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Daniel Rost

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**A DISKURZUS ÉS A RETORIKA VÁLTOZÁSA A KANNABISZ
NÉMETORSZÁGI LEGALIZÁCIÓJÁRÓL**

**THE CHANGE IN DISCOURSE AND RHETORIC ON CANNABIS
LEGALISATION IN GERMANY**

Dr. habil. Krasztev Péter

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INTRODUCTION

Germany recently underwent a historic transformation regarding drug policy. With the passing of the *Cannabisgesetz* (Cannabis Law), the then governing coalition initiated the controlled legalisation of recreational cannabis. Before this, cannabis had already been legalised regarding medical use. They positioned the policy as a modern solution for judicial efficiency and for improving the youth protection by controlling the sale of cannabis and reducing the black market for it. Yet, the opposing conservative groups consistently bash this legislative victory through the means of heated and persistent rhetorical conflict.

There has also been a clear shift in public attitudes across Europe and generally worldwide. Yet, the discourse against legalisation in Germany remains strikingly consistent. This legislative moment, therefore, reveals a deeper academic puzzle that this study seeks to address. The primary research question and aim of this paper is to examine this question: *Do conservatives and/or opponents of cannabis transform a public health issue into a moral and political contest?* To address this question, this study executes a discourse and rhetorical analysis of the conservative opposition's arguments against the *Cannabisgesetz*. I argue that this rhetoric functions as an **imprint of power** rooted in historical authority and tradition. The analysis is structured using an integrated theoretical framework: **Entman's theory of framing** (1993) will establish the political mechanism of this influence; **Fairclough's concept of discursive sedimentation** (2003) will explain how specific tropes linking cannabis to social disorder have become deeply **culturally anchored**. Also, the cognitive model of System 1&2 from Daniel Kahneman will reveal how these moralised claims are deliberately structured to bypass rational policy debate and trigger immediate, non-rational responses in the public.

The structure of this paper is as follows: Section 1 will provide the necessary comprehensive literature review in order to trace the historical sedimentation of the prohibitionist discourse and the "gateway frame" in German policy. Section 2 will detail the methodology. In which the data corpus and the integrated analytical approach are defined. Section 3 is going to demonstrate the main findings, showing how the conservative opposition uses a consistent set of health, moral, political, and technocratic arguments that are all coupled to one another. In conclusion, I argue that this strategic use of rhetoric effectively recontextualises the regulatory *Cannabisgesetz* into a fundamental moral threat and political catastrophe and thereby maintaining the opposition's dominance in the policy discourse.

1. LITERATURE REVIEW

1.1 The Origins of Cannabis Prohibition

The prohibition of cannabis within Germany and like in many other Western countries, was not necessarily a response to a genuine public health crisis. It is suggested that it was a consequence of a variety of issues. It was more likely a complicated combination of industrial interests, political power, and media manipulation. In the early 20th century both economic and ideological factors converged to eradicate hemp from the market. It was perceived as both an agricultural rival and a supposed moral danger (Herer,1990/2010). The American campaigns that heavily influenced this emerging worldwide drug-control system, and thus Germany's subsequent legislation, were themselves not a response to genuine health concerns, but rather the result of a complicated combination of industrial interests, political power, and media manipulation. Harry J. Anslinger was the head of the Federal Bureau of Narcotics and with that he was also one of the primary figures behind prohibition in the United States. With his close links to newspaper mogul William Randolph Hearst and the chemical company DuPont turned drug policy into an ideological crusade (Herer, 2010, pp. 23–42). Hearst's publishing empire flooded the American public sphere with sensational stories linking “marihuana” to racialised violence, insanity, and sexual depravity—headlines like “Marihuana makes fiends of boys in thirty days” or “Reefer madness spreads among *Negroes*” mobilised fear as political currency (Musto, 1999; Sloman, 1998). This media campaign was instrumental in establishing the negative public perception that paved the way for prohibition, with some scholars also highlighting the potential economic motive of protecting Hearst's timber interests from competition with hemp (Gray, 1998; Bonnie and Whitebread, 1999). Simultaneously, DuPont's newly patented nylon fibre directly competed with hemp textiles, providing an economic incentive to suppress hemp production. The Marihuana Tax Act of 1937 thus represented not a response to public health concerns, but the culmination of a campaign where industrial capitalism, bureaucratic ambition, and moral rhetoric intersected (Bonnie and Whitebread, 1999; Sloman, 1998). Herer (2010), drawing on a widely circulated analysis of the era, documents how Anslinger's congressional testimonies relied on fabricated stories supplied by Hearst's newspapers, revealing the media's role as an instrument of state-corporate propaganda rather than a neutral watchdog (Musto, 1999). This widespread moral hysteria, which was fuelled by numerous sensational media reports, found its ultimate cultural manifestation in the 1936 propaganda film *Reefer Madness*, which Adler and Lewis note not only reflected but also shaped the philosophical boundaries among the “medical,” the “criminal,” and the “moral” (2023, p. 5018). By employing hyperbolic depictions of madness and sexual violence, *Reefer*

Madness recontextualized cannabis as an imminent threat to civilization; this biologically mediated representation—where media portrayals asserted biomedical authority—converted a complex plant into a symbol of moral decline (Adler & Lewis, 2023).

1.2 Global Prohibitionism and Its German Adoption

1.2.1 The International Framework of Drug Control

The American campaigns significantly influenced the emerging worldwide drug-control system. The 1912 Hague and 1925 Geneva Opium Conventions introduced a prohibitionist philosophy inside a global governance framework (Bewley-Taylor & Jelsma, 2011; Musto, 1999). During Germany's membership within the League of Nations it enacted the *Opiumgesetz* (1929), which classified *Indischer Hanf* alongside opium and cocaine (Urban, 1931; Grotenhermen, 2002). This legislation indicated that Germany was entering a moralized global system that amalgamated modernity with discipline and foreignness with peril. This adherence to the global framework was immediately underpinned by linguistic and ideological foundations within Germany itself. The legal terminology "Betäubungsmittel," or "intoxicants," introduced a moral hierarchy into legal discourse by promoting sobriety and condemning intoxication. Fairclough (2003) defines these linguistic shifts as discursive hegemony, in which legal terminology legitimizes ideological hierarchies. The initial criminalization of cannabis in Germany was driven not by actual risk but by a global moral economy, marked by the convergence of corporate monopolies, bureaucratic expansion, and Western imperial moralism (Campbell, 2007). Cannabis became a convenient way for people to express themselves about concerns regarding race, foreign influence, and societal disorder. The rhetoric surrounding this ban made it even more ideological by using appeals to authority, framing cannabis as a foreign threat that was linked to the colonial "other," economic utilisation that claimed to be moral reform, and fear stories about madness, youth corruption, and sexual panic.

