

The Spanish Social Club. What's in a name?

*Isidro Marín-Gutiérrez and
Mónica Hinojosa-Becerra*

Introduction

Cannabis Social Clubs (CSCs) are non-profit organizations in which typically cannabis is grown and consumed collectively. To become a member of a CSC, it is usually necessary to be of legal age and have the endorsement of a current member (Belackova, et al., 2016; Muñoz Sánchez, 2017; Parés et al., 2019). As a result, a closed circuit between producers and consumers is established (Bone & de Hoedt, 2018; Decorte et al., 2017). Since its inception, the CSC model seems to have relied on and motivated different forms of social interaction.

A brief summary of the history of CSCs in Spain¹

CSCs have a long and rich history in Spain, rooted in the cannabis movement which began with the youth counterculture of the 1960s and 1970s (Romaní, 2004). In 1992, the 'Corcuera Law' acted as a precipitating factor for the emergence of the associative movement more directly involved with the creation of CSCs in Spain (Marks, 2019). Under this law, the public consumption and possession of cannabis received administrative sanctions, generating great discontent among cannabis users (Marín-Gutiérrez, 2008). Around that time, the Asociación Ramón Santos de Estudios Sobre el Cannabis (ARSEC) was created – and soon after, the first experiment with collective cannabis cultivation within the framework of a cannabis association took place in Spain, as we discuss in more detail in the next sections.

In the years after the creation of ARSEC, in particular between 1994 and 1997, many other similar associations – self-described as oriented towards the 'study of cannabis' – were established across the country (including: AMEC in Madrid; KALAMUDIA in Bilbao; ACAC in La Coruña; SECA in Zaragoza; AECA in Huelva – see Figure 5.1; AMA in Albacete; AECA in Asturias; Amigos de María in León; AlaCannabis in Alicante; Bena Rianza in Valencia; AMIC in Mallorca – see Marín-Gutiérrez, 2008; Marín-Gutiérrez & Hinojosa-Becerra, 2017). In 2001, the first association explicitly adopting the denomination of 'Cannabis Social Club' was created (Arana & Parés, 2020). It



Figure 5.1 A party organized by AECA in Huelva (1999)

was the Barcelona Cannabis Tasters Club (CCCB) (Márquez, 2002). During the first decade of the 21st century, CSCs appeared with special incidence in the Basque Country, Catalonia, and Andalusia (Blickman, 2014).

Most of these early CSCs were integrated into the Federation of Cannabis Associations (FAC) (Araña & Parés, 2020; Marín-Gutiérrez, 2011) – Figure 5.2 depicts a meeting leading to the establishment of this Federation. A CSC Federation is a supra-organization that represents the affiliated CSCs, developing codes of conduct for the functioning of CSCs and representing the CSCs in other lobbying and advocacy work (Jansseune et al., 2019). Today multiple Federations play an active role in this field (Belackova & Wilkins, 2018; Decorte et al., 2017). Between 2011 and 2014, there was a massive opening of CSCs in Barcelona, although only a few of these new CSCs followed the FAC operating standards or codes of conduct (Arana & Parés, 2020; Belackova & Wilkins, 2018; Jansseune et al., 2019). For instance, during this period of expansion, a commercial version of the CSC model emerged alongside the non-profit CSC model. These commercial CSCs sought to maximize their profits by producing cannabis outside the CSC, actively



Figure 5.2 Meeting prior to the creation of the FAC at the AMEC headquarters in Madrid (2002)

attracting tourists, and enrolling a large membership base (Martínez Oró, 2015; Parés & Bouso, 2015).

While it is impossible to estimate with certainty the exact number of CSCs active in Spain today, it is likely that there are between 600 and 700 CSCs, of which 350 are located in Catalonia and 75 in the Basque Country (Blickman, 2014, Martínez Oró, 2015). Despite multiple attempts to regulate the model, particularly by autonomous communities (e.g. Basque Country, Catalonia, Navarra) and even at the municipal level, no legislation has been introduced nationwide, and as a result CSCs remain exploiting the particularities of the Spanish legal framework (Arana & Parés, 2020; Decorte & Pardal, 2020). While according to Arana & Parés (2020), most court rulings involving CSC members between the mid-1990s until early 2015 had a favorable outcome for them, more recent cases have resulted in the conviction of CSC members. CSCs, also known as the ‘Spanish model’ due to the historical roots of these associations in the country, therefore continue to face important legal challenges.

Goal of this chapter

Many CSCs in Spain and elsewhere operate as quasi cannabis dispensers (even if non-profit) without any or nearly any activism or other forms of engagement beyond the supply of cannabis to their members (Pardal, 2018; Pardal et al., 2019). For those CSCs, the organization of social activities or other events for their members is secondary or absent. Earlier research in Spain suggests that the CSCs that are affiliated with a CSC federation tend to organize more social activities and have a more public profile (Belackova & Wilkins, 2018; Jansseune et al., 2019). Nevertheless, historically, CSCs have been ‘social clubs’, providing other services apart from distributing cannabis, and relying on different forms of collective action to create links between people and connect them (even with regards to the production of the substance). In this chapter, we focus precisely on the breadth of activities organized by CSCs in Spain over time, considering what has made them ‘social clubs’.

