

Toward a “Post-Legalization” Criminology for Cannabis: A Brief Review and Suggested Agenda for Research Priorities

Contemporary Drug Problems

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Benedikt Fischer^{1,2,3,4} , Dimitri Daldegan-Bueno¹, and Peter Reuter⁵

Abstract

Cannabis control policies in a few countries have recently shifted from criminal prohibition-based regimes to legalization of use and supply. While cannabis' newly emerging status of legality may suggest a coming “end” for criminology-based interest in the drug, these fundamental changes rather open a window to a new set of criminological research issues and questions, mostly focusing on cannabis use and related behaviors, and their relation to crime and justice. Based on a joint, personal record of several decades of criminological research on cannabis, we briefly review the rationale for five fundamental topics and issues of cannabis-related research associated with legalization. These include: 1) the deterrent effect of prohibition; 2) illicit production, markets and supply in a legalization regime; 3) use enforcement; 4) cannabis-impaired driving; 5) cannabis and crime. This constitutes an—albeit subjectively selective—“post-legalization” research agenda for a cannabis-focused criminology. Other possible areas of research focus or interest within fundamentally different paradigms of criminology (e.g., “critical criminology”) are identified and encouraged for development. Overall, the proposed research agenda for a post-legalization cannabis criminology should both contribute discipline-specific knowledge to improved cannabis-related public health and safety as well as allow for important debate and development in this evolving and important research field while entering a new (“post-legalization”) era.

Keywords

criminology, crime, cannabis, legalization, policy, research

¹ Schools of Population Health and Pharmacy, Faculty of Medical and Health Sciences, University of Auckland, New Zealand

² Department of Psychiatry, University of Toronto, Ontario, Canada

³ Centre for Applied Research in Mental Health & Addiction, Faculty of Health Sciences, Simon Fraser University, Vancouver, British Columbia, Canada

⁴ Department of Psychiatry, Federal University of Sao Paulo (UNIFESP), Sao Paulo, Brazil

⁵ School of Public Policy and Department of Criminology, University of Maryland, College Park, MD, USA

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Corresponding Author:

Benedikt Fischer, Faculty of Medical and Health Sciences, University of Auckland, 85 Park Rd, Grafton, Auckland 1023, New Zealand.

Email: b.fischer@auckland.ac.nz

Introduction

In the past decade, many jurisdictions in the Americas, (Canada, multiple US states, and Uruguay) have implemented legalization policies for the non-medical use and supply of cannabis in some form. Other countries (e.g., New Zealand, Luxembourg, Jamaica, Mexico) may soon follow (Decorte et al., 2020; Fischer & Bullen, 2020; Pardo, 2014). Previously, following the formal dictum of the international drug control treaties (e.g., the 1961 Single Convention), signatory countries had been required to criminally prohibit the supply of cannabis; all had complied (Bewley-Taylor et al., 2014; Fischer et al., 2003). Cannabis has long been the world's most widely used illegal drug, with some 200–250 million active users (Degenhardt et al., 2017; UNODC, 2019). Since key voices from the academic domains of criminology had long contributed to, or informed, ideas, concepts and issues around “legalization” (Caulkins et al., 2016; Fischer et al., 2003; Room et al., 2010), one could now view this endeavour as a “mission accomplished” or “file closed,” at least for those countries. But rather than assuming criminology's irrelevance for cannabis following legalization, a strong and sustained case can be made for an important and relevant “post-legalization criminology” for cannabis. The variety of forms of implementation legalization has taken in different places heightens this interest. For example, Uruguay's legalization regime is highly restrictive in terms of supply channels and the forms in which the drug can be sold, while Colorado, in contrast, allows for many channels and forms. We, the authors, indeed, believe that there is a useful, while certainly evolved role and perspective for criminology in a “post-legalization” world to investigate essential dynamics or outcomes mainly as relating to new forms of cannabis control/regulation, its use and supply, and possible harms (including crime). On this basis, this paper briefly reviews, and proposes primary foci and questions for a “post-legalization criminology” research agenda for cannabis, primarily for general discussion and debate and further development. Toward this, we offer two general observations at the outset. First, we acknowledge criminology as a multi-perspectival field that combines different disciplines (e.g., law, sociology, psychology, economics, others); on this basis, criminology is both a heterogeneously while variably defined and practiced area of science. Second, our observations mostly root in material law-based or functionalist perspective on cannabis- (and mostly use-) related behaviors or issues of crime and their control. This is in contrast to multiple other possible, fundamental frameworks or ontologies for criminology, and consequential issues or phenomena related to cannabis and crime (some of which we briefly acknowledge and encourage for further development below). On this basis, our observations are both individually subjective as well as selectively focused, while legitimately expanded or complemented by other criminology-based perspectives or priorities.