1.3 The Institutionalisation of Moral Control in Germany

1.3.1 From Weimar to National Socialism

Germany's integration into the evolving international drug-control framework during the period between the two world Wars established a bureaucratic vocabulary of control that endured across subsequent political administrations. The 1929 *Opiumgesetz* (Opium Act) formalised the management of *Indischer Hanf* (Indian Hemp) within an international compliance framework, directly citing the 1912 Hague and 1925 Geneva Conventions (Urban, 1931; Bewley-Taylor & Jelsma, 2011). This was a huge change in how people talked about things: the government took moral and administrative control of drugs that were causing people feel positive, translating

global moral norms into national legal language. During the Weimar Republic, these actions were part of what Bewley-Taylor and Jelsma call a time of moral internationalism, when European countries tried to show society and order by taking part in global drug governance (2011, pp. 32–35). When National Socialism took over, the same ideas of cleanliness and discipline were turned into themes of racial purity. Cannabis, despite its limited consumption, acquired symbolic significance; its perceived "foreignness" resonated with racialised notions of degeneracy and contamination that informed Nazi biomedical discourse (Campbell, 2007). Urban (1931) remarked in modern discourse regarding the new *Opiumgesetz* (engl. *Opium Act*) that the objective of drug policy was as much moral rectitude as public health—a rationale that seamlessly aligned with fascist biopolitics. Following 1945, the newly founded Federal Republic of Germany (FRG) retained much of this institutional framework and vocabulary of control, ushering in post-war continuities and a Cold War reframing. The Ministry of Health (engl. *Bundesgesundheitsamt*) continued to classify cannabis as a dangerous narcotic, demonstrating the continuity of administrative categories and the American influence that accompanied post-war reconstruction (Campbell, 2007). As Richardson-Little (2021) shows, the Cold War narcotics apparatus quickly became a mechanism of ideological boundary-drawing: socialist governments portrayed Western youth drug culture as evidence of capitalist decadence, while Western propaganda depicted communist societies as morally corrupting and permissive toward immorality. Through this dual perspective, drug control became a way for each faction to feel morally superior to the other. In this context, Western media and policy discussions frequently associated cannabis with insurrection, moral decay, and cultural liberalism. Fairclough (2003) calls cannabis a "boundary object" in both East and West Germany. This means that it was a way for people to talk about deviance and show the moral limits of society. This enduring, institutionalised framing faced a major cultural challenge in the 1960s, as cannabis transitioned from niche use to political symbolism and triggered the re-emergence of fear. While the 1950s and early 1960s saw consumption largely limited to minor artistic and nonconformist spheres missing from official health reports and media campaigns (Reuband, 2009). On the other hand, this had all begun to change with the begin of the student protests of 1967-68. Cannabis was beginning to gain a cultural significance. It started to become a symbol of protest and for the people who consumed cannabis, it started to symbolise it with the thought of standing up to authority and the older generation. The political communication brought back old stories of fear: newspapers and conservative politicians painted cannabis as a threat to youth, family and social order, using similar language that had been used in U.S anti-drug campaigns (Campbell, 2007; Richardson-Little, 2021). In rhetorical terms, the time period

established a framework of prohibitionist reasoning. Fear-based appeals gradually transformed into bureaucratic and technocratic language, enabling moral regulation to persist under the guise of scientific administration. Cannabis was banned not only because it makes people feel high, but also because it was a way for people to show their anti-authoritarian identity, linking their behaviour to political deviance.

1.4 The "War on Drugs" and the Sedimentation of the Gateway Frame (1970s – 1990s)

A couple of years later the U.S led “War on Drugs” in the 1970’s became the most dominant global narrative. Through Nixon’s declaration, that drug abuse was “public enemy number one” he had exported a discursive model of repression to allied states. Richardson-Little (2021) documented how west German officials would have participated in different international conferences which connected narcotics control with anti-communist ideology. This had been used to present moral discipline as a bulwark against social chaos. This kind of transatlantic cooperation had garnered with it the rhetorical patterns of American moral propaganda. German legacy mass media had begun to reproduce fear frames identical to those used in 1920’s movie *Reefer Madness*: insanity, addiction and societal decay. Entman’s (1993) concept of framing clarifies this mechanism, he states that media highlights selected aspects of reality to promote a particular problem definition and causal interpretation. Within the German media coverage, cannabis was rarely contextualised in scientific or social research. It was presented in episodic framing of individual tragedies.

The central rhetorical device used in this era was the gateway-drug hypothesis, the claim that it is inevitable to resist “harder” drugs after cannabis consumption. Although the scientific world had been contested regarding this hypothesis, it had thrived because of its emotional simplicity and compatibility with parental anxiety (TU Dresden, 2023). Both media and policymakers have had adopted this as self-evident truth. Fairclough (2003) calls this discursive sedimentation, meaning that through repetition of an ideology it is turned into common sense. *Bild*, a German tabloid magazine translated to “Image” or “Picture”, only amplified this panic through their lurid headlines and moralistic editorials. The Visual image of junkies, dropouts and lost youth had created what Alder and Lewis (2023) had referred to as bio-communicability of deviance. Meaning a communicative process where audiences learn to interpret bodies and behaviours through medicalised and moralised codes. At the same time liberal/left-wing media such as *Der Spiegel*, which translates to “the mirror”, had tried to on occasion challenge precisely these narratives, by exposing contradictions within the criminal justice system/policy

and by questioning the effectiveness of the repression (Spiegel, 2023). Although counter-frames were present, they remained marginal. These counter-frames would often become absorbed by the dominant moral discourse, which saw legality and virtue as the same thing. By the late 1990's authority and fear still dominated the public rhetoric, despite the ever so growing evidence of cannabis's limited harm to the general health of an individual. It can be observed that throughout the decades these frames had stayed persistent sharing that prohibition works less like a straightforward policy and more like a cultural narrative of order that is continually renewed through the media.

