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Nonpunctuated and Sweeping Policy Change: Bhutan Tobacco Policy Making from 1991 to 2009

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Abstract

This paper examines policy outputs associated with the 2004 Bhutan antitobacco law, including 2009 amendments, to determine if the law is congruent with punctuated equilibrium or social policy realism theories of policy change. There was no direct and sudden tobacco policy output change in Bhutan due to a shock to the policy system contrary to what punctuated equilibrium theory would predict. Rather, policy change was sweeping but nonpunctuated. This paper reconfirms prior findings of social policy realism theory that various and complex policy output patterns occur due to a mixture of contingent and complex factors. Under social policy realism, a complex interplay of factors drive policy with the state, corporate actors, and interest groups, and the market often playing a primary role. These complex policy outputs have a direct impact on society and the natural environment reflected in government policy output actions or inactions.

KEY WORDS: health and medicine, governance, developing countries, civil society, tobacco, policy change, punctuated equilibrium

Punctuated equilibrium theory predicts that long-term *patterns* of policy change consist of relatively incremental policy change, followed by a short and explosive policy change, which is followed by new incremental public policy change (Baumgartner & Jones, 2009). By contrast, social policy realism theory in several recent scholarly articles has explained public policy as reflecting complex long-term policy output patterns, which may or may not be punctuated even if there is an attempt to do so (Givel, 2008, 2010a, 2010b, 2011a). Policy outputs in this article are government actions or inaction that occur or not in the form of legislation, executive orders or written mandates, and judicial decisions. This paper examines the unique 2004 antitobacco law of the country of Bhutan to assess the viability of using punctuated equilibrium or social policy realism theory in describing and predicting how policy output change and patterns occur.

Modern Bhutan, which is predominantly Mahayana Buddhist, is located in the eastern Himalayas between India and China and is geographically about the size of Switzerland with a 2008–2009 population of about 683,000 (Royal Government of Bhutan, 2011a; Sinha, 2001). Bhutan has a highly centralized administration with governance between the national and local levels closely managed and controlled at the national level by the theocracy and later the monarchy (Federal Research Division, 1993; Rose, 1977; Sinha, 2001). Under the first 2008 Bhutanese Constitution, political and administrative power has slowly begun to decentralize, but government in Bhutan remains centralized. Many governmental powers, particularly in the areas of defense, foreign relations, appointment of key government posts, and approval of national legislation were retained by the monarchy (Central Intelligence Agency, 2011; Royal Court of Justice, 2011).

In 2004, Bhutan enacted a unique neo-prohibitionist national tobacco sales ban. No other nation in the twenty-first century has a law prohibiting the national sale of tobacco products. However, along with the sales ban, individual consumption of tobacco was allowed along with a 100 percent sales tax and a 100 percent import tax

if the tobacco was imported into Bhutan for personal use. Tobacco imported from India was subject only to the 100 percent sales tax due to a free trade agreement with Bhutan (*Penal Code of Bhutan*, 2004; *Tobacco Control Act of the Kingdom of Bhutan*, 2009; Secretary, 2004). The policy basis for the prohibition of tobacco sales was grounded in Mahayana Buddhist religious principles and concerns for public health (Givel, 2011b). The focus on banning tobacco use due to religious and public health concerns is unique when compared with legal alcohol and *doma* consumption in Bhutan (*Bhutan Observer*, 2011; Pandey, 2005). Since the establishment of Bhutan until the present, tobacco and tobacco consumption has long been considered to be inherently at variance with Buddhist teachings (*Penal Code of Bhutan*, 2004). One of the Five Precepts or universal tenets of ethical or moral behavior in Buddhism includes not using intoxicants, like tobacco, with significant health impacts that result in undue heedlessness (Mitchell, 2008). Heedlessness hinders a practicing Buddhist from engaging in meditation and other related practices to achieve Enlightenment (Morgan, 2010).

Despite the religious prohibition on tobacco use, some Bhutanese currently consume other intoxicants. Alcohol is consumed for many ceremonial and religious occasions that often include an alcoholic rice or maize wine known as *ara* (*Bhutan Observer*, 2011; Pandey, 2005). *Doma*, or an areca nut wrapped in a betel leaf, is habitually chewed by a number of Bhutanese as a stimulant (*Bhutan Observer*, 2011; *Kuensel Online*, 2012; Pommaret, 2003).

Currently, in the field of public policy in the United States, a diverse set of theories are considered the “more promising theoretical frameworks” as characterized in the influential 2007 book, *Theories of the Policy Process, Second Edition* edited by Paul Sabatier. In addition to punctuated equilibrium, other theories named as promising include stages heuristic, institutional rational choice, multiple streams, advocacy coalition framework, policy diffusion, and large *n* comparative studies (Sabatier, 2007). The basis for this designation was that these theories are congruent with scientific theory, have had a “fair amount” of conceptual development and empirical testing, explain much of the policy process, and focus on a broad set of factors (Sabatier, 2007).

However, other than punctuated equilibrium, with recent scholarly research finding deficiencies with this theory, none of these theories offer an integrated and comprehensive explanation of how to assess patterns in the way public policy outputs evolve over time (Cashore & Howlett, 2007; Givel, 2006, 2008, 2010b; Perl & Dunn, 2007; Schlager, 2007). Without the ability to test and predict policy patterns over time, crucial and relevant questions on the real impact of policy outputs such as who may be dominating remain potentially obscure or unanswered. This question becomes even more crucial because punctuated equilibrium theory has increasingly been applied in a variety of Western “open democracies” with shared authority between national and subnational intergovernmental political institutions in North America and Europe to explain policy patterns (Baumgartner & Jones, 2009; True, Jones, & Baumgartner, 2007). However, can this theory be applied universally to all nations including constitutional monarchies such as Bhutan? Without universal applicability as a scientific theory that explains and predicts policy output behavior in all societies, punctuated equilibrium theory, at best, provides a partial and incomplete explanation on the nature of public policy output patterns.

Punctuated equilibrium theory predicts relatively stable and incremental policy change, followed by an explosive and dramatic policy change, and then followed by new and relatively stable incremental public policy change (Baumgartner & Jones, 2009). On the other hand, in conflict with punctuated equilibrium theory, social policy realism theory, in several recent scholarly articles, has explained policy outputs based on dynamic and complex policy output patterns, which may or may not be punctuated even if there is an attempt to do so (Cashore & Howlett, 2007; Givel, 2006, 2008, 2010a; Perl & Dunn, 2007). Social policy realism theory also posits that governmental functions, like laws, agency rules, or court decisions, mediate conflicts in a system where there is often inherently unequal distributions of wealth and political power (Archer, 1995; Bhaskar, 1975, 1993, 1998; Callinicos, 2007). For this paper, an examination of the public policy outputs will be conducted to determine if from 2004 to 2009 Bhutanese antitobacco law is congruent with punctuated policy output patterns predicted by punctuated equilibrium theory or complex patterns of policy change predicted by social policy realism theory (Baumgartner & Jones, 2009; Givel, 2011a).

