased potential for open-container and impaired driving.

Regulatory agencies were able to put temporary measures in place to establish some public safety guardrails, ensure proper tax collection, or both, but most of the fallout from this “adaptive solution” was borne by law enforcement, public health and social service agencies.

Such solutions also required legislation, emergency rulemaking, and agencies offering to simply not enforce laws and rules, setting uncertain precedence during an equally uncertain time. These efforts were time and resource intensive, with the greatest toll falling on the human resources and capital that are managed very differently in the public sector than they are in the private sector. However, the impact went much further than that.

The specific adaptive response of increasing alcohol outlet density had far reaching social equity and public health impacts. While the response may have supported commerce, it did so by relying on some of the worst traits of capitalism, such as monopolization and exploitation, at the expense of keeping communities and people safe and preventing harms related to alcohol consumption. For example, as alcohol consumption increased in homes, youth exposure also increased since most were attending school virtually. Third party delivery of alcohol to the front doors of homes across the United States increased as well, sometimes without identification verification, and sometimes simply left at front doors unattended.

There were similar impacts related to distilleries converting facilities to create hand sanitizer. While the long-term effects of these adaptive responses are unknown while we wait for research to be conducted, we *do* know that alcohol consumption and associated harms spiked tremendously during the pandemic. We know that part of that spike was attributable to business shutdowns and the reality that people were consuming alcohol in venues other than restaurants, bars, and taverns. We are just now beginning to understand the full scope, impacts and long-term effects of this adaptive response.

The Other Side of Leadership

I turn now to another, more troubling aspect of the assertion that adaptive responses are demonstrative of the effectiveness of complexity-informed leadership. If COVID-19 did

anything, it *widened* the gap between who had access to resources like healthcare, hand sanitizer, toilet paper and ventilators, and who did not, shedding a bright, but necessary light on racial, gender and other disparities. The adaptive responses of “remote work in business, telehealth in medicine, online education in schools” (Uhl-Bien, 2021, p. 1400) were not experienced by marginalized communities, and particularly people of color in the same way that they were by people who already had access to these resources.

Consider that the ability to work from home is not available to everyone. The most recent Bureau of Labor Statistics data on teleworking are from 2017–2018 and indicate that only 19.7 percent Black and 16.2 percent of Latinx people work jobs where they are able to telework, compared to 29.9 percent of white and 37.0 percent of Asian workers. This gap and other research documenting that Black and Latinx people now make up disproportionate numbers of jobs deemed “essential” explains why people of color have been exposed to great virus risks (Bureau of Labor Statistics, 2021). What does that gap have to do with leadership and why does it matter here?

The ability to adapt to the new ways of thinking and creative resourcing during the pandemic to generate adaptive responses appears to have been available only to certain populations. Although CLT scholars originally offered that it “does not support an ‘every person on the same page’ assumption” (Uhl-Bien et al., 2007, p. 298), failing to consider every person on every page is not an option in the public sector. And, although the piece is highly critical of public sector leadership, it is that very group of individuals who, despite their perceived “cronyism” successfully “collaborated for the greater good” (p. 1401) to create, as this work memorializes, the first commercial cannabis systems in the world. That work was based on a massive change in drug policy designed to reduce the harms of the war on drugs, and to restore

the ability for all populations to “live in hope, to live in dignity” (Morton, 2013) and to live in freedom to the extent possible.

If current leadership theories and approaches, whether deemed traditional or not, led us to a pandemic, perhaps we should rethink our approach. In the United States, COVID-19 triggered a national reckoning with our long history of colonialism that continues to serve as the basis for continued structural and institutional racism. We were then, and I would offer, appropriately continue to be, forced to take a hard, long-overdue look at who *really* benefits from privileged “new” ways of thinking and take an even harder look at *whose* thinking it is. Moving our thinking, our approaches to leading change, and in context, creating regulation and law must occur through a social equity lens. That cannot be meaningfully accomplished if we apply theories and practices designed to exclude and privilege. Rosenhead et al. (2019) offer that “The conceptual imperialism implicit in much writing on complexity is both unfortunate and unnecessary” (p. 20). This research and the forgoing critique align with that thinking.

If our ability to recognize the humanity of our fellow human beings is limited to and based upon a privileged world view that happens when only “academic evidence” (Uhl-Bien, 2021, p. 1403) generated for researchers by researchers is considered, then it is not change or innovation at all but preservation of the status quo under a different name. This is not a new concept in the United States. It is centuries old, and has resulted, among other things, in structural and institutional inequality.

“We” Versus Leadership

Participants in this study did not place emphasis on or describe a leadership style aligning with a specific theory or style of leadership. Indeed, the general response and discussion around leadership, the action of leading or being a leader was that no one practiced it, and in fact, I recall

participants rather cringing when I mentioned the word. Instead, they identified with a larger movement of which they were a part, but not the center, perhaps underscoring some of the differences in approach between public service and private industry. That difference seems to suggest that if leadership is a social construct, then the practice or act of it is tied to where it happens, if it happens, how it happens and who is doing it. Here, participants constantly referred to “we” rather than the act of any particular individual.

Leadership Versus Management

Public service is not only framed by laws and rules that public agencies administer, but by a duty to apply those laws and rules in a transparent and inclusive way. At the state level, the work of an agency and its direction is influenced by legislation, gubernatorial direction, or a combination of the two. It is also influenced by public and social need or direction, a variety of emergencies and international events. Despite what was offered in leadership literature reviewed here, the reality is that public sector work is incredibly fast paced because the authorizing environment is constantly changing, and as many in public service sometimes reluctantly note, the one constant in our service is change. Even though recognized as being “mired in bureaucracy,” this does not mean that public agencies cannot be agile or innovative, but it does mean that certain rules apply to public agencies that do not apply to private industry. Things like records, the ability to meet, rule and policy development, human resource management, compensation and resource acquisition are all subject to public scrutiny in the form of public disclosure laws and statutes governing the ways that business is conducted. There is a lot to manage on most levels, and how one does that is not tied to being a servant, transformational, a great man or a hero, but more to stewardship of resources to build and preserve public trust. In public service, our customer is *everyone*.

In contrast, private sector “leadership” may be responsible to shareholders, a board of directors, or some other governing body that does not consist of publicly elected officials. Decisions and the ability to act or not act are driven and informed in different ways, such as commerce. Management of resources may be impacted by laws and rules, but ultimately the decision to purchase a ream of paper does not become a public record. All of this suggests that there are two very different levels of duty at play: one to the public and one to enterprise.

Turning back to the literature, there seems to be a blurry line between leadership and management. Literature relying on complexity as an approach to leading and leadership seems to float between suggesting that leaders manage things like dialogue, tension and people, but at the same time leadership itself is purported to emerge from anywhere or everywhere in an organization. This thinking is not exclusive to CLT, although it creates in a bit of a theoretical vacuum in general that seems to be resolved by the assertion that leadership is contextual and can be practiced or demonstrated by anyone.

Leadership Versus Change

If we say that we are “leading change” then, does that mean the same thing regardless of where that change came from, where it’s going, or who is leading it? This research supports the notion that leadership may very well be contextual, and it may very well be socially constructed. However, it takes that thinking one step further by suggesting that change is not necessarily lead as much as it is guided, and complexity is not necessarily an action as much as it is the embodiment of relationship across, between and within systems.

In this context, change was initiated by a democratic process, and regulatory agencies were tasked with carrying it out. That did not involve heroism, charisma or a transaction as much as it did engagement, participation, dialogue, recognizing the humanity of others, and practicing

inclusivity. It involved managing and balancing the expectations of voters, legislators and government officials with a market that had never been regulated before and distrusted anyone and anything related to government. It also required those identified as “leaders” to practice public stewardship and management of public resources in a way that private industry does not contemplate.

Thus, based on the observations of participants, the separation between “leadership” and management becomes clearer, and reliance on a social construct that is largely theoretical, socially constructed and ambiguous becomes less useful. Participants centered stewardship and management on what matters: making sure that distribution of and access to public services was available to all citizens. This is not an act of leadership, but rather responsible and equitable management of public resources.

Toward Socially Equitable Conditions

The title of this study signals an exploration into the ways that socially equitable conditions might be achieved in complex regulatory systems regulating cannabis. I was unable to locate any literature or studies that spoke to how we might “lead” in a way or ways that result in socially equitable conditions, and this is one of the reasons for my interest in the subject. In contrast, there is a handful of literature speaking to how we might create policy that moves in that direction, but in broad strokes. I have explored and discovered a collection of reasons why that gap might exist related to leadership theories, and how the people involved with cannabis regulation experience that space.

As I noted earlier, the weaponization of cannabis has not changed by any appreciable measure since legalization. This can be largely attributed to white collective comfort in the development of theory and policy grounded in institutional and structural racism designed to

maintain and support a certain type of dominance. Indeed, rather than taking up ideals of tolerance and respect for others and putting them to use in our schools, communities, and throughout our lives, we exalt the structures that create barriers to the realization of Nelson Mandela's ideals, and in opposition to the words of Thurgood Marshall, fail to recognize the humanity of our fellow human beings.

One of the ways that racism flourishes in the United States is through drug policy. The idea that a single arrest can be dealt with and put behind a person once they pay a fine or serve jail time is a fallacy (Hudak, 2020). Certainly, legalization efforts have sought to correct the lingering effects of the war on drugs. While I have discussed this to a degree here, and offer findings to support it, I can agree with Hudak (2020) in concluding that we simply cannot talk about cannabis reform without a meaningful discussion and substantive inclusion of how best to help communities most hurt by the war on drugs. We owe it to the groups and individuals targeted by those failed policies to think creatively, comprehensively, and analytically about how to reverse this trend (Hudak, 2020). It takes more than "coffee, courage, and cannabis" (Hoffman, 2020, p. 43) but humility and the ability to accept responsibility to do that. Bravery, however, should not be exclusive to activists and other reform groups. *It needs to come from law makers and regulators*, and we can start that work by deconstructing the poor policies of the past and reconstructing inclusive policies *now* and in the future. For purposes of this discussion, however, I turn to a working definition of social equity.

Framing Social Equity

My training is in the tradition of public administration. The National Association of Public Administration has identified four pillars of public administration: economy, efficacy, effectiveness, and social equity. While three of these pillars are relatively static, the definition of

social equity in the public administration context has evolved over time (Gadson, 2020).

Although I provided a working definition of social equity in Chapter 4 from the Melbourne Institute of Social Justice, I rely on a definition in the context of public administration since that is the perspective context from which I offer recommendations. This demonstrates two things: the nuanced differences in concept interpretation, and the challenges regulators and policy makers encounter when designing frameworks to realize and operationalize such concepts. To that end, Johnson and Svava (2011) provide the following description that aligns with the focus of this study:

Social equity is the active commitment to fairness, justice, and equality in the formulation of public policy, distribution of public services, implementation of public policy, and management of all institutions serving the public directly or by contract Public Administrators, including all persons involved in public governance, should seek to prevent or reduce inequality, unfairness, and injustice based on significant social characteristics and to promote greater equality in access to services, procedural fairness, quality of services, and social outcomes. (p. 282).

With this as a backdrop, I turn to discussion of what complexity might offer us in creating regulations that create and support socially equitable conditions.

Complexity Thinking and Social Equity

A complexity informed approach to social equity “recognize[s] that the past shapes the present and the present shapes the emerging future” (Boulton et al., 2015, p. 135). This is a description of Prigogine’s arrow of time, and means that knowledge exchange can, as findings suggest, not only memorialize past activity, but help to inform the future. I would, however, offer that we proceed with caution.

For example, during the course of regulatory development and even during the I-502 campaign, phrases like “common interest,” “public good,” and words like “efficiency” were commonly asserted. Looking at these words through a social equity lens, one might ask *whose*

public good, *whose* common interest and efficiency for *whose* purpose? (Lane, 2016). This speaks to being on the receiving end of what is termed downward causation, where higher level properties place restraints on the behavior of their constituent parts (Mitchell, 2009).

Knowledge is *not* neutral and can be influenced by a number of factors. Some of these are discussed in these pages and include but are not limited to where one might be nested in the macro/meso/micro systems structure, taking us back to thinking about the relationship between structure and agency. If capacity for reorientation is a condition of agency, how do structures engage with agency to exchange knowledge? Does the relationship, or lack of relationship—in other words, the grey, unknown space—between structure and agency pervade knowledge, and create a tension around whose knowledge it is, and ultimately, who has the power to make that determination? How might we shape interactive spaces, strengthen interactive trust and meaningfully engage communities in a collaborative effort to bring about interactive change that results in socially equitable conditions? This research provides some empirically emerging concepts in answer to those questions, and here I link those concepts with complexity thinking.

The Arrow of Time

Consider that a legacy market participant with knowledge of effective and efficient indoor cannabis growing might share that information with only a few other growers, largely to protect the proprietary nature of their method. Within that particular group (and here participants noted this group existed largely underground), keeping information to oneself was customary, or an accepted practice. Sharing that knowledge more broadly could negatively impact business survival. As findings suggest, we know this was a consistent characteristic of the legacy market both pre- and post-legalization. Access to that knowledge base might help a new grower, whether licensed or not, to shape new or reshape existing ideas about successful growing methods.

However, those with such knowledge control its use within this particular group, exerting power over it that reinforces the dynamics. So, while there is the possibility that one could reshape ideas, it might only occur through a critical understanding of the groupings, or structures in which the licensee acts as opposed to, for example, a regulatory agency acting unconsciously *through* them (Lane, 2016).

This is the Socratic piece of complexity that authors like Lane (2106) refer to, and the concept that I've introduced here: to understand the characteristics of a complex system, we must actually interact *with* its agency, rather than *through* it. This is also the place where we can begin to think about ways to bring knowledge forward, shift and broaden our focus, and remember that the public good means *all* public good.

Washington's Approach

In Washington state during the 2019 legislative session, House Bill (HB) 2870 passed creating the statutory framework to redistribute cannabis retail licenses to future social equity applicants. The bill also established a task force to make recommendations to the WSLCB regarding the creation of a social equity program, the issuance and reissuance of existing and new retail, producer and processor cannabis licenses. The Social Equity in Cannabis Task Force met continuously since late 2020, and in late 2021, offered preliminary recommendations to both the WSLCB and Washington State Governor Jay Inslee's office. The work of the task force has been challenging for several reasons, notwithstanding COVID-19 related delays, technical delays, and the dynamics inherent in bringing a group of diverse people together to discuss an issue as racially, emotionally, and culturally charged as cannabis. In other words, and to link the flow of this discussion, the people whose agency had always been ignored by a structure

designed to suppress it would at long last be afforded the ability and opportunity to benefit from it.

A recurring theme throughout discussions was and remains the urgent desire of future social equity applicants to meaningfully participate in the regulated market. Parallel to this overarching theme, however, is the divide in perception and understanding around the origins of I-502, which is largely held by white participants, and the experience of being on the receiving end of cannabis prohibition, which is largely held by Black and Brown participants.

Consistent with this study's findings and certainly, the rich participant narrative provided in Chapter IV, I would offer that we need to think beyond the way we have framed this conversation. In the same way that the learning history methodology looked to the past to guide the future, I believe regulators should think about the "historical, cultural and social forces justifying *why* social equity is a necessary and desirable goal within the cannabis reform movement" (Packard, 2021, p. 154.) because it underpins our work.

I would offer that we cannot lose sight of the reality that the history of cannabis did not start when it was brought into commercial markets. The war on drugs began almost a century ago, and the resultant generational trauma has been realized in a variety of ways. The following considerations offer some of historical, cultural, and social realities that might inform our thinking around achieving social equity goals.

Cannabis Stigmatization

Cannabis stigmatization is as prevalent today as it was during the early years of legalization. Reid (2020) offers a definition of stigma that I will rely on here: "Loosely defined, stigma describes a part of the self that is socially devalued to where it becomes morally offensive. This aspect can be a physical abnormality, faults on an individual's character, or

membership in a distasteful group” (p. 2). Stigma can be analyzed by systems levels in the way that I analyzed the characteristics and properties of complex regulatory systems. To wit, there are structural (macro) stigmas, social (meso) stigmas, and personal (micro) systems. Most relevant to this research are structural stigmas because these are related to the macro system, and as noted in Chapters II and V, it is within this system that drug policy is created, and from which statute and regulation to create those policies emerge. Structural manifestations of stigma appear as institutional policies that restrict rights and diminish life opportunities of people with stigmatized identities (Reid, 2020). These stigmas are ideological and can be used to suppress otherness, like anti-drug campaigns that are still prevalent in public health and prevention circles, and also evident in local moratoriums prohibiting the placement of cannabis businesses in certain towns, cities or counties in states where cannabis has been legalized.

Additionally, along with the public health and safety focus, the per se driving limits, and the concentration on reducing harm, a selling point for legalization was that it would take cannabis out of the hands of drug cartels and move into a legal market. Indeed, “The Washington campaign argued that drugs should be legalized, not because they are safe but because they are dangerous. It’s precisely because they are risky that we need to take them back from the gangsters and cartels and hand them to regulated stores” (Hari, 2015, p. 282). Thus, voters “may have been making the choice between their perception of shady cartels of color controlling the illicit market and the more trusted white business owners and local governments profiting from marijuana consumption” (Bender, 2016, p. 694 in Reid, 2020, p. 12). Even today, if one performs a simple Google search of the term “drug trafficking,” one of the first things that will appear in such a search is “Mexican Drug Wars.”

Cannabis stigma continues to pervade discussion and perception. This stigma must be neutralized and reduced to support positive engagement and interaction with the communities most impacted by the war on drugs.

Cannabis Normalization

Closely related to stigma, cannabis normalization is socially and culturally nuanced but in a slightly different way (Reid, 2021). As an example, one of the articles I reviewed for this section had been published in a journal entitled “Deviant Behavior.” The piece approached the issue of cannabis normalization from the criminology and sociological perspectives. The author (Reid, 2021) points out that although more states in the United States have legalized some form of cannabis use, “...the cannabis industry is often hailed as the next billion-dollar business venture, and scores of celebrities have introduced their own brands of cannabis products” (p. 1). As applied to cannabis, however, normalization is often taken to mean that society approaches cannabis use as an unremarkable feature of everyday life. More specifically, it suggests that a society’s moral boundaries surrounding the plant have been redrawn to accommodate non-abusive use (Reid, 2021, citing Duff et al., 2012; Sandberg, 2012).

There is also an argument originating from research on youth populations, that in a post-prohibition world, we should all agree that cannabis and its use should be viewed as normalized in the same way that alcohol has been. I would assert, however, that this argument is based in what Reid (2020) refers to as “unchecked social privilege” (p. 2) from the industry itself, which is largely white, male, and well-capitalized, and from public health and prevention advocates, who are also predominately white.

Further, research often cited by public health and prevention advocates includes results from a small portion of Black and Brown children compared to “White non-Hispanics.” For

example, in Washington State, Black youth representing 4% of the total surveyed are compared to White non-Hispanic youth representing 55% or more of the total surveyed in the 2021 Healthy Youth Survey. Assertions offered before reporting survey responses includes language that is reminiscent of the war on drugs narrative which assumes of white privilege: “ATOD [alcohol, tobacco, and other drug use] is associated with delinquency and criminal activity” (p. 12). Survey results, then, are dominated by non-Hispanic whites, meaning that if cannabis use fluctuates in that population, the experiences of Black youth are once again overshadowed and minimized by “non-Hispanic white” domination.

Finally, gentrification has resulted in the placement of cannabis stores and production facilities in communities that were once severely impacted by the war on drugs. These businesses, however, are generally not owned by former community members, but by non-Black individuals with access to capital and resources. In Washington state, this represents more than 90% of all licensees. Stores such as the Uncle Ike’s chain in the Seattle, Washington area serves communities that were once predominately Black. The chain itself is owned by a non-Black individual, and although the company cites the benefit it provides to the communities it serves, such as the Joints for Jobs campaign in the summer of 2021 and support for various community groups, its placement and presence in those communities remains controversial. This inequality will continue to be amplified as whites continue to dominate the legal cannabis marketplace, a process made easier by their relative reprieve from the war on drugs that has disproportionately impacted Black and Brown communities (Reid, 2021).

Summary

Normalization extends beyond the realm of cannabis. Consider where, how and by whom most laws and regulations are promulgated. The vision of society in the United States has been

warped by hundreds of years of oppression, and much of that oppression is realized in the way we craft our laws and rules.

Cannabis has been associated with outsiders in every society (Reid, 2020). As one participant noted, and I offer above, “much of the treatment of cannabis has been race-based, and regulators need to understand both that, and the right responses to create policy that will lead to socially equitable conditions” (P2). Since legalization alone will not reduce structural stigma related to cannabis, and normalization is a double-edged sword, removing the structural barriers that aided in creating such stigma may be a strong approach to creating statute and regulation that leads to socially equitable conditions.

Limitations

There are limitations that are both general in nature and unique to this study. As discussed in Chapters I and III, my position as an insider action researcher offered both advantages and disadvantages. These were accentuated by my position within the agency I studied, my subject matter expertise, and by events occurring during this study. Chapter III also highlighted some of the limitations of the learning history action research methodology. I discuss each of these here.

Researcher Positionality

As noted above and as I write, Washington’s social equity in cannabis efforts are well underway. Part of establishing that program includes creating a regulatory framework to issue available cannabis retail outlet licenses to eligible social equity applicants. While I was in the process of recruiting participants for this study, I began the rule development project to establish the first social equity in cannabis program in Washington state. This meant that not only would I be drafting the rules themselves but working closely with community and many others to create a

framework for future applicants to become active participants in creating regulation that might impact them in the future.

I had hoped to interview members of the BIPOC community as part of this research, as well as several pre-legalization dispensary owners and a handful of medical patients. However, as a result of this assignment, and the ethical considerations related to it, I reduced my pool of participants by approximately 50%. I was concerned that my credibility and integrity as a practitioner would be compromised as much as I was concerned about the conflict of interest that I perceived would be present if I were to be working with potential research participants in essentially two capacities, but from different perspectives and for different reasons. Based on my experience and education, I knew that trust in government on any level is not a widely or strongly held position of many, and here I would be part of a team seeking not only to build that trust anew but *earn* it. These are two different, but related outreach skills, and more importantly, a process that cannot be rushed.

As a result, I opted to reduce my recruitment pool to include regulators and a smaller group of non-regulators with subject matter expertise that would not be directly involved in social equity program rule development. Although I do not believe that this impacted the outcome of this research, I view it as a limitation in terms of my ability to deeply explore the breadth, depth, and contours of change related to social equity and justice.