General Use Deterrence

A longstanding controversy concerns whether the criminalization of cannabis has resulted in lowered prevalence of cannabis use (Boyum & Kleiman, 2001; Caulkins et al., 2016; MacCoun & Reuter, 2001; Weatherburn & Jones, 2001). While cannabis use has long been common (with many youth cohorts in Australia, Canada and the United States showing lifetime prevalence around 50%), levels also varied considerably across time and place in Western jurisdictions (Compton et al., 2004; Degenhardt et al., 2013; Kokkevi et al., 2006; Room et al., 2010). No research has offered a convincing account for that variation, even though this represents an unusually good opportunity for comparative study of different drug policy regimes, for example prohibition, decriminalization or legalization, and their effect on primary outcomes (e.g., use) because marijuana use is better measured than the use of any other prohibited drug. Such studies should also allow for identification of the mechanisms by which policy exerts an influence. Multiple mechanisms might account for lower prevalence of cannabis use in a prohibition regime as compared to legalized availability. For example, (a) prohibition and its enforcement should lead to higher cannabis prices and thus lower use. It is indeed striking that the

price of cannabis in the Netherlands, with effectively legal retail, is approximately as high as in neighboring countries because of relatively tough enforcement against production and trafficking, which remain illegal (MacCoun, 2011); (b) the threat of arrest for use might have a distinct deterrent effect working on the demand (i.e., user) side; (c) prohibition prevents commercial promotion of the product and inhibits research and development. Each mechanism requires a separate line of empirical analysis.

The hypothesis that cannabis' criminal status served to deter sizable numbers of people from use is commonly refuted by reference to inconsistent cross-jurisdictional cannabis use patterns. In fact, use levels are higher in select jurisdictions with apparently severe punitive control (e.g., the US), as compared to others with more liberal approaches (e.g., the Netherlands) (Barratt et al., 2005; MacCoun et al., 2009; Reinerman et al., 2004; Simons-Morton et al., 2010). However, no study has included any objective measure of enforcement intensity, which minimally needs to be separated into supply side and demand side enforcement. Whether the United States' enforcement is actually intense (e.g. as measured by probability of sanction conditional on use) compared to other countries is not known.

Legalization, now, offers a major "natural experiment" which permits examination of the effect of prohibition itself. The comparison of the two regimes is complicated by differences in implementation, such as differential use and product regulations, or prices and tax rates in legalized jurisdictions and variations in enforcement and penalties in jurisdiction that retain prohibition. For example, prices for recreational cannabis in the various US "legalization" states vary considerably, perhaps reflecting policy regime differences or just the time required for the implementation of a legalization regime (Hunt & Pacula, 2017). Nonetheless, legalization jurisdictions can be systematically compared to prohibitory jurisdictions with respect to trajectories or patterns of cannabis use (e.g. intensity); deterrence dynamics can be compared on both individual and population levels. Findings that may support the assumption of criminalization's general deterrent effect include that use levels—at least in some sub-groups—have somewhat increased, and substantial proportions of non-users have declared their intent to use cannabis under legalization conditions (Carliner et al., 2017; Cerdá et al., 2020; Melchior et al., 2019; Rusby et al., 2018). The US National Survey on Drug Use and Health, for example, has a large enough multi-state sample to allow such comparisons in models of individual use patterns (NSDUH, 2020). The principal research questions include the possibly changing effects and dynamics of "deterrence" in the context of legalization on actual cannabis use, as well as use intent for or attitudes toward use under changing legal control frameworks.