Literature Review

Punctuated equilibrium theory in public policy was derived from an early depiction of punctuated equilibrium in evolutionary biology by paleontologists Stephen J. Gould and Niles Eldredge (Eldredge, 1979, 1985, 1989a, 1989b; Eldredge & Gould, 1972; Gould, 1982a, 1982b, 1984, 1989, 1997a, 1997b, 2002; Gould & Eldredge, 1977). Eldredge and Gould (1972) argued that evolutionary change was ordinarily incremental, but rapid or punctuated biological evolutionary change might happen in “small, peripheral isolated populations.” In an updated version of punctuated equilibrium theory, Gould and Eldredge argued “evolutionary pluralism” is the norm with biological evolution being both slow and punctuated in makeup (Gould, 1989; Gould & Eldredge, 1977).

According to Baumgartner and Jones (2009) punctuated equilibrium in a policy system can be characterized by:

Schattschneider’s famous dictum that “organization is the mobilization of bias” symbolizes the strong tendency of institutions to favor some interests over others. This advantage can be maintained over extended periods of time. Associated with such institutional arrangements is invariably a supporting definition of relevant policy issues. In particular, issues may be defined to include only a single dimension of conflict. The tight connection between institution and idea provides powerful support for the prevailing distribution of political advantage. But this stability cannot provide general equilibrium, because a change in issue definition can lead to destabilization and rapid change away from the old point of stability.

Based on the earlier description of Gould and Eldredge’s punctuated equilibrium theory, Baumgartner and Jones, in 1993 and 2009, affirmed that policy change consisted of long episodes of relatively incremental policy change intermittently followed by extremely short periods of dramatic and explosive policy change, followed by a new long-term trend of incremental policy changes (Baumgartner & Jones, 2009). Swift and dramatic policy change occurs when shocks to a stable policy system lead to a “tipping point” resulting in positive feedback (Repetto, 2006; Wood

& Doan, 2003). Positive feedback in the shape of swift policy change occurs when there are “serial shifts in [bounded] attention” leading to a spectacular shift in policy imagery and governmental institutions (Baumgartner & Jones, 2009; Downs, 1972; Howlett, 1997). Policy images constitute a specific view of what constitutes a proper public policy (Baumgartner & Jones, 2009). This is then followed by long periods of policy and system stability and equilibrium (Baumgartner & Jones, 2009). Negative feedback by “homeostatic devices” results in a policy system that is resistant to modification. In an earlier version of punctuated equilibrium theory this was said to primarily occur because dominant policy monopolies associated with a major policy hindered policy change (Baumgartner & Jones, 2009).

Central to punctuated equilibrium theory is bounded rationality or the incapacity of political organizations to rationally grasp all policy options. Bounded rationality often results in relatively incremental changes in policy. New information or the reframing of issues can initiate “bursts of frenetic policy activity” and change (Baumgartner & Jones, 2009).

Recently, Baumgartner and Jones (2009) have argued that the basis for punctuated change or positive feedback is due to “disruptive dynamics” because of policy issue image attention change. Baumgartner and Jones also asserted that disruptive dynamics are based in how political systems process information. According to this argument, political systems can “ignore important information for a very long time, but at some point move rapidly to react to that information” (Repetto, 2006). Based on the policy drivers of mobilization of bias with respect to policy monopolies, bounded rationality, and disruptive dynamics linked to how political systems process information, the end result includes, at first, an incremental and relatively stable long-term policy. A shock causing policy system instability and disequilibrium sometimes occurs closely tied to a swift and significant new policy. Afterward, a new and relatively stable policy pattern ensues.

Punctuated equilibrium theory is also not confined to the parameters of the U.S. policy-making system. As Baumgartner and Jones (2009) indicate:

Results from Britain, Canada, Denmark, France, Spain, Italy, Switzerland, Belgium, the Netherlands, plus the European Union and the State of Pennsylvania, are of course not all yet available. However, initial findings from many countries and political systems suggest that many of the characteristics observed in the United States are not peculiar to that system by any means. Budgetary allocations follow a power-law wherever we explore the question. Governmental activities have become more complex. Jurisdictional boundaries have grown heavier with overlap and complication. Issues have surged onto the public agenda unexpectedly. Policy framing matters everywhere. Comprehensive rationality in the context of modern parliamentary government is as impossible as it is in pluralist, federated ones.

In particular, punctuated equilibrium theory predicts where national and sub-national intergovernmental institutions with shared authority exist in western “open democracies,” such as in North America and Europe, punctuation of policies are likely to occur. (True et al., 2007)

Critiques of Punctuated Equilibrium Theory

Nearly all punctuated equilibrium theory research has been predicated on a descriptive methodology of ascertaining the “tone” or type and frequency of media

reporting or political attention related to the *policy process* (Baumgartner, 2006; Baumgartner & Jones, 2009; Crow, 2010; Givel, 2010a). Recent policy research determining no punctuation despite an attempt to do so has focused on policy outputs rather than the tone of the policy process to determine if major changes in the policy equilibrium has occurred (Cashore & Howlett, 2007; Givel, 2006, 2008, 2010a; Perl & Dunn, 2007). For instance, in 2007, a paper by Perl and Dunn concluded that an attempt at punctuating U.S. corporate average fuel economy criteria reached a political impasse from 1981 to 2005. A 2007 paper by Cashore and Howlett that examined forest policy in the U.S. Pacific Northwest found from 1976 to 2005 no punctuations in policy by environmentalists with respect to controlling the harvesting of timber, protecting old growth forests and preserving ecosystems. Another study in the area of U.S. state tobacco policy also found, despite a vigorous attempt from 1990 to 2006 by health advocates, sympathetic politicians, litigators, and regulatory agencies, punctuation in nine key state anti-tobacco policy areas did not occur (Givel, 2008). These papers all concluded that despite attempts at significant policy change, policy output patterns were complex rather than predicated on punctuated policy changes as posited by punctuated equilibrium theory. These findings in public policy corroborate a number of recent research findings in political science and public administration that political and policy systems are almost never in equilibrium or disequilibrium as described in punctuated equilibrium theory. Rather, business as usual with respect to policy outputs and outcomes is based on complex policy process interactions and varying policy output patterns (Bingham & Fox, 1999; Chesters, 2004; Cockerill, 2009; Morcol, 2005; Ringquist, Worsham, & Eisner, 2003; Stewart & Ayres, 2001; Svava, 2006).