Creation of One Learning History Artifact

Further, as noted throughout this work, this is the first study of its kind using a rather uncommon but powerful action research methodology, and this research produced only one learning history artifact. Given the flexible nature of the method, combining the experiences of the three states involved in early cannabis legalization made sense as a starting point for this

topic and from this perspective. It also made sense from a logistical and resource perspective since I am a research team of one and learning history methodology is time and resource intense. Although generalizability is not the primary goal of this research or the method, this approach resulted in a learning history artifact that focused primarily on Washington state, and to a lesser degree on Oregon and Colorado. This does not diminish the impact or substance of the shared experiences memorialized in the artifact, but it does not offer learning history artifacts that may be of focused use for Oregon and Colorado. Creating a research team might be helpful for future Learning Historians when researching multiple states or entities is a research goal.

Data Limitations Based on Stigmatization

Finally, I raise both a limitation and concern related to the subject of this research, and I take a bit of privilege to do so. We, as a society, spend an inordinate amount of time making sure that we both proclaim our uniqueness while simultaneously invoking our separateness to maintain that uniqueness. This occurs on multiple levels. As I write, I am listening to correspondents reporting on the eleventh day of the current Russian invasion of Ukraine, where establishing the difference between “us” and “them” has taken a horrific turn. In the context of this research, that difference is related more to those who were impacted by the war on the drugs and the associated stigma that I’ve briefly discussed here.

This fixation on silencing the “other” resulted in my inability to access and understand the history of cannabis legalization through the eyes of many people before legalization occurred. This is a different dimension than I noted above in that there are and have been thousands and thousands of medical cannabis consumers who, based upon cannabis stigmatization, have never shared their stories and perspectives. Instead, those stories are shared through others or in general terms through people like me trying to stitch together pieces of a

story based on second or third hand accounts, experiences, and whatever can be found in media. Adding those voices may have offered more dimension to this the narrative and our understanding. Unfortunately, those stories may be permanently lost.

Implications

Consider the Colors of Complexity

This research contributes to our understanding of complexity theory in several ways, but primarily, it suggests careful consideration of the lens through which we view complexity. Perhaps more importantly, who is on the other side of that lens.

As I have noted above, regulatory agencies are subject to laws and rules that govern and frame their work. Without veering into a brief history of the United States in the style of Howard Zinn, there seems to be general agreement that these laws and rules are promulgated in a system created by colonists seeking to be break away from British autocracy. While that system was based on a vision representative democracy, a bicameral congress, judicial and executive branches of government, and separation of powers, it was reflective of it time and creators. Bluntly, it was the narrow vision of white males designed to preserve the political power and dominance of white males who were slave owners (Hannah-Jones et al., 2021). Although the United States government has slowly started to become more representative of its population, its institutions and structures, its laws, rules, and the process by which these are promulgated, have largely remained unchanged. Drug policy is part of this static collection.

This means that current law and statute have an institutional memory that repeats itself, creating a pathway for the survival of institutional and structural racism. Such repetition has resulted in efforts like in the war on drugs, the weaponization of cannabis, and more recently, voter suppression laws, among others. Implementing these policies falls to regulatory agencies,

and this is where the cycle has an opportunity to repeat itself. I would offer that this research suggest that it does not have to. What does any of that have to do with complexity theory?

Complexity theory, as this study suggests, was designed primarily to explain the interactions, reactions, and behaviors of inert systems, both CPS and CAS (I refer to these in Chapter V: complex physical systems and complex adaptive systems). As I have noted, these refer to systems that are *not human*, such as chemical systems, the stock market, and tropical rain forests, to provide some examples. Through its extension to other disciplines however, many have offered that complexity theory resonates, as Prigogine noted, in other ways. We can agree that government is complex, and that regulatory systems are complex. What we do not recognize is that this stream of agreement not only dehumanizes these systems, but extends the concept of complexity, which is a systems theory, to humans, who are not systems in the sense that Prigogine and J. Holland intended. Some might argue that this is necessary because in context, governmental entities should remain impartial, unbiased, and nonpartisan. Indeed, this is the very paradox of the way these systems operate in practice, underscoring the tension between macro and micro systems, or structure and agency as I've explored here. However, when we recognize agency within these systems, and this research suggests that agency indeed is present and demonstrated in complex regulatory systems, the very nature of complexity changes dramatically.

This research suggests that instead of complexity only describing the arrow of time or the properties of inert *systems only through the multi-dimensional systems lens*, it also recognizes, describes, and foregrounds the *multi-dimensional aspects of human agency within those systems*. Here, dialogue, relationship, and the complex *human* interactions between regulators and the regulated become the focus, not the systems themselves. In this way, complexity might be

considered a partner in interactive change rather than an ambiguous abstraction implying systems instability that must be corrected and controlled by someone designated as a “leader.” Indeed, it is these multi-dimensional, human interactions that give systems their texture, depth, and shape. These human systems, however, are not monotone.

As we rethink the ways complexity can be leveraged in partnership, I would offer that we consider from what perspective that leverage comes. Moving the thinking of this research forward in a way that may lead to socially equitable conditions requires us to remove the current monotone lens through which we might view complexity. In doing so, we may be able to better appreciate and honor the richly colored rainbow that is embodied in the human experience and interaction that makes these systems what they are. Taking this approach moves us toward recognizing the humanity of our fellow human beings by moving beyond a staged and monotone daguerreotype taken from a distance, to a wide lens portrait that captures all of the rich colors, dimensions and textures that represents us all.

Agency in Complex Regulatory Systems

This research introduces the concept of agency in complex regulatory systems. Engagement, relationship building, and dialogue are not generally recognized as features of regulatory or bureaucratic systems. Concepts of interactive trust, interactive stakeholder engagement, cross systems pollination and interactive change also are not associated with regulatory or governmental systems. Here, I have suggested that we open our thinking and expand our discussion around agency and structure, considering what the recognition of agency in complex regulatory systems might mean for future policy and regulatory development. The interconnectedness and intersection of macro and micro systems I discussed in Chapter 5 may be a link helping us build pathways toward realizing social equity in regulatory systems.

Such a discussion might expand on this research by further exploring how an abstraction like complexity interacts with human behavior. The present research suggests that complexity may not fully capture or explain human dynamics in complex regulatory systems. While I am not suggesting that complexity theory does not resonate with other disciplines, this study suggests that there seems to be more than a fleeting indication that complexity theory might be better applied in venues and in ways described by Prigogine, J. Holland, Pollitt, Stacey, and others. A systems level analysis, as offered in this work, can be expanded upon, may assist in future research and analysis, and help us to better understand complexity in other contexts.

Interactive Trust

This research introduces the concept of interactive trust into leadership, change and public administration discourse. In the present research, such trust was built through collaborative engagement in interactive spaces resulting in systems merging and coordinating in ways that maintained and acknowledged existing structure. The concept of interactive trust seemed to underlie and bolster the ability for future engagement, as well as the quality, quantity, and success of such engagement.

I would offer, however, that there is an additional component that might be explored in future research, and this pertains specifically to social equity. If we are to be truly committed to equality—a tenet on which the United States was arguably committed since its founding—then building interactive trust in our public processes might help us move toward creating more socially equitable laws and regulations. When all citizens are offered full participation and feel included and valued—experiencing a sense of belonging—in public processes, then the confidence to fully participate and know that one will be heard in those processes increases. (Coffman & Gordian, 2021). Such a sense of belonging, built on trust, can help us better

understand the people we serve, and in context, allow us to begin to meaningfully move toward right the wrongs that resulted from the war on drugs.

Yet, we are naïve if we think that this will occur just because we host a meeting and invite BIPOC communities or send out a document by email and ask for comment or send out a survey; *we must earn it* (Hudak, 2020, emphasis added). “Belonging, support, and trust are interconnected and mutually reinforcing—improving or undermining one affects the others,” and citizens will not wish to participate if they feel that the results are “rigged” (Coffman & Gordian, 2021). This underscores the importance of interactive engagement, a safe, interactive space in which to participate, and government officials with the empathy and compassion to recognize the humanity of others.

This is hard work. It is humbling work. *It is necessary work*. This research begins to describe the ways that interactive trust can be developed and supported in complex regulatory systems in ways that may lead to socially equitable conditions.

Recommendations

Reconsider the Contours of Leadership and Change

As a result of this work, “I join the raft of other leadership theorists who consider leadership to be a socially constructed phenomenon” (Ladkin, 2010, p. 21). Indeed, Sinclair notes that “leadership should be aimed at helping to free people from oppressive structures, practices and habits encountered in societies and institutions, as well as within the shady recesses of ourselves. *Good leaders liberate*” (Sinclair, 2007, p. xv). Sinclair goes on to suggest that in order to do that, we need to liberate “leadership” thinking from its current narrow confines. I would agree with that suggestion.

On that premise, I offer that “leading” change in complex regulatory systems resembles a combination of guidance, participation, collaboration, and engagement more than it does any current form of leadership or a theory of leadership. I would also offer that we re-examine the social construct of “leadership” by first taking a hard look at whether we are truly experiencing a new “age of uncertainty” (Grint, 2022, p. 1), or as Uhl-Bien et al. (2007) describe it, a knowledge age unlike any other. Perhaps this uncertainty has existed all along, but we were unaware of it, or in the alternative perhaps it has changed as populations have grown. I would suggest that we need to take a look at whose uncertainty it is.

How change is “lead” in the context of this research does not appear to be directly related to the social construct of “leadership.” This study demonstrates that change is largely based on collective systems behavior rather than a single act by a single person. Sometimes that behavior is democratic in nature, and other times more forceful.

“Leadership” that might result in change is something entirely different, however. This is evidenced by Nixon’s singular decision that drugs were “public enemy number one” and then declaring a war on drugs. Change, on the other hand, occurred when Washington state voters challenged that act of “leadership” and collectively decided that such a war was not in the public interest. One might conclude then, that “leadership” is fundamentally anti-democratic based on its stress on individual responsibility and authority, and its focus on the skills and attributes that a person needs in general to be a “leader” to fit in a special class of heroes, great men, complexity thinkers, transformers and even servants. Indeed, and as Rosenhead et al. (2019) point out, these approaches support the “dangerous delusion” (p. 14) that people whose job is to “decide where an organization is going, and to make decisions designed to get it there” (p. 14) might actually be relying on the very checklists that frame these types of leadership styles.

I suggest that we begin to approach and think about leadership and change differently by exploring and considering the possibility that leadership may at times more closely resemble management and coordination than it does the leadership constructs I've previously mentioned. In this study, participants relied on their designated authority to do *something*, to engage in activities or behaviors and encourage others to engage in activities and behaviors that ultimately lead to change. Yet, what they described did not align within the rubric of "leadership" as it has been described in literature to this point. Perhaps this underscores the potential of leadership as a participatory, rather than observational construct.

Finally, as I noted in Chapter 5, not all "change" is created equally. It seems that the subject of change is generally approached as if it is a one-dimensional event. I introduced the concept of "interactive change" in the context of this study because it described a unified action where change happened *with* rather than *to* participants. Like complex systems and human interactions, I would offer that change is multi-dimensional, and we may benefit from considering approaches that extend beyond simply "leading" change, to working *with* the people impacted by and the processes involved in change.

Consider the Potential of Leaders as Participants in Change

I would suggest that we recognize leaders as *participants in change*, not as objective observers, who engage in co-learning, co-creating processes as new ideas, or in context, regulatory structures are created. This shifts focus from an artificial, social construct of "leadership" or "leaders" and refocuses on relationships and interactions that lead to change. We can then concentrate on strengthening those connections to build interactive trust, rather than creating more theories that may or may not consider both structure and agency, or the power dynamics associated with the tussle between them. We can also consider how such theories or

approaches may be anchored or situated in structural or institutional privilege that may not lead to equity or fairness, but instead maintains the status quo.

Reconsider the Role of Complexity

In this study, participants *moved with the complexity of the systems* of which they were a part, leveraging that dynamic movement toward a trajectory of change, even though it was unclear what the final result might be. In this way, complexity became part of the process of change rather than the action of a single or multiple persons identified as leaders. I would offer that this demonstrates how complexity is experienced in practice and serves as a foundation and backdrop for further research and practical application.

However, I cannot over emphasize that even though complex systems are considered to be multi-dimensional, this perspective is narrowed through the lens of viewing systems as inert. Systems are also human, and this increases and changes the multi-dimensional nature of the system and the nature of complexity. If we ignore the human agency of such systems, we miss important nuances and signals that help us understand and interact with, between and across these systems.

Recognize and Center Agency

As noted throughout this work, there is a perception that governmental action or failure to act is based on a command-and-control model dating back more than a century. It was a model developed during a time when thinking and world view aligned more closely with Newtonian ways of knowing and being that sought to create and maintain certain societal order. Yet, in doing so, many were dehumanized and marginalized, and this work has touched on how that happened in relation to drug policy. This study also focused on the ways that regulatory agencies approached operationalizing the first efforts to deconstruct those harmful policies.

Considering agency to be a part of macro systems in context was the most unexpected concept emerging from this study. I would offer that it is also the most important, as well, and suggest that rather than viewing Mandela's "ideals" of tolerance and respect for others as aspirational, we continue to find ways to build interactive trust in recognizing the humanity of our fellow human beings. This study suggests that even those who find themselves working within a bureaucratic system that is based on dehumanization have the capacity to recognize agency across all systems. In recognizing this agency, or in Marshall's words, our fellow human beings, we may be able to move toward systems, processes and engaging with each other in ways the lead to socially equitable conditions. Although this case study was just one example, or a snapshot in time of how that may be possible in complex regulatory systems, I suggest we consider how such recognition may find its way into our academic, practical and personal dialogue.

We cannot disassociate our humanity from our work, nor should we. We also cannot ignore the humanity of those we serve. In doing so, we pay ourselves—and each other—the highest tribute, and we can begin to move toward a more socially equitable society. To do that, I suggest that we, in the words of a participant, "shut up and listen."

Closing Reflection

My interest in complexity theory piqued when I was beginning the research required to complete my capstone project for my master's degree in public administration. I had hoped to conduct a case study on indigent defense reform in Washington State, but the individuals involved in policy implementation at the local level were not keen on participation. Rather than focusing on the policy itself, I shifted into understanding the impetus and history of the policy, how it was experienced in practice, and whether it had resulted in its intended effects.

In retrospect, it was a much, much smaller version of the present work in terms of its participatory action research approach. It was also the beginning of my interest in thinking about complex systems and complexity theory in ways that I had not previously considered, and certainly, beyond what literature seemed to offer. The more I studied and researched complexity and its application, the more I noted what seemed to be an expanding gap between theory and practice.

I hope this work begins to narrow that gap, and offers ways to think about leadership, change, and complexity differently than we may have before. I also hope that I have begun to move our thinking towards how we might lead change in socially equitable ways that may ultimately result in socially equitable conditions.

I am hopeful because I practiced some of what I've recommended here. As I have noted, I have been involved in writing the first set of rules to frame Washington's first social equity in cannabis program. Part of that work has involved building relationship with communities that were left out of the first cannabis licensing opportunities available in Washington state based on a variety of factors, many of which I've mentioned here. To begin a dialogue and work toward healing and building trust, WSLCB hosted three virtual listening sessions starting in September 2020.

These sessions were difficult. There was much anger expressed toward the agency, including accusations of structural, institutional, and individual racism. These sessions occurred in the context of the time: during a pandemic, shortly after Seattle had been the scene of racial rioting and social reckoning; during a time of mourning and outrage for George Floyd, Breonna Taylor, Ahmaud Arbery, and so many others. Community sentiments were passionate, opinions were strongly asserted, deeply felt, and profound. Although I did not participate in the sessions, I

listened and watched closely. The grief, agony, indeed, the trauma of being Black and Brown in the United States at that moment, and really every day weighed heavily and more urgently than before. My sorrow in knowing that none of what I heard was new was the most troubling aspect of the sessions.

Fast forward a year and a half. Several Social Equity Task Force meetings had been held and were ongoing, recommendations had been offered to Governor Inslee's office and our agency, and it appeared that the aspirations and mandates of HB 2870 were on their way to being realized. In early March 2021, my colleagues and I had completed the first set of draft conceptual rules incorporating those recommendations and making some additional revisions in existing rule to establish the first Social Equity in Cannabis Program in Washington. We were ready to invite all of our stakeholders to offer feedback on the conceptual draft rules during an engagement opportunity that I developed called "Listen & Learn." It is an engagement model that creates what I have identified here as "interactive space" for participants to review draft conceptual regulations, and in a structured way, offer responses. I created this model based on the appreciative inquiry approach and have relied on it for more than three years. It has reframed the way the agency engages in rule development, building on past practice.

Part of the beauty of the model is that those who may be most impacted by regulations become part of their development, expanding on what the agency did to establish the first set of regulations. When regulations become effective, those who must comply with them have been instrumental in their creation, and most concerns about the operationalization of the regulation have already been discussed. In other words, change happens *with participants* rather than through or to them, and the agency truly listens and learns from its constituents.

There was concern that this particular Listen & Learn session could be similar to the original listening sessions held in September 2020. While my colleagues and I recognized that possibility, our concern focused on how failing to offer an engagement opportunity or offering an opportunity that was different in some way than other opportunities would further marginalize and “other” participants new to the process of rule development or new engagement with the agency. For that reason, we hosted a “how to” session a few weeks before the Listen & Learn forum to provide education on the rule development process, answer questions, and offer resources that might help to demystify processes. The “how to” session went well, but few attended.

Even so, the Listen & Learn session was held as scheduled. Over 120 individuals were in attendance. I was the primary facilitator and conducted this forum in the same way that I have previously: respecting the dignity of all participants, honoring, and valuing all contributions, recognizing the importance of my role as a neutral representative of the agency in the process, and modeling the change, *being the change* that I wish to see in the world. Some participants asked pointed questions about the conceptual rules, some offered specific alternative language, and others shared their thinking through storytelling and narrative. *And we listened.* Several themes emerged in this discussion, but the overwhelming undertone was thinking, perceptions and understandings around whether cannabis retail business licenses should be awarded based on race. It was possible that this interactive space could have become hostile. Yet, while words and sentiments did become passionate at times, the conversation remained respectful. The absence of hostility and presence of focus on the subject matter was clear, and when I invited participants to offer closing remarks, a gentleman offered, “Thank you for listening to us today.”

While this may seem to be a small step toward positive engagement between a regulatory agency and those it regulates or may regulate in the future, it demonstrates how Mandela and Marshall's words can be realized in practice, and how notions of building interactive trust through dialogue can lead to the kinds of relationships that may lead to socially equitable conditions.

Conclusion

This concluding discussion focused on what I've learned about how change might be lead in complex regulatory systems in ways that lead to socially equitable conditions. There is not a conclusive answer to this question, but instead, I offered general discussion, and expanded on two emerging empirical concepts that contribute to thinking around leadership, change, complexity, and approaches to achieving social equity.

There does not seem to be any linkage between complexity leadership theory (CLT) and the act of leadership, nor does there does not seem to be any linkage between leadership and complexity. Through a social equity lens, CLT's "adaptive responses" may align with complexity theory metaphorically, but in practice, ignores human agency to the extent that it may widen knowledge and resource gaps because it has the potential to privilege knowledge. This approach does not promote social equity, and the participants of this study did not rely on it, even unknowingly, in practice.

Further, leadership, the act of leading, and the title of "leader" are social constructs that seem to be connected to context, location and the person or people involved. In the context of this research, participants did not identify as "leaders" but instead identified as part of a group of people, or one of many in a system of interacting parts, referred to as "we." While participants possessed the authority to do *something* to offer support, management, and coordination in these

systems, it was more akin to management than it was to being a hero, charismatic, transformational or a servant. While this underscores potential differences between leadership and management in public and private industry, it also highlights the less than solid relationship leadership has with the abstract concept of complexity.

Instead, complexity arises from the nature of dynamic, human engagement between complex systems, such as participatory action, relationship, and dialogue. This dynamic is the result of interactive trust and begins to shift focus from how we might lead change as an action, to a more human-focused approach that acknowledges agency. This research demonstrated that if we are to understand the properties and characteristics of a complex system, we must actually interact *with* its agency, rather than *through* it. In this way, complexity can be viewed as a dynamic partner in change, rather than something that is leader-controlled to result in a certain outcome. While the present research suggests that complexity theory was not necessarily designed to capture or explain human dynamics in complex regulatory systems, it may serve to our thinking around the process of change.

Viewing complexity through this lens, we can move toward considering the potential of a participatory leadership approach, where those recognized or titled as leaders become participants, rather than objective observers of change. This allows us to consider how we might move with and guide system complexity as a process rather than an action, and foreground agency in a way that recognizes the humanity of the people within complex systems, including ourselves.

I conclude by offering that in my context, there is so much work to be done. As a participant noted, legalization of cannabis was the first, but not the last blow against the war on drugs. I offer a sentiment, based on the wisdom of Mandela: I can take a moment to rest, but the

road to building trust in a way that leads to socially equitable conditions is long and comes with great responsibilities. This small contribution is only one of many, many steps to come.