Illicit Production, Markets and Supply

Major goals of legalization include reducing the involvement of criminal justice in cannabis users' lives and depriving criminal organizations of revenues. Thus, comprehensive cannabis legalization comprises provisions for both legal use and legal supply, aiming to shift consumers from illegal to legal sources. Legal sources can involve one or more of a variety of arrangements: retail sale distribution (e.g., physical stores and/or mail order), regulated "cannabis clubs" or other low-level production collectives and "home growing" for users (Caulkins et al., 2015; Decorte et al., 2017, 2020; Fischer, 2017).

However in "legalization" jurisdictions an extensive illegal sector has remained, even with a substantial amount of purchases from legal cannabis sources (Caulkins et al., 2018; Fischer, Lee, O'Keefe-Markman, & Hall, 2020; Smart et al., 2017; Wadsworth et al., 2019). For example, about half of users in Canada used some legal sources 1-year post-legalization, yet only about one-in-three exclusively relied on legal sources for their supply. In Uruguay, two-thirds of frequent users reported illegal sourcing of their cannabis (Boidi et al., 2016; Queirolo, 2020). In addition, "gray" (technically non-legal) sources, often related to personal networks or "medical cannabis" provisions, continue to be

utilized by many (Amlung & MacKillop, 2019; Boidi et al., 2016; Davenport & Caulkins, 2016; Hunt & Pacula, 2017; Sen & Wyonch, 2018; Wadsworth et al., 2019).

This partial failure in the transition to legal cannabis sources for personal supply may reflect a number of factors including: restricted availability and access (e.g. limited locations, opening hours) of legal sources (Fischer, 2017; Kilmer & Pacula, 2017; Lancione et al., 2020; Pardal et al., 2019; Reed et al., 2020) and age restrictions (21 in all US, mostly 19 in Canadian jurisdictions), higher prices in the legal sector and restrictions on the products legally available. Uruguay in particular has tight restrictions both on the potency of legally retailed cannabis and on the modes of access (Queirolo, 2020); for example users must register to use only one of the three modes of access (home grow; joining a growers club or purchasing from a pharmacy). Other likely factors relate to price and supply (e.g., the available product menu). In North American legalization settings, illegal cannabis markets supply (e.g., high-potency) product not readily offered by legal sources. Despite the substantial decreases in the prices for legal product, as much as 50% in three years, it appears that illegal suppliers are selling at still lower prices (Caulkins et al., 2018; Smart et al., 2017; Wadsworth et al., 2019). Prices of illegal cannabis in Canada recently were reported to be about half of those for legal products (\$6/gram vs. \$10/gram) (Fischer, Lee, O'Keefe-Markman, & Hall, 2020).

The research questions here are quite broad: How does the share of cannabis purchases in the legal market vary with the parameters (e.g., access restrictions) of the legal regime? Can users who frequent legal versus illegal markets be distinctly characterized? What role do price and related costs (e.g., taxation) dynamics play for continued illegal market activities? Do illegal cannabis markets specialize in distinct cannabis products (e.g., those unavailable from legal sources) and to which extent is there diversion from legal production or sources to illegal distribution? Additional questions may relate to the possible adaptation of illegal market structures or resources in new legalization context, for example: Do previously illegal producers switch to or join (“cross-over”) “legal” cannabis production or supply activities, or remain in illegal supply environments? How do illegal cannabis market segments evolve or adapt in their business orientation or related behaviors and strategies (re: products or audiences)?

Use Enforcement

Most criminal control regimes for cannabis had long been characterized by erratic and arbitrary enforcement (Boyd, 2013; Fischer et al., 2003; Johnson et al., 1977; MacCoun et al., 2009; Nguyen & Reuter, 2012; Turnbull, 2009). The probability of arrest, conditional on recent use, was estimated at only about 2%–4% across several countries around 2005, and has further decreased in many (Room et al., 2010). Cannabis enforcement reliably reached only small proportions of users. It typically targeted select sub-groups, mostly involving young males from marginalized or racialized (e.g., black, other ethnic) backgrounds (Fergusson et al., 2003; Geller & Fagan, 2010; Golub et al., 2007; Lynch et al., 2013; Provine, 2011; Tonry & Melewski, 2008; Wortley & Owusu-Bempah, 2011). Hence, the realities of cannabis enforcement were commonly biased and discriminatory. In addition, the “collateral harms” of cannabis user criminalization, for example arrest or criminal records for convictions and their deleterious effects on personal or professional life prospects, were recognized as its primary excesses informing calls for its reform (Crepault et al., 2016; Lenton et al., 2000; Room et al., 2010; Shanahan & Ritter, 2014; Single et al., 2000; Warburton et al., 2004).