1.5 Contemporary German Debate and the Persistence of Moral Rhetoric (2000s – 2024)

In the more contemporary Germany, the debates over cannabis legislation have revealed the durability of moral rhetoric. It also revealed new technocratic and economic arguments alongside with a shift in public opinion and coalition politics. It has shifted toward a more liberal approach concerning this issue, yet oppositional lawmakers, particularly from the conservative and far-right political spectrum, retain the emotional architecture of early prohibitionism.

Several leaders of the Christian conservative parties CDU and CSU continue to employ moral-protective and health-risk rhetoric. Emphasising the vulnerability of the youth, brain development and social stability as documented by Claudia Mathias (2023). The minister president of Bavaria, Markus Söder, had described the legalisation as a “dangerous experiment with our children” (BR24, 2024), invoking the same kind of paternalistic fear appeal which was the predominant characteristic of Anslinger's politically instrumentalised media (propaganda) nearly a century earlier. In essence, these statements rely on authoritative figures, like police unions, medical professionals and other moral imperatives, to legitimise their viewpoint. At the same point, they emotionally frame legalising cannabis as irresponsible governance.

The 2024 passed cannabis legalisation legislation, in German *Cannabisgesetz*, as noted by Beck and Prinz (2024), is a dual-pillar model. It allows adults from the age of 18 cultivate a limited amount of cannabis at home (three plants) and become members in regulated non-profit social clubs, with later plans for them to also commercialise their sales. However, opponents of the legislation would continue to claim that it would cause an increase of cannabis consumption among the German youth, strengthen organised crime, and endanger mental health. Even

though empirical evidence showed that prohibition had failed to reduce overall consumption (Beck & Prinz, 2024, p. 130), the opposition's rhetoric **persisted in** prioritizing moral-emotive arguments over empirical data. This polarization was further reinforced by media coverage. The tabloid media outlet *Bild* and the mainstream news outlet *Focus Online* framed the newly passed law through various alarmist visuals and metaphors of chaos e.g. “*Kiffer-Chaos droht!*” which would roughly translate to in English: “Stoner chaos is on the horizon!” Whereas public broadcasters like the ARD (First German Television) and ZDF (Second German Television) would more often rely on medical experts to reassert potential harms that would come with consecutive consumption among developing minds.

The Bundestag deliberations demonstrated the inherent difficulty in achieving co-existence between moral and technocratic discourses. Proponents of legalisation strategically adopted a rational-bureaucratic register, emphasizing policy management goals such as youth protection, quality control, and harm reduction. Conversely, opponents consistently anchored their arguments in normative frameworks, invoking cultural values, responsibility, and morality.

This clear discursive juxtaposition precisely illustrates what Fairclough (2003) terms ideological re-embedding: the persistent recontextualization of traditional moral vocabularies within novel administrative and policy structures. Consequently, the rhetoric of the German opposition serves as a contemporary case study demonstrating the long-term continuity of moralistic propaganda. The core structure of the arguments advanced by Söder or the German Medical Association in 2024 is structurally, if not linguistically, analogous to the appeals made by Hearst, DuPont, and Anslinger in the 1930s, foregrounding claims of social danger, the corruption of youth, and the imperative to preserve civilisation.

1.6 Theoretical Framework: Framing, Recontextualisation, and Cognitive Processing

1.6.1 Framing as the Imprint of Power: Entman’s Communicative Model

Robert Entman (1993) defines framing as “the selection and salience of certain aspects of perceived reality in order to promote a particular problem definition, causal interpretation, moral evaluation, and treatment recommendation” (p.52). What he means to say is that frames do not just simply transmit information but rather shape how certain events would be perceived the receiver and which solutions would be considered legitimate. In the context of Germany, governments would repeatedly use moral-bureaucratic narratives in order to treat cannabis use as a social problem that was tied to generational issues. This would later continue and create a

full cycle of judgement. Firstly, it would identify the cause e.g. “moral decay” or “foreign influence”. Afterwards assign a moral verdict/judgement e.g. deviance. Thirdly it would prescribe a remedy i.e. prohibition, policing and surveillance. According to Entman’s model there are four distinguishable levels at which frames tend to operate: the communicator, the text, the receiver and the broader culture. Prohibitionist communication in Germany has had historically omnipresent at all four levels. The communicators, being the political actors and state agencies, have consistently framed cannabis as a moral risk. The legal and media content which transforms their statements and ideas into an official and formal language. Over time the public internalise these cues through the repetition and emotional salience, and this ultimately fed into a broader cultural stock of ideas that sees “sobriety as virtue”. Once all these elements are aligned, it forms a dominant frame. Entman refers to this as a “hegemonic interpretation”. In this dominant frame cannabis becomes a self-evident threat to order and health.