Critical Realism and Social Policy Realism

Since the 1970s, one alternative known as critical realism has emerged with theoretical assumptions concerning public policy change that are in contrast to the most promising U.S. public policy theories, such as punctuated equilibrium theory (Archer, 1995; Bhaskar, 1975, 1993, 1998; Callinicos, 2007; Givel, 2010a). Under critical realism, society does not consist solely of individuals or groups who compete and cooperate in a policy system. Rather, society is the sum of the policy outputs based on the ever emergent and complex interaction of groups and individuals changing the structures and policies of governments (Archer, 1995; Bhaskar, 1975, 1993, 1998; Callinicos, 2007). Here, the intentions and plans of people and groups are combined with governing structures to consciously produce policy outputs (Archer, 1995). Administrative functions and rules, court decisions, and laws mediate these policy outputs. Conflicts and unequal political power and influence in this system are often due to relations between economic production with groups, individuals, elites, or classes that are based on a stratification of wealth, income, or political power (Archer, 1995; Callinicos, 2007).

In conjunction with critical realist theory, Givel has recently described how social policy realism applies to the theory and practice of U.S. public policy (Givel, 2006, 2008, 2010a). Contingent and complex independent variables that can shape the policy process or have a significant influence on public policy output patterns

include security state structures, media influence, political culture, crises, ideologies, political leadership, political institutions, elites and classes, interest groups, social movements, revolutionary movements, and foreign interventions. Not all independent variables impact equally on public policy outputs. For instance, independent variables such as class or elites, religion, political institutions, or political ideology, individually as well as collectively, may have the most influence or not in determining and describing public policy outputs (Givel, 2010b). Social stratification and differentiation often influence how public policy outputs are implemented.

This is in contrast to punctuated equilibrium theory with its homogeneous model of policy outputs reflected by oscillations between incremental and sharp policy output patterns. By contrast, a central premise of social policy realism is that the world is too complex for history to exactly repeat itself (Givel, 2011a). Instead of a set pattern of punctuated policy change, social policy realism explains how policy output patterns are changeable and complex and based on a broad and varying mix of contingent factors on how public policy outputs are created and sustained (Givel, 2011a).

In addition, social policy realism utilizes interdisciplinary quantitative and qualitative methodological approaches analyzing complex societal phenomena to describe public policy changes (Givel, 2011a). Social policy realism, additionally, acknowledges the role of national governmental structures and policies linked to subnational governmental structures and policies as a possible factor of how public policy is created and implemented (Givel, 2011a). Also, social policy realism emphasizes that empirical approaches are not value-free but contain value-oriented assumptions (Givel, 2011a). Ultimately, social policy realism examines the complex and hard-core realities of the impact on society and the natural environment of a pattern of final government actions or inactions due to a variety of complex factors.

In this paper, I will examine whether punctuated equilibrium theory or social policy realism best explains Bhutanese tobacco policy making from 2004 to 2009. In particular, I will examine whether Bhutanese tobacco policy making followed punctuated policy patterns predicted by punctuated equilibrium theory or complex patterns of policy output change predicted by social policy realism theory.

Methods

The analysis for this paper of how closely punctuated equilibrium theory or social policy realism describes the formulation and enactment of the 2004 Bhutan anti-tobacco law included a qualitative historical, descriptive statistical, and archival contextual overview of key policy events. These included key policy events from 1991 to 2004 that facilitated the enactment of the law and policy events, key policy events in 2004 when the law was enacted, and key policy events in 2009 when significant amendments to the law were passed. This descriptive statistical and “thick descriptive” quantitative and qualitative methodological approach has long been accepted, including in punctuated equilibrium scholarship (Baumgartner, 2006; Baumgartner & Jones, 2009; True et al., 2007). The period 1991 to 2009 was chosen because this is the period in which the modern effort to formulate and enact the 2004 Bhutan antitobacco law occurred including significant amendments in

2009. Because punctuated equilibrium theory posits that punctuated change occurs over a short period, significant and sweeping legislation enacted in 1 year or less, which is the typical period to enact national legislation in Bhutan, was used to denote a new and punctuated policy change (Royal Government of Bhutan, 2011b, 2011c).

Data regarding documents on Bhutan tobacco policy making for the policy analysis were obtained from over 50 million pages of previously secret tobacco industry documents obtained due to litigation beginning in 1998 with *State of Minnesota et al., v. Philip Morris, Inc. et al. No. C1-94-8565, 2nd District, Minneapolis* and subsequent court decisions. Access to these tobacco documents was obtained via the Internet from the University of California, San Francisco's (UCSF) Legacy Tobacco Document Depository website located at: <http://legacy.library.ucsf.edu/>. The UCSF site includes a user-friendly search engine to simultaneously search documents from eight tobacco industry organizations that were defendants in various lawsuits including the Minnesota lawsuit; the Mangini, or "Joe Camel," trial documents related to marketing tobacco products to children through cartoon characters; various tobacco industry state trial Depositions and Trial Testimony Archive transcripts; and the UCSF Brown & Williamson documents. The eight tobacco organizations located at the UCSF site include: American Tobacco Company, British American Tobacco, Brown & Williamson, Lorillard, Philip Morris, R.J. Reynolds, Tobacco Institute, and the Council for Tobacco Research. Collection of tobacco industry documents occurred using broad search terms in order to capture the largest set of available documents relating to key policy events regarding the antitobacco provisions of the Bhutan antitobacco law. The broad search terms included: Bhutan, Gross National Happiness, Penal Code of Bhutan Act, Jigme Thinley (Prime Minister of Bhutan), and Jigme Singye Wangchuck (Fourth King of Bhutan).

Other qualitative data collected in this study included all information and documents from 1991 to 2009 regarding the formulation and enactment of the Bhutan antitobacco law contained in government records, newspapers, journals and magazines, personal archives and records, and independent and academic reports. Finally, qualitative interviews were conducted in 2009 of senior civil servants in the Ministries of Health, Education, and Trade and Economic Affairs. The interviews entailed open-ended audio-recorded questions and answers that were later transcribed related to the key policy-making events associated with the formulation and enactment of Bhutan's antitobacco law.