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Appendix

Appendix A: Complex Systems Properties and Characteristics

Properties Connected to Objective Processes and Outcomes	Characteristics Connected to Subjective Values and Human Behaviors
<p>It also made it very very difficult for the regulator coming in to have to deal with the conflicts that were established by that initiative, of the only regulated marketplace out there and not very regulated. (P11)</p> <p><i>Historian note: describes dealing with conflict or conflict resolution related to an objective process of creating regulation.</i></p>	<p>The, the lack of control, feeling, feeling like they [legacy market] don't have control um in terms of who's growing it. (P3)</p> <p><i>Historian note: describes perceived loss of control, or weakening of current market as a result of legalization.</i></p>
<p>It's a pretty tremendous um night and day difference between what was and what is and who has power and who doesn't. And honestly, who has power are the same people that have always had power. (P3)</p> <p><i>Historian note: describes perception of power as a property legislative bodies, regulators, similar officials, or governmental system generally.</i></p>	<p>And they were afraid to ask questions because I think they thought we would disqualify them in some manner if they didn't know what they were doing, which I think at one point I got across a couple of them. (P5)</p> <p><i>Historian note: describes lack of trust and lack of government process and expertise.</i></p>
<p>Culturally, you have an agency that for so many years has a certain approach to cannabis and keep in mind throughout this entire period it remains a Schedule I controlled substance illegal under federal law. Yet we have a different perspective due to our state constitutional and legislative mandate. That's hard to reconcile. And that's a hard change culturally. (P2)</p> <p><i>Historian note: describes approach as "certain" suggesting an objective approach to regulation and enforcement.</i></p>	<p>It was pretty strange asking people who were working, um, in the illegal marketplace to come in and talk to us about the illegal marketplace. It was a well-organized black market that existed. Um, but just standing and talking to people and eventually is, well, come and look and we'll show you what we do. (P5)</p> <p><i>Historian note: describes subject matter expertise in the unregulated market that had not been formalized; largely shared through word of mouth, community, informal channels.</i></p>
<p>Then, you have regulators writing rules who I don't know who they were before, but they didn't have the experience that, at least, I had in seeing them implemented. I think people who are being charged of putting rules into place are out of touch. If they have not actually lived the regulated world and I think even an enforcement person could probably write better rules because they've been on the ground and they understand it. (P5, similar comment from P9, P10)</p> <p><i>Historian note: describes lack of subject matter expertise or being out of touch with industry; creating regulation with no knowledge.</i></p>	<p>That interconnectedness that this industry lacks. [B]ecause in when it was, you know, underground, you didn't wanna raise your head up too high and call attention to yourself. So, why are you gonna create vast networks of information? (P3)</p> <p><i>Historian note: describes lack of interconnectedness, networks, relationships within unregulated market.</i></p>

<p>Power seemed to be held by the suits. (P7, similar comment from P9)</p> <p><i>Historian note: describes perception of governmental power and authority as inherent to system.</i></p>	<p>The loudest group was the medical people that were claiming we're damaging the rights of medical patients. Um, I come to find out this group of people really weren't involved in the medical marijuana thing at all. They were anti-government taking control of the product. (P5)</p> <p><i>Historian note: describes anti-regulation or opposition to governmental authority.</i></p>
<p>I was labeled because of my background. I was identified of having kind of a myopic perspective that was enforcement oriented. (P10)</p> <p><i>Historian note: describes marginalization and stigmatization based role within the system.</i></p>	<p>You had groups or people were really excited because they had won the lottery, so to speak. You know, they are on the list to get, um, a grow license or to open a store to be a processor. You had people in the medical community that felt they were being excluded. So they were angry. Um, really angry at times. In fact, there was one meeting at Saint Martin's College and somebody threw a shoe at the board. So, I mean, those people are angry. (P5)</p> <p><i>Historian note: describes feeling of marginalization based on role within community.</i></p>
<p>We do quite a bit of public opinion research because we wanted to make sure obviously that anything that we were going to put on the ballot was going to pass. (P1)</p> <p><i>Historian note: describes an objective process to achieve a specific outcome.</i></p>	<p>Um, the quietest group, I think, were the people that didn't have a clue about what the government process was. (P5, similar comment from P11, P12)</p> <p><i>Historian note: describes unfamiliarity with government process as a barrier to meaningful participation.</i></p>

Appendix B: Complex Systems Properties and Characteristics with Systems Levels

MACRO SYSTEM PROPERTIES (Objective Processes and Outcomes)	MESO/MICRO SYSTEM CHARACTERISTICS (Subjective Values and Human Behaviors)
<p>It also made it very very difficult for the regulator coming in to have to deal with the conflicts that were established by that initiative, of the only regulated marketplace out there and not very regulated. (P11)</p> <p><i>Historian note: describes a process that leads to an outcome as a macro system property.</i></p>	<p>The, the lack of control, feeling, feeling like they [legacy market] don't have control um in terms of who's growing it. (P3)</p> <p><i>Historian note: describes concern over impact of higher level decision making or as a characteristic of the micro system.</i></p>
<p>It's a pretty tremendous um night and day difference between what was and what is and who has power and who doesn't. And honestly, who has power are the same people that have always had power. (P3)</p> <p><i>Historian note: describes perception of power as a property of the macro system. This speaks to the higher level decision making that leads to outcomes impacting the meso/micro systems.</i></p>	<p>And they were afraid to ask questions because I think they thought we would disqualify them in some manner if they didn't know what they were doing, which I think at one point I got across a couple of them. (P5)</p> <p><i>Historian note: describes concern over the impact of higher level decision making as a characteristic of the micro system.</i></p>
<p>Culturally, you have an agency that for so many years has a certain approach to cannabis and keep in mind throughout this entire period it remains a Schedule I controlled substance illegal under federal law. Yet we have a different perspective due to our state constitutional and legislative mandate. That's hard to reconcile. And that's a hard change culturally. (P2)</p> <p><i>Historian note: describes approach as "certain" suggesting an objective approach as a property of the macro system.</i></p>	<p>It was pretty strange asking people who were working, um, in the illegal marketplace to come in and talk to us about the illegal marketplace. It was a well-organized black market that existed. Um, but just standing and talking to people and eventually is, well, come and look and we'll show you what we do. (P5)</p> <p><i>Historian note: describes subject matter expertise that generally existed in an informal, social context as a characteristic of the micro system.</i></p>

<p>Then, you have regulators writing rules who I don't know who they were before, but they didn't have the experience that, at least, I had in seeing them implemented. I think people who are being charged of putting rules into place are out of touch. If they have not actually lived the regulated world and I think even an enforcement person could probably write better rules because they've been on the ground and they understand it. (P5, similar comment from P9, P10)</p> <p><i>Historian note: describes lack of subject matter expertise or being out of touch as a property of the macro system. This speaks to the authoritarian perception of the macro system.</i></p>	<p>That interconnectedness that this industry lacks. [B]ecause in when it was, you know, underground, you didn't wanna raise your head up too high and call attention to yourself. So, why are you gonna create vast networks of information? (P3)</p> <p><i>Historian note: describes lack of interconnectedness, or disorganization as a characteristic of the micro system.</i></p>
<p>Power seemed to be held by the suits. (P7, similar comment from P9)</p> <p><i>Historian note: describes power and authority as a property of the macro system. This speaks to the higher-level decision making that leads to outcomes impacting the meso/micro systems.</i></p>	<p>The loudest group was the medical people that were claiming we're damaging the rights of medical patients. Um, I come to find out this group of people really weren't involved in the medical marijuana thing at all. They were anti-government taking control of the product. (P5)</p> <p><i>Historian note: describes concern over higher level decision making as a characteristic of the micro system.</i></p>
<p>I was labeled because of my background. I was identified of having a myopic perspective that was enforcement oriented. (P10)</p> <p><i>Historian note: describes marginalization and stigmatization as property of the macro system. This may</i></p>	<p>You had groups or people were really excited because they had won the lottery, so to speak. You know, they are on the list to get, um, a grow license or to open a store to be a processor. You had people in the medical community that felt they were being excluded. So they were angry. Um, really angry at times. In fact, there was one meeting at Saint Martin's College and somebody threw a shoe at the board. So, I mean, those people are angry. (P5)</p> <p><i>Historian note: describes marginalization as characteristics of the</i></p>

<p><i>be related to the perception of power wielded by this system.</i></p>	<p><i>micro system. This may speak to the individual relationship occurring at this level.</i></p>
<p>We do quite a bit of public opinion research because we wanted to make sure obviously that anything that we were going to put on the ballot was going to pass. (P1)</p> <p><i>Historian note: describes an objective process to achieve a specific outcome as a property of the macro system.</i></p>	<p>Um, the quietest group, I think, were the people that didn't have a clue about what the government process was. (P5, similar comment from P11, P12)</p> <p><i>Historian note: describes unfamiliarity with government process as a characteristic of the micro system.</i></p>

Appendix C: Recruitment Email

Hi there,

This is Kathy Hoffman, and I am a doctoral candidate at Antioch University's Graduate School of Leadership and Change and I am also an employee of the Washington State Liquor and Cannabis Board. I would like to invite you to participate in my research study that is in no way connected to my role at WSLCB, funded by WSLCB, or supported by WSLCB. My dissertation research study is being conducted to fulfill the requirements of my doctorate work that seeks to understand how you experienced the complexities of cannabis regulation and explore if it may be regulated in a way that leads to socially equitable conditions. I am reaching out to you because you meet the criteria for the participants I'm seeking – you work for the (WSLCB/OLCC/MED) and have since legalization in your state.

As a participant, you will be asked to engage in private interviews with me, and at least one group session that brings all participants together to review an analysis of our collective feedback. I want to make sure that you know that when I conduct this research, I am acting in my capacity as a doctoral student, and not as an employee of WSLCB. I might need to remind you of that as we work together, and I encourage you to remind me of that, as well. I will not use any WSLCB resources for this research, including equipment, facilities, or anything else.

The risks of this dissertation research to you are no greater than those you might encounter every day. I anticipate that participants will benefit from interviews by being offered an opportunity to reflect on their accomplishments, share perspectives, and discuss contributions to the creation, and possible future of cannabis regulation. This dissertation research could serve as one of the first studies of the complexities of cannabis regulation and could be used to inform a broader audience as the nation moves toward national cannabis legalization.

I will only collect information from you, personal or otherwise, that is necessary to conduct this research. That data will be coded so your identity will not be referenced in final research document unless you authorize it. The same is true of quotes – I won't attribute a quote to you unless you authorize it. And, to make sure our communications are as protected as possible, I will only send you encrypted documents from my university email address, to an email address that you indicate. I will not use our business addresses.

Participation is voluntary. You can withdraw at any time.

If you would like to participate in this research study, I will send you a confirmation email and a consent form to sign and send back to me. I will provide you with a signed copy of your records.

If you have questions later, please contact me at _____ or you may contact Lisa Kreeger, PhD,
at _____.

If you have any adverse effects or concerns about this dissertation research, please contact me or Dr. Kreeger at the email addresses above. This dissertation research is approved by the Antioch University Graduate School of Leadership and Change IRB.

Appendix D: Confirmation of Participation

Hello (name),

Thanks for speaking with me about my research. This email serves to confirm that conversation and your willingness to participate in this study.

To recap, I am a doctoral candidate at Antioch University's Graduate School of Leadership and Change.

I have invited you to participate in my research study to understand how you experienced the complexities of cannabis regulation and explore if it may be regulated in a way that leads to socially equitable conditions. I am reaching out to you because you meet the criteria for the participants I'm seeking – you work for the (WSLCB/OLCC/MED) and have since legalization in your state.

As a participant, you will be asked to engage in private interviews with me, and at least one group session that brings all participants together to review an analysis of our collective feedback.

The risks of this research to you are no greater than those you might encounter every day. I anticipate that participants will benefit from interviews by being offered an opportunity to reflect on their accomplishments, share perspectives, and discuss contributions to the creation, and possible future of cannabis regulation. This research could serve as one of the first studies of the complexities of cannabis regulation and could be used to inform a broader audience as the nation moves toward national cannabis legalization.

I will only collect information from you, personal or otherwise, that is necessary to conduct this research. That data will be coded so your identity will not be referenced in final research document unless you authorize it. The same is true of quotes – I won't attribute a quote to you unless you authorize it. And, to make sure our communications are as protected as possible, I will only send you encrypted documents from my university email address.

Participation is voluntary. You can withdraw at any time.

A consent form is attached to this email for you to sign and send back to me. I will provide you with a signed copy of your records.

If you have questions later, please contact me at _____ or you may contact Lisa Kreeger, PhD, at _____.

If you have any adverse effects or concerns about the research, please contact me or Dr. Kreeger at the email addresses above. This research is approved by the Antioch University Graduate School of Leadership and Change IRB.

Thank you for the contribution of your valuable time for this important research. I am looking forward to working with you.

Appendix E: Dissertation Research Study Consent Form

Dissertation Title: Toward Socially Equitable Conditions: Leading Regulatory Change in the Era of Cannabis Law Reform Project

Investigator: Katherine Hoffman Dissertation

Chair: Dr. Donna Ladkin

1. I understand that this dissertation research study is of a research nature. It may offer no direct benefit to me.

2. Participation in this dissertation research study is voluntary. I understand that I may refuse to enter it or may withdraw at any time without exposing myself to or creating any harmful consequences. I understand also that the investigator may remove me at any time from the study.

3. The purpose of this dissertation research study is to:

- Understand how complexity is engaged and experienced in complex regulatory systems; understand what the practice of leadership looks like when engaging with such complexity;
- Understand how the history and story of cannabis legalization told from the perspectives of regulatory pioneers can help us to understand the ways in which that complexity was navigated, including an exploration of social justice dimensions; and
- Memorialize the story of cannabis legalization in the United States from the perspectives of early adopters by creating a living learning history artifact that serves not only as a historical tool but supports movement toward a sustainable “yes/and” organizational culture.

4. As a participant in the dissertation research study, I will be asked to take part in individual interviews, and at least one group session to reflect on the learning history with other interviewees. Participants in the dissertation research study will take up to ten hours of my time and will take place in either a virtual space, such as Zoom or in person, consistent with state and federal guidance and best practices. I understand that the Zoom meetings will not be video recorded, but the audio will be recorded for purposes of transcription, and that the audio recordings will be encrypted before the researcher sends them for transcription, and that once that is complete, the audio recording will be destroyed.

5. The risks, discomforts and inconveniences of the interviews and group session might result in some psychological distress as challenging or difficult experiences are remembered and shared, including decisions made and how those decisions impacted current and future work; self-evaluation and reflection on the impacts of those decisions may also result in some psychological distress.

6. The possible benefits of the dissertation research study for me are indirect. The interviews conducted during this dissertation research study offer an opportunity to reflect on

accomplishments, share perspectives, and discuss contributions to the creation, and possible future of cannabis regulation. More directly, however, this dissertation research study has the possibility to serve as one of the first studies of the complexities of cannabis regulation that can be used to inform a broader audience as the nation moves toward national cannabis legalization.

7. Personal identifiers will be removed and the de-identified information will not be used for future research.

8. Information about the study was discussed with me by Katherine Hoffman. If I have further questions, I can call her at XXX-XXX-XXXX.

9. The purpose of this study is primarily to fulfill a requirement to complete a dissertation, which is a research project, at Antioch University. The results of the study may be used in future scholarly publications and presentations.

10. I understand that Katherine Hoffman is both a doctoral student and an employee of the Washington State Liquor and Cannabis Board. I understand that when conducting this research, she will be acting in her capacity as a doctoral student, and not an employee of the Washington State Liquor and Cannabis Board. For that reason, I agree to contact Katherine Hoffman through her email address at _____, or her personal cell phone at XXX-XXX-XXXX. I agree to provide an email address and contact information that is not connected to a state or other governmental agency for purposes of this research.

11. I understand that interviews will not occur during regularly scheduled business hours or in any WSLCB or OLCC facility to protect the agency and myself from the possibility of accidental or unintentional public disclosure through either state's public records acts. If you have any questions about the study, you may contact Katherine Hoffman at XXX-XXX-XXXX or via email at _____. If you have any questions about your rights as a research participant, you may contact Lisa Kreeger, PhD, email _____ or Laurien Alexandre, PhD, Provost and Special Assistant to Chancellor, email _____.

Date: _____ Signed: _____

Appendix F: Permission Letter A



Washington State
Liquor and Cannabis Board

July 9, 2021

Antioch University Institutional Review Board
Attn: Dr. Lisa Kreeger
900 Dayton Street
Yellow Springs, OH 45387

Dear Dr. Kreeger:

Please note that Katherine Hoffman, Antioch University Graduate School of Leadership and Change doctoral candidate, has the permission of the Washington State Liquor and Cannabis Board (WSLCB) to conduct research about our agency for her participatory action research project, "Toward Socially Equitable Conditions: Leading Regulatory Change in the Era of Cannabis Law Reform." I understand that Ms. Hoffman's research is being conducted to fulfill her requirements for the completion of a doctoral degree concerns exploring how complexity is engaged and experienced in complex regulatory systems, and what the practice of leadership looks like when engaging such complexity. I also understand that the research seeks to rely on the history and stories of cannabis legalization from the perspectives of the first states to regulate cannabis to better understand the ways in which complexity is navigated, including an exploration of social justice dimensions. I understand that I may request a copy of the Antioch University IRB informed consent document at any time.

Ms. Hoffman will contact WSLCB employees to recruit participation by telephone. Interviews will not be conducted in any WSLCB facilities, and no other type of data will be collected at WSLCB facilities. Ms. Hoffman will be permitted to interview employees during non-work hours, off-site, using non-WSLCB equipment. WSLCB will not provide any compensation for this research, and interviews are anticipated to be concluded by September 1, 2021. I further understand that the audience for this research is primarily academic, but there is the potential for it to be used by other states considering or in the process of cannabis legalization. I understand that WSLCB may be identified in the research, but that participants will not be, instead being referred to as Participant A, Participant B, etc. I understand that participant contributions, including direct quotes, may be used in the dissertation with participant permission, and may become part of the published final product.

If there are any questions, please contact my office.

Sincerely,

Rick Garza
Director

Appendix G: Permission Letter B



Oregon

Kate Brown, GOVERNOR

Liquor Control Commission

9079 SE McLoughlin Blvd.
Portland, Oregon 97222-7355

503-872-5000

800-452-6522

www.oregon.gov/olcc

July 13, 2021

Antioch University Institutional Review Board
Attn: Dr. Lisa Kreeger
900 Dayton Street
Yellow Springs, OH 45387

Dear Dr. Kreeger:

Please note that Katherine Hoffman, Antioch University Graduate School of Leadership and Change doctoral candidate, has the permission of the Oregon Liquor Control Commission (OLCC) to conduct research to about our agency for her participatory action research project, "Toward Socially Equitable Conditions: Leading Regulatory Change in the Era of Cannabis Law Reform." I understand that Ms. Hoffman's research being conducted to fulfill her requirements for the completion of a doctoral degree concerns exploring how complexity is engaged and experienced in complex regulatory systems, and what the practice of leadership looks like when engaging such complexity. I also understand that the research seeks to rely on the history and stories of cannabis legalization from the perspectives of the first states to regulate cannabis to better understand the ways in which complexity is navigated, including an exploration of social justice dimensions.

I understand that I may request a copy of the Antioch University IRB informed consent document at any time.

Ms. Hoffman will contact OLCC employees to recruit participation by telephone. Interviews will not be conducted in any OLCC facilities, and no other type of data will be collected at OLCC facilities. Ms. Hoffman will be permitted to interview employees during non-work hours, off-site, using non-OLCC equipment. OLCC will not provide any compensation for this research, and interviews are anticipated to be concluded by September 1, 2021. I further understand that the audience for this research is primarily academic, but there is the potential for it to be used by other states considering or in the process of cannabis legalization. I understand that OLCC may be identified in the research, but that participants will not be, instead being referred to as Participant A, Participant B, etc. I understand that participant contributions, including direct quotes, may be used in the dissertation with participant permission, and may become part of the published final product.

If there are any questions, please contact my office.

Steve Marks
Executive Director

Appendix H: Learning History Artifact

From Prohibition to Production

A Learning History of the Participants in Early Cannabis Legalization

May 17, 2022
FINAL VERSION

Document History

A learning history is designed to be a living document. As Gearty (2007) notes, some are more complete than others. Some histories started early in a process of change, while others occur after the change has happened to inform future direction. More can be added to this history as the story of cannabis legalization continues.

Version	Date	Comments
V1	December 18, 2021	Sent to participants based on descriptions listed below; two-week review.
V2	February 13, 2022	Feedback incorporated
V3	May 17, 2022	Final Version

Learning History

This document is written in the style of a learning history, an action research approach to learning that seeks to bring analysis and story together in a way that has value for those originally involved in a case as well as those seeking to learn from it (Gearty, 2007). Learning history is a type of action research that is “well adapted to complex issues” (Gearty, Bradbury-Huang & Reason, 2015, p. 46), such as cannabis legalization and the subsequent creation of frameworks to regulate it. Action research engages participants and stakeholders as co-researchers often through cycles of action and reflection, so that all involved can contribute both to the questions that will be addressed and to the actions that inform the research.

A learning history is a tool whose goal is to help an organization become aware of its own learning and change efforts (Roth & Kleiner, 1998). *It does this primarily by offering an opportunity for reflection to people whose work life does not allow this.* Its content comes from the people who initiated, implemented and participated in the original change efforts as well as nonparticipants who were affected by them. The learning history is a written document (or series of writings) which makes extensive use of participants' own narratives, as well as outsiders' assessments of the story (Bradbury, 1998, p. 51, emphasis added).

Learning histories have been applied in several private organizations and the NGO sector, as well as organizational settings within local governments in the UK. This research concerns state government in the United States where cannabis has been legalized.

Learning History and Case Study Contrasted

A learning history differs from a case study in several ways. It tries to get at the individual human stories of what happened and aims to present perspectives on a case rather than synthesizing several accounts into one dominant research “truth” (Gearty, 2007). This allows the learning historian to capture the ups and downs of individual experience from those close to the case. Those accounts are not definitive or authoritative, so there will be gaps in detail, and some experiences may be emphasized while others are not. We can continue to build on this story by building on this original learning history in the future and adding additional perspective. This reflects belief that human stories add accessibility to and demystify the happenings in a way that can be more powerful for both the reader and those who have jointly told the story.

Additionally, this is a multi-leveled account. The story is presented chronologically, and quotes are included from those involved, together with the learning historian’s reflection and thematic analysis. The purpose is to create a lively account of the story, but also derive a history that works at different levels. The thematic analysis that appears next to the story provides potential for more conventional theory building to play its part in the research. Sometimes theoretic links are made (Gearty, 2007).

Using an action research approach, attention is focused to the value for the various research participants. These range from those directly involved in the subject of the learning history, to those with a similar set of challenges elsewhere who wish to learn from it to other interested parties including academic audiences or those working in entirely different settings who might also find insights in the history presented here. Thus, this isn’t extractive research, and the learning history is not an ‘output’ but a point around which the research hopes to gather interested parties (Gearty, 2007).

Learning History Creation

A learning history can be described as a “jointly told tale” (Van Maanen, 2011) between an outsider (researcher) and insiders (protagonists). Here, the story started well before cannabis was legalized in the states of Washington, Oregon and Colorado. Interviews were held with people who were close to the various dimensions of legalization, such as what is termed here as the “legacy market” (the cannabis market that existed before legalization, referred to by some as the “illicit market” or derogatorily, the “black market”), those involved in both legislation and regulation, and those who were impacted by legislation and regulation. These interviews were recorded and transcribed by a professional transcription service. The transcripts were sent to participants for review. Once review was complete, transcripts were annotated, sorted by theme, and then sorted again. Through this process, the researcher reflected, drawing on the

annotated transcripts, other research and supporting materials. Drawing from this material, a story line begins to emerge that places emphasis on key chronological moments or phases (Gearty, 2007). This is then textured by presenting those moments next to key themes and reflections that have been identified along with key quotes from the interviews. This is at play with the form of presentation knowing, but also borrows from ideas of presenting a learning history (Bradbury & Mainemelis 2001; Roth & Bradbury 2008) as well as some aspects of narrative inquiry (Connelly & Clandinin 1999). The history of the actual learning, then, is presented in a way that allows learning on behalf of the reader on the reader's terms. This way regardless of where the reader is situated with the learning history – protagonist, scholar, or practitioner – learning agendas can be satisfied to the extent possible.

Theoretical Connection

Where appropriate and relevant, connections to theory are offered in general terms. These relate to the theoretical constructs the researcher sought to explore in the dissertation and beyond. Readers are encouraged to bypass these carve outs in the learning history if they detract from the narrative. These connections are developed in later chapters of the dissertation.