1.6.2 The Interaction Order: Goffman’s Frame Analysis and Cultural Scripts

Whilst Entman helps understand *how* meaning is communicated, Erving Goffman in his book *Frame Analysis: An Essay on the Organisation of Experience* (1974) helps us understand how the meaning can be interpreted. Within his Frame analysis, Goffman describes frames as “*principles of organisation which govern events and our subjective involvement in them*” (p.10) He argues that frames act as a type of social lens that help guide everyday judgment and institutional communication. These lenses help the individual with the interpretation of complicated experiences, such as protests and youth experiences through pre-existing cultural scripts. Applying Goffman’s framework, the recurring images of the “stoned delinquent,” the “lost generation,” or the “irresponsible citizen” can be seen as keyed reinterpretations of broader societal concerns. They translate diffuse anxieties about disorder or modernisation into tangible social roles. During the times of the Cold War, for example, the use of cannabis among students or artists was re-keyed as evidence of Western moral decline or, conversely, as capitalist corruption from the Eastern perspective (Richardson-Little, 2021). In both cases, the frame provided coherence to otherwise complex phenomena, reaffirming cultural hierarchies through symbolic classification. Crucially, Goffman’s theory also explains why these same moral figures of speech reappear across decades: once institutionalised, frames become part of what he calls the “interaction order,” shaping not only how policymakers communicate but also how citizens interpret their own behaviours. This helps to explain the continuity of prohibitionist language—from Nazi biopolitical hygiene to post-war health policy and the “youth protection” discourse of the 1980s.

1.6.3 Affective Priming: Kahneman's System 1/System 2 and Loss Aversion

Daniel Kahneman's (2011) theory of fast and slow thinking offers a cognitive contrast to these sociological points of view. Kahneman posits that human reasoning functions via two systems: System 1, characterised as automatic, emotional, and intuitive; and System 2, defined as deliberative and analytical. Messages in the media and political speeches that play on fear, disgust, or the need for protection turn on System 1, which makes quick emotional judgements before critical thinking can happen. Prohibitionist campaigns take advantage of this by using shocking statistics, vivid stories, or moral images that make people feel something right away. Kahneman and Tversky's (1984) experiments on framing effects illustrate that varying presentations of the same facts can yield contradictory evaluations. When cannabis is characterised as a “gateway drug endangering youth” instead of a “regulatory issue of public health,” the framing incites fear rather than policy analysis. This affective priming strengthens the availability heuristic, which is the human tendency to use memorable examples to judge probability (Kahneman, 2011). A single dramatic instance of addiction or mental illness supersedes statistical evidence indicating relative safety. The media's repeated coverage of such cases keeps prohibitionist interpretations in the public mind, making sure they stay there.

This cognitive disparity confers a psychological superiority of moral narratives over reformist ones. Kahneman (2011) says that the mind is more sensitive to losses than to gains. This is called loss aversion. Prohibitionist rhetoric frequently depicts legalisation as a deterioration of moral order or safety, whereas reform advocates present it as a prospective enhancement of freedom or rationality. The first one plays on people's fear of losing something, which makes it more urgent and emotional for them.

Integrating Entman's communicative theory, Goffman's sociology, and Kahneman's cognitive psychology demonstrates the persistence of prohibitionist rhetoric's authority amidst empirical and cultural transformations. Entman (1993, p. 55) asserts that “frames are the imprint of power”—they elucidate which entities prevail in delineating the parameters of public discourse. In cannabis communication, these actors encompass state institutions, medical associations, and conservative media outlets whose messaging corresponds with the emotional heuristics and moral frameworks already ingrained in society. The outcome is a self-perpetuating feedback loop: political elites create fear-based frames; the media reproduce and amplify these through sensational or moralistic reporting; audiences internalise these signals through automatic, affective cognition; and policymakers perceive this emotional atmosphere as “public opinion.”

Fairclough (2003) observes that, over time, such discourses attain hegemony, being regarded not as ideology but as common sense.

The 2024 Cannabisgesetz (*Cannabis Law*), which made it legal to grow and possess small amounts of cannabis, has not completely broken this cycle. Opposition rhetoric, particularly in Bavaria, persists in utilising appeals to authority and protective framing (BR24, 2024), illustrating that cultural cognition frequently trails behind legal reform. Once entrenched in both social institutions and cognitive patterns, prohibitionist frames require sustained counter-communication to lose salience.

2. METHODOLOGY

2.1 Research Design, Objective and Data Corpus

Building directly upon the preceding theoretical and historical overview, this chapter sets out the methodological framework utilised to investigate the rhetorical strategies of political opponents to cannabis legalisation in Germany. The core question guiding this analysis is a direct challenge to the observed discursive shift: *Do conservatives and/or opponents of cannabis transform a public health issue into a moral and political contest?* To answer this, the study's central objective is to identify and analyse the rhetorical strategies (health-based, moral, and political arguments) that opponents of legalisation rely on to achieve this discursive transformation. The research uses a qualitative discourse-analytic case study design to examine the specific linguistic and rhetorical mechanisms conservative political actors employ when framing the *Cannabisgesetz* as a threat to health, morality, and social order. To effectively capture and analyse this elite conservative opposition discourse at both regional/party and federal/institutional levels, the data corpus focuses on the legislative period between June 2023 and April 2024 and is built around two key sources. The corpus is built around two key sources: Markus Söder (CSU), Minister-President of Bavaria, whose emotive rhetoric (public statements, interviews, social media) allows us to analyse System 1-targeted, fear-based appeals (Kahneman, 2011) via materials from leading German news outlets. The second source is the Bundesrat (engl. *Federal Council*) Speech of Dr. Reiner Haseloff and Armin Schuster (CDU) from the 1036th session, which facilitate the analysis of rational-bureaucratic opposition discourse (Fairclough, 2003) using the official Plenarprotokoll (engl. *Minutes of Plenary Proceedings*). These materials collectively provide complementary perspectives on the emotional and articulated opposition to legalisation.