Methods

Our goal is to explore the extent to which Spanish CSCs have played a social role for their members and the broader community. For that purpose, we draw on different data sources. Firstly, we rely on a review of the literature focusing on CSCs in Spain. This allows us to document CSC practices as identified across different research projects. In addition, and primarily, our analysis builds on data collected in the context of earlier research by the authors. Namely, the first author conducted an extensive study of the cannabis movement in Spain between 1991 and 2007, with a particular focus on CSCs as central actors of that movement (Marín-Gutiérrez, 2008). This was a mixed methods study that involved: 1) participant observation in different events of the cannabis movement (e.g. protests, social events, cannabis ‘cups’),

between 2000 and 2007; 2) surveys among growers (n=265), ‘grow shops’ clients, and owners (n=80 and n=26, respectively), in 2006; 3) semi-structured and in-depth interviews with key individuals of the movement and representatives of cannabis associations (n=25 and n=14, respectively), between 2002 and 2007; 4) review of multiple documentary sources (e.g. media) (Marín-Gutiérrez, 2008; Marín-Gutiérrez & Hinojosa-Becerra, 2017). Furthermore, in this analysis we also rely on previously unpublished data from participant observations at meetings among CSCs and other associations in the south of Spain, which took place in 2011, as well as field notes from a court case involving a CSC member-grower in 2006. Between 1999 and 2011, the first author has also taken photographs during the course of his ethnographic research, which document some of the key activities developed by the Spanish CSCs. All the included photographs were taken without arranging the scene or asking participants to pose, as the researcher sought to avoid disrupting the activities. These are included in our analysis as they visually support the discussion of CSCs as ‘social clubs’.

The focus of this chapter lies on identifying different key ways in which CSCs in Spain have acted as ‘social clubs’. However, we do not claim that these social aspects have been integrated by all or most CSCs. Indeed, the available evidence has shown a diversity of views and practices among CSCs in Spain and elsewhere (Bone et al., this volume; Jansseune et al., 2019; Pardal, 2018). There may also be other social aspects that may have remained undocumented. Here we pay particular attention to the early period of development of the CSC model in Spain (since the late 1990s), and over time, which allows us to offer a historical perspective of the issues at stake.

Results

CSCs’ functioning as social clubs is manifested across a number of areas. In our analysis we focus on instances in which CSCs have focused on being ‘social’ in relation to their affiliated members, growers, as well as with other CSCs and other actors of the broader cannabis movement.

General social and cultural activities

A first general aspect related to CSCs’ social function relates to the actual physical space of these associations. CSC members are generally able to meet and spend time at the premises of the CSCs, as depicted in Figure 5.3. The venues are not public and typically only registered members are allowed entry (Belackova & Wilkins, 2018). The use of cannabis is generally allowed either in the main social space of the CSCs or in specific dedicated areas in the clubs (Decorte et al., 2017; Jansseune et al., 2019). Some CSCs provide entertainment activities and/or materials to their members as well, such as the loan of gaming consoles, hosting DJ sessions or showing soccer games on television, organizing movie sessions, talks, or book presentations, keeping a photo



Figure 5.3 A party of the ARSECSE association in Seville (2002)

gallery, or hosting theater performances, art exhibitions or other events at the premises of the CSCs (Jansseune et al., 2019; Martínez Oró, 2015). Parties and other social events for members are also organized by the CSCs (Figures 5.1 and 5.3).

Another important event is the celebration of Saint Canuto, which is a holiday as well as a day for activism. Saint Canuto was an 11th-century Danish monarch turned saint whose feast day is January 19. During Saint Canuto day, activists take to the streets to meet and make themselves visible.

The Saint's relationship with the world of cannabis is explained by the name given in Spanish to a cannabis joint (in Spanish: *canuto*). This holiday arose spontaneously in university circles during the 1990s as a way to vindicate the use of cannabis. The feast of Saint Canuto is a protest act, it is a day when people go out to the streets. Live performances, live music or training workshops on cultivation topics are often organized as well. In the region of Galicia, one of the best-known Saint Canuto festivals is the one celebrated in the city of Vigo, organized by the Vigo Association for Cannabis Studies (AVE María) – see Figure 5.4, where a collective smoke moment has taken place for years in the Plaza de la Constitución.



Figure 5.4 Celebration of Saint Canuto in Vigo (2008)

Collective plantations

Another aspect where CSCs engage in social or collective action relates to the way cannabis cultivation tends to be organized within CSCs. Indeed, since the very beginning, these associations have drawn on the idea of ‘collective’ and to some extent ‘cooperative’ cultivation of cannabis, in the sense that the CSCs organize one or multiple plantations where cannabis is produced – often relying on the assistance of growers and others who are members of the association – for the members of the collective (as opposed to individual home growing or individual plantations) (Alvarez et al., 2016; Belackova & Wilkins, 2018). It was back in 1993 that the first known collective plantation was carried out by the ARSEC association (Herer, 1999; Decorte et al., 2017; Madera, 2017; Matthews, 2002). In a letter to the anti-drug prosecutor of Catalonia (dated June 15, 1992), ARSEC informed him of their intention of carrying out a collective cultivation. In 1993, the General Assembly of ARSEC members indeed decided to develop a collective plantation (Marks, 2019). Each of the signing members committed to planting and caring for two cannabis plants each (Montañés Sánchez, 2017). The plantation was located in Montbrí del Camp (Tarragona, Catalonia), but it was not harvested given that the Civil Guard seized it. Four members of the association were accused of a drug-trafficking crime for growing cannabis. The Tarragona Audience Court acquitted them as it considered that the crop was for their own consumption and not meant for traffic. Nevertheless this decision was appealed by the Public Prosecutor. Eventually, the Supreme Court sentenced them (on November 17, 1997) to four months and one day in prison (as a suspended sentence) and to pay a fine of €3,000 for a crime of “abstract danger”² (Barriuso, 2001; Kilmer et al., 2013; Matthews, 2002).