However, reform towards legalization has not completely eliminated user criminalization. As noted, under legalization cannabis use is restricted to individuals above a certain age, ranging between 18 and 21 years across most jurisdictions (Ammerman et al., 2015; Decorte et al., 2020; Pardo, 2014). This excludes sizable sub-groups of youth whose cannabis use rates (e.g., 25%–30% in past year) are among the highest (Degenhardt et al., 2016; Hall & Degenhardt, 2007; Wadsworth & Hammond, 2019). While initiatives for legalization policy have stressed improved protections of young people as

a key “vulnerable” population, simple cannabis possession of small amounts, e.g. for personal use, in Canada, for example, are subject to possible charges under the *Youth Criminal Justice Act* (Fischer, Bullen, Elder, & Fidalgo, 2020). In addition, legalization frameworks have established several new offenses concerning cannabis possession- and use-related restrictions, and related quantity limits or social sharing, depending on the jurisdiction (Caulkins & Kilborn, 2019; Decorte et al., 2020; Johnson et al., 2018; Lancione et al., 2020; Smart & Kleiman, 2019; Watson & Erickson, 2019). For example, both Canada’s 2018 “Cannabis Act” as the legal basis for legalization and New Zealand’s proposed “Cannabis Legalisation and Regulation Bill” provide for punitive (some criminal) sanctions and enforcement for those in possession of cannabis above defined personal limits and those sharing with minors/under-age individuals and under-age use (Fischer, Bullen, Elder, & Fidalgo, 2020; Fischer & Daldegan-Bueno, 2020; Government of Canada, 2019). These have been among the principal offenses leading to cannabis arrests immediately following the implementation of legalization in Canada (Statistics Canada, 2019).

While initial (mainly US-based) data indicate that enforcement activities against adult users have markedly decreased in both legalization and decriminalization settings, arrest rates for under-age users or youth have not dropped nearly as much. In fact, some increases in enforcement against youth users have occurred in “legalization” states in the US (Firth et al., 2019, 2020; Grucza et al., 2018; Plunk et al., 2019; Wiens et al., 2018). In addition, racialized or socio-economically skewed cannabis-related arrest patterns appear to persist in legalization systems (Firth et al., 2020). A related, “social justice”-focused issue has been the purging or expungement of criminal records for those convicted for personal cannabis use offenses under past prohibition regimes. While there is no universal consensus on whether such efforts are justified or appropriate, or what best approaches are, such efforts have been selectively initiated in Canada and the US. However, whether this has led to improved and sustained “social justice” either at the individual or population level is unclear to date (Adinoff & Reiman, 2019; Ahrens, 2020; McAleese, 2019).

Hence, systematic examination of the evolving activities and outcomes of cannabis-use related enforcement are required, including the following questions: what groups or activities does cannabis-related enforcement focus on under legalization? What, specifically, are the patterns of enforcement for non-legal users, and new offenses? Do systematically arbitrary/selective enforcement patterns continue in legalization environments? What are the different approaches and experiences with “social justice” oriented efforts of criminal records expungement for previously convicted cannabis use offenders?

Cannabis-Impaired Driving

Cannabis-impaired driving—next to cannabis use disorders (e.g., dependence)—is a primary contributor to cannabis-related health burden and harms (Hall, 2015; Imtiaz et al., 2016; Volkow et al., 2014). As is well-documented, acute (e.g., cognitive, reaction, psycho-motor control) impairment from cannabis use reduces critical driving skills and is associated with a moderate (e.g., about 2-fold) increase in the odds for—fatal or non-fatal—motor-vehicle-crash involvement (Asbridge et al., 2012; Li et al., 2011; Rogeberg & Elvik, 2016). As such, cannabis-impaired driving constitutes a unique cause of cannabis-attributable mortality (Calabria et al., 2010; Degenhardt et al., 2017). Cannabis-impaired driving is common. In North America, 5%–10% of drivers, and one-in-three or more of cannabis users—disproportionately young adults—report cannabis-impaired driving (Compton, 2017; Johnson et al., 2012; Patel & Amlung, 2019; Wadsworth & Hammond, 2019). In a roadside survey in Washington state, the proportion of THC-positive drivers almost tripled, from 8% before legal cannabis sales to 23% 6 months after (Eichelberger, 2019). In addition, a substantial proportion of cannabis-impaired drivers drive following the co-use of alcohol, which further increases impairment and thus the risks of crash-involvement (Bramness et al., 2010; Hall, 2017; Zhu & Wu, 2016).