2.2 Analytical Approach: Integrating the Theoretical Framework

The study applies a Qualitative Discourse Analysis (QDA) informed by the combined theoretical lenses detailed in Section 1.7. The analysis proceeds from the Critical Discourse Analysis (CDA) understanding that language is a social practice that constructs meaning, power relations, and legitimisation (Fairclough, 1992, 2010). The interpretation is guided by three cores, integrated analytical lenses. Firstly, Communicative Framing Analysis (Entman, 1993) identifies how opponents strategically select and highlight reality to establish the frame's four elements: problem definition (e.g., youth endangerment), causal attribution (government irresponsibility), moral evaluation ("fatal error"), and treatment recommendation (strict

enforcement or policy reversal). Second, Discursive Recontextualisation (Goffman, 1974; Fairclough, 2003) examines how established prohibitionist tropes—like moral decay and youth protection—are re-keyed and activated in contemporary political contexts to reinforce the "interaction order." Third, Affective-Cognitive Framing (Kahneman, 2011) investigates the use of emotional and cognitive triggers, particularly fear, loss aversion, and threat perception, that enhance the persuasive power of moral arguments over empirical data by targeting the automatic System 1 thinking process. Through these combined lenses, the analysis explicitly reveals the mechanism by which medical discussions are simultaneously moralised and politicised in contemporary German society. To utilise this theoretical framework, the analysis followed four systematic stages to ensure rigour and traceability. The first stage, Preparation and Transcription, involved formatting selected statements and speeches into textual units and numbering them for reference. Quotations were retained in their original German, with author-translated English equivalents provided in parentheses where necessary. The second stage, Thematic and Rhetorical Coding, involved systematically coding each text segment according to both the recurring rhetorical strategy utilised (health-based, moral, political) and its specific framing function (problem definition, cause, evaluation, solution). The third stage, Identification of Discursive Patterns, involved grouping the codes into overarching meta-frames (e.g., "protection of youth," "law and order"). This stage also mapped emotional markers, such as metaphors of danger, protective paternalism, and direct appeals to fear. The final stage, Interpretation and Contextualisation, involved interpreting the findings within the established theoretical framework (Section 1.7), specifically applying Fairclough's concept of discursive sedimentation and Entman's notion of framing as the imprint of power to connect the current political rhetoric with historical continuities.

2.3 Ethical, Epistemological, and Limitation Statement

Ethical and Epistemological Considerations

All materials analysed constitute public political communications by office-holding figures, and no private or sensitive data were included, thus ensuring ethical integrity. Epistemologically, the study is interpretive; it aims to uncover meaning-making processes rather than measure statistical frequency or causality.

Limitations

The study's scope is subject to three key limitations. First, its Elite Focus means the analysis captures only one segment of the cannabis debate—the formal opposition discourse—and does not encompass public opinion or pro-legalisation narratives. Second, its Qualitative Nature implies that the results are analytically transferable but are not statistically generalisable. Finally, due to Temporal Specificity, the findings reflect a specific, rapidly evolving moment in Germany's legislative and cultural transition (mid-2023 to mid-2024).

2.4 Expected Outcomes and Contribution

Methodologically, this study is expected to demonstrate the power of integrating communication, sociological, and cognitive theories in discourse analysis. Substantively, it is expected to illuminate the continuity of moral rhetoric in German drug policy debates by confirming that opponents rely on a stable, predictable repertoire of arguments: health, moral, and political. This ultimately contributes to a better understanding of how societies construct health policy as a question of moral governance.

3. STUDY -DISCOURSE ANALYSIS ON HASELOFF, SCHUSTER AND SÖDER¹

The main goal within this analysis is to examine the fundamental research question of this research paper: Do conservatives and/or critics of cannabis transform a public health issue into a moral and political contest? The following chapter will integrate the theoretical framework of Communicative Framing (Entman, 1993), Discursive Recontextualisation (Goffman, 1974; Fairclough, 2003), and Affective-Cognitive Priming (Kahneman, 2011). The aim is to systematically dissect the rhetoric used within two speeches at the Federal Council meeting and

¹ In the entirety of Chapter 3 all German expressions and quotes are translated by the author

statements made in the media of notable conservative figures in Germany. These include Markus Söder the Minister-President of Bavaria and leader of the Christian Social Union (a party exclusively represented in the Federal State of Bavaria); Dr. Reiner Haseloff the Minister a member of the Christian Democratic Union (CDU) and President of Saxony-Anhalt; and last but not least Armin Schuster, also a member of the CDU and the Minister of the Interior of Saxony. These conservative political actors played a crucial role in the opposition to the *Cannabisgesetz* between mid-2023 and mid-2024. The findings unequivocally confirm the central hypothesis. The formal opposition discourse transcends a single health axis, instead employing a complex, intertwined rhetorical strategy that simultaneously moralises the issue and mobilises it as a profound political contest, thereby achieving a decisive discursive transformation. Thereby it activates deeply sedimented prohibitionist cultural scripts. The analysis will proceed through four distinct thematic frames, culminating in a synthesis of the discursive mechanisms observed (Fairclough, 2003).

3.1 The Political frame: Defining the Problem as a Catastrophe of Governance (Entman, 1993)

Entman's Communicative Framing Analysis establishes that frames select and highlight certain elements of a perceived reality to provide a problem definition, causal attribution, moral evaluation, and treatment recommendation (Entman, 1993). In the German opposition discourse, these theoretical components are strategically mobilised to shift the field of contestation. I.e. the cannabis legislation is not just framed as a legislation with many flaws or just flawed in general, but more as profound governmental irresponsibility due to catastrophic political priority failure. With this framing strategy the opposition can successfully transform the debate, from being just a public health policy concern, into a direct attack to the ruling coalition. It emphasizes that the ruling coalition lacks the moral compass and competence regarding the current situation in Germany. This kind of use of political contrast and priority displacement tends to be a signature strategy in this frame. Dr Reiner Haseloff, in his Bundesrat (*Federal Council*) speech does not hesitate and establishes this political frame by questioning the fundamental necessity and the timeliness of the law. Haselhoff's speech as follows: "Ich frage mich: Haben wir in unserem Land keine anderen Probleme? Ich denke an den Ukraine-Krieg. Führende Wirtschaftsinstitute sehen Deutschland 2023 tief in der Rezession. Unsere energieintensiven Betriebe sind mit existenziellen Problemen konfrontiert... – Und wir diskutieren über die Legalisierung von Cannabis. Das ist nur schwer zu vermitteln." (Haseloff,