The negative outcome of the ruling involving ARSEC was a step back for the movement, but in 1997 another attempt was made by another cannabis association. In the Basque Country, the Kalamudia association cultivated 1,500 square meters with about 600 cannabis plants (Barriuso, 1997b). Also in this case, the police found the plantation and confiscated the plants. Barriuso, a former president of the Kalamudia association, was called to testify as accused of a crime against public health. The judge ruled that there was no crime and the drug prosecutor did not appeal in this instance (Herer, 1999). The economic participation of each member-grower towards the collective

plantation was of €6 – to pay for rented land, discreet and away from towns, fenced and with a padlocked gate. Individualized signed declarations were made recognizing the ownership of the plants by each member of the association (Barriuso, 1997a). The association Kalamudia once again carried out a publicly announced collective plantation in 2000. The ultimate goal was to demonstrate that collective cultivation was a valid alternative to the illicit market. The group reported the cultivation to the prosecution office. The cultivation was publicized in the press, radio, and television and gathered the support of artists, intellectuals, and politicians (Barriuso 2000). In 2001, they

organized a subsequent collective cannabis plantation without experiencing any legal problems (Novoa, 2004).

Starting from 2002 and following these earlier initiatives, several associations were created and carried out collective cultivations as well (Barriuso, 2005; Madera, 2017). Barriuso highlighted some of the advantages of these collective cultivations, noting that it would allow those who sign up for the collective crops – who “either due to lack of means or time or due to health problems cannot cultivate on their own, to delegate agricultural tasks to the association and thus avoid having to resort to the black market” (Barriuso, 2005, p. 165). Additionally, there is a potential for job creation in relation to these collective cultivations, as although some crops can be taken care of jointly among the participants/members themselves, others could be managed by people hired by the association, such as gardeners, guards or administrators (Barriuso, 2005).

Growers' contests: the 'Cannabis Cups'

Further interaction among cannabis growers and with CSC members takes place also within the context of the so-called 'Cannabis Cups'. This is one of the forms of meetings that takes place within CSCs, where growers bring forward their produce and compete with one another to find out who produced 'the best' cannabis.

These so-called 'cannabis cups' are developed in private premises where only members are granted access and growers compete in a personal capacity. In order to compete or enter the venues where these 'cups' are held, one must be a member of an association or CSC (ACCV, 2004, p. 11) – see Figure 5.5 for an example. Most associations and CSCs celebrate their own 'cannabis cups'. Up to 100 growers can compete, and around 1,000 people may participate in the event. Parallel to the contests, there are usually also talks on topics related to cannabis: such as on legality, cultivation, history or health (Marín-Gutiérrez, 2008).

In order to compete, apart from growing cannabis, one needs to be a member of a CSC. This encourages associativism among growers. Growers participating in the cup need to provide a minimum amount of grams of cannabis to enter the competition. The contest judges do not know to whom



Figure 5.5 A 'Cannabis Cup' of the Bellaflores in Malaga (2002)

each sample belongs to so that their vote is impartial. These judges are a mix of invited people (e.g. magazine editors, artists) and general cannabis consumers. Most of these contests occur several months after harvest, between November and December, once the plants are dry – Figure 5.6 shows the different samples competing in a ‘cannabis cup’ in Seville.

The meeting place where these contests are held is known a few months in advance and it is often published in the different cannabis magazines as well as online (Mota, 1999).

The associations celebrate their ‘cannabis cups’ as a festive meeting between cannabis growers and consumers, with the underlying purpose of stimulating the further development of a ‘cannabis culture’ in Spain. With these activities, the CSCs also seek to claim the right to grow cannabis as a valid alternative for the consumer who wants to avoid the illicit market. These ‘cups’ can be seen as the expression of what the CSCs and the movement describe as the right to cultivate, while simultaneously giving growers the opportunity to taste the cannabis produced by others in a festive atmosphere.

Study meetings, discussion, and Expocannabis

The CSCs’ social engagement is also outward-looking. While the CSCs have organized entertainment, educational, and social events which are exclusive for members, some of their activities are also meant for and open to a broader public. These are also often organized in collaboration with other actors from the broader social movement. For instance, the CSCs have organized talks, round tables, seminars, and symposia (Tschorne, et al., 1990) – see Figure 5.7. Most of them last several days and deal with issues related to cannabis and of importance to the associations and to cannabis consumers more broadly. The topics of the talks in these conferences have focused on: CSCs – their situation and the possible strategies to follow; the history of cannabis consumption, cultivation issues; on the therapeutic properties of the plant; legal issues related to its consumption and on how to appeal fines. There are often also workshops on cultivation, on culinary recipes using cannabis, music workshops, as well as audiovisual and photographic exhibitions.