How to read this learning history (Gearty, 2007)

The purpose of this learning history is to “invite” readers into it and to participate with what has happened. In this research, consistent with Gearty's 2007 approach, four types of readers have been identified to guide this process.

The **active reader** is someone exploring the value and relevance of the learning history for their own learning. These readers are invited to find meaning relevant to their own context and experience. As an active reader goes through this this learning history, they are invited to monitor responses, noting events, themes or reflections that resonate or seem familiar to a setting. Please pay attention to things that evoke a visceral response or pique interest. If possible, mark these on your copy and consider whether the learning history has influenced any of your actions, responses, or thoughts, and in what ways.

A **participating reader** is one who has been directly or indirectly involved in the history that is presented here and has been invited to comment.

A **direct participating reader** has been directly involved in some of the events described in the learning history, and with their consent, may be named. This means the researcher has invited you to present your perspectives to the story told here. Some readers may have responses the learning history that range from happiness to great concern around how the story is presented. However, all responses are encouraged. If you are able to add pieces that add an additional story, fills a gap, or adds texture and perspective, please do so. The emphasis on the learning history is building upon, rather than condensing or removing the parts of the story. Although

the learning history as offered here won't be revised, the final products will include input from all participating readers, with the idea that this will create enhance the richness of the story.

An **indirect participating readers** may be familiar with the topic but are not familiar with the human side of it or have not seen the topic presented in this way. These readers can provide perspective on what the topic has meant for them, or what elements of the learning history was interesting, and how it may have shifted their view of the topic. Invitation to indirect participating readers is like an informal gathering to recall an event they participated in, as opposed to a more formal fact-finding meeting designed to assess the importance and impact of the event.

Finally, **indirect, non-participating readers** may be familiar with this topic by way of the dissertation that this learning history will become part of, or as a reviewer on the dissertation committee. These readers are unfamiliar with the topic in general but may be familiar with some of the theoretical constructs and connections noted by the Learning Historian.

Definitions

Authorizing environment: Public sector organizations require authority to deliver on their functions. This authority comes in different forms and from different sources that make up an 'authorizing environment'. There are:

- 'Formal' or 'hard' authorities, like those granted through legislation, budget approvals and a range of statutory, financial, or administrative delegations. These are necessary, but insufficient on their own, to enable an organization to be successful.
- 'Informal' or 'soft' authorities, which are the mission-critical people and organizations that support and authorize the scope of work and the way work is undertaken. This can include the executive branch of government, central agencies, other departments, portfolio agencies and a wide range of stakeholders.

Legacy market: The cannabis market that existed prior to legalization.

Macro system: Large scale entities, affecting entire communities, states or countries, such as governmental systems or organizations.

Micro system: A self-contained subsystem located within a larger system. It generally constitutes the smallest unit of analysis in systems theory.

Underground: A group or movement that functions outside established structures or government.

Key



White thought bubbles contain researcher reflections designed to highlight themes, point to areas of interest, or suggest areas for future discussion.

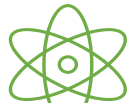
Pink thought rounded squares are quotes from transcripts selected by the researcher that offer a different perspective, experience or understanding of a particular topic or issue.

Light green thought squares include media releases in multiple forms, information publicly available on the internet, and public commentary from multiple domains.

Light blue thought bubbles contain quotes or relevant information from other domains, including but not limited to relevant literature or journals.

Green thought squares are quotes directly from transcripts, identified by unique participant code.

The atomic symbol notes points in the story that highlight the characteristics of complex regulatory systems and theoretical connections.



ORGANIZATION

This learning history is organized chronologically by historical markers that signal specific eras or epochs in the story of cannabis legalization in the United States as described by the protagonists of this story. These epochs are referred to as “Part I,” “Part II” and so on throughout this document. Within each part are chapters that describe an event or series of events that occurred during an epoch. For additional content richness, themes are identified that emerged during interviews and are specific to each part and chapter. Themes serve to highlight a common thought or perception shared by research participants, as well as what may have been offered in media, literature, or other supporting materials unique to that part of the story. For example, Part I is designed as follows:

- Part I: Pre-legalization.
 - Chapter 1: Legacy Landscape and Prohibition
 - Theme 1: The legacy landscape is multidimensional and inherently complex
 - Theme 2: Power within the overall systems was not evenly distributed
 - Chapter 1: I-502 Isn’t What you Think
 - Theme 3: Macro/Micro Systems Meet and Aren’t Instant Friends

The final marker – closing words – represents a culmination of participant observations and reflections about what the future. It also represents the point at which organizations can use this learning history as a tool to inform and design those future constructs. This is a story that is very much in progress, and for that reason, this learning history does not have a conclusion. We’re still writing the story.

PART I: Pre-Legalization



“We’ve been farming indoors forever because it was underground, right?”

-P3

Chapter 1: Legacy Landscape and Prohibition

When: 1990 - 2010

Where: Washington State, Western United States

What: Plant, weapon, medicine, commerce, or danger?

A quasi-commercial market for the cultivation and distribution of cannabis for both medical and adult use existed long before discussions of decriminalization and legalization gained traction. These markets were characterized by participants as illicit, “legacy,” or “gray” based on their relationship with cannabis, understandings and perceptions of its status as a substance, and position within the authorizing environment. Here, these markets are referred to as legacy markets.

“...because people saw it as treatment first and foremost.” – P3

Cannabis was recognized by many in the legacy market as medicine. Multiple sources described how cannabis was recognized as a therapeutic product to manage symptoms of debilitating disease or illness, such as multiple sclerosis, cancer, and wasting from AIDS.

However, there are equally as many stories and sources describing the effects and harms of cannabis prohibition on those who relied on it for pain relief, and those who were impacted by it merely by virtue of their membership – or appearance of membership - in a racial group. There are just as many sources characterizing it as a dangerous gateway drug that exposes those who consume it to a variety of adverse and dangerous effects, such as paranoia, memory loss and interruption of brain development.

To raise awareness of the harms associated with prohibition, as well as other issues related to both hemp and marijuana policy, an activist group called the Seattle Peace Heathens organized the first Seattle Hemp Expo in 1991. This would later become Seattle Hempfest. Hempfest signals a period in the story of legalization where energy, momentum, and organization began to build around speaking out against cannabis prohibition.

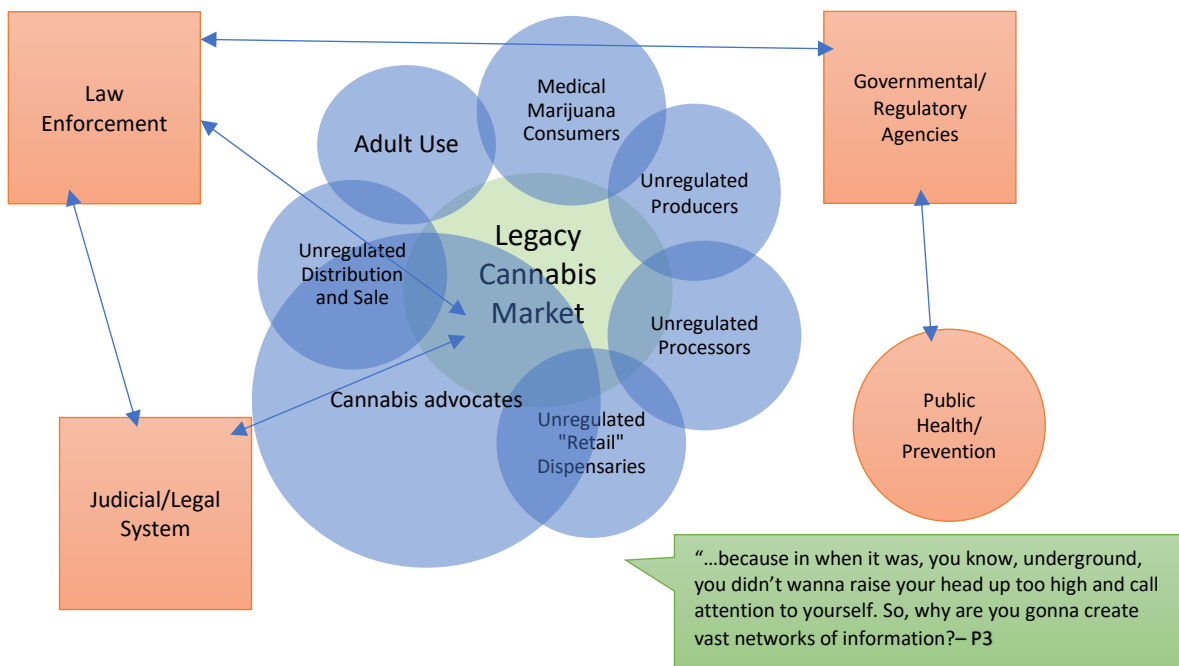
Theme 1: The legacy landscape was multidimensional and inherently complex

Legacy cannabis markets offered an opportunity for unlicensed producers/processors and retailers to interact directly with consumers to discuss the ways that different cannabis strains could meet the needs of patients with what were referred to as “qualifying conditions,” but not all consumers sought the product for medicinal use. As a result, and since cannabis is (and currently remains) recognized as a

Targeting street-level youth and homeless people, the Peace Heathens had many projects aimed at benefiting the community. The longest-lasting project is the Seattle Crisis Guide, which can be found at seattlecrisis.org. Source: Protestival, Vivian McPeak, July 2011.

Schedule I controlled substance, participation in the legacy market involved substantial risk, including but not limited to incarceration, loss of assets, and for patients with qualifying conditions, loss of access to a product they valued.

The environment that framed the legacy market can be characterized as a multidimensional landscape. Within that landscape, a collection of intricate connections framed a complex authorizing environment that made space for committed activists to develop early legalization concepts. From this environment emerged the varying perspectives and degrees of separation that would later influence and inform cannabis law reform and policy:



The systems clustered around the legacy cannabis market largely existed underground. This meant that system participants tried to stay below the sight line of authorities and others, even though movement toward thinking out loud about challenging prohibition had gained traction. Tightly guarded, insulated networks served as a way for the legacy market to effectively function and protect itself during prohibition. The market was vertically integrated, meaning that dispensary owners generally grew, processed, and sold their own unregulated products. Market information was shared sparingly within what can be characterized as micro systems to preserve market space, even though the boundaries of the space were fluid. Perceptions of how and why these markets were protected vary greatly.

“...some of the stuff that I saw that was really, I'll never forget it, was packaged, processed, like cakes or brownies wrapped in cellophane with uh, a handwritten note on the package of what it was. It wasn't properly packaged or labeled. I have no idea. I mean, it was basically someone making this in their home and then bringing it to the dispensary or possibly making it in the dispensary but whether it was tested, whether it was tested for potency, uh, I-I have no idea, but it was certainly labeled. It would-, it'd be like something I would make in my home...[t]hey could sell anything, create anything...” – P11

There were no standards for legacy market products. Flower, concentrates, and edible products were tested for tetrahydrocannabinol (THC) concentration in what are now considered to be rudimentary ways, pesticides, or heavy metals. Extraction methods used in creating

concentrates (which may indicate the presence of potentially harmful solvents, acids, or both) were not required to be disclosed. This lack of oversight in basic product safety underscored some of the concerns

“I'll never forget, you know, a father and a mother who met with me and the father breaking down as he relayed his observation of his teenage son being forced down onto the ground at pre-dawn hours by law enforcement in Black SWAT gear. Pointing semiautomatic rifles at his son's head and being afraid that he was about to see his son get shot dead. And this was all for the fact that his wife was growing medical cannabis for a community member, who was suffering from a disease that made it impossible for him to keep food down, unless he was using cannabis. She was trying her best to comply with the informal medical marijuana guidelines that had been established at the time.” – P1

that would frame elements of future legalization proposals. One of the most prominent concerns tied to the nature of a closed, underground, and unregulated system was the widespread victimization of medical cannabis consumers, including but not limited to home grow raids, arrests for possession, unfair business practices, and assaults and rapes at points of sale beyond dispensaries. People who viewed cannabis as medicine were viewed as criminals but were also often the victims of crime themselves.

"I remember these 2 women who quite a few months apart, called me and, separately and, I don't think they knew each other but they saw some information where they could get medical marijuana or heard about it. So they met up with this person...and they became victims of rape by this person. It made me realize that there was some predator out there who were using the illegality of marijuana to get access to women to rape them ." – P6

This backdrop illustrates early relationships within the authorizing environment that were based on the war on drugs: law enforcement, the judicial/legal system, and the legacy market. It's also important to note that entities and individuals that would eventually regulate cannabis in the future did not have a relationship or had a very limited relationship with cannabis, these entities, this authorizing environment, or all three.

Important to note here that cannabis was not only weaponized to disproportionately target and incarcerate members from communities of color, but that weaponization extended to the medical cannabis community in a different way, both within the community and in the way law enforcement interacted with the community.

Early Medical Cannabis Frameworks

Several states, including Washington, Colorado, and Oregon passed legislation to decriminalize prescription or possession of small amounts of cannabis by certain physicians and qualified medical cannabis patients. These early measures were designed to begin to address some of the risks involved in relying on and obtaining cannabis for medical use, although referring to cannabis as "medicine" continues to be debated. Legislation was targeted, at least in part, to address scenarios where a medical cannabis patient might not go to law enforcement or their physician when they had been a victim of a crime related to obtaining cannabis for fear of criminal prosecution. These laws provided authority for health-focused agencies to create regulations for the administration of early medical cannabis programs and created an affirmative defense to criminal prosecution for qualifying patients and their primary caregivers. In Washington, that meant allowing possession of no more than a "60-day supply." Health-focused agencies were tasked with determining what would constitute a 60-day supply, and the first interactions between the legacy market and a governmental agency that wasn't law enforcement, or the judicial system began.

Theme 2: Power distribution

The challenge from a regulatory perspective was that a "60-day supply" meant something different for each medical cannabis patient. Public rule development hearings at the time were often strained and illuminated the positions around the cannabis as medicine discussion. Despite trying to put rules together around what supply meant, and a set of laws that tried to carve out a medical system (which never quite got off the ground in Washington, at least), simple possession of cannabis, even with a valid medical card or doctor's note, still could result in

"...it landed a place where patients could reasonably disagree with whether or not that definition was consistent with their personal experiences.

I think there was some concern among the people in the audience who were going to be testifying, because the County Sheriff was there in the room and he had gone on a record saying in a newspaper article that he believed there was no such thing as medical use of marijuana." – P6

prosecution, incarceration, and a variety of associated harms.

It's at this point of the story that it becomes apparent to participants that the war on drugs has failed. The connection between the medical market and increased arrest rates are noted in some reports, but the ACLU pays closer attention to what communities are being impacted by cannabis possession arrests. Also interesting to note that traditional, bureaucratic forms of "leadership" are still very much a part of the narrative because the approach to cannabis remains firmly rooted in the war on drugs: incarceration, severe penalties, stigmatization, and marginalization even after legislation to create medical programs.

"I was on the street and arrested people for simple possession of marijuana and found marijuana and pipes on searches." –P2

"Uhm, the joke when I was a police officer -- the joke was, you know, if you're getting low grade THC, you're buying it from a stupid grip third-grader that's growing it in the backyard. – P10

Still, lives could be destroyed by an arrest for possession. Housing, student loans, employment, and a variety of privileges were no longer available to a person with a possession or production of cannabis charge.

The only affirmative defense a medical consumer might assert was a possession of a medical cannabis card or a physician's authorization. Even so, medical consumers and other disproportionately impacted communities experienced the indignity of home raids, being handcuffed (particularly traumatizing for patients with physical or emotional disabilities), spending the night or several days in jail, being charged with a crime, the prospect of family abandonment, job loss, and a variety of other harms. This created a fragile environment where someone with a terminal or seriously debilitating medical condition – regardless of where they lived, the color of their skin, or how they lived– could go to jail. This, along with possession while Black¹ formed the backdrop of the first organized movement toward legalization.

Chapter 2: It Isn't What You Think

When: 2010 – 2012

Where: Washington State, Colorado

What: Cannabis is legalized in two states...and changes the world.

"I'm doing this for the people who are getting hurt the most by our current policies. So, everybody who gets arrested, everybody who gets stripped searched when they are put into a jail cell, experiences, a trauma that is absolutely horrific. The shame of being publicly charged as a criminal of having to show up for court appearances, that the- had the way that that puts your life on a completely different trajectory once that's happened to you is horrible for every single human being. There's nothing good about the criminal justice system for anybody that gets pushed into it. But for people with terminal and medically debilitating conditions, that's just not- that's just not an acceptable outcome at all. So, at a minimum, we needed to deal with that." – P1

Note that I-502 was the initiative of a group operating within an already complex system. The initiative interacted with the broader system, as opposed to a specific individual directing or influencing the system. It - not any specific person - changed the trajectory of the entire narrative around prohibition.



¹ Cannabis use is roughly equal among Blacks and whites, yet Blacks are 3.73 times as likely to be arrested for marijuana possession.

<https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>.

Theme 3: Wait, what does legalization do?

In Washington State, the Initiative 502, or I-502 campaign was by all accounts, well-organized and supported by a wide variety of proponents including certain law enforcement agencies, public officials, a handful of cannabis advocacy groups, and others. These supporters were located throughout the state and clustered in highly populated cities, such as the Seattle/Tacoma area, Spokane, and Vancouver. However, it was not supported by public health and prevention groups, conservative pockets of the state, and associations like the Washington Association of Sheriffs and Police Chiefs. And, it was heavily opposed by some members of the legacy market, based largely on concern that making driving under the influence of cannabis a penalty would result in long-term outcomes that were worse than simple possession. They argued that the measure's per se THC threshold (5 nanograms of THC) for automatic DUI conviction was so low that it would target patients whose therapeutic THC levels were consistently beyond 5 nanograms. Additionally, I-502 did not authorize home grows based on concern that such an allowance would increase youth exposure and subsequently, access. But for many, legalization under I-502 would mean displacement of the existing quasi-commercial, vertically integrated legacy market. I-502 proposed to regulate cannabis like alcohol, which was not a vertically integrated system. In contrast, Colorado's existing medical system was ready vertically integrated, with licensing and taxation structures in place.

“...[the] medical cannabis community was split on this. And that some of the most vocal voices at the time, were the strongest opponents to passing Initiative 502. And, um, my interpretation what was happening was that those most vocal voices were those who, um, saw a very profitable business structure that they had created for themselves, being threatened by what would happen when this industry was brought under state regulation.” – P1, P11

The composition of this authorizing environment underscores the greater challenge of adult-use legalization: there was no jurisdiction in the world at the time that had legalized and regulated the production of cannabis for any purpose.

Like most initiatives to legalize cannabis, from the early adopters to states that followed, I-502 was written in a way that would result in positive voter response. While the message focused on failure of the war on drugs, it was also about a “smarter” government approach to pursuing public health and social justice. These messages appealed to non-consumers and even “soccer moms.”² The same is true of Colorado's Amendment 64, and later Oregon's Measure 91. Additionally, the authors of I-502 understood that once voters made their decision, legislators could make adjustments to current law, add language from the initiative where the measure mandated it, and provide other revisions throughout existing statute as needed to address future legacy medical market alignment because even though a segment of the legacy market vehemently opposed legalization, the initiative left that market itself untouched.

“And realizing that we were- we were on the cusp of doing something that was going that could potentially change, not only policy in Washington state, but across the country and around the world because really it- it wasn't legal anywhere. So that was a moment that stood out for me.” P1, P2, P5, P11, P9

² <https://www.brookings.edu/wp-content/uploads/2016/06/CEPMMJWallach.pdf>

When reflecting on the focus of I-502, the following three elements were emphasized by learning history participants:

- Harm reduction:

"If the law applied to everybody, we knew patients would be protected regardless of whether or not they could find a doctor who's willing to say, yes, I will, I will, you know, authorize or recommend medical use of cannabis for you." P1

- Protect patient access:

"...purposely left the medical piece out of the initiative because...knew that the system that was in place today, the medical law for cannabis, was very different with that when she was proposing through the initiative. And the most important piece of that, I think, was that it was not vertically integrated, right?" – P11

- Create a tightly regulated system like that of alcohol:

"...we tried to borrow a lot at the language from the liquor control act. So that it would be a little bit easier for LCB to undertake the rulemaking." P1

"...a large amount of it was just copied from the liquor statutes." – P4

Additionally, these early measures, like I-502, Amendment 64, or Measure 91, did not focus on social equity, but instead focused on social justice by first decriminalizing simple possession, but also establishing a framework for regulation to assure that tax revenue generated from the production and sale of the product was devoted to education, healthcare, research and substance use prevention, infrastructure improvements or other community support funding.

A Systems Inflection Point

Enabling legislation signals the point at which the entire authorizing environment needed to come together to implement the changes that the newly enacted legislation mandated. This highlights the differences in state statutory and regulatory construction, and how implementation was different for each state. It's important to note that most enabling legislation delegated shared authority to multiple agencies with specific expertise to take on work related to their specific area of expertise (such as science, public health, etc.) except for Washington state. WSLCB was tasked with *all* implementation and a mandate to construct an entire regulatory structure from scratch. In contrast, Colorado's existing medical cannabis system and tax structure served as a frame for an adult use regulatory system. Two years later, Oregon established a similar tightly regulated system.

Information, Misinformation, and the Vote

"...they [No on I-502 activists] were creating fear and anxiety among patients who use cannabis. Um, patients who had very serious health conditions. Um, patients who were very afraid that they would lose access to cannabis and were being told that they would lose access to cannabis." – P1

"We'd be able to provide more health care for homeless, provide more housing opportunities. All these different things that that told people what they wanted to hear. **In essence, when they voted, they were voting for something that they thought was going to help them or meet their intrinsic need or values...** Uhm, in the past, but like we all know, if you try to make everybody happy, nobody is happy. That was sort of where we ended up. Then, legislators got involved and started trying to make changes. Some of them were well received, some we're not well received. Some of them were not, uhm, consistent with the original language associated with the initiative". – P10

"Oh my God, what are those people doing over there?" – P11

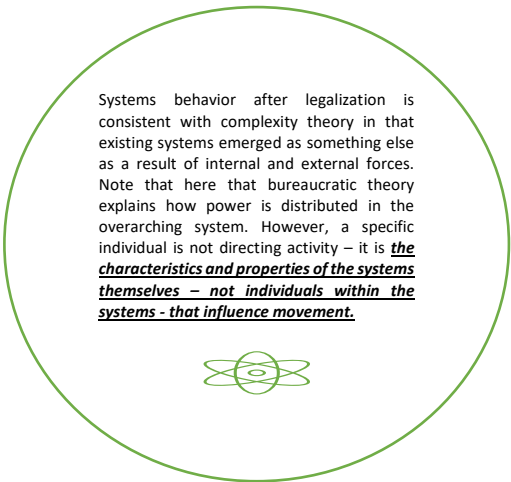
"And I realized they didn't realize that they were voting for uh, setting up commercial businesses like that." –P4

Enabling legislation was in and of itself complex, and the full text of I-502 appeared in the 2012 Washington State Voter’s pamphlet. Participants generally reflected that voters may not have completely understood the impact of the bill. There was also reflection that opposition to the bill, while largely viewed, and indeed reported, as unorganized, contributed to polarization that became more profound as election day approached. That polarization foreshadowed how the authorizing environment – the complex network of macro and micro systems that would be impacted by legalization – would begin to reconfigure itself as it began to move toward implementation.