At the completion of the chronological analysis and cross-checking of all of the qualitative policy data, the data were then integrated to provide a comprehensive analysis and report of the policy factors associated with the formulation and enactment of Bhutan's antitobacco law, including possible periods of punctuation or complex patterns of policy change. All of these data sources were cross-checked or triangulated against each other to guard against bias and validity problems (British Medical Journal, 1997; Carter, 2005). Bias error in this qualitative research was countered by an analysis of the qualitative data "using explicit, systematic, and reproducible methods" (British Medical Journal, 1997). In this study, the data analysis, as well as all data collected, will be completely transparent for inspection, use, and replication by any interested party.

Results

In the later part of the twentieth century, the British American Tobacco Company and Indian Tobacco Company maintained a stable market and sold tobacco products in Bhutan (British American Tobacco Company, 1995, 1997; Burgess, 1994; Holliman, 1987; Norsworthy, 1989). In this context, and with a powerful grassroots movement that included the Buddhist religious community and local governments within a centralized monarchy, in the 70th National Assembly of Bhutan in 1991, debate occurred regarding banning the sale of cigarettes. As noted in the official record for the 70th National Assembly Session:

The People's Representative of Thimphu Dzongkhag (District) submitted that as Bhutan was a Buddhist Kingdom that had been blessed by Guru Rinpoche, and since smoking was not in conformity with religious faith and also injurious to health, the sale of cigarettes/tobacco should be banned in the country. (National Assembly of Bhutan, 1991)

The Royal Advisory Councilors to the King also supported a tobacco ban on religious and public health grounds (National Assembly of Bhutan, 1991). The Minister of Social Services in response to this position agreed that smoking was harmful regardless of whether viewing the issue from a health or religious point of view (Dophu, 2009; National Assembly of Bhutan, 1991). He noted that Bhutan currently had an antitobacco educational program, in which May 31st of each year was designated as a "No Smoking" day (Dophu, 2009; National Assembly of Bhutan, 1991). In addition, on occasion since the 1980s, antitobacco awareness efforts have been conducted through religious bodies, health authorities, and the schools (Dophu, 2009; Norbu, 2009; Ugen, 2003). Also, according to the minutes of the 70th National Assembly of 1991:

While noting with appreciation, the proposal of the people of Thimphu for a ban on tobacco products, His Majesty the King was pleased to suggest that since tobacco was harmful both in the context of religious faith as well as physical health, the Royal Government should make every effort to educate and promote awareness among the people about the adverse effects of smoking through the educational and health institutions so that indulgence in the habit could be minimized. His Majesty felt such a campaign would be very useful, and would not have the negative impact of regulatory measures. (National Assembly of Bhutan, 1991)

Resolution Number 8, which passed the National Assembly, called for the *Dratshang* (monks) and religious bodies to inform citizens of Bhutan concerning the negative impacts of tobacco use in league with the Health Ministry (National Assembly of Bhutan, 1991, 1995).

In the 1995 session of the National Assembly of Bhutan, significant debate resumed on the necessity to ban or control tobacco use (National Assembly of Bhutan, 1995). By that time, *Trashi Yangtse Dzongkhag* in rural and religious north-eastern Bhutan had banned the sale and consumption of tobacco (National Assembly of Bhutan, 1995). However,

In their experience, despite many efforts to restrict the sale of this addictive substance, many people continued to consume tobacco products, making it very difficult to implement a complete ban on tobacco. The people of *Paro* (western Bhutan), therefore, requested the National Assembly to pass a resolution either banning tobacco completely or increasing the tax by 50 per cent on all tobacco products in the country. (National Assembly of Bhutan, 1995)

One of the members of the Royal Advisory Council indicated that instead of banning tobacco throughout Bhutan, it was better to allow each Dzongkhag to enact a tobacco ban (National Assembly of Bhutan, 1995). In response to these and other comments, the Home Minister recalled that in the 70th Session of the National Assembly tobacco and its impact had been debated at length (National Assembly of Bhutan, 1995). The Home Minister also noted that the difficulties in implementing a ban had also been discussed in detail in the 70th National Assembly (National Assembly of Bhutan, 1995). He stated that His Majesty the King had indicated that antitobacco educational awareness campaigns were a preferable approach to reduce or end tobacco use (National Assembly of Bhutan, 1995). One of the Royal Advisory Council members and the Bhutan Chamber of Commerce and Industry also indicated that while tobacco was a serious health problem, public awareness efforts were a primary method to reduce consumption (National Assembly of Bhutan, 1995). Tobacco consumption, they also argued, was an individual choice (National Assembly of Bhutan, 1995). Based on this discussion the National Assembly in 1995 resolved to maintain Resolution Number 8 passed in 1991 that the religious bodies continue to voluntarily educate the people on the ill effects of tobacco consumption with cooperation from the Health Ministry (National Assembly of Bhutan, 1991, 1995).

Besides Resolution Number 8 and other tobacco public awareness efforts, from 1991 until 2004, Bhutan did not enact any national tobacco control legislation or implement any tobacco control programs except a 10 percent sales tax on tobacco products from 1991 to 1998, which was increased to 50 percent from 1998 to 2004. In addition, from 1996 to 2004, Bhutan banned cigarette advertising in the movies and on television (British American Tobacco Company, 1996).

2004 Parliamentary Session

In 2003, Bhutan began to consider policies to ban tobacco use throughout the country instead of in individual Dzongkhags as had been occurring (Chakrabarti, 2003; Davies, 2004; *Kuensel Newspaper*, 2004a, 2004b, 2004c; Lak, 2003; Ugen, 2003). Support for this policy particularly came from the Je Khenpo (head monk) and the monk bodies and the 18 of 20 of Bhutan's Dzongkhags that prohibited tobacco sales (Chakrabarti, 2003; *Penal Code of Bhutan*, 2004; Ugen, 2003). In particular, the tobacco sales ban was due to a popular movement that began in the early 1990s in the central region of Bumthang, which has a significant presence of religious bodies and practitioners (*Buddhist Channel*, 2005).