Figure 5.6 Cannabis varieties presented to the ARSECSE Cup in Seville (2003)



Figure 5.7 CannabisSur Conference in Malaga (2001)

Note: One of the speakers was the President of ARSECA Fernanda de la Figuera

In addition, CSCs have also been involved in the organization and/or participated in Expocannabis. These particular events started in 1999 and continue to take place today – Figure 5.8 below was taken at Expocannabis in Córdoba. This event is usually held in large Spanish cities (e.g. Madrid, Barcelona, Malaga, or Bilbao). The number of visitors to these Expocannabis events exceeds tens of thousands of people today. Currently, the Expocannabis organization continues to support cannabis associations and CSCs, for instance by offering several free tickets per organization and a place for their meetings and talks.

In Expocannabis the whole sector of cannabis is represented: in them one finds exhibitors from both Spanish and foreign companies. These include vendors and representatives from seed banks, industry representatives involved in the supply of grow materials, hemp craft beers, hemp fabrics, therapeutic products, vaporizers, light and temperature controllers, among others. Conventional and specialized media (e.g. *Cáñamo*, *Yerba* and *Cannabis*



Figure 5.8 Expocannabis in the city of Córdoba (1999)

*Note: The President of ARSEC, Felipe Borrallo (with sunglasses), and Moisés López (with glasses), founder of *Cáñamo* magazine, appear in the picture*

Magazine) are typically present, as illustrated in Figure 5.9. From the late 1990s onwards, the role of these magazines has been fundamental for the cannabis movement as they give a voice and platform to CSCs, which then appear in newsstands across different neighborhoods within Spanish cities. As a result they contribute to the normalization of cannabis consumption and to making CSCs something less underground or hidden. Some of these specialized cannabis magazines have been present in multiple events and calls from CSCs from their inception to the present day, having a trajectory of more than 20 years (Marín-Gutiérrez & Hinojosa-Becerra, 2017).

But also the associative community and CSCs take part in Expocannabis. The program of the event usually includes conferences that revolve around the therapeutic and recreational properties of cannabis, debates on its legalization, and on current legal problems associated with prohibition.

Demonstrations

The main objective of a demonstration is to influence the actors with power, the government, and the authorities, on whose action the inclusion of the protesters' interests in the decision-making process may depend (Jiménez Sánchez, 2003). The organization of demonstrations by the cannabis community was considered of such importance that *Cáñamo* magazine actually published articles on how to legally organize a demonstration (Ramos Rodríguez, 2003). The demonstrations have indeed in most cases been legally organized and communicated to the public authorities. The convening organizations have primarily been cannabis-related associations and CSCs. Their engagement with this type of protest action could be seen as another example of their 'social' side, as they join and/or collaborate with other actors of the broader cannabis movement and cannabis users to voice their discontent for current cannabis policies.



Figure 5.9 Expocannabis in Barcelona (2004)

Note: The director of the magazine *Yerba*, Luis Ruiz (Wismy), appears in the picture

In Spain, these demonstrations generally take place in the spring (typically between May and June). The duration of these demonstrations can be relatively long (e.g. more than three hours) and often continue with night parties where the protesters celebrate with music and dancing. The associative movement in favor of cannabis has relatively weak, small, and unstable organizations but it has managed to mobilize support to carry out large demonstrations, thanks to magazines and especially through online mobilization (Marín-Gutiérrez, 2008).

In these demonstrations a series of routes through the cities, slogans (e.g. “no to prohibition” as included in AMEC’s banner in Figure 5.10 above, or “legalization is the solution”), symbols (e.g. various representations of the cannabis plant/leaves – see Figure 5.11), and a regular order of march are repeatedly present.

The first demonstrations in the late 1990s only managed to gather relatively few people, around 300 protesters. For instance, the mobilizations and demonstrations organized by AMEC were isolated and their convening power mainly reached activists from Madrid (Figures 5.10 and 5.11).

There have also been criticisms in relation to the attention given to these protests, even by members of the cannabis associativism, and especially in comparison with other types of events (such as Expocannabis): “the fact is that for a long time the most numerous public events around cannabis have not been popular demonstrations or smokes, but trade fairs” (Barriuso, 2006, p. 28). Some of the more general problems identified in relation to the cannabis movement



Figure 5.10 Demonstration in Madrid in favor of the legalization of cannabis (2002)



Figure 5.11 Demonstration in favor of cannabis in Madrid (2001)

include insufficient training in political strategy, the cult of the personality of its leaders, legal insecurity, social stigma, lack of recognition among the authorities, lack of self-criticism, authoritarian behaviors, little use of participatory methodologies in the elaboration of proposals, internal disputes, and under-representation of female activists in the associations (Montañés Sánchez, 2017).

The last Global Marijuana March in Spain was held in Madrid on May 11, 2019. Associations and groups, along with civil society, demanded the legalization and regulation of cannabis during the protest journey, which included a march from the Puerta del Sol to Plaza de España. Various sources claim that there were thousands of participants (Cáñamo, 2019; CuartoPoder, 2019).