2023) The implied translation- "I ask myself: Do we have no other problems in our country? I think of the Ukraine war. Leading economic institutes see Germany deep in recession in 2023. Our energy-intensive businesses are confronted with existential problems... – And we are discussing the legalisation of cannabis. This is difficult to convey" -serves a crucial rhetorical function. With these opening words, he executes a textbook Entman move. He shifts causal attribution away from policy's potential health outcomes places it onto the political irresponsibility of the ruling government. He does this by juxtaposing a relatively minor culturally conflict-ridden regulatory change (the perceived problem) against the genuine geopolitical, economical and institutional crises (the true problems). The established frame is, that the government is wasting political capital, attention and time on an unnecessary, ideological project. Whereas not using it on the existential looming threats. With this powerful form of delegitimization, Haseloff suggests that the government is out of touch with the true public concerns. This kind of political displacement is also consistently reinforced by moral evaluation that goes beyond policy disagreement. When looking at the rhetoric of Markus Söder's, which is often delivered via social media (Söder/Media, 2024). It amplifies this political condemnation with maximal emotional effect. Markus Söder for instance, describes the law as "ein fataler Fehler" ("a fatal error") and declares that "unser Land ist auf dem Irrweg" ("our country is on the wrong path") (Söder/Media, 2024). It is no coincidence that he employs such terms: "fatal error" conveys a moral judgment reserved for actions perceived as endangering the state or the body politic. The treatment recommendation derived from this problem definition is therefore not minor change, but comprehensive reversal and political resistance. Haseloff explicitly states: "Ich halte die Legalisierung von Cannabis für einen großen Fehler und lehne sie ab." and, more dramatically, "Dieses Gesetz ist falsch und seiner Amtsausführung nach eine einzige Katastrophe." (Haseloff, 2023) The translation being: "I consider the legalization of cannabis to be a big mistake and reject it... This law is wrong and, as it is being implemented, a complete and a single catastrophe." This kind of evaluation of the law forces the interpretation that the government's action is a fundamental moral and political breakdown by stating it as a "single catastrophe". The foundation of this political frame is then cemented further by outlining the explicit strategy of resistance. Take for instance³ Markus Söder's statements. They are particularly revealing regarding the treatment recommendation (Entman, 1993). He vows that Bavaria will adopt an adversarial stance, promising: "Wir vonseiten des Freistaats Bayern, wir werden uns an allem beteiligen, was dieses Gesetz außer Kraft oder verzögert oder später oder anders in Szene setzen lässt." (We, on the part of the Free State of Bavaria, will participate in everything that can set this law out of force, delay it, or

otherwise stage it later) (Söder/Media, 2024). This rhetoric moves beyond mere opposition to declaring active, systemic resistance against federal jurisdiction. This political posture serves two analytical functions. It firstly frames the two conservative parties, the CDU and CSU, as the responsible actors that are standing up and defending the nation against the governments perceived recklessness. Secondly, it leverages the unique political power of Bavaria being a *Freistaat* (Engl. Free State) to institutionalise the opposition. Therefore, transforming the law from a federal regulatory reform into a consistent permanent source of political conflict between the States (Ger. *Länder*) and the Union (Ger. *Bund*).

In summary, the political framing successfully:

1. **Defines the Problem:** As a gross governmental misallocation of priorities amidst national crises.
2. **Attributes Cause:** Entirely to the political and moral failings of the ruling coalition.
3. **Evaluates Morally:** As a "fatal error" and a "catastrophe."
4. **Recommends Treatment:** Systemic opposition, legal challenges, and maximal restrictive enforcement.

With this in mind, it confirms the transformation of the issue into a political context, by ensuring that the ensuing moral and health arguments are read through a lens of political conflict.

3.2 The Moral Frame: Re-keying Deviance and the Paternalistic Script (Goffman, 1974)

The analysis now moves to the next phase, the moral dimension, which is inextricably linked to the political frame, serving as its cultural and emotional engine. Goffman's frame analysis is vital here, specifically his concept of re-keying. It helps us examine and understand how a fixed cultural script (the prohibitionist narrative) is activated and applied to a new context (the Cannabis Law) to reinforce the "interaction order" (Goffman, 1974; Fairclough, 2003). The central objective of the moral frame is to re-key the social practice of regulated cannabis consumption back into the older, culturally more embedded script of deviance, immorality, and social decay. This is achieved using affective, moralised language that bypasses rational, data-driven critique. The clearest example of this affective moral priming is Markus Söder's rhetoric. His uncompromising and now famous slogan "Keine Macht den Drogen" (No power to the drugs) (Söder/Media, 2024), serves as a symbolic reference to decades of prohibitionist discourse. Within this short powerful phrase, there is an attempt to compress the entire history

of the “war on drugs” and its moral panic into only a four-word mandate. It promptly associates the legalisation effort with a social capitulation and moral weakness. The use of the epithet "Bayern wird kein Kiffer-Paradies!" (Engl. Bavaria will not become a stoner's paradise!) (Söder/Media, 2024) is a highly effective piece of re-keying. It attempts to frame the legalisation—a formal, regulatory act—as the creation of a “paradise”—a place of unregulated hedonism and moral license. The term *Kiffer* (stoner) itself is a pejorative that activates the cultural stereotype of the unproductive, socially deviant user. By claiming to guarantee that Bavaria will not become such a place, Söder takes on a paternalistic script of the strong, moral defender of conservative Bavarian identity and therefore transforming his political opposition into a mission of cultural preservation (Fairclough, 2003). In Germany there is a saying for this kind behaviour; *der Moralapostel*, which translates to the moral apostle. This rhetorical positioning effectively re-establishes the traditional moral order (the “interaction order”) where the state’s role is prohibition, not regulation. This kind of moral evaluation is also bolstered by the strategic use of an external authority and prophecy. Armin Schuster (2023) for instance uses a warning from the Netherlands as a powerful moral allegation. It is important to note that the Netherlands have historically been a country known for its tolerance. Armin Schuster warning: "Es war der größte Fehler, den wir gemacht haben." (Engl. It was the biggest mistake we made). By using this quote, Schuster uses the voice of an "experienced failure" to reinforce the moral evaluation of the Cannabisgesetz (Engl. Cannabis Law) before discussing any practical details. This serves as an appeal to caution and to the preservation of established social norms. The moral framework is predicated on the notion that the law "verharmlost eine gefährliche Droge" (trivialises a dangerous drug) and "macht Cannabis gesellschaftlich hoffähig" (makes cannabis socially acceptable) (Schuster, 2023). The primary worry expressed in this statement is that a normalisation of deviance is present, and that if cannabis is rendered “socially accepted” it will blur the line or in other words cross the boundary between what can be permissible and what is considered dangerous. It also goes against the deeply held moral values of conservative public life. The emphasis is on the social signal—the moral harm resulting from the act of legalisation, which represents a form of discursive sedimentation (Fairclough, 2003) where prohibitionist moral tropes endure despite policy alterations.