“...that decision to oppose the campaign through instilling fear in people who are vulnerable and were already being harmed by the practices.” – P1

“[People said] ‘I voted for it, but I didn’t know it was going to do that.’ And so people were just... I didn't know it was going to do that. And a real lack of understanding of what the whole structure would look like. ***They didn't expect pot stores down the street.***” – P7

Theme 4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize

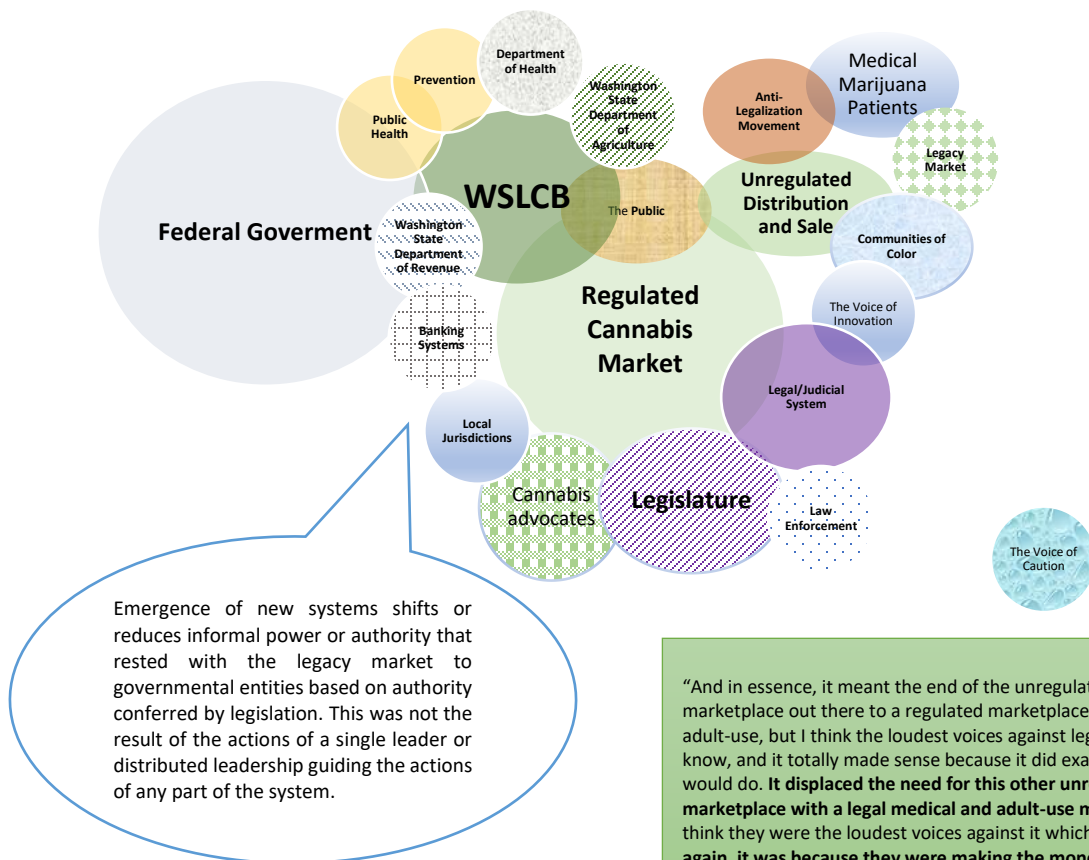


The original structure that comprised the legacy system consisted of a smaller collection of macro and micro systems that reorganized after legalization.³ The new, larger system now included competing and fractured systems, systems that could potentially or did become obsolete, and systems that merged and collapsed into either a larger or smaller systems. We look at Washington’s system here.

“I-I have to say it's probably some of the most painful stuff that I've witnessed and continues to be when I think about, for lack of a better term, the bodies on the side of the road. Like, it's just, it wasn't, I don't know many people who got through at all, and I don't know many, I don't know anyone who got through unscathed. Um so it's, it definitely took its toll um and I saw kind of it all happen.” – P3

“The problem was though, is that I think what happens is even in that short period of time, you end up creating a culture and an economy with expectations and community standards around an industry that’s unregulated. And then an organization like XXX is stood up after the fact in response and then has to effectively confront all of those community standards that have been established in this new industry and change all those expectations and behaviors. That’s a very challenging thing.” –P2

³ This is reflective of Washington’s system. Colorado and Oregon systems were designed differently.



Emergence of new systems shifts or reduces informal power or authority that rested with the legacy market to governmental entities based on authority conferred by legislation. This was not the result of the actions of a single leader or distributed leadership guiding the actions of any part of the system.

“And in essence, it meant the end of the unregulated medical marketplace out there to a regulated marketplace for medical and for adult-use, but I think the loudest voices against legalization was in a, you know, and it totally made sense because it did exactly what they said it would do. **It displaced the need for this other unregulated medical marketplace with a legal medical and adult-use marketplace**, and I think they were the loudest voices against it which is kind of ironic, **but again, it was because they were making the money by being a commercial marketplace which is what it was never intended to be.**” – P11

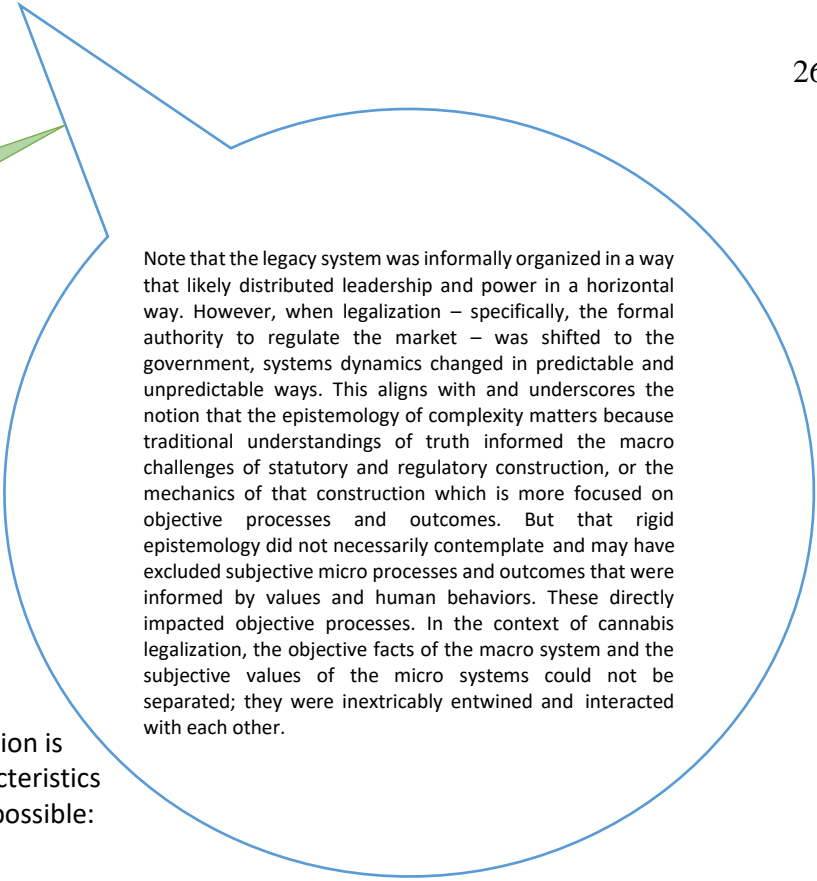
Each of these systems is represented above in visual form, as are their general connections to each other, from the perspective of the Washington system. One participant recognized the “voice of reason” as an ever-present, but largely disconnected part of the process of change, while the “voice of innovation” was likely closer to the systems movement, although there was tension between these voices. The size and impact of each system represented above reflects that system’s perceived or realized power within the overall systems structure. While there is a great deal of systems overlap, there was also a great deal of systems separation in the legacy market, and this both impacted and influenced relational dynamics between systems in ways that legislation could not anticipate or predict. Unpacking systems relationships, their dynamics, and taking it a step further by exploring their unique characteristics helps us to understand those dynamics and moves us toward beginning to explore how change was navigated following legalization. To do that, the systems from the visual above are grouped by where each existed in the authorizing environment by macro or micro buckets:

- Macro Systems**
- Department of Revenue
 - Local Jurisdictions
 - Legislature
 - Department of Health
 - Department of Agriculture
 - Legal/Judicial System
 - Regulated Cannabis Market
 - WSLCB/OLCC/MED
 - Federal Government
 - The Voice of Caution

- Micro Systems**
- Public Health
 - Prevention
 - The Public
 - Law Enforcement
 - Banking Systems
 - Cannabis Advocates
 - Anti-legalization Movement
 - Medical Marijuana Patients
 - Communities of Color
 - Unregulated Distribution and Sale
 - Legacy Market
 - The Voice of Innovation
 - Cannabis

“And so, they don't trust, you know, the systems that are set up that are, you know, whether they be medical systems or governmental systems or whatever it is. There's a, **there's an inherent mistrust that kind of permeates everything because of the way they have personally been affected.**” – P3

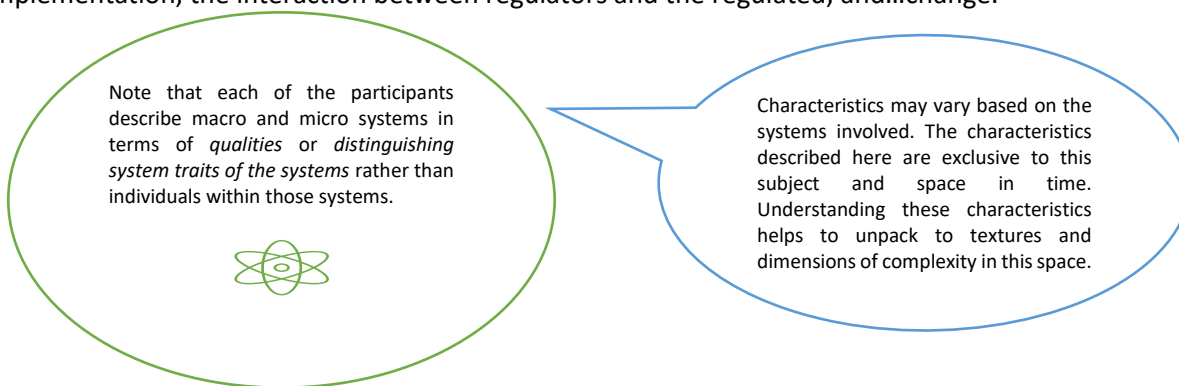
What are the observed characteristics of these systems? Participants shared their perceptions of macro and micro system characteristics. Learning Historian interpretation, based on narrative description rather than researcher interpretation is offered to tease out system characteristics and add dimension to the extent possible:



MACRO SYSTEM CHARACTERISTICS (Objective Processes and Outcomes)	MICRO SYSTEM CHARACTERISTICS (Values and Human Behaviors)
<p>It also made it very very difficult for the regulator coming in to have to deal with the conflicts that were established by that initiative, of the only regulated marketplace out there and not very regulated. P11</p> <p><i>Historian note: describes dealing with conflict or conflict resolution as a macro system characteristic.</i></p>	<p>The, the lack of control, feeling, feeling like they [legacy market] don't have control um in terms of who's growing it. P3</p> <p><i>Historian note: describes perceived loss of control, or weakening or as a characteristic of the micro system.</i></p>
<p>'It's a pretty tremendous um night and day difference between what was and what is and who has power and who doesn't. And honestly, who has power are the same people that have always had power. P3</p> <p><i>Historian note: describes perception of power as a characteristic of the macro system. Note this is also experienced within the micro system.</i></p>	<p>The quietest group, I think, were the people that didn't have a clue about what the government process was and how do we go about getting licensed. And they were afraid to ask questions because I think they thought we would disqualify them in some manner if they didn't know what they were doing, which I think at one point I got across a couple of them. P5</p> <p><i>Historian note: describes lack of trust and lack of government process expertise as a characteristic of the macro system.</i></p>
<p>Culturally, you have an agency that for so many years has a certain approach to cannabis and keep in mind throughout this entire period it remains a Schedule I controlled substance illegal under federal law. Yet we have a different perspective due to our state constitutional and legislative mandate. That's hard to reconcile. And that's a hard change culturally. P2</p> <p><i>Historian note: describes approach as "certain" suggesting an objective approach as a characteristic of the macro system.</i></p>	<p>It was pretty strange asking people who were working, um, in the illegal marketplace to come in and talk to us about the illegal marketplace. It was a well-organized black market that existed. Um, but just standing and talking to people and eventually is, well, come and look and we'll show you what we do. P5</p> <p><i>Historian note: describes subject matter expertise as a characteristic of the micro system.</i></p>
<p>Then, you have regulators writing rules who I don't know who they were before, but they didn't have the experience that, at least, I had in seeing them implemented. I think people who are being charged of putting rules into place are out of touch. If they have not actually lived the regulated world and I think even an enforcement person could probably write better rules because they've been on the ground and they understand it. P5, P9, P10</p> <p><i>Historian note: describes lack of subject matter expertise or being out of touch as a characteristic of the macro system.</i></p>	<p>"That interconnectedness that this industry lacks. [B]ecause in when it was, you know, underground, you didn't wanna raise your head up too high and call attention to yourself. So, why are you gonna create vast networks of information? P3</p> <p><i>Historian note: describes lack of interconnectedness as a characteristic of the micro system.</i></p>

<p>Power seemed to be held by the suits. P7, P9</p> <p><i>Historian note: describes power and authority as characteristics of the macro system.</i></p>	<p>The loudest group was the medical people that were claiming we're damaging the rights of medical patients. Um, I come to find out this group of people really weren't involved in the medical marijuana thing at all. They were anti-government taking control of the product. P5</p> <p><i>Historian note: describes anti-regulation or opposition to governmental authority as a characteristic of the micro system.</i></p>
<p>I was labeled because of my background. I was identified of having kins of a myopic perspective that was enforcement oriented. P10</p> <p><i>Historian note: describes marginalization and stigmatization as characteristic of the macro system.</i></p>	<p>You had groups or people were really excited because they had won the lottery, so to speak. You know, they are on the list to get, um, a grow license or to open a store to be a processor. You had people in the medical community that felt they were being excluded. So they were angry. Um, really angry at times. In fact, there was one meeting at Saint Martin's College and somebody threw a shoe at the board. So, I mean, those people are angry. P5</p> <p><i>Historian note: describes marginalization as characteristics of the micro system.</i></p>
<p>We do quite a bit of public opinion research because we wanted to make sure obviously that anything that we were going to put on the ballot was going to pass. P1</p> <p><i>Historian note: describes an objective process to achieve a specific outcome as a characteristic of the macro system.</i></p>	<p>Um, the quietest group, I think, were the people that didn't have a clue about what the government process was. P5, P11, P12</p> <p><i>Historian note: describes unfamiliarity with government process as a characteristic of the macro system.</i></p>

These descriptions lay the foundation for the next part of the story: the preparatory work for legislative implementation, the interaction between regulators and the regulated, and...change.



PART II: “SPADE WORK” (Implementation)

Chapter 3: Regulatory (and Organizational) Growth and Development

When: 2012 - 2014

Where: Colorado, Washington State, Oregon

What: Building regulations through engagement, cooperative education, collaboration, and some difficult conversations.

Theme 5: How Do We Do This...Now?

“...we were a little bit overwhelmed with having to implement privatization of alcohol when the Costco initiative 1182 passed in 2011. And so this just added more to what we were doing without very—with very little knowledge of how we would put it in place.” – P11

At this point in the story, it’s important to note that Washington State had voted to privatize alcohol sales by way of Initiative 1183 in 2011 – one year before cannabis was legalized in the state. This measure not only had statewide impact, but organizational impact, as well. The WSLCB

went from over 1,000 employees engaged in licensing and regulation of alcohol manufacturers, in addition to oversight of alcohol product, distribution and operation of state-run liquor stores, to approximately 300 employees after all the state-owned stores had been auctioned off to private entities consistent with legislation. Although overwhelmed, to make that shift, the agency took a methodical approach and assembled 11 teams manage the legislatively mandated downsizing. They had six months to deconstruct a decades-old system.

Around the same time, the I-502 campaign began in earnest as Initiative 1183 was being implemented. This piece – the tremendous agency change that was occurring at that time – is often discussed and recognized internally, but not discussed as broadly externally. Even so, the WSLCB proactively began to educate staff and assigned the 11 teams devoted to downsizing to a new project that would create a regulatory structure for the production, processing, and sale of adult-use cannabis. In other words, the agency reverse engineered what they had just completed deconstructing. Part of that work included learning about the new market, confronting long and sometimes strongly held beliefs around the use and consumption of cannabis, and working with the state of Colorado to share information, learning, and best practices.

“...but to be honest with you, as a regulator of alcohol at that time, we were busy doing our jobs. There was not a lot of time or effort to look at how this was going to work. We began to put teams together just as it became more clear that it looked like the initiative would pass. But the extent of my knowledge was almost zero – as far as how we would regulate the new industry. I mean we’re all aware of cannabis, but as far as how it would be regulated, none.” P11

Theme 6: Culture Shock

There were varying degrees of individual and organizational surprise that legislation to legalize cannabis passed, although some indicated a *lack* of astonishment based on how well the I-502 campaign was executed and funded. Learning history participants shared that they had little knowledge of cannabis until they were tasked with creating a structure to regulate it. For this reason, the general approach was to find out more about cannabis through coordinated organizational education around both the product and the legacy market. It was clear to these agencies that while it was exciting for some to be on the “tip of the spear” of monumental social and cultural change in the form of cannabis law reform, no one had done it before.

“[We needed to] find out what the history and myths were about marijuana. Because that was a big thing...the education piece, telling people you’ve heard this all your life, but it’s not true. And here’s what you haven’t heard that is true. So, um, I think we did a really good job on that basic education piece.” P5

There was no way for them to know or predict how to create new regulatory systems: it was completely unknown. While it was true that the first two states modeled enabling statutes and initial regulatory frameworks similar alcohol regulation, they

knew that the products were different, and regulating cannabis was unprecedented. They also were aware that organizational demographics were reflective of state demographics, meaning that there were staff in agencies who may not have supported the initiatives, even though they were employed by the agencies that were going to make it happen. This added an additional layer of implementation and organizational complexity. This dynamic presented challenges for regulators, and some reported fear of job loss, or other drastic measures, such as employee separation when resolution and compromise could not be reached on whether working for an agency charged with regulating a Schedule I substance was legal. However, agencies sought to find common ground, learn through and with each

Number 1, I thought I would be fired promptly. This is going to be a highly controversial implementation...but what I expected was some pretty intractable implementation issues between the legislature and public safety and marijuana community and that, you know, obviously, the agencies are simple, we would be right in the middle of the crossfire and all that.” – P12

“...I think the best part of the navigation was to, at times, just shut up and listen to what were they dealing with, what were they angry about.” P5

other, the legacy market, and experts across multiple disciplines. Change was approached as a group, as opposed to a singular effort.

Theme 7: Tension is a catalyst for change (but chaos isn't)

The most common approach to developing initial regulations was to begin with outreach to communities and engage as much as possible. Some participants described a “road show” where officials traveled across a state to gather input from stakeholders and other interested parties. This aligns with the general approach these regulators took to gain understanding of the existing landscape to the extent possible before beginning to draft initial regulatory structures.

“Some of those meetings there was the same cast of characters that would show up every time and trying to, I think, cause a little distraction, a little trouble, because they were so for the existing medical marijuana group that was working, and so much against state government. So, yes, those two things combined with them that they would show up in at times and cause trouble.” – P5

However, it was during these initial outreach meetings that some of both the richest and most vitriolic engagement occurred. In Washington, it was during these meetings that the tension between the macro and micro systems became obvious, and the tension within the reorganizing micro systems themselves was amplified by marginalization within the system. That marginalization took the form of meeting disruption, shouting down, incivility, and sometimes, violence. Colorado and Oregon described similar experiences, but to a lesser extent.

“How did we deal with this as a new agency?...primarily getting out there in front of the community and getting knowledgeable very fast about not just what we thought the issues were but how the public opinion was thinking about it...Will we use real science and research? and not made up stuff...we had a chance to...create a good.. centrist... balanced, viewpoint relationship, just based on the recommendations that came out of there.” – P12

The most important feature of these sessions was that officials – the identified “leaders” of the agencies – listened. Although “listening” was interpreted by the entire authorizing environment in different ways, the message each agency intended to convey was the same: “We need your help. We want your help. Talk to us.” No attempts were made to control or restrain conversation with any participant. Since the pre-existing conflict between enabling legislation and the legacy market fell squarely in the lap of regulators, rather than attempting to control these multiple and often colliding interest groups, narratives, and communication approaches, regulators sought to work *with* these through engagement, seeking common ground and building trust.


“...it was pretty strange asking people who were working in the illegal marketplace to come in and talk to us about the illegal marketplace. It was a well-organized black market that existed...but just standing and talking to people and eventually is, well, come and look and we'll show you what we do.” – P5

“Well, how [are] you going to have the expertise? How you gonna get it done? I said “We can get it done because you're gonna help us do it! That's how we're going to do it.” – P12

“None of us know what we're doing, so please ask your question.” – P5

“So, we built up our acumen really, really quickly, agency-wide through this sort of all-hands-on-deck process...we delivered on that...and everyone saw us engage the community and the recommendation sort of fit-out of that and that process built-in finalized, sort of the cap on the trust industry had in us.” – P12

This scenario seems to suggest that there is a difference between tension as a system dynamic and driver of change, and intentionally pushing a system to the edge of chaos. Tension was leveraged here for purposes of engagement but none of this experience suggests that “leaders” knew exactly when or if they should interrupt or restrain that tension.



This concept of “interactive trust” lies at the heart of how regulator/regulated interacted: top-down, authoritative trust (“trust me”) did not work here; rather, two-way, reciprocal trust is championed.