Meetings among CSCs and other cannabis associations: notes from the 2011 Andalusian CSC meetings

The CSC movement in Spain is characterized by some division and a multiplicity of views – reflected for instance in the creation of different CSC Federations, with their own separate code of conducts and strategies (Belackova & Wilkins, 2018; Decorte et al., 2017; Montañés Sánchez, 2017). At the same time, several CSCs have also developed social, collaborative ties and discussed common approaches with other CSCs and associations. Typically, every year several cannabis associations and CSCs come together to discuss their strategies and activities, both on an informal basis as well as within the framework of the CSC Federations they are affiliated with (Jansseune et al., 2019). During 2011, we made participant observations at some of these meetings in the south of Spain (Andalusia).

A meeting at the Astarté Club Social de Cannabis in September 2011 gathered representatives from 14 CSCs. At this meeting, it was proposed that the associations and CSCs of Andalusia work together for a regulation on the cultivation of cannabis. Several more specific aspects related to the functioning of CSCs were discussed as well. For instance, having hired professional staff at CSCs was a topic of debate during the meeting. Members' engagement in the life

of the associations was also considered, and the attendees at the meeting thought about activities that could motivate them to engage more, so that members could get to know each other, such as hosting cannabis tasting events, participating in radio programs, organizing conferences, parties, offering training in cultivation, organizing demonstrations, and other events.

The participants at the meeting also considered different ways for future collaboration among CSCs and other associations, including: making a request for audience in the Andalusian Parliament as an united, organized and strong collective force; responding collectively in case the police intervenes at the cultivation sites of any association or club; holding regular meetings between associations and CSCs to get to know each other better and try to create an environment conducive to further mutual collaboration.

We had the opportunity to attend another meeting of the FAC-Sur (see Figure 5.12), hosted by the CSCs of Andalusia and Extremadura in the town of Lucena (Córdoba) (in October 2011). FAC-Sur is a regional subdivision of the national FAC Federation of CSCs, which emerged in 2011. This meeting began with a debate coordinated by the president of the ADEUC association, who made an introduction to the current situation of the association. Throughout the discussion, the lack of organization within the associative cannabis movement was highlighted. Also here, the CSC representatives participating in the meeting talked about organizing activities aimed at promoting the cannabis associative movement (e.g. the organization of demonstrations and protests, information channels and recreational activities, such as concerts, therapeutic workshops, and meetings with the Andalusian Ombudsman). It was hoped that these would help project a positive image of CSCs. The associations and CSCs voiced also their intention to extend their collaboration to grow shops, as a way to better organize themselves and make shared proposals. It was stressed that it is necessary for the associative movement to unite in a strong lobby force.



Figure 5.12 Meeting of the FAC-Sur in Lucena, Córdoba (October 19, 2011)

Note: One of those gathered was the President of ARSECA Fernanda de la Figuera

Legal defense of CSC growers

Finally, another aspect worth highlighting when thinking of CSCs as ‘social clubs’ has to do with their somewhat vulnerable legal position, and the support the CSCs as institutions tend to offer to those affiliated with the associations who may run a higher personal risk because of their direct involvement in cannabis supply-related CSC activities. Indeed, CSCs and cannabis growers frequently have been confronted with police interventions and subsequent legal action.

One of the other ‘social’ manifestations of cannabis associations and CSCs in particular has been to defend their members when they face legal issues. While several CSCs have cultivated cannabis and some of those have been intercepted by the police, in the next paragraphs we focus on a specific case which we have been able to observe first-hand, as the trial unfolded, and which illustrates well the criminal process and the role that associations and CSCs play in the defense of their members. This case related to a plantation in Huelva, for which a cannabis grower, member of ARSECSE, was arrested and prosecuted.

On July 2006, the trial of a member of ARSECSE took place in the court of Huelva – see Figure 5.13. This ARSECSE member – also a cannabis user, was judged in relation to the cultivation of 24 cannabis plants. Earlier on, two



Figure 5.13 Trial of a member of ARSECSE in Huelva (2006)

Note: The president of ARSECSE, Enrique Valverde, appears in the picture (with glasses)

policemen had appeared at his property, having received a tip-off from a relative of his neighbor. They handcuffed him and took him to the police station to testify, but he was later released.

During the trial, the defendant talked about how he began to use cannabis and explained that his current use was both recreational and therapeutic (e.g. to aid his lower back pain problems from having worked in the mines). The defendant indicated that the plantation belonged to ARSECSE, and that the seeds and tools for the plantation were bought by the association. Furthermore, he mentioned that other members of the association came every weekend to help him maintain the plantation.

The president of ARSECSE appeared as a witness during the trial. He explained that ARSECSE was an association of consumers and cannabis growers created in 2001, and that they were dedicated to the study of cannabis. He mentioned the size of the association (at the time: 40–50 members), the requirements for membership, and other general features of the association.