Cannabis users who drive do so for multiple reasons, including a belief that cannabis does not impair driving ability and/or lack of fear of detection or apprehension (Earle et al., 2019; McCarthy et al., 2007; Watson et al., 2019).

Unquestionably, controlling cannabis-impaired driving, and its imminent physical harm for users and others, is a crucial requirement toward improving cannabis-related public health and safety under legalization (Calabria et al., 2010; Fischer et al., 2018). Multiple recent studies involving different designs, however, point to slight increases in cannabis-related traffic fatalities following the implementation of legalization, likely reflecting increased prevalence and social acceptability of cannabis use (Aydelotte et al., 2019; Steinemann et al., 2018). These developments require more effective intervention strategies for cannabis-impaired driving. These may well draw on important lessons from alcohol-impaired driving enforcement strategies. Over the past decades, the prevalence of alcohol-impaired driving, and specifically related crashes/fatalities, have consistently decreased in North America (Fell et al., 2016; Naimi et al., 2018; Teutsch et al., 2018; Yao et al., 2016). This decrease has been mainly attributed to optimized “deterrence”-based enforcement approaches (e.g., more severe penalties, improved detection or apprehension strategies, swifter consequences) combined with systematic negative social norming of “drinking-and-driving” (Babor et al., 2010; Elder et al., 2004; Hyder, 2018; Kilmer & Midgette, 2020). Effective “roadside” testing methods for cannabis impairment remain subject to controversy, since they continue to struggle with imprecision due to the pharmacological nature of cannabinoids i.e. uncertainty about the relationship between measured THC and active host impairment (Dobri et al., 2019; Ginsburg, 2019). The fundamentals of and different options for effective intervention strategies for targeting cannabis-impaired driving have not yet been developed (e.g., better social or educational strategies) or are lagging in implementation (e.g., widespread roadside-based testing). These require major improvements toward supporting the declared public health and safety objectives of legalization (Jones et al., 2006; Pacula et al., 2014; Watling et al., 2014; Wong et al., 2014).

Key research questions include: What enforcement approaches establish more effective “deterrence” of cannabis impaired driving, and how will cannabis-impaired driving and related accidents evolve in legalization environments? What are the key design elements and operational provisions for these systems? Will individual attitudes, and social norming toward cannabis-impaired driving change, as has occurred when drinking-and-driving became increasingly socially shunned behavior and “designated drivers” became socially desirable roles in many socio-cultural settings? To what extent may cannabis-impaired driving be related to inconsistent, or inter-jurisdictionally different (e.g., legal versus illegal) cannabis supply or availability structures?

Cannabis and Crime

There has been a longstanding research interest in the relationship between cannabis and non-drug (i.e., interpersonal or property) crime (Abel, 1977; Himmelstein, 1983; Macleod et al., 2004; Pacula & Kilmer, 2003). Given the nature of its psycho-pharmacological effects on users, cannabis is generally less likely to lead to most types of crime since it reduces, rather than instills aggression, thus not generating the inter-personal violence commonly associated with alcohol or psycho-stimulants (e.g., cocaine) (Boles & Miotto, 2003; Chermack & Giancola, 1997; Homer et al., 2008; Moore & Stuart, 2005). Nor is a cannabis habit so expensive to generate economic compulsive crime. Yet a variety of trajectory frameworks for cannabis-related crime have been proposed; related evidence is inconsistent, with some suggesting possible (moderate) positive associations between cannabis use and crime following different pathways (Hoaken & Stewart, 2003; Moore & Stuart, 2005; Ostrowsky, 2011; Pedersen & Skardhamar, 2010). Some of these directly relate to the illegal status or contexts of cannabis itself, while others relate to acquisition or particular social networks associated with

cannabis. Select cannabis-associated crime or victimization risks—for example, as related to interpersonal aggression—may be particularly common among youth/adolescents (Maniglio, 2015).

