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Chapter title

Prohibition, Legalization, and Political Consumerism: Insights from the US and Canadian Cannabis Markets

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Biography

Elizabeth A. Bennett’s research focuses on power and politics in the context of fair trade, sustainability certifications, political consumerism, activism, and the global economy. She is co-editor of *The Handbook of Research on Fair Trade* (2015) and co-author of *The Civic Imagination: Making a Difference in American Political Life* (2014). Her research has been published in the *American Journal of Sociology*, *Agriculture and Human Values*, *Globalizations*, *Social Enterprise Journal*, *Sustainable Development*, *World Development*, and several edited volumes. More available at www.ElizabethAnneBennett.com.

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Abstract

Cannabis (marijuana) is the most commonly consumed, universally produced, and frequently trafficked psychoactive substance prohibited under international drug control laws. Yet, several countries have recently moved toward legalization. In these places, the legal status of cannabis is complex, especially because illegal markets persist. This chapter explores the ways in which a sector’s legal status interacts with political consumerism. The analysis draws on a case study of political consumerism in the US and Canadian cannabis markets over the past two decades, as both countries moved toward legalization. It finds that the goals, tactics, and leadership of political consumerism activities changed as the sector’s legal status shifted. It suggests that prohibition, semi-legalization, and new legality may present special challenges to political

consumerism, such as silencing producers, confusing consumers, deterring social movement organizations, and discouraging discourse about ethical issues. The chapter concludes that political consumerism and legal status may have deep import for one another.

Keywords

Cannabis, marijuana, political consumerism, fair trade, organic

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Acronyms

CAD – Canadian Dollars

CCC – Cannabis Certification Council

CFIA – Canadian Food Inspection Agency

COR – Canada Organic Regime

NGO – Non-Governmental Organization

NOP – National Organic Program (in the US)

SMO – Social Movement Organization

USD – United States Dollars

USDA – United States Department of Agriculture

I. Introduction

Cannabis is both globally ubiquitous and illegal under international law. People in almost every country grow it (UNODC 2016, 21-22), at least two percent of the world's population consumes it (WHO 2016, 1), and it is more commonly trafficked and seized than any other psychoactive substance in the world (UNODC 2016, 21-22). Although cannabis is prohibited under international law, several states and subnational regions have legalized cultivation and/or consumption, or relaxed enforcement of prohibitory laws. In those places, the legal status of cannabis has become complicated, especially because illegal activities persist. This chapter examines political consumerism in the context of newly legalized markets.

The objective of this chapter is to describe and explain the interplay between legality and political consumerism. The empirical analysis draws insights from the case of cannabis in Canada and the United States. It argues that political consumerism can affect legal status, and that legal status, in turn, can affect political consumerism. In the case of cannabis, political consumerism helped facilitate legalization by challenging stereotypes and social norms. Legalization coincided with three changes in political consumerism. First, the goal of political consumerism shifted from normalizing cannabis consumption to creating a specialty market. Second, the approach to political consumerism shifted away from alternative lifestyles and toward ethical purchasing. Third, leadership shifted from away from the demand side (cannabis consumers) and was taken on by actors on the supply side (producers, processors, and retailers). Analysis of this case shows how changes in legal status may not only create special challenges for political consumerism, but also generate consequences for consumers, producers, social justice outcomes, democracy, and the environment.

The chapter introduces the concepts of legal status, political consumerism, and cannabis. It also provides background information about the political economy of cannabis, the US and Canadian markets, and challenges facing social science researchers in this field. The case study shows how legal status and political consumerism interact. It first examines political consumerism goals, approaches, and leadership from the late 1990s to early 2010, when Canada and several US states legalized cannabis for medicinal—but not recreational—consumption. It then examines political consumerism from the mid 2010s to present, when Canada and several US states legalized recreational cannabis. The discussion describes how political consumerism can interact with legalization advocacy, examines how legal status can create challenges for engaging in political consumerism, identifies the consequences of legal status on the outcomes of political consumerism, and highlights the ways in which these consequences challenge and support democratic politics.

As described in the volume's introductory chapter, the term “political consumerism” refers to the application of political values and actions to the market context (see also Stolle and Micheletti 2015). Those who engage in political consumerism draw on their attitudes and values to identify, critique, and challenge objectionable practices. Actors may work collectively or act independently—political consumerism takes place at various levels of analysis, including individual, group, organizational, institutional, system, network, and social movement (Micheletti 2013, 2). However, individual actions are intended to contribute to system-wide change, effective when executed in concert with others (Schor 2010, 3). For this reason, political

consumerism is sometimes theorized as “collectivized individual action” (Bossy 2014). Political consumerism takes many forms, including ethical purchasing, such as boycotts, buycotts, and product certifications (Harrison, Newholm, and Shaw 2005), alternative lifestyles such as vegetarianism, voluntary simplicity (see Haenfler, Johnson, and Jones 2012), and culture jamming, such as ad busting and guerilla billboard takeovers (Lekakis 2017). This chapter shows how alternative lifestyles helped to usher in legalization, and describes the development of ethical purchasing initiatives in newly legalized markets.