With regards to cultivation, ARSECSE's president explained that in 2003 the association decided, at their General Assembly meeting, to grow cannabis collectively. He noted that the farm of the accused CSC member was used to grow the plants, although these remained property of the association. The prosecutor did not ask the President of ARSECSE any questions. Another member of ARSECSE (and friend of the defendant) later appeared as a witness as well. He was aware of the collective cultivation of the association at the defendant's farm, and declared having participated in the cultivation of the crops. The lawyer asked him if his friend had ever sold or donated cannabis; the witness denied it. The next witness was another member of the association who corroborated that the set-up of this collective cultivation was decided at an ARSECSE General Assembly meeting. The lawyer asked the witness if the defendant had sold cannabis, to which he replied "no". He explained that they organized a collective cultivation because not everyone had land to cultivate nor the skills to do it individually.

In the concluding remarks, the Prosecutor indicated that she was on the brink of requesting the conviction of all the defense witnesses for affirming before a trial that not only that they were cannabis consumers, but that they were cannabis growers. She noted that the association to which the accused belonged could not have as a goal the cultivation and consumption of cannabis because that would go against the applicable norms. She went on to argue that if the cannabis cultivated was not for the accused's consumption but for the members of this association, then that would constitute a crime of donation (typified in article 368 of the Spanish Penal Code) (Marks, 2019). She affirmed that it was a crime for people to promote and/or favor the consumption of psychoactive substances.

The defense attorney stated that the association did formally exist and that it was legally constituted. By then, ARSECSE had been organizing activities of all kinds for five years. The attorney concluded that this collective cultivation belonged to the association and not to the accused. The lawyer also stated that

he wanted there to be a change in jurisprudence. He noted that while it is true that Spanish legislation prohibits the cultivation of cannabis, for it to be punishable, an intent of trafficking is required – which, in his view, was absent in this case. This cultivation had been organized so that people from an association could have access to cannabis and did not have to buy it on the illicit market. It was about a group of consumers – who came to defend the accused, who set up a collective plantation to be self-sufficient, he noted. The lawyer asked for an acquittal of his client, which finally was granted.

This case shows how both the CSC – in the figure of his president, and the several individual members, rallied to the defense of the CSC grower/member who was facing accusation. In this case, the association also paid the lawyer's expenses. In Spain, there are law firms which have specialized in the creation of CSCs and in the legal defense around crimes against public health and involving psychoactive substances. It is very common for associations to rely on this legal expertise in these matters.

The underlying legal problem persists nevertheless, as no law specifies what might be the maximum amount tolerated for self-consumption, and therefore each judge may apply his/her own criteria. Within Spanish jurisprudence, the different judgments of the Spanish courts on CSCs have been very ambiguous regarding what constitutes 'personal consumption' (Marks, 2019; Ramos, 2017).

Discussion and conclusions

In Spain, the cannabis associative movement created the Cannabis Social Clubs, with their bylaws specifying shared/collective cannabis cultivation. Throughout these 30 years of cannabis associativism, CSCs in Spain have engaged in different ways with the idea of being 'social clubs', not only in relation to collective cannabis cultivation.

In this chapter we have focused on shedding light into the different ways in which CSCs have acted as social spaces throughout the last decades. Perhaps the most obvious one has to do with how the CSCs provide a physical space for cannabis users to gather, use the substance together, or participate in different events hosted at the premises of these associations. These are spaces open to members only, and that allow peer-to-peer contact and support (Belackova et al., 2016; Belackova & Wilkins, 2018). CSCs have also used different forms of collective action to create links between their members and generate interaction among them. They have put in practice what can be described as known forms of collective action (e.g. demonstrations in the streets as the most classic example, or the defense of their members/affiliated cannabis growers in court), but have also introduced more playful innovations (e.g. cannabis cups, parties).

CSCs are also a model for the supply of cannabis. Within CSCs, some form of socialization occurs in the organization of collective cannabis plantations. This activity has gathered much media attention, as many CSCs have not hidden the organization of collective plantations but rather put it forward as a

demand of the movement. Also in organizing competitions among growers, CSCs promote close contact between producers and users of the substance distributed within those associations.

In other instances, CSCs have shown to be ‘social’ *extra muros*, i.e. engaging with the broader cannabis movement and the communities in which the CSCs are based more broadly. The feast of San Canuto is another example of socialization among the broader community. During San Canuto, activists and cannabis users take to the streets of their cities to meet and make themselves visible to society. The feast of San Canuto is a vindictive and playful act, it is a day when people go out to demand to be able to consume cannabis. CSCs have also organized talks, round tables, seminars, and symposia (e.g. about cannabis consumption, cannabis cultivation, therapeutic properties of the plant, legal issues). These are an opportunity for different members of different associations and CSCs to meet each other. Individuals who do not belong to the core social movement circles but who are interested in the topics addressed at these events are also able to participate. Expocannabis and the demonstrations in which CSCs participate are other examples of CSCs’ engagement with the broader cannabis movement, and these are the events that tend to gather the largest concentration of participants.