“... we were very open about the process and that was also part of, you know, that mix of gaining that **interactive trust** as the regulator or dealing a unknown world of marijuana regulation.” –P12

"A lot of them were very free flowing...uncontrolled or unmanaged. I want to say there were some rules, put up at one of the public Community meetings – we put up, but nobody followed them. Uhm, nor were they enforced. Not that this ever happened, but if you stand up and you say "if you're going to yell and be disruptive, you're going to be asked to leave the meeting." Actually, that did happen, but nobody was ever asked to leave the meeting. We had people storm out of the meetings because they didn't believe they were

"Yeah, I think in those moments of heated discussion like at Saint Martin's just took, I think... I think Sharon Foster was chair then, and she just at one point just said, "Everybody calm down. You'll get a chance to speak. Let us hear what people are saying." So, I think just taking control of the meeting that way. I thought she did a great job." –P5

These engagement sessions were not rushed, largely because there were several stakeholders representing multiple interests across the diverse micro system and all voices were important to the conversation. Some reported that they experienced this as a lack of control over the sessions. It was reported that these were extremely difficult, sometimes one-sided conversations fueled by the anger connected to the passage of legalizing legislation that had been shifted to the agencies tasked with implementation. It was perceived that this anger was displaced but did not impact regulator commitment to seek common ground through meaningful stakeholder participation in regulatory construction.

"And so I think there was a little bit of, I think, that that impacted their ability to engage with us, didn't impact our ability to engage with them. **We purposely set out to meet with them to know their concerns.** But I think it was partly their anger with it passing that it took a little time for them to be engaged. It also took a little time to figure out what the impact was happening in the community. – P11

"That [anger] decreased over time as people saw what was going on. There was one meeting in Bellevue I was in, though. I'm not sure it was a skill. Somebody was standing up upset about something and I basically just said, "You know what, that's a bunch of bullshit." And the room went silent. Somebody from the state swore at us, you know." –P5

Ultimately, these listening sessions resulted in initial regulatory frameworks, offering additional opportunity for engagement. Although those initial frameworks represented a monumental step toward realizing enabling legislation for the agencies, for some it didn't come fast enough, wasn't restrictive enough, or was too strict.

"A lot of people from the agency and some people did not want, um, this to happen. They didn't want marijuana legalized, even though they were on the team to help do this. So they are trying to be as restrictive as possible. And I kept pushing back, you know. We're supposed to make this an open market for this product, you know. And so I think at times they were too restrictive." – P5

"Recognizing all the competing priorities.... of being caught in between the regulatory and the prevention because it wasn't restrictive enough for the prevention side of it." – P7

These original regulatory structures were very much reflective of their significance in the history of legalization, offering a rigid, conservative approach consistent with concern that the federal government would block implementation. Stakeholder engagement became more difficult

during this period based on several factors, including unfamiliarity the complexity of regulatory construction, and specific to this work, a regulatory structure that would guide an equally complex existing and future cannabis economy that had never been regulated before. There was also an expressed belief that somehow cannabis should be regulated differently than other products (such as controlled substances or alcohol) based on its qualities that some stakeholders believed transcended all other products. This highlighted the tension that began to mount between soon to be regulators, and the soon to be regulated around what was legal, what wasn't, and how that would be expressed in regulation.

"Arguably the proponent was pushing boundaries and it was reflective of marijuana exceptionalism – at least the expectation that cannabis, because it could not be licensed under a federal regime, that it be exempted from the spirit of those federal rules and we would create another standard to allow it. Marijuana exceptionalism. How do we respond to that exceptionalism? Because there's a euphoria and aggressive innovation in the cannabis community, not to mention the fact that they want to make money." – P2

Theme 8: The Challenge of Building Value into an Unprecedented Regulatory System

“You’re asking a bunch of people to interpret this whole new area of law that nobody has ever done.” –P9

At this point, Colorado and Washington were beginning to finalize initial regulations and waiting for guidance from the Obama Administration on whether they would be able to move forward with regulation at all. Initial rule drafts were not well received, and

were characterized as “horrible” or written with “the wrong language.” The challenge, however, went beyond merely establishing a brand-new regulatory structure for a controlled substance that was a Schedule I drug, but accomplishing that in a way that compensated for the lack of federal oversight.

It was not easy. For Washington and Colorado, the importance of the August 30, 2013, Cole Memorandum cannot be understated. This story would be incomplete without it.

“The initial structure of the regulations was horrible. [Staff] background was such that when some of the rules were written, they were written with the right idea, the right goals, the right information, but some of the wrong language, so it said one thing, but we couldn’t enforce it because of the way it was written, if that makes sense.” P9. P10

“It’s just what was needed at the time in order to basically placate the federal government from taking action against us. Our 2 US attorneys on the east and on the west side of the state were watching closely what we were doing, and so I think the only lesson learned, and I’ve said it many times over the years, is I wish I wasn’t one of the first 2 states....” – P11

“The most significant thing that happened was the Federal Government saying, through the Cole memo, “We will not shut you down. We will allow you to move forward with this experiment” – P11

“ I think I pulled up at the Target parking lot to call my office... I was looking at my work e-mail...when [is] this phone call the governors gonna take place and cause I thought the AG would be there, and I- I would try to be there and everything....[anyway, it was very exciting.” P4

Significant Moment Spotlight:

To this point in the story, there had been no federal response. In January of 2013, the Attorney General of Washington (Bob Ferguson) met with US Attorney General Eric Holder trying to get a read on how the federal Government would respond. The meeting resulted in very little guidance from Holder directly, but there was a promise of guidance from the US Department of Justice (DOJ).

The WSLCB and the Washington State Governor’s Office waited for many months, even though implementation of the legislation needed to begin, and the agency had to gear up for the new regulatory responsibility. In August 2013, the Cole memo made it possible to complete that work. The memo stated that given its limited resources, the DOJ would not enforce federal cannabis prohibition in states that “legalized marijuana in some form and ... implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana,” except where a lack of federal enforcement would undermine federal priorities (such as preventing violence in marijuana cultivation and distribution, preventing cannabis impaired driving, and preventing marijuana revenues from going to gangs and cartels).

Even so, once the original regulatory frames were finally promulgated, some stakeholders found the rules to be both blind to the market and tone deaf to the individuals who were required to comply with them. This prompted continual requests for rule revision, and the perception that rules were being revised constantly, creating intentional regulatory instability.

Yet, participants emphasized that the most significant feature of this part of the story was *engagement, trust building, and finding common ground*. Participants reflected that the notion of systems control was not a contemplated approach or part of the equation to build durable regulatory frameworks that met the letter of the law. While there were strict standards that needed to be reflected in rule, those standards were largely developed shoulder to shoulder with the people to whom they would apply, and who would become the loudest critics of the agencies.

PART III: Social Justice and Social Equity Meet

Chapter 4: The Diamond Tipped Spear

When: 2016 - 2019

Where: States with legalized cannabis programs, medical, adult use, or both

What: Legalization begins to spread across the county, changing shape and focus

“So, I imagined cannabis prohibition in the war on drugs in general is a very, very, very thick plate of glass. And 502 is intended to be a diamond tip spear that hit it and started making cracks, started making fissures and that it was going to be more and more work and more and more pressure that was gonna break those fissures, make them longer, broader, et cetera, until the whole wall came down.” P1

I-502, Amendment 64, and Measure 91 could be considered as catalysts for social change that the world hadn’t seen before. Indeed, during joint meetings with Colorado, Washington, and international partners, concern and even outrage was expressed that two of the United States had the audacity, indeed, the arrogance to turn world drug policy on its head, and ignore long-standing drug conventions that had been initiated by the United States by Harry Anslinger. These policies had served as the foundation of not only the war on drugs but as aids in confronting and eradicating drug cartels throughout the world in the most violent and aggressive ways possible. The response to that outrage was generally that state cartels needed to be bigger than illicit cartels. Legalization created an initial pathway for that to happen, but not without global concern.

“So we met with, um, Central and South American representatives, country representatives in Denver, Colorado. We put together this meeting, um, with people from all those other countries that were absolutely furious...for years the United States had forced them to participate on the war on drugs. And now here we are simply opening up. And I don’t... There had to be in at least a dozen or 15 countries in there. We had headphones on because there were different languages being spoken. There’s English and Portuguese and Spanish. So, you know, we’re wearing headphones as if it was the UN meeting then. But you can tell when somebody was talking at us that they were not happy even way before it got translated. So, that was a tough meeting.” – P5

Yet, that initial pathway only went so far. It was not designed as an end point. It was the thing that was supposed to capitalize on the momentum that had started with cannabis legalization. There had to be someone, and a way to throw the spear. Thinking back to Seattle Hempfest being around for decades as perhaps formation of the spear and thinking back to the medical marijuana laws being passed as sharpening the spear. So much energy was building and now continues to build in the direction of legalization to be able to land the spear and continue cracking the thick glass wall of prohibition.

There is still work to be done before the glass shatters. It is important to recognize that these initial legalization efforts were meant to be the first blow – *not the last blow* – against cannabis prohibition. It’s also important to remember that initial legalization efforts were concentrated on harm reduction first: disproportionate incarceration rates and medical cannabis consumer victimization. This is where social equity in cannabis comes into the conversation.

The challenge in trying to draft I-502 or Amendment 64 from a social equity perspective was not just that social equity was beyond where voters in each state

were in the conversation around legalization in 2011, but also because it was very difficult to create social equity programs in the first to states to legalize when it was possible that the federal government would step in and stop the states from moving forward at all. Turning back to the Cole Memorandum, one of the eight factors that the federal government was concerned about was cannabis seeping across state lines. It was a problem with the illicit market and there was concern that it could be a problem

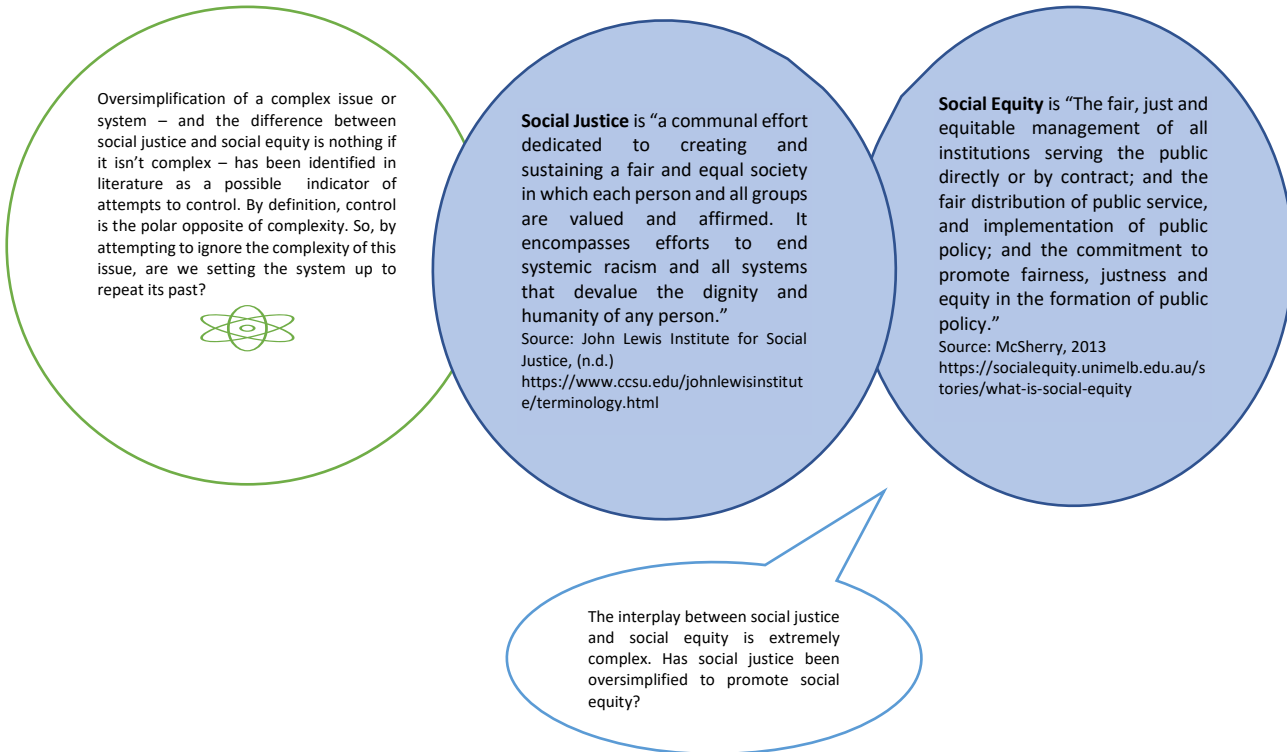
“I think it’s a great thing that people feel so comfortable now in pointing out the flaws with 502 because that means it worked.” –P1

with a regulated market. To guard against, or at least try to deter that seepage, each state was required to set up a closed, tightly regulated system.

However, a closed, tightly regulated system creates artificial market restrictions simply by virtue of statutory construction. Those restrictions were then imposed on the new industry to control how much cannabis was being produced, how many retail establishments could be opened, and how many production and processing facilities could be opened – because consistent with statute, it is a closed system. This statutory construction in Washington was similar to the way that the Washington State legislature established the WSLCB in 1933 to create a state monopoly for alcohol. The challenge with the cannabis marketplace was that the people who would benefit from it were the people who already had access to capital and power, political and otherwise. And, the United States has been built on centuries of concentrating wealth in the hands of a few white colonists.

“I think that the conversation right now is extraordinarily over simplified...but that's okay. What- what matters to me is that the conversation is happening.” – P1

For these reasons, to start deconstructing laws that prohibited the use of cannabis and promulgate regulations around it in the first two states, a socially equitable marketplace was not attainable. The dynamic and structure for that to happen successfully did not exist ten years ago. In Washington, it's important to recognize that anti-affirmative action laws would not allow the state or any



regulatory agency to assert that licenses could only be awarded to licensees from specific racial categories, or preference given on that basis, even if voters would have been interested in such a framework in 2011.

Theme 9: “The Tightrope”

For regulators, illegal activity was an existential threat to the very existence of newly formed regulatory systems. Behind everything was always the threat that despite the Cole Memorandum and the painstaking work that led up to the first regulatory frameworks, the federal government might step in and assert “This whole thing is not working, shut it all down.” There was ongoing concern that regulators and by extension, enforcement staff in the field could be charged by the federal government under some theory of complicity.

“One, um, I believe personally that people should have a right if they want to use marijuana or not. You know, with a product that [is] safe, what chemicals are on it, you know, all the other things that we put in those baselines. But I also wanted it done in such a way that the federal government wasn't going to walk in and say, “Okay, close it down. You're-you're violating too many federal laws.” So, always walking that tightrope was, um, part of the equation.” – P5

However, society, culture and public opinion has changed in the last decade. Regulators, both pioneering and new, have replaced the tightrope with an ever-widening bridge as more states legalize cannabis and regulatory frameworks are created based on what we've learned.

At the same time, the fissures continue to spread in the thick glass wall of prohibition. Although now, there are more hands on that diamond-tipped spear.

PART IV: Toward Socially Equitable Conditions

Chapter 5: The Next Five Years

When: 2019 - Present

Where: Across the United States

Political, policy and strategic expertise focused on collaboration to address the diversity of opinion. Another example of interacting with systems characteristics.



The first three pieces of legislation to legalize cannabis in the United States have achieved their overarching goals in three ways:

1. They passed.
2. As a result of successful state-level legalization, the federal government allowed those states to implement the legislation.
3. Legislation and subsequent regulation served as models and lessons learned for other states choosing to legalize cannabis.

“It wasn't possible for the state to say we're actually going to give the licenses to people from specific racial categories or some give them preference. We couldn't preference anything in that way.” P4

This momentum would be difficult, if not impossible to reverse because cannabis is currently legalized or decriminalized in one way or another in all but four states.

“Unfortunately, like a lot of licensing processes and state contracting processes, there's, there is no favoritism, you know. It's here's what you have to do. If you do that, then you can proceed. And, um, there might have been a better way to educate people that are not used to working, um, with the government or working in a business environment to be a little more successful” – P5

Now, we can look in the rearview mirror and think about what we might focus on moving forward. What about original statutory structures should be revised as industry begins to mature and the broader society is shifting its thinking about cannabis? What does this learning history tell us about what where we've been to inform where we're going? How do we do this differently.... or better, or smarter? How might we initiate and guide change efforts, and how might those efforts reshape the structure and connectivity (or lack connectivity) of current macro and micro systems? The following themes emerged when we thought about the future.

Theme 10: Continue the conversation...

Legislation to legalize met voters where they were in the 2011 conversation around cannabis in Washington and Colorado, and later in Oregon. We know that the authorizing environment has changed since that time. We have a better understanding of inclusivity. We have demonstrated that our initial conservative and strict regulatory systems didn't result in federal intervention. We learned that cannabis legalization did not result in increased youth access and states have seen a *decrease* in youth consumption. Here's what we're thinking about moving into the future:

- **Continue to grow the stakeholder base** because it continues to expand in a variety of ways.

Continue to create inclusive engagement models that invite stakeholders to join in participatory regulatory processes. Provision of inclusive rule and policy development opportunities has strengthened stakeholder relationships, but some continue to experience a higher level of regulatory tension. Is this experience of divisiveness reflective of the current political environment, a continuation of the early and uncertain days of regulation, or something else? What opportunities for coalition building does this perception offer?

"Beat down the doors of the agency and make sure they know who you are." – P3

I would hope at least that regulators would be like Allison Holcomb. And I feel like regulators, for the most part, our regulators. They're bureaucrats, and they're what people expect regulators to be. There's a lot of crazy political stances in this movement...but at least be dedicated to professionalizing, reducing harm. If you regulate us like professionals, then maybe we will be professional." -P9

Further demonstration that complexity is not an action. It is a property and characteristic of a system or a collection of systems.



"I just think it's it's easy to look back and, and with the cynicism that we have toward government today. so polarizing is that we all know it is, and the lack of trust that people have in their government whether it's at the national level, at the state level, at the local level. It's easy, it's easier for some people to believe that there was a motive and intention to leave people out." – P11

Where is the balance between adhering to the law and flexible rules? Are we at a point where we can release more of the "safety valve" that was at the heart of Cole Memorandum? It accomplished its goal, but how long will that level of restraint be necessary?

- **Reinvigorate focus on harm reduction.** Recognize that harm may be realized in multiple ways, including access barriers to medically appropriate products, but also entry into the licensed and regulated system. Take a realistic look at *demonstrated* youth impact, and adjust if needed, thinking about advertising and commercial speech.

Does public health and prevention continue to contribute to the narrative around the war on drugs? Is complete abstinence the answer or should the focus be education? Consider how engagement occurs here. Are there leadership implications?

"I think making sure that we are coming up with policies is not about punishing young people for making bad choices, and not about punishing adults from making bad choices, **but about equipping them with the information, the experiences that support them making good choices.**" P1

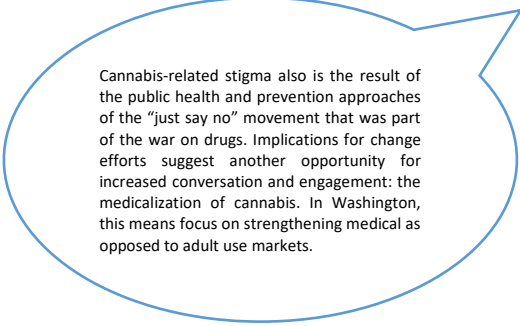
"...kids aren't having any trouble whatsoever getting it. And so at least, if we bring this into a regulatory environment, perhaps we're making it more difficult or at least, you know, we're- we're focusing on taking the people that are obviously willing to sell to children out in the marketplace." P1

- **Remain focused on supporting and continuing to create a regulated system that offers value to both licensees and the public.** Consider how that value may be distributed across the supply chain and beyond. This is a tie directly back to enabling legislation *and* national legalization.

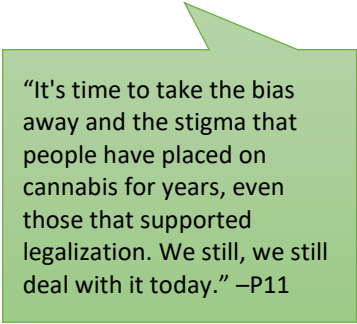
This is almost a continuation of standing up the original regulatory frameworks. It would seem that more engagement with the regulated is implicated here, and this ties into the perception that cannabis businesses wish to be recognized as the same as all other businesses,

"...creating value in a regulated framework; even where that there is a presence of a relatively high taxation load, with an excise tax and special sales tax, that if you can add sufficient value to the product through the regulatory system, then consumers, and suppliers, and retailers, will move to that system because there's value there, there's value in testing, there's value in packaging, there's value in security, there's value in open hours of your business, there's value in consistency of retailers, there's all of this value that's built into a regulated framework that moves that illicit activity to the licit space." P2

- **Take a hard – and perhaps uncomfortable – look at cannabis stigmatization.** Prioritize reduction of both structural stigma (**macro** level stigma, including state policies and institutionalized procedures that oppress cannabis users and people impacted by the war on drugs), and **micro** level stigma (such as “stoner” stereotyping). The deviant status of cannabis in American society still appears to hold true (Reid, 2020). To say that cannabis has been normalized or is being normalized may be symptomatic of unchecked social privilege and distance from cannabis users. It may also be attributable to valuing qualitative data over nuanced accounts (such as this one) gained through qualitative methods. This has implications for social equity, social justice, and racial justice in cannabis statutory and regulatory reform and requires a close eye to overgeneralization.



Cannabis-related stigma also is the result of the public health and prevention approaches of the “just say no” movement that was part of the war on drugs. Implications for change efforts suggest another opportunity for increased conversation and engagement: the medicalization of cannabis. In Washington, this means focus on strengthening medical as opposed to adult use markets.



“It's time to take the bias away and the stigma that people have placed on cannabis for years, even those that supported legalization. We still, we still deal with it today.” –P11

Theme 11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses.

A common theme throughout this learning history was recognition that the first legislation to legalize cannabis was designed to begin the process of dismantling the legal framework of prohibition. That framework consisted of both statutory and some regulatory structures. As acknowledged above, the first strike was grounded in social justice, rather than social equity. This was intentional because measures to legalize were designed to be as uncontroversial as possible so they would be broadly understood and accepted. And the reality is that the political context in the summer and fall of 2012 is much different than it is now (Hudak, 2020).

This highlights the complexity of not only the circumstances, but the way in which the narrative history of legalization has been recharacterized over time. It also highlights the work that lies ahead in terms of providing information and education about the ways that government works, but at the same time, the work that regulators can do to help bridge the gaps – actual or perceived – between government and the citizens participating in that government. In other words, while cannabis legalization has pushed the limits of what it means to lead innovative regulatory change, it also pushes the limits of an identified leader's ability to transparently guide change as a democratic process. Assuring that everyone has a place at the table, the ability to participate comprehensively, creatively, and analytically is a step toward creating socially equitable conditions for all.

True social equity can be created when the collateral consequences of cannabis criminalization are materially addressed. The communities that social equity programs are meant to serve must be included in decision making to break the cycle of exclusion. We are actively seeking to achieve this. There is much to do and we know it, and much of that change involves lawmakers rather than cannabis regulators.