The moral frame, therefore, functions as follows:

1. **Re-keying:** It alters the meaning of legalisation from “regulated access” to “moral surrender” and “societal chaos”.

2. **Paternalism:** It adopts a protective, morally superior tone, positioning the opposition as the guardian of youth and social order.
3. **Signal Emphasis:** It foregrounds the negative symbolic and moral impact of normalization over the claimed public health benefits of black-market control.

3.3 The Health and Cognitive Frame: Targeting Loss Aversion through Youth Vulnerability (Kahneman, 2011)

The discourse is mainly regarding politics and morals; however, it needs to be centred around a genuine and serious threat in order to be convincing. The health frame is implemented deliberately in the manner of Kahneman's principles about System 1 (intuitive, emotional) and System 2 (rational, deliberative) thinking (Kahneman, 2011). The opposition consistently utilises health assertions—particularly regarding youth vulnerability—not for nuanced policy discourse, but as an affective priming strategy to exploit cognitive biases, especially loss aversion. Loss aversion dictates that the pain of a loss is psychologically twice as powerful as the pleasure of an equivalent gain (Kahneman and Tversky, 1984). The Cannabisgesetz (Cannabis Law) promises a gain in black market control and consumer protection. In exchange for a perceived loss. That being a drug-free environment and prohibitionist certainty. The strategy employed by the opposition is to amplify the sense of loss by focusing relentlessly on the most vulnerable population: children and adolescents. This kind of rhetorical fixation on the duration of the brain's development is a powerful cognitive trigger. Schuster's mentions it in his speech as follows: "Die Gehirnentwicklung ist bis ca. 25 Jahre nicht abgeschlossen. Die Suchtgefahr wird ignoriert" (Brain development is not complete until approximately 25 years. The danger of addiction is ignored) (Schuster, 2023). This is therefore framed as a scientific fact. But in the context of the speech, it works as a System 1 appeal to parents' fear and perception of responsibility by making them feel protective right away. This allows the argument to bypass System 2 (rational analysis of the law's prevention components) and immediately enter the realm of intuitive defence against a catastrophic risk. Furthermore, the gateway hypothesis is re-activated to amplify the sense of loss and threat. Haseloff states that legalisation will "young people are not protected from drug consumption but rather introduced to drugs" *junge Menschen nicht etwa vor Drogenkonsum geschützt, sondern eher an Drogen herangeführt* (Haseloff, 2023). This sort of framing stresses that the law guarantees an increase in consumption and harm, connecting legalisation with an active act of recruitment into drug use. This directly reframes the government's health rationale, which is harm reduction via black market elimination, as a catastrophic threat. In this sense as youth endangerment via state

endorsement. Söder's rhetoric then compliments these kind of statements by merging the health risk the technocratic failure: *This law is not only a harm to young people, is not only a danger to the safety of young people and health, but the law is simply not implementable* ("Dieses Gesetz ist nicht nur ein Schaden für junge Menschen, ist nicht nur eine Gefährdung der Sicherheit für junge Leute und der Gesundheit, sondern das Gesetz ist schlichtweg nicht umsetzbar"). He does so by stacking terms such as "harm," "danger" "health risk" and "unimplementable." Söder makes sure that the health issue is emotionally relevant enough to get the audience keen to take on the political and technocratic criticism that follows.

In sum, the health and cognitive frame utilise:

1. **Loss Aversion:** By consistently quantifying the risk in terms of irreversible health and social loss (especially for youth).
2. **System 1 Priming:** By appealing to immediate, visceral fears (parental protection, developmental harm) to override rational policy assessment.
3. **Reframing:** By redefining the policy's stated goal (protection) as its actual outcome (introduction to drugs).

3.4 The Technocratic and Law & Order Frame: The Problem of "Uncontrolled Enforcement" (Fairclough, 2003)

The moral and political condemnations are substantiated by a powerful sub-frame focused on Law & Order and technocratic unworkability. This rhetorical strategy, often employed to resist legislative change, uses complex bureaucratic language and practical enforcement methods to delegitimise the entire reform effort. The concept of discursive recontextualisation from Fairclough (2003) is particularly useful here. The opposition proceeds by re-keying the technocratic language of policy implementation into a narrative of impending legal and administrative chaos. With the goal being to prove that the law will not fix the situation of the black market but rather make things worse. Particularly for the institutions that are responsible for keeping the peace. Armin Schuster directly contradicts the stated goals of the ruling government. This encapsulates the central thesis of this frame: "Die Befreiung der Polizei und Justiz ist ein Trugschluss – vielmehr werden sie mit der Umsetzung noch mehr beschäftigt sein." (The liberation of the police and judiciary is a fallacy—rather, they will be even more occupied with the implementation) (Schuster, 2023). With this rhetorical move he tries to

undermine the governments intentions and expose their policy as hypocrisy, because the government claims that the new cannabis policy will make it possible to save on police resources. Yet the opposition firmly proves through the means of discursive construction that the opposite will happen. This creates a powerful Law & Order frame. With the police being the ultimate symbol of state authority being actively by the federal law, further justifying the state-level resistance promised by Söder. The critique of Bürokratie (bureaucracy) and Unumsetzbarkeit (unworkability) is detailed through specific, seemingly minor, but symbolically potent examples.