In conclusion, this historic overview of CSCs as ‘social clubs’ revealed that since its origin, and the initiative taken by the ARSEC association with a view to cultivate cannabis for their members, the CSCs have incorporated a range of social aspects into their practice. CSCs offer a private and safe space for consumption. But they also have tools to inform and advise on different issues such as legal matters, on cultivation-related queries, they organize and/or are involved in demonstrations, parties and other festivities (Saint Canuto), conferences, and other events (e.g. Expocannabis). As such, the Spanish CSCs have been more than just a space for safe consumption, but have also become places for organization, meeting – where people connect and engage in the cannabis social movement. Currently it is impossible to know how many CSCs are active in Spain, due to the lack of a legal framework to regulate their activities. While there is some (mixed) evidence in this regard (Belackova et al., 2016; Jansseune et al., 2019), the question remains of whether and how today CSCs in Spain have preserved, expanded, or reduced their ‘sociality’.

Notes

- 1 For a more detailed overview of different aspects related to the development of CSCs and the broader cannabis movement in Spain, please see, for instance, Martínez Oró (2017).
- 2 In article 368 of the Spanish Penal Code, an abstract danger crime is defined as “dangerous conduct according to general experience and that is punishable without the need to specifically endanger the protected legal asset”. In the Sentence of the Supreme Court November 17, 1997 we refer to above it is considered that “the cultivation of plants that produce raw material for trafficking is a characteristically dangerous act for public health, despite the fact that in the case a danger has not been produced in concrete”.

References

- ACCV (Asociación de la Cultura Cannábica de Valencia) (2004). II Copa de la Baraca de María. *Cáñamo*, (73), 11–12.
- Alvarez, A., Gamella, J. F., & Parra, I. (2016). Cannabis cultivation in Spain: a profile of plantations, growers and production systems. *International Journal of Drug Policy*, 37, 70–81.
- Arana, X., & Parés, Ò. (2020). Cannabis social clubs in Spain: recent legal developments. In: Decorte, T., Lenton, S., & Wilkins, C. (Eds.), *Legalizing cannabis: experiences, lessons and scenarios*, 307–322. London: Routledge.
- Barriuso, M. (1997a). La brecha vasca. *Y Kalamudia nació y se plantó. Cáñamo*, (1), 6–7.
- Barriuso, M. (1997b). Euskadi. Cosecha histórica. *Cáñamo*, (3), 10–12.
- Barriuso, M. (2000). La brecha vasca se abre de nuevo. *Cáñamo*, (32), 22–23.
- Barriuso, M. (2001). El camino a la libertad no pasa por el Congreso. *Cáñamo*, (45), 12–13.
- Barriuso, M. (2005). Adiós al ghetto: el discreto encanto de la normalidad. *Revista Española de Drogodependencias*, (1–2), 206–211.
- Barriuso, M. (2006). Lo cannábico no es alternativo. *Yerba*, (58), 9–11.
- Belackova, V., & Wilkins, C. (2018). Consumer agency in cannabis supply – exploring auto-regulatory documents of the cannabis social clubs in Spain. *International Journal of Drug Policy*, 54, 26–34. doi:10.1016/j.drugpo.2017.12.018.
- Belackova, V., Tomkova, A., & Zabransky, T. (2016). Qualitative research in Spanish cannabis social clubs: “The moment you enter the door, you are minimising the risks”. *International Journal of Drug Policy*, 34, 49–57. doi:10.1016/j.drugpo.2016.04.009.
- Blickman, T. (2014). Cannabis policy reform in Europe. Bottom up rather than top down. *Series on Legislative Reform of Drug Policies*, 28, 1–24. doi:10.13140/2.1.2977.3603.
- Bone, M., & de Hoedt, G. (2018). Being the change: charting Greg de Hoedt’s cannabis journey. *Drugs and Alcohol Today*, 18 (29), 126–136. doi:10.1108/DAT-01-2018-0001.
- Cañamo (2019). Éxito de la Marcha mundial de la marihuana de Madrid 2019. *Cañamo*. Retrieved from: <https://canamo.net/noticias/espana/exito-de-la-marcha-mundial-de-la-marihuana-de-madrid-2019> (last accessed September 24, 2021).
- CuartoPoder (11 May 2019). Sol se tñe de verde por la marcha mundial de la marihuana 2019. *Cuartopoder*. Retrieved from: <https://www.cuartopoder.es/espana/2019/05/11/sol-se-tine-de-verde-por-la-marcha-mundial-de-la-marihuana-2019/> (last accessed September 24, 2021).
- Decorte, T., & Pardal, M. (2020). Insights for the design of Cannabis Social Club regulation. In: Decorte, T., Lenton, S., & Wilkins, C. (Eds.), *Legalizing cannabis: experiences, lessons and scenarios*, 409–426. London: Routledge.
- Decorte, T., Pardal, M., Queirolo, R., Boidi, M. F., Avilés, C. S., & Franquero, Ò. P. (2017). Regulating Cannabis Social Clubs: a comparative analysis of legal and self-regulatory practices in Spain, Belgium and Uruguay. *International Journal of Drug Policy*, 43, 44–56. doi:10.1016/j.drugpo.2016.12.020.
- Herer, J. (1999). *El emperador está desnudo*. Castellar de la Frontera, Spain: Castellarte.
- Jansseune, L., Pardal, M., Decorte, T., & Parés, Ò. (2019). Revisiting the birthplace of the Cannabis Social Club model and the role played by Cannabis Social Club Federations. *Journal of Drug Issues*, 49 (2), 338–354. doi:10.1177/0022042618815690.
- Jiménez Sánchez, M. (2003). El estudio de las organizaciones y la estructura de los movimientos sociales. El caso del movimiento ecologista en España. In Funes