The 82nd Session of the National Assembly of Bhutan, which commenced in 2004, addressed the issue of whether or not to ban tobacco sales and smoking in public places in Bhutan (National Assembly of Bhutan, 2004; *Penal Code of Bhutan*, 2004). The Minister of Health informed the National Assembly that Bhutan became a signatory to the World Health Organization's Framework Convention on Tobacco Control (*Penal Code of Bhutan*, 2004). In response to this report, some of the members of the National Assembly indicated "that tobacco was contrary to Dharma besides harming and shortening human lives" (*Penal Code of Bhutan*, 2004). Some of the members of the National Assembly also stated "that the use of tobacco was

unacceptable both from a religious and social health (view) in the land blessed by Guru Rinpoche” (*Penal Code of Bhutan*, 2004; Zangpo, 2002). Further:

The Yangbi Lupon (deputy head monk) said that the concept of tobacco control did not originate today, but had been prevailing since the time of the Buddha. Even Guru Rinpoche had preached about the present and future effects of tobacco consumption. The establishment of religion and health projects by the health sector would help in controlling tobacco consumption. Moreover, the religious community continued to instruct the people on the effect of tobacco from the religious point of view. Tobacco not only caused harm to religion and health, but also caused family problems. Therefore, the people and students were constantly taught and advised to abandon the unwholesome deeds during Dharma teachings. (*Penal Code of Bhutan*, 2004)

The Minister of Trade and Industry also indicated that there was no national policy to prohibit the import of tobacco products into Bhutan (*Penal Code of Bhutan*, 2004). The Minister also noted that it was not known whether creating a 100 percent tax on tobacco would control consumption, although he indicated he was not opposed to a 100 percent tax on tobacco products (*Penal Code of Bhutan*, 2004). After due consideration and discussion, the National Assembly passed, on July 2004, a ban on the sale of tobacco in all 20 Dzongkhags and imposed a 100 percent sales tax on all imported tobacco products brought into Bhutan for personal consumption (*Kuensel Newspaper*, 2004a; *Penal Code of Bhutan*, 2004). Opposition to the ban was weak particularly because there was no organized tobacco lobby opposing the legislation (Ahmad, 2005; Ugen, 2003). The nationwide ban on the sale of tobacco went into effect on December 17, 2004 (*Kuensel Newspaper*, 2004a, 2004b, 2004c).

2004 Agency Notifications

With respect to the 100 percent sales tax accompanying the importation of tobacco into Bhutan for personal consumption, the Department of Revenues and Customs within the Ministry of Finance issued a Notification on December 8, 2004 that included an extra 100 percent customs duty for most imported tobacco for personal consumption (Director, 2004). The Notification also delineated the small amount of tobacco products that could legally be imported for personal consumption including: one carton containing 200 pieces of cigarettes, three tins of pipe tobacco of 50 g each, and any other tobacco products that had a maximum weight of 50 g (Director, 2004). Any import in excess of the permissible quantity would be confiscated (Director, 2004). However, due to a free trade agreement with Bhutan, tobacco products imported from India were only subject to a 100 percent sales tax, while cigarettes imported from other countries were subject to the 100 percent sales tax and the 100 percent customs duty (*Kuensel Newspaper*, 2004c).

In relation to the impending December 17, 2004 implementation of the new law the Department of Trade in the Ministry of Trade and Industry also publicly warned in an official Notification dated November 8, 2004 that all shops, hotels, restaurants, and bars dealing in tobacco and tobacco related products were required to dispose of existing stocks before December 17, 2004 (Secretary, 2004). Any person or firm found dealing in the sale of tobacco or tobacco related products after December 17, 2004 would be penalized with a fine of Nu 10,000 (Ngultrum

ten thousand) and would result in the immediate cancellation of a business license (Secretary, 2004). From 2005 to 2009, no new agency Notifications were issued or tobacco legislation enacted with respect to tobacco sales.

2009 Parliamentary Session

Legislation introduced on April 24, 2009 in the Parliament in the third parliamentary session to amend and significantly revamp the 2004 Bhutan antitobacco law included a new provision for a coordinated agency effort to implement the ban on the sale of tobacco, public area smoking provisions, and antismuggling and black market efforts (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). Included in the bill was a new national Tobacco Control Board with eleven implementing agencies and organizations (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). The agencies and organizations included were the Health Ministry, Economic Affairs Ministry, Finance Ministry, Education Ministry, Home and Cultural Affairs Ministry, Royal Bhutan Police, large urban areas with a minimum population of 5,000 (Thromdes), Road Safety and Transport Authority, and civil organizations (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). Under the proposed law, the Bhutan Narcotics Control Agency became the lead agency in implementing the legislation (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). In particular, the law called for the Executive Director of the Bhutan Narcotics Control Agency to be the head of the tobacco control efforts (*Tobacco Control Act of the Kingdom of Bhutan*, 2009). The Tobacco Control Board was also authorized to promote law enforcement actions, designate smoking rooms in public areas, meet the obligations of provisions of the World Health Organization's Framework Convention on Tobacco Control, craft rules to implement the act, provide coordination in implementation of the law, liaison with international organizations, and monitor enforcement activities (*Tobacco Control Act of the Kingdom of Bhutan*, 2009).

The law also defined public areas in which smoking was not permitted as commercial centers, recreation centers, institutions, public gathering places, public transportation, and all other public places designated by the Tobacco Control Board (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). The legislation also prohibited the cultivation, sale, manufacture, and distribution of tobacco products (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). However, as was the case in the 2004 legislation, personal tobacco consumption was not banned (Limbu, 2009; *Tobacco Control Act of the Kingdom of Bhutan*, 2009). The bill also prohibited: tobacco advertising in any medium including movies and videos; distribution of tobacco samples; tobacco promotion at events such as athletic events; advertisement of tobacco trademarks on toys and other goods; exchange of tobacco products with other goods and services; and scenes showing tobacco use in domestic videos, movies, and cultural events, except for antitobacco promotion for health purposes (*Tobacco Control Act of the Kingdom of Bhutan*, 2009). Also included in the law were provisions for antitobacco awareness campaigns, tobacco cessation efforts, and the establishment of research on tobacco consumption trends (*Tobacco Control Act of the Kingdom of Bhutan*, 2009).

Enforcement actions under the proposed law included searching for illegal tobacco products under due process of law, confiscating property used in illegal tobacco activities, and disposing of tobacco products (*Tobacco Control Act of the Kingdom of Bhutan*, 2009). Penalties imposed for violations of the law included: fines for individuals and fines for individuals and businesses that illegally sold tobacco; criminal misdemeanor charges for cultivating, manufacturing, or distributing tobacco; criminal offense charges for smuggling tobacco; and petty misdemeanor charges for domestic video, movie, or cultural productions depicting tobacco use except in the case of antitobacco health messages (*Tobacco Control Act of the Kingdom of Bhutan*, 2009).