This chapter examines political consumerism in the context of cannabis. It uses the term “cannabis”—as opposed to the common vernacular of “pot,” “dope,” “ganja,” “weed,” or “marijuana”—because *Cannabis* is the plant’s genus and the term used in international treaties. In Canada and the US public policy, “cannabis” and “marijuana” are used interchangeably to refer to the substance produced and consumed for medicinal or psychoactive purposes. However, some eschew the term (e.g., Thompson 2013; Wilder 2016) because US policy makers and law enforcement officials popularized the term in a racist and xenophobic scapegoating campaign in the 1930s (Hudak 2016, 24-26). “Medicinal cannabis” refers to the consumption of cannabis for healing or palliative purposes while “recreational cannabis” refers to the consumption of cannabis for other purposes. “Hemp” is a cannabis varietal grown for its fibrous properties and industrial applications, as opposed to medicinal or psychoactive affects, and is not the focus of this chapter (see Ely 2012).

This chapter examines the relationship between political consumerism and legal status. To be clear, “legality” is a sociopolitical construct that is used to legitimize some activities and criminalize others (Gomberg-Muñoz 2011; Thomas and Galemba 2013). Here, the terms “legal” and “illegal” refer to a sector’s standing with regard to state law.¹ In the case of cannabis, legality is not always straightforward, as described in the following section. The term “semi-legal” is used to refer to sectors in which supply, demand, and exchange mechanisms take place both legally and underground, with some actors operating in both markets at the same time (e.g., Caulkins 2010; Eagland 2016). Legality is distinct from “licitness” which refers to social acceptance and norms (and Van Schendel 2005, 18). Thus, in some contexts, cannabis may be at once illegal (i.e., prohibited by the state) and licit (i.e., socially accepted) (Polson 2013). This chapter examines political consumerism in the cannabis sector during its transition toward legality in the United States and Canada.

II. Politics, Ethics, Consumers, and Cannabis

The Global Cannabis Market

The international political economy of cannabis is complex and changing. On a global scale, cannabis is, by far, the most widely consumed psychoactive substance illegal under international law (WHO 2016, 1). An estimated 183 million people have consumed cannabis (in 2014; UNODC 2016, 1)—five times more than the population consuming opiates or opioids (UNODC 2016, 1). Since 1998, the proportion of the global population consuming cannabis has remained

¹ See Beckert and Dewey 2017 on the economic sociology of illegal markets.

steady (UNODC 2016, 44). Unlike most drugs, which are produced in small pockets, cannabis (a leafy, green plant) is grown in 129 countries (UNODC 2016, 21). To compare, only 49 countries produce opium poppy and seven grow coca (UNODC 2016, 21). Cannabis is also the most commonly trafficked drug. Although more than 200 substances are under international control, over half of the 2.2 million drug seizures that occurred in 2014 were confiscations of cannabis (UNODC 2016, 22). These seizures occurred globally, in 95 percent of reporting countries (UNODC 2016, 22). In short, “cannabis continues to be the most widely cultivated, produced, trafficked and consumed drug worldwide” (UNODC 2016, 43).

Despite its ubiquity, cannabis remains an internationally controlled substance. Three treaties serve as the basis for global cooperation: the 1961 Single Convention on Narcotic Drugs; the 1971 Convention on Psychotropic Substances; and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The 1961 Convention, which has been ratified by all but 11 countries, mandates that states restrict the cannabis industry to medical and scientific purposes, enact specific protocols for medicinal cannabis—such as limiting production to the amount necessary to meet domestic demand—and adopt domestic laws that criminalize participation in the controlled substances market outside of these purposes (UN 1961, see articles 3, 4, 23, 28). The International Narcotics Control Board, an independent quasi-judicial body, monitors the implementation of these conventions and encourages compliance (INCB 2017).

Over the last five years (2012-2017), several countries and sub-national regions have increased access to cannabis for medicinal purposes, decriminalized market activities, and/or legalized recreational consumption. The Czech Republic, Mexico, and Costa Rica, for example, have decided not to punish personal possession of small amounts of cannabis (see Malkin and Ahmed 2015 on Mexico, for example). Canada, Uruguay, and some US states have gone further, permitting cultivation, sales, and consumption of cannabis for recreational purposes (see Cerda and Kilmer 2017, 45-47 on Uruguay, for example). While these countries do not constitute a majority, they suggest a potential trend toward greater acceptance of cannabis for both medical and recreational purposes. As one magazine quipped—there are many places where cannabis is “legal-ish” (Glass and Robinson 2015).