- Rivas, M., & Adell Argilés, R. (Eds.), *Movimientos sociales: cambio social y participación*. Madrid: UNED Ediciones.
- Kilmer, B., Kruithof, K., Pardal, M., Caulkins, J. P., & Rubin, J. (2013). *Multinational overview of cannabis production regimes*. Santa Monica, CA: RAND Corporation.
- Madera, H. (2017). Autocultivo y autocultivadores de cannabis. Desarrollo del movimiento y peritaciones de consumos y cultivos In: Martínez Oró, D. P. (Ed.), *Las sendas de la regulación del cannabis en España*, 177–190. Martorell, Spain: Bellaterra.
- Marín Gutiérrez, I. (2008). La cultura “cannábica” en España (1991–2007): análisis socioantropológico de un nuevo tipo de movimiento social [Doctoral thesis, Universidad de Granada].
- Marín-Gutiérrez, I. (2010). *Cannabis: el movimiento cannábico en España*. Madrid: Popular.
- Marín-Gutiérrez, I. (2011). *La Cultura Del Cannabis en España*. Saarbrücken, Germany: Editorial Académica Española (EAE).
- Marín-Gutiérrez, I. (2016). *Historia General del Cannabis*, Madrid: Amargord.
- Marín-Gutiérrez, I. & Hinojosa-Becerra, M. (2017). Veinticinco años del movimiento cannábico español. In: Martínez Oró, D. P. (Ed.), *Las sendas de la regulación del cannabis en España*, 123–135. Martorell, Spain: Bellaterra.
- Márkez, I. (2002). *Cannabis: de la salud y del derecho. Acerca de los usos, normativa, estudios e iniciativas para su normalización*, 6. Vitoria-Gasteiz, Spain: Observatorio Vasco de Drogodependencias.
- Marks, A. (2019). Defining ‘personal consumption’ in legal instruments on drug control and Spanish Cannabis Clubs. *International and Comparative Law Quarterly*, 68 (1). 193–223. doi:10.1017/S0020589318000404.
- Martínez Oró, D. P. (2015). Clubs sociales de cannabis: normalización, neoliberalismo, oportunidades políticas y prohibicionismo. *Clivatge. Estudis i testimonis sobre el conflicte i el canvi socials* (3). 92–112. Retrieved from: <https://revistes.ub.edu/index.php/clivatge/article/view/11985> (last accessed March 11, 2022).
- Martínez Oró, D. P. (Ed.) (2017). *Las sendas de la regulación del cannabis en España*. Martorell, Spain: Bellaterra.
- Matthews, P. (2002). *La cultura del cannabis*. Madrid: Alianza Ensayo.
- Montañés Sánchez, V. (2017). Evolución del activismo cannábico en España. In: Martínez Oró, D. P. (Ed.), *Las sendas de la regulación del cannabis en España*, 145–158. Martorell, Spain: Bellaterra.
- Mota, J. (1999). Cogollos de campeonato. Cómo montarse un concurso sin perder los papeles. *Cáñamo*, (24), 50–53.
- Muñoz Sánchez, J. (2017). La relevancia penal de los clubes sociales de cannabis. Análisis jurisprudencial. In: Martínez Oró, D. P. (Ed.), *Las sendas de la regulación del cannabis en España*, 361–385. Martorell, Spain: Bellaterra.
- Novoa, J. (2004). Martín Barriuso: premio al activista del año. *La María de Soft Secrets*, (4), 3–4.
- Pardal, M. (2018). An analysis of Belgian Cannabis Social Clubs’ supply practices: a shapeshifting model? *International Journal of Drug Policy*, 57, 32–41. doi:10.1016/j.drugpo.2018.03.027.
- Pardal, M., Queirolo, R., Álvarez, E. y Repetto, L. (2019). Uruguayan Cannabis Social Clubs: From activism to dispensaries? *International Journal of Drug Policy*, 73, 49–57. doi:10.1016/j.drugpo.2019.06.022.
- Parés, Ò., & Bouso, J. (2015). *Innovation born of necessity: pioneering drug policy in Catalonia*. New York: Open Society Foundations.

- Parés, Ò., Jubert-Cortiella, X., Olivares-Gálvez, S., Díaz-Castellano, A., Jiménez-Garrido, D. F., & Bouso, J. C. (2019). Use and habits of the protagonists of the story: Cannabis Social Clubs in Barcelona. *Journal of Drug Issues*, 49(4), 607-624. doi:10.1177/0022042619852780.
- Ramos, R. (2017). La defensa de los Clubs Sociales de Cannabis en la práctica. In: Martínez Oró, D. P., *Las sendas de la regulación del cannabis en España*, 435-447. Martorell, Spain: Bellaterra.
- Ramos Rodríguez, R. (2003). Las reuniones y manifestaciones. *Cáñamo*, (63), 14-15.
- Romaní, O. (2004). *Las drogas. Sueños y razones*. Barcelona: Ariel.
- Tschorne, P., Mas, C. y Regojo, J.L. (1990). *Guía para la gestión de asociaciones*. Madrid: Popular.