While in some ways this points back to perceptions and understandings of bureaucracy described in this learning history, and the way that stories are sometimes revised over time, it also underscores the tension between the regulated and the regulator and asks us to look at how those relationships evolve. We can start by looking at regulator roles in the following that were meaningful to this learning history's participants:

"...the assumption is that most everything about social equity has been translated into equity and ownership in marijuana businesses." – P2

- **Community reinvestment programs:** is it enough to award licenses from cannabis production, processing, and retail? How can equity building and community reinvestment partner in achieving social equity goals? Does the regulator have a role in that, or does the community shape that partnership?

"People [need] to respect the communities, the identification of what they want. But the reality of what I was pushing for is not very good...I believe if you implement it, I don't think it's a model to success, for the community, and have a hard time reconciling my values to be representative of all that, while my policy says, "Tell me this is not what we should be doing for transfer of wealth, making up for those kinds of issues, trying to bring [it] forward. Let me spend it on education and the underachievement in our school system. Let me spend it on drug and alcohol treatment if that's the issue. Let me spend it on any other business development which is close enough, that it's not quite as competitive or as completely capital-intensive as this..." P12

"Yeah, maybe we need to make it easier for people that we've taken away their livelihood, even though it was an illegal livelihood. And we're giving it to other people, you know, corporations in some cases. But how do we say, well, they're not the only ones who've suffered. We've got all these people coming out of jail with no skills or records that they can't um overcome. It's challenging...the more I read on social justice, I just listened to a pretty controversial speaker. A speech he did at Johns Hopkins University. I have to look but his topic was "Drug policy is racist policy." – P7

- **Outlet density impact.** Concern was expressed around negative outcomes weighed against positive benefits of increasing cannabis outlet and production density in communities most impacted by cannabis prohibition.

"...why did we want to extend what has been-- What has caused problems for those communities? And put it right back in the communities. Put cannabis right back in those communities when it's been a source of problems. And are we really serving those communities by doing that? And- and isn't there a better way? If you want to look at the revenue that's coming in, couldn't revenue be set aside to provide business counseling for things other than cannabis businesses? Why is it only for cannabis businesses? If I've been sitting in jail for five years over minor possession, and I've missed out on an education, and I don't wanna sell cannabis, what are you doing for me?" – P12

"But it really also talks about things like the impact on communities of maybe e-, you know, ag- this- this business aggregating in those, in those communities and the- and consumption impacts. And that sort of thing which you usually don't hear talked about in the social equity context. Both the positive and the negative impacts of or

Should the contours of *racial justice* be part of the regulatory discourse here? ICMA describes racial justice as, "the proactive reinforcement of policies, practices, attitudes and actions the produce equitable power, access, opportunities, treatments, impacts and outcomes for all." It's the presence of deliberate systems and supports to achieve and sustain racial equity. Is this the role of the regulator?

- **Explore the impact of perceived "farce" of social equity.** Lack of access to capital and funding for on-going business costs increases concern about effectively resourcing equity efforts. Will those efforts achieve desired results?

"[Business thrives with] Sustainable income, pretty easy to operate, protected environment. But this environment? I think it's very rough for government to offer a license and create something that's successful for them. You've got to come with the savvy, the skills, the ability, the capital, the wherewithal, and simply creating a license to get in, which is... has been generally, as you know, if a [state] system is, not to my mind the big makeup for, um, the, the, the problems of society. " P12

Theme 12: “I’m a survivor, not a leader” – Implications for Practice

Throughout the development of this learning history, participants referred to their role in change efforts from the perspective of “we” rather than “I.” While this is explored in dissertation findings, it’s important to note here because it was clear that no participant felt compelled to think about this monumental work as attributable to one person. It was a group effort by all accounts. The standout comment capturing general sentiment is offered here as Theme 12. This is consistent with dissertation findings that “leadership” is a social construct rather than something someone does.

Looking at this theme more closely, what is the difference between a leader and a survivor? The Cambridge online dictionary offers broad definitions of both:

“It was an exciting time. I really enjoyed it. Um, beyond that, I don't know what I would tell myself. Um, **maybe you didn't have to talk to everybody.**” – P5

leader: a person who manages or controls other people especially because of his or her ability or position.
(Source: <https://dictionary.cambridge.org/us/dictionary/english/leader>)

survivor: a person or organization that continues to exist, especially after suffering difficulties.
(Source: <https://dictionary.cambridge.org/us/dictionary/english/survivor>)

Washington and Colorado assumed tremendous responsibility in being the first two states in the world to make new drug policy through cannabis legalization. Oregon carried the momentum forward. The magnitude of that responsibility is understated in media, literature, with few exceptions, is largely absent from current discourse. Agencies tasked with creating the first frameworks to regulate cannabis learned *with* and from the legacy market, and worked *with* the overall authorizing environment, at least to the extent possible, to bring about these monumental changes.

“There’s an incredible balance...so you’ve got the feds saying its illegal, and you’ve also got almost half of your voting population saying, “I’m not feeling really good about this policy shift that you made” so we always, as the regulator, have to balance those that are so happy that the product is legal with making sure that it’s strictly regulated. And I think we’ve done, this staff has done a great job, this agency, ***it’s got nothing to do with me,*** has done a great job with trying to make sure this industry is regulated strictly so we don’t have the feds come in and tear the system down.” P11

This work and responsibility did not come without criticism, in addition to both apparent and expressed expectation that regulatory agencies should have known how to set up a system that had never existed before. The scope of that work was – and continues to be - misunderstood by segments of the authorizing environment. One participant referred to it as intellectual dishonesty.

Enabling legislation sought to achieve social justice goals consistent with historical and procedural perspectives rooted in concepts of democracy. Here, regulatory authority was distributed (for the most part) to implement legislation. This resulted in what might be characterized as democratized leadership - if it was leadership at all - to implement that legislation, meaning that the ability to be part of change

was accessible in several ways. This included the creation of implementation subgroups within agencies, providing public comment in forums across states (providing a forum for the demonstration of civic leadership), and the creation of advisory boards. Through these processes, agencies were able to establish foundational regulatory systems for cannabis that made it possible for future discussions of equity to occur. While there may have been agency staff and agency heads working together, all participant reflections provided that relationships in these spaces was not top down, but more horizontal and evenly distributed. Participants expressed a common goal of balance, rather than disruption, of existing systems, even though there was recognition that some displacement would occur.

A prominent participant thought undercurrent here was whether initial efforts at legalization were “everything,” if they went far enough, and what role regulators played in those efforts. One participant spoke to the question very eloquently:

“Some of the things [regarding legalization] might happen faster where there might have been more of a gentleness, gentleness to it. But it's hard for me to say, do it differently. And again, I say that because I think that I did what I was good at. And that it's okay that that wasn't everything. But it was a- you know, I think I did what- *I think I played the role I was supposed to play.*” P1

Recurring subtheme:
“leadership” is not a singular activity by one person who “knows all.” Everyone involved had a role in change, and no one knew the recipe for the “magic sauce.” Rather, all involved offered an ingredient to make that sauce....

“We can’t change reality.”

Initial enabling legislation was strict. Since then, however, states have passed legislation that moves in the other direction. For example, in 2019, Washington deconstructed its original penalty structure, lessening the impact of many violations, cutting all penalties in half, and creating a deferral program like that offered for criminal violations such as DUI. Colorado and Oregon initially allowed vertical integration in some form, and legislative action has resulted in removal of restrictive residency requirements. In contrast, the Washington state system is not vertically integrated and was not designed to accommodate out of state ownership. Over the years, various bills have been introduced that would revise these provisions, but none have been successful. Even so, the agency is often viewed as the barrier to alignment with other states, even though legislation is needed to dismantle the three-tier system.

Was vertical integration an opportunity missed in Washington? What are the longer-term impacts of vertical integration? For example, does vertical integration support successful social equity programs? Some argue that it doesn’t. For states that *are* vertically integrated, the expenses of operating a vertically integrated cannabis company can be capital intensive and finding that capital can be a challenge based on a variety of factors. For those harmed by the war on drugs, those challenges may be greater, thus making it more difficult for impacted communities to economically benefit from cannabis legalization. This could widen the wealth gap created in part by cannabis legalization. Exploring innovative regulatory solutions through targeted efforts that focus on how to create equitably accessible avenues to economic opportunity is ongoing in all states.

That focus underscores, and participants acknowledged, that until national legalization occurs, states should continue to work together toward standardized approaches to regulation to the extent possible. For these regulators, this is not a new concept. Formalization of regulatory knowledge sharing forums, like those offered by the Cannabis Regulators Association (CANNRA), help to increase knowledge

democracy between states, and may help states to respond more effectively to a rapidly changing, innovative market.

“The pace has changed. Now, it’s whack-a-mole on testing, right? It’s the next product of the day. It’s the next thing. And I don’t think we saw that early on back. This constant churn of evolution particularly in labs and standards.” – P12

Regulatory Innovation and Bias: Opportunity or Barrier to Meaningful Coalition?

State governments work to ensure that regulations are responsive to changing market dynamics, policy learning, and unexpected outcomes. Despite critic’s perceptions, systems were built into cannabis programs that sought to improve the ability of government to do its job, and cannabis legalization was a way to showcase that. For example, in

“There’s quite a bias out there against cannabis legalization. They wanted it to be treated the same. But the cannabis industries rallies against us...because they believe that we treat it differently than alcohol? Well, it is.

The public has a bias against [the agency]. I can’t change reality. I can’t. I can recognize that the bias is, is not healthy for the industry and that we should do everything we can to remove it. But don’t be so naive to believe that, that wouldn’t be there. That will take time.” – P11

Washington, cost-benefit analysis was built into the enabling legislation to assess the impact of cannabis legalization on the state and recommend ways to deal with costs and other impacts incurred (Hudak, 2020). Cost-benefit analysis through statutes like the Regulatory Fairness Act (chapter 19.86 RCW) in Washington are designed to assure that state agencies assess regulatory changes that might result in compliance and disproportionately impact smaller businesses when those changes are not statutorily mandated. Oregon’s approach is similar, and so is Colorado’s.

States developed seed-to-sale tracking systems, product testing standards where none had previously existed, and worked with industry to create packaging and labeling standards to assure that consumers received as much information about a product on a label as possible. As the industry continues to mature, change, and innovate, regulations must change, as well. The challenge for regulators, however, is finding the balance as noted above – the sweet spot – between providing adequate regulatory guidance for a Schedule I controlled substance and dialing back the tightly wound safety mechanisms on which most enabling statutes are based. The authority to make most of those adjustments generally lies with legislative, rather than regulatory bodies. This underscores the tension between structural and social stigmas: the deviant status of cannabis in American society still holds true, and the debate around cannabis normalization is ongoing (Reid, 2020). Regulators remain in the middle of it.

Criticism of this dichotomous, and generally misunderstood regulatory position is harsh and frequent from all points of the authorizing environment, and includes, but is not limited to:

- Expectation of a flawless system that meets the competing and rapidly changing needs of licensees, and at the same time, the more static expectations of cannabis prohibitionists, and the long-standing needs of medical cannabis consumers;
- Expectation of agency ability to contort or bend laws and rules beyond their design and boundaries;
- Demand for regulatory stability even though requests to revise regulation to meet singular needs or interests is constant.

These expectations have resulted in an often-fractured authorizing environment continually at odds with itself, and that negative energy is generally directed toward the regulator. Wherever agency staff find themselves in an organizational structure, regulators experience varying levels of professional and personal fatigue. Here, this lived experience was described in terms of endurance and survival not leadership. In other words, this work is hard.

These human elements of change receive little attention. Recognizing the dimensions of bias as a system characteristic may help to shape engagement models, highlight change opportunities and approaches, and support efforts to find common ground and collaboration across the authorizing environment. These elements may help to shape future regulatory development.

“Don't rally against the regulator, or don't rally against it, because the bias is there, of course. We just recognize it, and then we address it as we can.” P11

Theme 13: Remember where we came from to guide where we're going...closing words.

Communication and Engagement:

“It has made every single agency in the state of XXX have to talk to each other because it touches each and every one of them.” P3

“Yes, not only working with us but working with the industry, right? And there's certainly a segment of the industry that wants to do what's good for business and so they don't wanna have any kind of opposition or have things change on them. They want that predictability. And there's a real opportunity there to be able to partner with Public Health on certain things or at least to be able to find compromises together. And that is an area that has the opportunity, I think for the future. I-I think going back to pre-legalization, the, we were in the, the liquor selling business, right? The...they're still trying to find their legs in the issue but I think it's certainly an area in the future that has a, a lot of opportunities.” P7

“I think, because we pressed that engagement, they're less cynical. We make mistakes, as you know, and sometimes not engaging with them on every decision that we make. But Lord knows, everybody can be in our list serve. So, sometimes I'm a little frustrated by people feeling like the decision was made without them.” P11

“Cannabis is now grown up. We don't need to be concerned about treating it like an illicit substance.” Something akin to saying we're now going to treat cannabis essentially like any other regulated commodity.” And so 2.0 for us was that moment where we said, “Okay, we're now sort of grown-ups and we're gonna have publicly-traded companies and we're gonna have lots of stockholders with minimal shares of businesses and we don't care who you are because the end of the day, you don't control the business.” P2

“Value the process of listening to all voices in the room. Approach conversations with people who haven't had the same experiences as them. That they have the ability to make people feel included rather than coming in with their own experiences and intentions.” P7

“What I would tell myself probably is to speak up more and be a little more forceful. And, you know, I think a lot of it was just so many of us just didn't know a whole lot. And we were all learning on the fly. And if there would have been a way to be a little more prepared and to understand a little more, I think that's the big advantage that people have now. They've seen states go through this. If they're smart, we'll take the best and leave the worst from what other states have done.” P9

Systems Improvement and Design:

“But so just as an example, right? Like, we instead of, **we could have used bringing cannabis out of the shadows as an opportunity to learn how to improve our systems.** But we were so afraid of it that we refuse to look at its benefits and only **look at the things that scared us**, which then led to it being treated as any other commodity which it is not.” P3

“What would I do differently? I would have allowed vertical integration because there's as you know there's a lots of other reasons why that's been problematic.” P11

“I think what's happening is the assumption that whatever you need medically should be available to you at a recreational store. It begins with these stores not having a place where there's an opportunity to have confidential communications with patients. The atmosphere is not set up for a confidential discussion. It's like operating a small ...” P10

“You know, if I went back when I've made that decision, if I knew I could get medical integrated into that first session right away, that was a bigger possibility before that. And then so I don't think I can really take back that decision and say that circumstance, I could, I could change. I think the flaws that... from a little CC's perspective, one, we gave up too much of the territory to other agencies initially.” P12

"I think making sure that we are coming up with policies is not about punishing young people for making bad choices, and not about punishing adults from making bad choices, but about equipping them with the information, the experiences that support them making good choices." P1

"There's a crazy political stances in this movement, as you know, um, but at least be dedicated to professionalizing, reducing harm." P9

"Make the team a little smaller." P5

The challenge of cannabis "exceptionalism"

"It is the challenge that each of us has had in our own domain where we are. I think I've passed the advantages of having it. XX and I have had some challenges with having commission models, because I don't think the traditional federal apparatus is even tougher than state apparatus. Um, you've got to have that participation in this world. This requires constant, communication and information flow to do it successfully. I can't imagine the FDA reconciling unproven science." – P12

"There's no going back...there's no going back. You know what? They're viewed as the good old days or whatever that is. It's only going to keep morphing into what the future is and the board to its credit, that's cannabis 2.0, you know, took a step back and say, "Where do we want to be in five years? What do we have to be able to do?... It's not trying to, you know, keep a corral around innovation. It's gonna continue to happen." P7

"...it just seems somewhat ironic that in some ways the criminalization of marijuana over the last century and the preclusion of research has in some ways created this space for allowances for exceptionally novel products. So it's not surprising we're met with the question, "why can't we do a nasal spray? Because we don't have to follow the same rules. And we'll rely on a more liberal allowance from state governments." P2

"How do we respond to that exceptionalism? Because there's a euphoria and aggressive innovation in the cannabis community, not to mention the fact that they want to make money. It reminds me of one episode we were closely involved with about three years ago. It took probably a solid year for it to play out. It was the whole concept of nasal spray – administering cannabis through a spray in the nasal cavity and the question was whether it was safe. Arguably the proponent was pushing boundaries and it was reflective of marijuana exceptionalism – at least the expectation that cannabis, because it could not be licensed under a federal regime, that it be exempted from the spirit of those federal rules and we would create another standard to allow it." P2

Chapter 6: The Next Chapters

Of course, these haven't been written yet. While this learning history focused solely on the complexity of early cannabis legalization as it relates to regulatory construction, social justice and social equity, each state can tell a story of its own. Leadership within this domain is explored more deeply in the dissertation that this learning history has informed.

Perhaps another learning history could explore the Washington State medical and adult-use market merger, and certainly, some participants shared observations about that during interviews. Oregon might use a learning history to dive into challenges of overproduction, land degradation, and product testing. And all states could visit the issue of serial sales. There is also

the issue of national legalization and what that might mean for state systems. Until then, perhaps this history can be used as a blueprint for future participatory research design, in the words of those leading complex regulatory change.

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Appendix I: Learning History Data Table

PART I: PRE-LEGALIZATION

HISTORICAL MARKER	THEME	COMMENT	PARTICIPANT
Legacy Landscape and Prohibition (Chapter 1)	1: The legacy landscape was multidimensional and complex	We've been farming indoors forever because it was underground, right?	P3
	1: The legacy landscape was multidimensional and complex	Well, and, and unfortunately with that, I mean, so people are not going to continue to avail themselves of the medicine and I say medicine that they need. Um that is why we are here is because people saw it as treatment first and foremost	P3
	1: The legacy landscape was multidimensional and complex	You know, that interconnectedness that this industry lacks for a couple reasons. One, because in when it was, you know, underground, you didn't wanna raise your head up too high and call attention to yourself. So, why are you gonna create vast networks of information?	P3
	1: The legacy landscape was multidimensional and complex	...some of the stuff that I saw that was really, I'll never forget it, was packaged, processed, like cakes or brownies wrapped in cellophane with uh, a handwritten note on the package of what it was. It wasn't properly packaged or labeled. I have no idea. I mean, it was basically someone making this in their home and then bringing it to the dispensary or possibly making it in the dispensary but whether it was tested, whether it was tested for potency, uh, I-I have no idea, but it was certainly labeled. It would-, it'd be like something I would make in my home, Kathy... They could sell anything, create anything...	P11
	1: The legacy landscape was multidimensional and complex	I'll never forget, you know, a father and a mother who met with me and the father breaking down as he relayed his observation of his teenage son being forced down onto the ground at pre-dawn hours by law enforcement in Black SWAT gear. Pointing semiautomatic rifles at his son's head and being afraid that he was about to see his son get shot dead. And this was all for the fact that his wife was growing medical cannabis for a community member, who was suffering from a disease that made it impossible for him to keep food down, unless he was using cannabis. She was trying her best to comply with the informal medical marijuana guidelines that had been established at the time	P1
	1: The legacy landscape was multidimensional and complex	I remember these 2 women who quite a few months apart, called me and, separately and, I don't think they knew each other but they saw some information where they could get medical marijuana or heard about it. So they met up with this person...and they became victims of rape by this person. It made me realize that there was some predator out there who were using the illegality of marijuana to get access to women to rape them.	P6
	2: Power distribution	...it landed a place where patients could reasonably disagree with whether or not that definition was consistent with their personal experiences. I think there was some concern among the people in the audience who were going to be testifying,	P6

		because the County Sheriff was there in the room and he had gone on a record saying in a newspaper article that he believed there was no such thing as medical use of marijuana.	
	2: Power distribution	I was on the street and arrested people for simple possession of marijuana and found marijuana and pipes on searches.	P2
	2: Power distribution	Uhm, the joke when I was a police officer -- the joke was, you know, if you're getting low grade THC, you're buying it from a stupid grip third-grader that's growing it in the backyard.	P10
It Isn't What You Think (Chapter 2)	PURPOSE	I'm doing this for the people who are getting hurt the most by our current policies. So, everybody who gets arrested, everybody who gets stripped searched when they are put into a jail cell, experiences, a trauma that is absolutely horrific. The shame of being publicly charged as a criminal of having to show up for court appearances, that the- had the way that that puts your life on a completely different trajectory once that's happened to you is horrible for every single human being. There's nothing good about the criminal justice system for anybody that gets pushed into it. But for people with terminal and medically debilitating conditions, that's just not- that's just not an acceptable outcome at all. So, at a minimum, we needed to deal with that.	P1
	3: Wait, what does legalization do?	medical cannabis community was split on this. And that some of the most vocal voices at the time, were the strongest opponents to passing Initiative 502. And, um, my interpretation what was happening was that those most vocal voices were those who, um, saw a very profitable business structure that they had created for themselves, being threatened by what would happen when this industry was brought under state regulation.	P1, P11
	3: Wait, what does legalization do?	<i>"And realizing that we were- we were on the cusp of doing something that was going that could potentially change, not only policy in Washington state, but across the country and around the world because really it- it wasn't legal anywhere. So that was a moment that stood out for me."</i>	P1, P2, P5, P11, P9
	3: Wait, what does legalization do?	If the law applied to everybody, we knew patients would be protected regardless of whether or not they could find a doctor who's willing to say, yes, I will, I will, you know, authorize or recommend medical use of cannabis for you.	P1
	3: Wait, what does legalization do?	purposely left the medical piece out of the initiative because she knew that the system that was in place today, the medical law for cannabis, was very different with that when she was proposing through the initiative. And the most important piece of that, I think, was that it was not vertically integrated, right?	P11
	3: Wait, what does legalization do?	we tried to borrow a lot at the language from the liquor control act. So that it would be a little bit easier for LCB to undertake the rulemaking	P1
	3: Wait, what does legalization do?	a large amount of it was just copied from the liquor statutes	P4
	3.1: Wait, what does legalization do?	they were creating fear and anxiety among patients who use cannabis. Um, patients who had very	P1