Sweeping Change, But No Punctuation

Bhutan's unique neo-prohibitionist antitobacco legislation began as a grassroots campaign by religious bodies and practitioners and local governments in 1991 that operated within Bhutan's centralized monarchical system. While possible national legislation was discussed in 1991 and 1995, the antitobacco law was enacted swiftly due to the pressure of the grassroots campaign and with significant new restrictions in 2004. Agency Notifications at the Department of Revenues and Customs and Ministry of Trade and Industry also clarified the requirements of the 2004 Bhutan antitobacco law. In 2009, the law was significantly changed and enhanced with a variety of new enforcement and administrative requirements.

In this case, from a policy output perspective, Bhutan's antitobacco law was enacted and then amended and refined over a period of 5 years from 2004 to 2009. In 2004, and again in 2009, there was no sudden or dramatic policy output change. A conservative characterization of this case was that this policy output change while sweeping was not punctuated because policy output change did not occur swiftly (see Figure 1). While a shock occurred that caused a tipping point from 2004 to 2009, this shock did not result in a closely linked and dramatic short-term change contrary to the predictions of punctuated equilibrium theory. Instead, this sweeping and nonpunctuated policy change followed the complex policy output patterns predicted by social policy realism theory. In this case, local governments and religious and public health groups and individuals in Bhutan succeeded in significantly changing Bhutanese national tobacco policy and law in two distinct and complex steps over 5 years.

Discussion

This case study was oriented to discovering whether punctuated equilibrium or social policy realism theory applied to a non-Western policy system. Punctuated equilibrium theory currently postulates that dramatic and short-term punctuated policy change is apparently applicable in Western open democracies with national and subnational intergovernmental institutions with shared authority (True et al., 2007). Bhutan's governmental institutions were from 2004 to 2008 a centralized monarchy and from 2008 to 2009 a fairly centralized constitutional monarchy. This research has found that sweeping change due to grassroots advocacy from religious interests, public health advocates, and local governments occurred from 2004 to

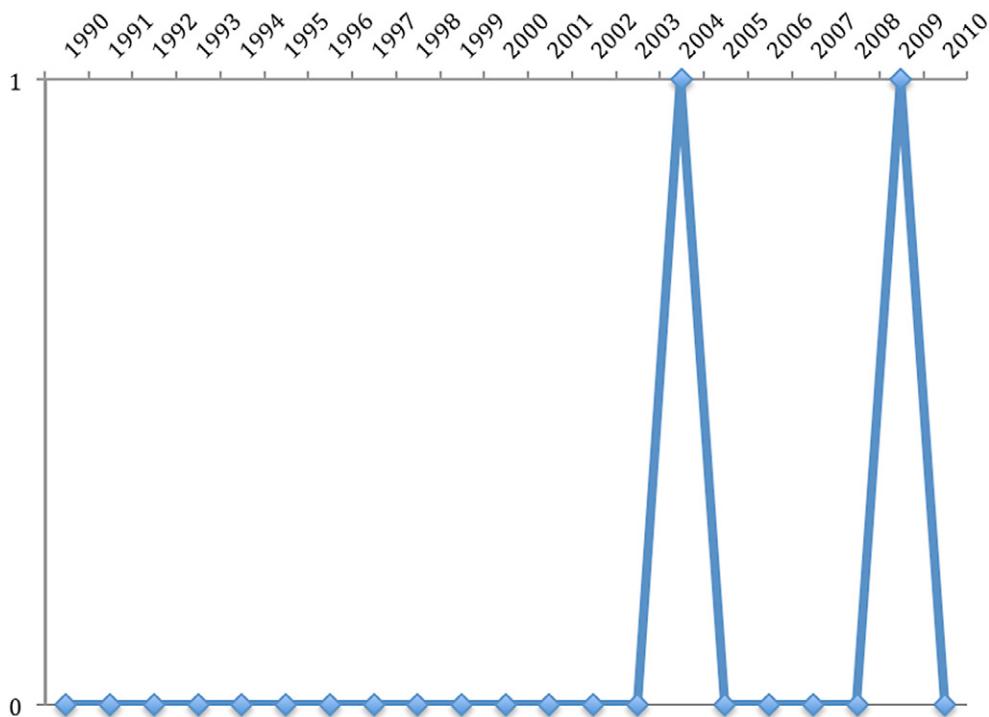


Figure 1. Punctuations Associated with Bhutan's Campaign to Enact Neo-Prohibitionist Antitobacco Legislation

2009. Sweeping policy changes can occur even in non-Western open democracy governmental systems that are monarchical and centralized or are democratizing with centralized government authority.

However, policy output change related to Bhutan's antitobacco law did not meet the description of punctuated equilibrium theory regarding how policy output patterns normally happen. Under punctuated equilibrium theory, the model of change is long-term and relatively stable policy change, followed by a shock resulting in dramatic, explosive, and short-term policy change, which is then followed by a new pattern of long-term and relatively stable policy change. By contrast, the nonpunctuated but sweeping policy output change in Bhutan tobacco policy making from 2004 to 2009 was longer term and complex as has been predicted by social policy realism theory.

Whether or not a direct link and action, in a mechanistic sense, between a shock and a dramatic and sharp punctuated policy change occurs will depend on the complex policy processes involved in the formulation and enactment of policy outputs. Policy systems are continually characterized by ongoing conflict and cooperation over the substance and necessity of various public policy output alternatives. Primary factors that can and often shape policy outputs include the role of the state and its powers to regulate and coerce actions of powerful corporate actors or interest groups, and free markets. Unequal competition and influence among groups with business interests, such as the tobacco industry wielding substantial resources and applying potential organizational pressure on governments through such actions as corporate relocation that impact taxes revenues, can also play an

important role. Other factors that may, at times, significantly shape policy output or mitigate the primary factors include: religion, political culture, political leadership, crises, social movements, judicial review, ideology, and security concerns. In addition, the role of national government structures and policies also linked to subnational government structures and policies is a key variable in the development and shaping of public policy.

In the case of the Bhutan's antitobacco law, policy change was due to a grassroots campaign that included powerful Buddhist religious figures, local governments, and public health advocates, combined with legislation and governance based on centralized government authority and control. The dynamics of policy change in this case reflected complex policy system change over 5 years. This study reconfirms prior findings of social policy realism that a myriad of policy output patterns may occur due to a mixture of contingent and complex factors (Givel, 2006, 2008, 2010a). Punctuated equilibrium theory, in this case, did not predict or illustrate the nature and tempo of nonpunctuated and sweeping policy change with respect to Bhutan's antitobacco law.