Since the protection of public health and safety are primary objectives of cannabis legalization, a better understanding of—both individual and population-level—associations between cannabis and crime is needed. Crime and violence, whatever their cause, impose high economic costs and crime control is resource-intensive; those costs account for a substantial share of all estimates of the social costs of drug use. Alcohol clearly demonstrates this proposition; crime and crime control costs are an important part of the social costs of alcohol. This has major implications for policy development (Babor et al., 2018; Boyum & Kleiman, 2001; Fischer et al., 2009; Miller et al., 2006; Stevens, 2011). One major variable here is how legal cannabis availability and use may impact on alcohol use in the population (e.g., through possible “substitution” effects) which is strongly associated with different types of crime. Even just a small, partial replacement of alcohol use (particularly intensive drinking by young males) by cannabis may correspondingly lower associated crime burdens (Guttmanova et al., 2016; McClelland & Teplin, 2001; Subbaraman, 2016; Toomey et al., 2012). On the other hand, if cannabis and alcohol are complementary substances, so that youthful cannabis use increases heavy alcohol use, the public health gains from other consequences of cannabis legalization may be lost.

Early assessments of the impacts of cannabis legalization on (mostly US-based) population-level crime found that it is either not associated with differences, or rather associated with slight decreases in the incidence of specific types of (e.g., property, violent) crimes, when compared to non-legalization states. Thus, current evidence does not point to criminogenic effects attributable to liberalization policies (Brinkman & Mok-Lamme, 2019; Dragone et al., 2019; Lu et al., 2019; Maier et al., 2017; Morris et al., 2014; Shepard & Blackley, 2016). These outcomes are important towards public health- and safety-related considerations for different cannabis control options, and so warrant further thorough examination.

Key research questions include: Are there associations between cannabis use and crime specifically in the context of legalization, and what are these? Are there observable impacts on key types of population-level (e.g., property or violence) crimes associated with legalization? To which extent are there observable geo-spatial or -temporal patterns (e.g., related to retail outlet density, consumption spaces or weekend activities) in cannabis-related crime, for example as have been observed for alcohol? Does the removal of cannabis from illegal contexts impact other criminogenic behavior or outcomes, and what do these dynamics look like for (e.g., underage/youth) users who still do not have legal access?

Discussion

The long-standing prohibition of cannabis both for users and producers/sellers now finds itself increasingly challenged, and subject to law or policy reforms in many countries. In two national and multiple sub-national jurisdictions, the state has created legal regimes of supply and use of cannabis for pleasure (“legalization”), responding to claims of individual rights as well as public health and safety objectives. While legalization reform appears to remove cannabis and its use as a categorical object of crime for criminological study, this by no means implies the end of interest or relevance for criminological study in the post-legalization age. There are still criminogenic dynamics or outcomes, and most psychoactive substances present direct or indirect associations with crime (Bennett et al., 2008; MacCoun et al., 2003; Seddon, 2000). Above, we have briefly reviewed, and proposed some key—while select—themes and issues that appear to be a priority for criminological study or investigation in the “post-legalization” age and within legalization frameworks; this list surely is subjective, and others may, naturally, see or propose other ones.

We will make two general, additional points related to the substantive issues laid out. First, a substantial portion of advocacy for cannabis legalization reform has been conveyed involving