	<i>Information, Misinformation, and the Vote</i>	serious health conditions. Um, patients who were very afraid that they would lose access to cannabis and we're being told that they would lose access to cannabis	
	3.1: Wait, what does legalization do? <i>Information, Misinformation, and the Vote</i>	Oh my God what are those people doing over there?	P11
	3.1: Wait, what does legalization do? <i>Information, Misinformation, and the Vote</i>	We'd be able to provide more health care for homeless, provide more housing opportunities. All these different things that that told people what they wanted to hear. In essence, when they voted, they were voting for something that they thought was going to help them or meet their intrinsic need or values... Uhm, in the past, but like we all know, if you try to make everybody happy, nobody is happy. That was sort of where we ended up. Then, legislators got involved and started trying to make changes. Some of them were well received, some we're not well received. Some of them were not, uhm, consistent with the original language associated with the initiative.	P10
	3.1: Wait, what does legalization do? <i>Information, Misinformation, and the Vote</i>	that decision to oppose the campaign through instilling fear in people who are vulnerable and were already being harmed by the practices	P1
	3.1: Wait, what does legalization do? <i>Information, Misinformation, and the Vote</i>	[people said] I voted for but I didn't know it was gonna do that. And so people were just... I didn't know it was going to do that. And a real lack of understanding of what the whole structure would look like. They didn't expect pot stores down the street.	P7
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	I-I have to say it's probably some of the most painful stuff that I've witnessed and continues to be when I think about, for lack of a better term, the bodies on the side of the road. Like, it's just, it wasn't, I don't know many people who got through at all, and I don't know many, I don't know anyone who got through unscathed. Um so it's, it definitely took its toll um and I saw kind of it all happen.	P3
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	And in essence, it meant the end of the unregulated medical marketplace out there to a regulated marketplace for medical and for adult-use, but I think the loudest voices against legalization was in a, you know, and it totally made sense because it did exactly what they said it would do. It displaced the need for this other unregulated medical marketplace with a legal medical and adult-use marketplace. and I think they were the loudest voices against it which is kind of ironic, but again, it was because they were making the money by being a commercial marketplace which is what it was never intended to be.	P11
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	The problem was though, is that I think what happens is even in that short period of time, you end up creating a culture and an economy with expectations and community standards around an industry that's unregulated. And then an organization like MED is stood up after the fact in response and then has to effectively confront all of those community standards that have been established in this new industry and change all those expectations and behaviors. That's a very challenging thing	P2

	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	And so, they don't trust, you know, the systems that are set up that are, you know, whether they be medical systems or governmental systems or whatever it is. There's a, there's an inherent mistrust that kind of permeates everything because of the way they have personally been affected	P3
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"...but it also made it very very difficult for the regulator coming in to have to deal with the conflicts that were established by that initiative, of the only regulated marketplace out there and not very regulated..." P11	P11
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"...it's a pretty tremendous um night and day difference between what was and what is and who has power and who doesn't. And honestly, who has power are the same people that have always had power. "	P3
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	Culturally, you have an agency that for so many years has a certain approach to cannabis and keep in mind throughout this entire period it remains a Schedule I controlled substance illegal under federal law. Yet we have a different perspective due to our state constitutional and legislative mandate. That's hard to reconcile. And that's a hard change culturally."	P2
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"Then, you have regulators writing rules who I don't know who they were before, but they didn't have the experience that, at least, I had in seeing them implemented. I think people who are being charged of putting rules into place are out of touch. If they have not actually lived the regulated world and I think even an enforcement person could probably write better rules because they've been on the ground and they understand it."	P5, P9, P10
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"... power seemed to be held by the suits. "	P7, P9
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	" I was labeled because of my background. I was identified of having -- to -- of a myopic perspective that was enforcement oriented."	P10
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"We do quite a bit of public opinion research because we wanted to make sure obviously that anything that we were going to put on the ballot was going to pass."	P1
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"The, the lack of control , feeling, feeling like they [legacy market] don't have control um in terms of who's growing it."	P3
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"...the quietest group, I think, were the people that didn't have a clue about what the government process was and how do we go about getting licensed. And they were afraid to ask questions because I think they thought we would disqualify them in some manner if they didn't know what they were doing, which I think at one point I got across a couple of them."	P5
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"It was pretty strange asking people who were working, um, in the illegal marketplace to come in and talk to us about the illegal marketplace. It was a well-organized black market that existed. Um, but just standing and talking to people and	P5

		eventually is, well, come and look and we'll show you what we do. "	
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"...that interconnectedness that this industry lacks ...[o]ne, because in when it was, you know, underground, you didn't wanna raise your head up too high and call attention to yourself. So, why are you gonna create vast networks of information?"	P3
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"The loudest group was the medical people that were claiming we're damaging the rights of medical patients. Um, I come to find out this group of people really weren't involved in the medical marijuana thing at all. They were anti-government taking control of the product. "	P5
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"You had groups or people were really excited because they had won the lottery, so to speak. You know, they are on the list to get, um, a grow license or to open a store to be a processor. You had people in the medical community that felt they were being excluded . So they were angry. Um, really angry at times. In fact, there was one meeting at Saint Martin's College and somebody threw a shoe at the board. So, I mean, those people are angry."	P5
	4: Macro/Micro Systems Characteristics Influence and Impact Interactions as Systems Reorganize	"Um, the quietest group, I think, were the people that didn't have a clue about what the government process was... "	P5, P11, P12

PART II: SPADEWORK (Implementation)

Regulatory (and Organizational) Growth and Development (Chapter 3)	5: How Do We Do This....Now?	"...we were a little bit overwhelmed with having to implement privatization of alcohol when the Costco initiative 1182 passed in 2011. And so this just added more to what we were doing without very—with very little knowledge of how we would put it in place."	P11
	5: How Do We Do This....Now?	"...but to be honest with you, as a regulator of alcohol at that time, we were busy doing our jobs. There was not a lot of time or effort to look at how this was going to work. We began to put teams together just as it became more clear that it looked like the initiative would pass. But the extent of my knowledge was almost zero – as far as how we would regulate the new industry. I mean we're all aware of cannabis, but as far as how it would be regulated, none."	P11
	5: How Do We Do This....Now?	"We put together 11 separate units of a team. So in starting up the marijuana initiative, we took those same 11 teams and basically did, you know, a reverse engineering. We-we knew we had to do to close down, so why don't we do just the opposite to get it started up?"	P5
	6: Culture Shock	"Find out what the history and myths were about marijuana. Because that was a big thing is in the education piece, telling people you've heard this all your life, but it's not true. And here's what you haven't heard that is true. So, um, I think we did a really good job on that basic education piece."	P5
	6: Culture Shock	Number 1, I thought I would be fired promptly. This is going to be a highly controversial implementation...but what I expected was some pretty intractable implementation issues between the	P12

		legislature and public safety and marijuana community and that, you know, obviously, the agencies are simple, we would be right in the middle of the crossfire and all that.	
	6: Culture Shock	"...I think the best part of the navigation was to, at times, just shut up and listen to what were they dealing with, what were they angry about."	P5
	7: Tension is a catalyst for change (but chaos isn't)	"Some of those meetings there was the same cast of characters that would show up everyone and trying to, I think, cause a little distraction, a little trouble, because they were so for the existing medical marijuana group that was working, and so much against state government. So, yes, those two things combined with them that they would show up in at times and cause trouble."	P5
	7: Tension is a catalyst for change (but chaos isn't)	"How did we deal with this as a new agency?...primarily getting out there in front of the community and getting knowledgeable very fast about not just what we thought the issues were but how the public opinion was thinking about it...Will we use real science and research? and not made up stuff...we had a chance to...create a good.. centrist... balanced, viewpoint relationship, just based on the recommendations that came out of there."	P12
	7: Tension is a catalyst for change (but chaos isn't)	"Well, how [are] you going to have the expertise? How you gonna get it done? I said "We can get it done because you're gonna help us do it! That's how we're going to do it."	P12
	7: Tension is a catalyst for change (but chaos isn't)	"...it was pretty strange asking people who were working in the illegal marketplace to come in and talk to us about the illegal marketplace. It was a well-organized black market that existed...but just standing and talking to people and eventually is, well, come and look and we'll show you what we do."	P5
	7: Tension is a catalyst for change (but chaos isn't)	"None of us know what we're doing, so please ask your question."	P5
	7: Tension is a catalyst for change (but chaos isn't)	"So, we built up our acumen really, really quickly, agency-wide through this sort of all-hands-on-deck process...we delivered on that... and everyone saw us engage the community and the recommendation sort of fit-out of that and that process built-in finalized, sort of the cap on the trust industry had in us."	P12
	7: Tension is a catalyst for change (but chaos isn't)	"... we were very open about the process and that was also part of, you know, that mix of gaining that interactive trust as the regulator or dealing a unknown world of marijuana regulation."	P12
	7: Tension is a catalyst for change (but chaos isn't)	"Yeah, I think in those moments of heated discussion like at Saint Martin's just took, I think... I think Sharon Foster was chair then, and she just at one point just said, "Everybody calm down. You'll get a chance to speak. Let us hear what people are saying." So, I think just taking control of the meeting that way. I thought she did a great job."	P5
	7: Tension is a catalyst for change (but chaos isn't)	"That [anger] decreased over time as people saw what was going on. There was one meeting in Bellevue I was in, though. I'm not sure it was a skill. Somebody was standing up upset about something and I basically just said, "You know what, that's a bunch of bullshit." And the room went silent. Somebody from the state swore at us, you know."	P5

	7: Tension is a catalyst for change (but chaos isn't)	"And so I think there was a little bit of, I think, that that impacted their ability to engage with us, didn't impact our ability to engage with them. We purposely set out to meet with them to know their concerns. But I think it was partly their anger with it passing that it took a little time for them to be engaged. It also took a little time to figure out what the impact was happening in the community."	P11
	7: Tension is a catalyst for change (but chaos isn't)	"A lot of people from the agency and some people did not want, um, this to happen. They didn't want marijuana legalized, even though they were on the team to help do this. So they are trying to be as restrictive as possible. And I kept pushing back, you know. We're supposed to make this an open market for this product, you know. And so I think at times they were too restrictive."	P5
	7: Tension is a catalyst for change (but chaos isn't)	"Recognizing all the competing priorities... of being caught in between the regulatory and the prevention because it wasn't restrictive enough for the prevention."	P7
	7: Tension is a catalyst for change (but chaos isn't)	"Arguably the proponent was pushing boundaries and it was reflective of marijuana exceptionalism – at least the expectation that cannabis, because it could not be licensed under a federal regime, that it be exempted from the spirit of those federal rules and we would create another standard to allow it. Marijuana exceptionalism. How do we respond to that exceptionalism? Because there's a euphoria and aggressive innovation in the cannabis community, not to mention the fact that they want to make money." - B	P2
	8: The Challenge of Building Value into an Unprecedented Regulatory System	"You're asking a bunch of people to interpret this whole new area of law that nobody has ever done." P9	P9
	8: The Challenge of Building Value into an Unprecedented Regulatory System	"The initial structure of the regulations was horrible. [Staff] background was such that when some of the rules were written, they were written with the right idea, the right goals, the right information, but some of the wrong language, so it said one thing, but we couldn't enforce it because of the way it was written, if that makes sense."	P9, P10
	8: The Challenge of Building Value into an Unprecedented Regulatory System	"It's just what was needed at the time in order to basically placate the federal government from taking action against us. Our 2 US attorneys on the east and on the west side of the state were watching closely what we were doing, and so I think the only lesson learned, and I've said it many times over the years, is I wish I wasn't one of the first 2 states..."	P11
		SIGNIFICANT MOMENT: COLE MEMO	
	8: The Challenge of Building Value into an Unprecedented Regulatory System	"The most significant thing that happened was the Federal Government saying, through the Cole memo, "We will not shut you down. We will allow you to move forward with this experiment"	P11
	8: The Challenge of Building Value into an Unprecedented Regulatory System	" I think I pulled up at the Target parking lot to call my office... I was looking at my work e-mail...when [is] this phone call the governors gonna take place and cause I thought the AG would be there, and I- I would try to be there and everything...[a]nyway, it was very exciting."	P4

PART III: Social Justice and Social Equity Meet

<p>The Diamond Tipped Spear (Chapter 4)</p>	9 – The Tightrope	So, I imagined cannabis prohibition in the war on drugs in general is a very, very, very thick plate of glass. And 502 is intended to be a diamond tip spear that hit it and started making cracks, started making fissures and that it was going to be more and more work and more and more pressure that was gonna break those fissures, make them longer, broader, et cetera, until the whole wall came down.”	P1
	9 – The Tightrope	“So we met with, um, Central and South American representatives, country representatives in Denver, Colorado. We put together this meeting, um, with people from all those other countries that were absolutely furious...for years the United States had forced them to participate on the war on drugs. And now here we are simply opening up. And I don't... There had to be in at least a dozen or 15 countries in there. We had headphones on because there were different languages being spoken. There's English and Portuguese and Spanish. So, you know, we're wearing headphones as if it was the UN meeting then. But you can tell when somebody was talking at us that they were not happy even way before it got translated. So, that was a tough meeting.”	P5
	9 – The Tightrope	”I think it's a great thing that people feel so comfortable now in pointing out the flaws with 502 because that means it worked.”	P1
	9 – The Tightrope	“I think that the conversation right now is extraordinarily over simplified, um, and, um, but that's okay. What- what matters to me is that the conversation is happening.”	P1
	9 – The Tightrope	“One, um, I believe personally that people should have a right if they want to use marijuana or not. You know, with a product that [is] safe, what chemicals are on it, you know, all the other things that we put in those baselines. But I also wanted it done in such a way that the federal government wasn't going to walk in and say, "Okay, close it down. You're-you're violating too many federal laws." So, always walking that tightrope was, um, part of the equation.”	P5

PART IV: Toward Socially Equitable Conditions

<p>The Next Five Years (Chapter 5)</p>	10: Continue the conversation... <i>Grow the stakeholder base</i>	It wasn't possible for the state to say we're actually going to give the licenses to people from specific racial categories or some give them preference. We couldn't preference anything in that way.” P	P4
	10: Continue the conversation... <i>Grow the stakeholder base</i>	Unfortunately, like a lot of licensing processes and state contracting processes, there's, there is no favoritism, you know. It's here's what you have to do. If you do that, then you can proceed. And, um, there might have been a better way to educate people that are not used to working, um, with the government or working in a business environment to be a little more successful.	P4, P5
	10: Continue the conversation... <i>Grow the stakeholder base</i>	“Beat down the doors of the agency and make sure they know who you are.”	P3
	10: Continue the conversation... <i>Grow the stakeholder base</i>	“I just think it's it's easy to look back and, and with the cynicism that we have toward government today. so polarizing is that we all know it is, and the lack of trust that people have in their government whether it's at the national level, at the state level, at the local level. It's	P11

		easy, it's easier for some people to believe that there was a motive and intention to leave people out.”	
	10: Continue the conversation... <i>Grow the stakeholder base</i>	I would hope at least that regulators would be like Allison Holcomb. And I feel like regulators, for the most part, our regulators. They're bureaucrats, and they're what people expect regulators to be. There's a lot of crazy political stances in this movement...but at least be dedicated to professionalizing, reducing harm. If you regulate us like professionals, then maybe we will be professional.”	P9
	10: Continue the conversation... <i>Reinvigorate focus on harm reduction</i>	“I think making sure that we are coming up with policies is not about punishing young people for making bad choices, and not about punishing adults from making bad choices, but about equipping them with the information, the experiences that support them making good choices. ”	P1
	10: Continue the conversation... <i>Reinvigorate focus on harm reduction</i>	“...kids aren't having any trouble whatsoever getting it. And so at least, if we bring this into a regulatory environment, perhaps we're making it more difficult or at least, you know, we're- we're focusing on taking the people that are obviously willing to sell to children out in the marketplace.”	P1
	10: Continue the conversation... <i>Remain focused on supporting and continuing to create a regulated system that offers value to both licensees and the public.</i>	“...creating value in a regulated framework; even where that there is a presence of a relatively high taxation load, with an excise tax and special sales tax, that if you can add sufficient value to the product through the regulatory system, then consumers, and suppliers, and retailers, will move to that system because there's value there, there's value in testing, there's value in packaging, there's value in security, there's value in open hours of your business, there's value in consistency of retailers, there's all of this value that's built into a regulated framework that moves that illicit activity to the licit space.”	P2
	10: Continue the conversation... <i>Take a hard – and perhaps uncomfortable – look at cannabis stigmatization</i>	“It's time to take the bias away and the stigma that people have placed on cannabis for years, even those that supported legalization. We still, we still deal with it today.”	P11
	11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses	“...the assumption is that most everything about social equity has been translated into equity and ownership in marijuana businesses.”	P2
	11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses <i>Community Reinvestment Programs</i>	“Yeah, maybe we need to make it easier for people that we've taken away their livelihood, even though it was an illegal livelihood. And we're giving it to other people, you know, corporations in some cases. But how do we say, well, they're not the only ones who've suffered. We've got all these people coming out of jail with no skills or records that they can't um overcome. It's challenging...the more I read on social justice, I just listened to a pretty controversial speaker. A speech he did at Johns Hopkins University. I have to look but his topic was "Drug policy is racist policy.”	P7
	11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses <i>Community Reinvestment Programs</i>	“People [need]to respect the communities, the identification of what they want. But the reality of what I was pushing for is not very good...I believe if you implement it, I don't think it's a model to success, for the community, and have a hard time reconciling my values to be representative of all that, while my policy says, "Tell me this is not what we should be doing for transfer of wealth, making up for those kinds of issues, trying to bring [it] forward. Let me spend it on education and the underachievement in our school system. Let me spend it on drug and alcohol treatment if that's the issue. Let me spend it on any other business development which is close enough, that it's not quite	P12

		as competitive or as completely capital-intensive as this...” P12	
	11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses <i>Outlet Density Impact</i>	“But it really also talks about things like the impact on communities of maybe e-, you know, ag- this- this business aggregating in those, in those communities and the- and consumption impacts. And that sort of thing which you usually don't hear talked about in the social equity context. Both the positive and the negative impacts of or opportunities and potential harms”	P2
	11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses <i>Outlet Density Impact</i>	“...why did we want to extend what has been-- What has caused problems for those communities? And put it right back in the communities. Put cannabis right back in those communities when it's been a source of problems. And are we really serving those communities by doing that? And- and isn't there a better way? If you want to look at the revenue that's coming in, couldn't revenue be set aside to provide business counseling for things other than cannabis businesses? Why is it only for cannabis businesses? If I've been sitting in jail for five years over minor possession, and I've missed out on an education, and I don't wanna sell cannabis, what are you doing for me? “	P12
	11: Explore how social equity can be demonstrated, beyond equity and ownership of cannabis businesses <i>Explore the impact of perceived “farce” of social equity</i>	“[Business thrives with] Sustainable income, pretty easy to operate, protected environment. But this environment? I think it's very rough for government to offer a license and create something that's successful for them. You've got to come with the savvy, the skills, the ability, the capital, the wherewithal, and simply creating a license to get in, which is... has been generally, as you know, if a [state] system is, not to my mind the big makeup for, um, the, the, the problems of society. “	P12
	12: “I'm a survivor, not a leader”	“I'm a survivor, not a leader”	P12
	12: “I'm a survivor, not a leader”	“It was an exciting time. I really enjoyed it. Um, beyond that, I don't know what I would tell myself. Um, maybe you didn't have to talk to everybody. ”	P5
	12: “I'm a survivor, not a leader”	“Some of the things [regarding legalization] might happen faster where there might have been more of a gentleness, gentleness to it. But it's hard for me to say, do it differently. And again, I say that because I think that I did what I was good at. And that it's okay that that wasn't everything. But it was a- you know, I think I did what- I think I played the role I was supposed to play.”	P1
	12: “I'm a survivor, not a leader” <i>We can't change reality</i>	“The pace has changed. Now, it's whack-a-mole on testing, right? It's the next product of the day. It's the next thing. And I don't think we saw that early on back. This constant churn of evolution particularly in labs and standards.”	P12
	12: “I'm a survivor, not a leader” <i>Regulatory Innovation and Bias: Opportunity or Barrier to Meaningful Coalition?</i>	“There's quite a bias out there against cannabis legalization. They wanted it to be treated the same. But the cannabis industries rallies against us...because they believe that we treat it differently than alcohol? Well, it is.”	P11
	12: “I'm a survivor, not a leader” <i>Regulatory Innovation and Bias: Opportunity or Barrier to Meaningful Coalition?</i>	“The public has a bias against [the agency]. I can't change reality. I can't. I can recognize that the bias is, is not healthy for the industry and that we should do everything we can to remove it. But don't be so naive to believe that, that wouldn't be there. That will take time.” – P11	P11

	<p>12: "I'm a survivor, not a leader" <i>Regulatory Innovation and Bias: Opportunity or Barrier to Meaningful Coalition?</i></p>	<p>"Don't rally against the regulator, or don't rally against it, because the bias is there, of course. We just recognize it, and then we address it as we can."</p>	<p>P11</p>
	<p>12: "I'm a survivor, not a leader" <i>Regulatory Innovation and Bias: Opportunity or Barrier to Meaningful Coalition?</i></p>	<p>"What I would tell myself probably is to speak up more and be a little more forceful. And, you know, I think a lot of it was just so many of us just didn't know a whole lot. And we were all learning on the fly. And if there would have been a way to be a little more prepared and to understand a little more, I think that's the big advantage that people have now. They've seen states go through this. If they're smart, we'll take the best and leave the worst from what other states have done."</p>	<p>P9</p>
	<p>12: "I'm a survivor, not a leader" <i>Regulatory Innovation and Bias: Opportunity or Barrier to Meaningful Coalition?</i></p>	<p>"Cannabis is now grown up. We don't need to be concerned about treating it like an illicit substance." Something akin to saying we're now going to treat cannabis essentially like any other regulated commodity." And so 2.0 for us was that moment where we said, "Okay, we're now sort of grown-ups and we're gonna have publicly-traded companies and we're gonna have lots of stockholders with minimal shares of businesses and we don't care who you are because the end of the day, you don't control the business."</p>	<p>P2</p>

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Title of Selection:	Learning History
ISBN/ISSN:	9781849200271
Portion of work:	Table 1: The Five Stages of a Learning History Project (pg. 494)

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 Anticipated Publication Date: August 2022
 Estimated Circulation/Print Run [all formats]: Unlimited
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Permission 3

8/7/22, 2:53 PM

Antioch.edu Mail - Permission Follow Up



Permission Follow Up

3 messages

Kathy Hoffman

Fri, Aug 5, 2022 at 7:34 AM

To:

Morning Rick,

Following up on our conversation yesterday concerning permission to use the attached version of the Learning History Artifact in the published version of my dissertation.

If that is acceptable, please let me know by responding to this email.

Thank you!

--

Kathy Hoffman, PhD, MPA
Antioch University



Learning History Artifact - SemiFinal V2(1).docx
565K

Garza, Rick J

Fri, Aug 5, 2022 at 9:56 AM

To: Kathy Hoffman

Sure, approved.

From: Kathy Hoffman
Sent: Friday, August 5, 2022 7:35 AM
To: Garza, Rick J
Subject: Permission Follow Up

External Email

[Quoted text hidden]

Kathy Hoffman

Fri, Aug 5, 2022 at 11:00 AM

To: "Garza, Rick >

Thank you!

[Quoted text hidden]