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References

- Ahmad, K. (2005). The end of tobacco sales in Bhutan. *The Lancet Oncology*, 6, 69.
- Archer, M. (1995). *Realist social theory: The morphogenetic approach*. Cambridge, MA: Press Syndicate of the University of Cambridge.
- Baumgartner, F. (2006). Punctuated equilibrium theory and environmental policy. In R. Repetto (Ed.), *Punctuated equilibrium and the dynamics of U.S. environmental policy* (pp. 24–46). New Haven, CT: Yale University Press.
- Baumgartner, F., & Jones, B. (2009). *Agendas and instability in American politics*, 2nd ed. Chicago, IL: University of Chicago Press.
- Bhaskar, R. (1975). *A realist theory of science*. London: Verso.
- Bhaskar, R. (1993). *Dialectic: The pulse of freedom*. London: Verso.
- Bhaskar, R. (1998). *The possibility of naturalism a philosophical critique of the contemporary human sciences*, 3rd ed. London: Routledge.
- Bhutan Observer*. (2011, July 18). Alcohol price hike doesn't quite discourage drinking. *Bhutan Observer*.
- Bingham, T., & Fox, T. (1999). Model complexity and scope for policy analysis. *Public Administration Quarterly*, 23(3), 276–294.
- British American Tobacco Company. (1995). Operating group country/market responsibilities for DP and DP product. British American Tobacco. Minneapolis: Minnesota Tobacco Depository; Bates No.: 500030044.
- British American Tobacco Company. (1996). Global overview—August 1996. British American Tobacco. Minneapolis: Minnesota Tobacco Depository; Bates No.: 700502359–700502387.
- British American Tobacco Company. (1997). Re: License agreement dated 19th June 1997 between Benson & Hedges (overseas) Limited and ITC Limited. British American Tobacco. Minneapolis: Minnesota Tobacco Depository; Bates No. 325018030.
- British Medical Journal. (1997). How to read a paper: Papers that go beyond numbers (qualitative research). *British Medical Journal*, 315(7110), 740–743.
- Buddhist Channel*. (2005). Be a good Buddhist and put that out. *Buddhist Channel*.
- Burgess, M. G. (1994). Note to Ulrich Herter. British American Tobacco. Minneapolis: Minnesota Tobacco Depository; Bates No.: 202200852–202200856.
- Callinicos, A. (2007). *The resources of critique*. Malden, MA: Polity Press.
- Carter, S. (2005). Tobacco document research reporting. *Tobacco Control*, 14(6), 368–376.

- Cashore, B., & Howlett, M. (2007). Punctuating which equilibrium? Understanding thermostatic policy dynamics in Pacific Northwest forestry. *American Journal of Political Science*, 51(3), 532–551.
- Central Intelligence Agency. (2011). *The World Factbook: Bhutan, Government*. Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/bt.html>
- Chakrabarti, S. (2003, February 18). HEALTH: Bhutan aims to be first country to ban tobacco. *IPS News*.
- Chesters, G. (2004). Global complexity and global civil society. *International Journal of Voluntary and Nonprofit Organizations*, 15(4), 323–342.
- Cockerill, K. (2009). A fresh look at a policy sciences methodology: Collaborative modeling for more effective policy. *Policy Sciences*, 42(3), 211–225.
- Crow, D. (2010). Policy punctuations in Colorado water law: The breakdown of a monopoly. *Review of Policy Research*, 27(2), 147–166.
- Davies, E. (2004, November, 16). Bhutan introduces tobacco prohibition. *The Independent*.
- Director. (2004). Notification. Thimphu: Department of Revenues and Customs, Ministry of Finance.
- Dophu, U. (2009, August 12). E-mail Communication to the Author. Thimphu.
- Downs, A. (1972). Up and down with ecology: The “issue-attention cycle.” *The Public Interest*, 28(Summer):38–50.
- Eldredge, N. (1979). Alternative approaches to evolutionary theory. In J. Schwartz & H. B. Rollins: Bulletin of the Carnegie Museum of Natural History (Eds.), *Models and methodologies in evolutionary theory* (Vol. 13, pp. 7–19). Pittsburgh, PA: Carnegie Museum of Natural History.
- Eldredge, N. (1985). *The unfinished synthesis: Biological hierarchies and modern evolutionary thought*. New York, NY: Oxford University Press.
- Eldredge, N. (1989a). *Macro-evolutionary processes: Species, niches, and adaptive peaks*. New York, NY: McGraw-Hill.
- Eldredge, N. (1989b). Punctuated equilibria, rates of change, and large-scale entities in evolutionary systems. In A. Solnit & S. Peterson (Eds.), *The dynamics of evolution* (pp. 103–120). Ithaca, NY: Cornell University Press.
- Eldredge, N., & Gould, S. (1972). Punctuated equilibria: An alternative to phyletic gradualism. In T. J. M. Schopf (Ed.), *Models in paleobiology* (pp. 82–115). San Francisco, CA: Cooper and Co.
- Federal Research Division. (1993). *Nepal and Bhutan country studies*. A. M. Savada (Ed.), Washington, DC: Library of Congress.
- Givel, M. (2006). Punctuated equilibrium in limbo: The tobacco lobby and U.S. state tobacco policymaking from 1990 to 2003. *Policy Studies Journal*, 34(3), 405–418.
- Givel, M. (2008). Assessing material and symbolic variations in punctuated equilibrium and public policy output patterns. *Review of Policy Research*, 25(6), 547–561.
- Givel, M. (2010a). The evolution of the theoretical foundations of punctuated equilibrium theory in public policy. *Review of Policy Research*, 27(2), 187–198.
- Givel, M. (2010b). Unexplained and anomalous policy output patterns in punctuated equilibrium theory: Challenging the dominant paradigm and building a better theory. In *Challenging Orthodoxies: The Critical Governance Studies Conference*. Coventry, UK: University of Warwick.
- Givel, M. (2011a). Deconstructing social constructionist theory in tobacco policy: The case of the less hazardous cigarette. *Journal of Policy Practice*, 10(1), 19–34.
- Givel, M. (2011b). History of Bhutan’s prohibition of cigarettes: Implications for neo-prohibitionists and their critics. *International Journal of Drug Policy*, 22, 306–310.
- Gould, S. (1982a). Darwinism and the expansion of evolutionary theory. *Science*, 216, 380–387.
- Gould, S. (1982b). The meaning of punctuated equilibrium and its role in validating a hierarchical approach to macroevolution. In R. Milkman (Ed.), *Perspectives on evolution* (pp. 83–104). Sunderland, MA: Sinauer.
- Gould, S. (1984). Toward the vindication of punctuational change. In W. A. Berggren & J. A. V. Couvering (Eds.), *Catastrophes and earth history* (pp. 9–34). Princeton, NJ: Princeton University Press.
- Gould, S. (1989). Punctuated equilibrium in fact and theory. In A. Solnit & S. Peterson (Eds.), *The dynamics of evolution* (pp. 54–84). Ithaca, NY: Cornell University Press.
- Gould, S. (1997a). Darwinian fundamentalism. *The New York Review of Books*, June 12, 34–37.
- Gould, S. (1997b). Evolution: The pleasures of pluralism. *The New York Review of Books*, June 26, 47–52.
- Gould, S. (2002). *The structure of evolutionary theory*. Cambridge, MA: Harvard University Press.
- Gould, S., & Eldredge, N. (1977). Punctuated equilibrium: The tempo and mode of evolution reconsidered. *Paleobiology*, 3, 115–151.
- Holliman, A. H. (1987). Note to the chairman’s policy committee: voluntary service overseas. British American Tobacco. Minneapolis: Minnesota Tobacco Depository; Bates No.: 201140725.
- Howlett, M. (1997). Issue-attention and punctuated equilibria models reconsidered: An empirical examination of the dynamics of agenda-setting in Canada. *Canadian Journal of Political Science*, 30(1), 3–29.
- Kuensel Newspaper*. (2004a, August 17). Assembly bans sale of tobacco in Bhutan. *Kuensel Online*.
- Kuensel Newspaper*. (2004b, November 13). Tobacco ban from December 17th. *Kuensel Online*.
- Kuensel Newspaper*. (2004c, December 17). Tobacco sales banned. *Kuensel Online*.