categorical (and often righteous) claims that prohibition has been a “failure” as a policy, and therefore urgently needed replacement. While prohibition may not have worked well as a policy in many ways, and definitely generated many unintended negative consequences, select aspects may have provided distinct, desirable policy outcomes, including possible general deterrence at least in some sub-groups leading to lower consumption of a product not without risk for adverse consequences to the user (Hall et al., 2019; Smart & Pacula, 2019). Current legalization experiments will permit examination of these possible effects. The simultaneous existence of legal and illegal cannabis markets (including key elements of production, distribution, price) within legalization frameworks provide a unique opportunity and target for study which does not exist for many other consumption commodities. The study, naturally, is complicated by the interaction of the two sectors, the heterogeneity of both legal and prohibition regimes, and the long time required for new norms of use to develop in the legalized market. Furthermore, it is easily overlooked that legalization provides for legal use of and access to cannabis for *some*, i.e. legal-age/adult users, but retains these as illegal for the sub-population of adolescents/youth where demand is highest (Fischer, Bullen, Elder, & Fidalgo, 2020). This is not only a unique constellation in comparison with other risky consumption behaviors, but maintains young people as a main enforcement target, including the questionable (e.g., arbitrary, racialized, etc. enforcement) dynamics this has entailed under prohibition. Also, since legalization reforms prominently emphasized goals of improved protection of young people’s health and safety as a “vulnerable population,” it will be critically important for criminological investigation to assess whether these goals are actually met.

Beyond that, and explicitly acknowledging comments of (anonymous) peer-reviewers of our present paper, we reiterate that our proposed points and questions for a post-legalization cannabis criminology are both subjective and selective. They are framed by a mainly law-based approach specifically to cannabis-related behaviors and crime as well as (inevitably) influenced by our (as authors’) own research interests in this field. There are ample additional, fundamental and important criminology-related research issues and questions related to cannabis—some set in essentially different theoretical paradigms (e.g., “critical criminology”) (Chambliss, 2003; Miller & Carbone-Lopez, 2015; Young, 2002). For example, critical criminological research may continue to be interested in the differential framings of, or socio-economic dynamics behind cannabis use-related harms (e.g., underage use or illegal supply) as crimes in post-legalization contexts, as compared with harms arising from (traditionally legal) substances of alcohol or tobacco. This would include consideration of select convergences in the socio-legal status across substances, with tobacco use becoming increasingly more restricted, marginalized and penalized (Fischer, Bullen, & Hall, 2020; Smith et al., 2017; Studlar, 2006). Other foci may be on aspects of “corporate crime,” which may, for example, examine whether emerging legal cannabis industries will engage in similar misleading, or outwardly illegal corporate efforts and strategies toward expanding markets and sales (especially toward vulnerable, young people) as have been demonstrated for other “pleasure product,” pharmaceutical or substance industries (Barry et al., 2014; Griffin & Miller, 2011; Passas, 2005). Similarly, related criminological research inquiries, e.g. as related to use, crime and alternative control regime options, may be extended to currently criminalized, other illegal substances (e.g., illicit opioids or psych-stimulants) (Greer & Ritter, 2020; Hall, 2018; Taylor et al., 2016). While these are just further illustrative examples for mention, numerous other research issues and questions may be legitimately included in an emerging post-legalization research agenda for cannabis, depending on perspective and priorities.

Thus, while the categorical “criminalization” of cannabis use and supply may be coming to its end in multiple places, a new chapter and agenda of “post-legalization” criminology for cannabis is just set and ready to be emerging. We have selectively proposed and briefly elaborated on some key research issues, priorities and foci for such a research agenda, an effort which we trust to be useful for active public debate, discussion and further development.


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ORCID iD

Benedikt Fischer  <https://orcid.org/0000-0002-2186-4030>

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Author Biographies

Benedikt Fischer (b.fischer@auckland.ac.nz) is the Hugh Green Foundation Chair in Addiction Research, Faculty of Medical & Health Sciences, University of Auckland, New Zealand. His interdisciplinary research focuses on psychoactive substance use, public health, crime and policy, with a strong interest in high-risk and marginalized populations.

Dimitri Daldegan-Bueno (dimitridaldegan@gmail.com) is a research associate in the Hugh Green Foundation Addiction Research Chair program, Schools of Population Health and Pharmacy, Faculty of Medical and Health Sciences, at the University of Auckland. His graduate training is in Psychobiology at the Federal University of Sao Paulo, Brazil.

Peter Reuter (preuter@umd.edu) is distinguished university professor, School of Public Policy and Department of Criminology, University of Maryland (United States), and a leading scholar on drugs, crime, control and public policy. He directed RAND's Drug Policy Research Center from 1989-1993, and regularly advises international governments and agencies on his matters of expertise.