The critique of Bürokratie (bureaucracy) and Unsetzbarkeit (unworkability) is detailed through specific, seemingly minor, but symbolically potent examples. Haseloff brings up a significant concern with enforcement of the law: “Wie ist ohne großen Aufwand zu beweisen, ob das Cannabis in der Jackentasche aus Eigenanbau stammt oder vom Schwarzmarkt im Park nebenan?” (How is it to be proven without great effort whether the cannabis in the jacket pocket originates from personal cultivation or from the black market in the park next door?) (Haseloff, 2023). While this is a legitimate question that proves the difficulty and complexity of this law, it also functions as a powerful and intuitive argument against the law’s legitimacy. With this statement he highlights the absurdity of this legislation while also arguing that these new regulations are unpoliceable. Additionally, he also showcases that this legislation will infinitely lead to arbitrary enforcement or in simple terms, to no enforcement whatsoever. Therefore, dissolving the states authority. The technocratic frame is further amplified by predicting an influx of illegal activity at the borders. Schuster warns: “An der 582 Kilometer langen Grenze zu Polen und Tschechien droht ein massiver Anstieg von Drogentourismus und Schmuggel. Der Schwarzmarkt wird nicht reduziert, sondern gestärkt.” (A massive increase in drug tourism and smuggling threatens the 582-kilometer-long border with Poland and the Czech Republic. The black market will not be reduced, but strengthened) (Schuster, 2023). With this assertion he manages to re-key the issue from a domestic regulation to infinitely becoming a threat to national security and border integrity. The perceived failure of the law to achieve its primary objective, being the reduction of the black market, is presented as a guarantee of increased criminal activity. Which thereby justifying the political necessity for maximum restrictive enforcement, as guaranteed by Söder (Söder/Media, 2024).

The Law & Order frame is instrumental in bridging the moral/affective claims with tangible policy objections:

1. **Exposing Futility:** The law is framed as *nicht praxistauglich* (not practical), which is an effective rhetorical attack on the competence of the legislators.
2. **Predicting Chaos:** The language of "massive increase," "overburdening," and "trugschluss" (fallacy) paints a picture of societal breakdown under the new regulatory regime.
3. **Justifying Resistance:** The predicted administrative chaos provides the formal justification for Bavaria's commitment to "extremely restrictive application" (Söder/Media, 2024), which is their political treatment recommendation (Entman, 1993).

This technocratic frame makes sure that the opposition's moral objections are not seen as ideological beliefs, but as a practical, necessary safeguard against administrative failure and a threat to public order.

4. SUMMARY AND CONCLUSION

The analysis across the political, moral, health/cognitive, and technocratic frames confirms that the conservative opposition's rhetoric systematically transforms the debate over cannabis legalisation from a public health and regulatory issue into a profound moral and political contest. Through utilising rhetorical strategies that use cognitive biases, re-keying prohibitionist cultural codes, and making administrative problems political this transformation is achievable. The integration of the three theoretical frameworks provides a distinct mechanism for this discursive transformation, functioning within a self-reinforcing loop: Affective Priming (Kahneman): this being the Starting Point. The discussion always starts with the most emotionally significant and intuitive assertion: the youth's vulnerability and the loss of a drug-free environment (Kahneman, 2011). The image of the "uncompleted" brain development (Schuster, 2023) and the emotional appeal to the grandchild (Haseloff, 2023) act as a System 1-targeted entry point. This immediately establishes a high-stakes, protective moral context. Forcing the audience to be receptive to more extreme political claims.

Recontextualisation (Goffman/Fairclough): being the Cultural Anchor. Once the emotional frame is set, the rhetoric activates deep-seated, sedimented prohibitionist tropes. Söder's rejection of a "stoner's paradise" and the use of the "fatal error" judgement re-key the new, regulated practice back into the older, fixed cultural script of deviance, immorality, and decay

(Goffman, 1974). This recontextualisation is vital because it makes the moral opposition seem not merely political, but an unavoidable defence of the traditional 'interaction order' (Fairclough, 2003).

Communicative Framing (Entman): being the Politicisation. The moral and affective outrage is immediately translated into a causal attribution (Entman, 1993) of political blame. The Cannabisgesetz (Cannabis Law) is stripped of its public health rationale. Where it is then re-framed as a demonstration of the government's indifference to real-world crises (Haseloff, 2023) and their creation of administrative chaos (Schuster, 2023). This strategic political framing ensures that the debate is perpetually conducted on the terms of the opposition: as a contest of competence, ideology, and morality, rather than a cost-benefit analysis of regulatory the continuity of this moral rhetoric in German drug policy debates is evident in the stability of the rhetorical repertoire used by the opposition. The three core rhetorical strategies predicted in the methodology (health-based, moral, and political) are consistently present, deployed in an interlocked manner:

- Health arguments (youth protection, brain risk) serve the Moral frame (paternalism, fatal error).
- Moral arguments (social acceptability, deviance) serve the Political frame (government irresponsibility, catastrophe).
- Political arguments (unworkability, border chaos) serve the Technocratic frame (police burden, judicial fallacy).

This kind of rhetorical consistency perfectly highlights the concept of discursive sedimentation (Fairclough, 2003). Despite there being a massive shift in the last decade regarding public opinion and evolving scientific data. The conservative opposition steadily relies on a stable and predictable repertoire because it knows these tropes. Especially the ones linking cannabis to youth endangerment and disorder. These are culturally anchored and highly effective at triggering System 1 fear responses. The arguments have sedimented into a fixed cultural script that is merely re-keyed to the Cannabisgesetz (Cannabis Law) legislative context. In the end, the analysis supports Entman's claim that frames are the inprint of power (Entman, 1993). The conservative opposition, drawing from a legacy of historical authority (traditional prohibitionism), utilises this framing to exert influence over the policy discourse. They make sure that the issue stays one of moral governance by successfully changing the law from a technical regulatory measure to a moral threat and a political catastrophe.

5. FUTURE RESEARCH

Further research should explore how these established conservative frames perform in the context of post-legalisation policy debates and examine the rhetorical strategies employed by pro-legalisation civil society groups to counter these deep-seated, emotionally charged narratives.

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