- Kuensel Online*. (2012, January 3). Substance (ab)use: Who's doing what. Retrieved from <http://www.kuenselonline.com/2011/?p=24334>
- Lak, D. (2003, January 19). Bhutan seeks to ban smoking. *BBC News*.
- Limbu, T. (2009, April 26). New law to bell smokers, paint black market clean. *Bhutan Times*.
- Mitchell, D. (2008). *Buddhism: Introducing the Buddhist experience*, 2nd ed. New York, NY: Oxford University Press.
- Morcol, G. (2005). Phenomenology of complexity theory and cognitive science: Implications for developing an embodied knowledge of public administration and policy. *Administrative Theory & Praxis*, 27(1), 1–23.
- Morgan, D. (2010). *Essential Buddhism: A comprehensive guide to belief and practice*. Santa Barbara, CA: Praeger.
- National Assembly of Bhutan. (1991). Proceedings and resolutions of the 70th Session of the National Assembly of Bhutan. Thimphu, Bhutan.
- National Assembly of Bhutan. (1995). Translation of Proceedings and resolutions of the 73rd Session of the National Assembly of Bhutan held from 10th August to 2nd September 1995. Thimphu, Bhutan.
- National Assembly of Bhutan. (2004). Translation of Proceedings and resolutions of the 82nd Session of the National Assembly of Bhutan Thimphu, Bhutan.
- Norbu, U. (2009). E-mail communication to author. Thimphu: Bhutan Information and Communication Bureau, Department of Public Health, Ministry of Public Health.
- Norsworthy, N. (1989). Cigarette exports, British American Tobacco. Minneapolis: Minnesota Tobacco Depository; Bates No.: 500000323–500000333.
- Pandey, G. (2005). Bhutan faces up to alcohol problem. *BBC News*.
- Penal Code of Bhutan Act*. (2004).
- Perl, A., & Dunn, J. (2007). Reframing auto fuel efficiency policy: Punctuating a North American policy equilibrium. *Transport Reviews*, 27, 1–35.
- Pommaret, F. (2003). The tradition of betel and areca in Bhutan. *Journal of Bhutan Studies*, 8(Summer):12–28.
- Repetto, R. (2006). Introduction. In R. Repetto (Ed.), *Punctuated equilibrium and the dynamics of U.S. environmental policy* (pp. 1–23). New Haven, CT: Yale University Press.
- Ringquist, E., Worsham, J., & Eisner, M. A. (2003). Salience, complexity, and the legislative direction of regulatory bureaucracies. *Journal of Public Administration Research and Theory: J-PART*, 13(2), 141–164.
- Rose, L. (1977). *The Politics of Bhutan*. Ithaca, NY: Cornell University Press.
- Royal Court of Justice. (2011). *Introduction to the Bhutanese legal system*. Retrieved from <http://www.judiciary.gov.bt/html/judiciary/legal.php>
- Royal Government of Bhutan. (2011a). *Fact file*. Retrieved from <http://www.bhutan.gov.bt/government/aboutbhutan.php>
- Royal Government of Bhutan. (2011b). *National assembly of Bhutan*. Retrieved from <http://www.nab.gov.bt/>
- Royal Government of Bhutan. (2011c). *National council of Bhutan*. Retrieved from <http://www.nationalcouncil.bt/>
- Sabatier, P. (2007). Introduction. In P. Sabatier (Ed.), *Theories of the policy process* (pp. 3–20). Davis, CA: Westview Press.
- Schlager, E. (2007). A comparison of frameworks, theories, and models of policy processes. In P. Sabatier (Ed.), *Theories of the policy process* (pp. 293–320). Davis, CA: Westview Press.
- Secretary. (2004). Notification. Thimphu, Bhutan: Ministry of Trade and Industry, Department of Trade.
- Sinha, A. C. (2001). *Himalyana Kingdom, Bhutan: Tradition, transition, and transformation*, 2nd ed. Shillong, India: Indus Publishing Company.
- Stewart, J., & Ayres, R. (2001). System theory and policy practice: An exploration. *Policy Sciences*, 34(1), 79–94.
- Svara, J. (2006). Complexity in political-administrative relations and the limits of the dichotomy concept. *Administrative Theory & Praxis*, 28(1), 121–139.
- Tobacco Control Act of the Kingdom of Bhutan* (2009).
- True, J., Jones, B., & Baumgartner, F. (2007). Punctuated equilibrium theory: Explaining stability and change in public policymaking. In P. Sabatier (Ed.), *Theories of the policy process* (pp. 155–188). Boulder, CO: Westview Press.
- Ugen, S. (2003). Bhutan: The world's most advanced tobacco control nation? *Tobacco Control*, 12, 431–433.
- Wood, D., & Doan, A. (2003). The politics of problem definition: Applying and testing threshold models. *American Journal of Political Science*, 47(4), 640–653.
- Zangpo, N. (2002). *Guru Rinpoche: His life and times*. Ithaca, NY: Snow Lion Publications.