Cannabis Legalization in the United States and Canada

Like most countries, the United States and Canada are signatories to the three principal treaties on international drug control (UN nd). They are also at the heart of the global cannabis industry: most cannabis is produced in North America, much of it is consumed there, and consumption levels are increasing.

In the United States, cannabis is illegal at the federal level and those who engage in the industry can be prosecuted (DEA 2017). However, individual states have been using voter referenda to legalize medicinal cannabis since 1996 (California), and legalize recreational cannabis since 2012 (Colorado). Today, 28 states have legalized medicinal cannabis and nine states have legalized recreational cannabis, though not all have created the regulatory frameworks and completed the processes required to make products legally available. As of mid-2017, recreational cannabis can be bought and sold in three states—Colorado, Washington, and Oregon (Lyons 2017). In 2013, the US Department of Justice responded to this wave of legalization,

announcing it would defer marijuana regulation to state legislatures, whilst retaining the right to review and challenge state laws (NCSL 2017).

Although US cannabis regulations differ among states and between the medicinal and recreational markets, there are several common features. Growers must apply for a license from the state and abide by cultivation regulations such as quantity of plants, pesticide use, security, transportation, and wastewater management (OLCC 2017). Dispensary owners must also apply for a license from the state and abide by regulations such as age restrictions, quantity maximums, and purchasing only from licensed growers. In all legalized states, the illegal market persists, with growers, distributors, and consumers often moving between legal and illegal markets (Kleiman et al. 2015).

According to several polls conducted in 2016 and 2017, about 60% of Americans support full legalization (for adult recreational and medicinal consumption) (Gallup 2016; CBS News 2017; Quinnipiac University 2017) and 56% think that marijuana consumption is socially acceptable (Marist 2017). Similarly, children increasingly report that they do not disapprove of adults who try cannabis (Miech et al. 2017). About 52% of Americans have consumed cannabis, 22% currently consume cannabis (Yahoo/Marist 2017), and 2.3 million people (less than 1% of the population) are registered medical users (MMPP 2017). Disordered cannabis consumption (abuse or dependence) affects about 1.6% of Americans over 12 years of age, or 1.3% of the total population (NIDA 2015; SAMHSA 2015; ADAI 2017). This is about four times less prevalent than disordered alcohol consumption, which affects about 6.4% of Americans 12 years and older (SAMHSA 2015). In the United States, “marijuana has gone mainstream” (Hudak 2016, 1, 116). (See Table 1.)

- Table 1 around here -

In Canada, medicinal cannabis has been federally legal since 1999 (Bear 2017). Patients were allowed to grow a small number of plants at home or designate someone to grow on their behalf, creating an industry comprised of small cannabis farms. In 2014, however, Health Canada shifted policies to support a medical marijuana supply chain that more closely resembled synthetic pharmaceuticals. It began issuing licenses for large “commercial operations” and made home-grows illegal. As a result, cannabis production quickly became dominated by a small number of large-scale commercial producers able to finance compliance with costly regulations. By the end of 2016, a series of acquisitions and mergers established Canada’s “big pot” industry (Davis 2017), and the combined market value of Canada’s six largest marijuana companies reached nearly (CAD) four billion (Casey and Skerritt 2016). As of June 7, 2017, there are 45 licensed producers, with about half (26) in Ontario, ten in British Columbia, and the remaining nine divided between New Brunswick, Prince Edward Island, Quebec, Manitoba, Saskatchewan, and Alberta (Health Canada 2017).

In 2015, Canadians elected a new prime minister whose platform included legalizing recreational cannabis (Hajizadeh 2016). In April 2017, the Minister of Justice and Attorney General introduced their proposed Cannabis Act to the House of Commons. The act lays the groundwork for creating a regulatory framework for legal cannabis. If approved by Parliament the act is intended to come into force no later than July 2018 (Canadian Parliament 2017). This would

make Canada the second country, after Uruguay, to legalize cannabis for all purposes. (Note that, despite Amsterdam’s famed cannabis “coffee shops,” cannabis production has always been illegal in all parts of the Netherlands (USLLC 2016, 9, 19) In the months preceding the announcement, about 50-60% of Canadians surveyed expressed support for full legalization, with about half of those expressing “strong” support (NGR 2017a; IPOS 2017). A greater number (65%) personally believe that consuming cannabis for recreational purposes is morally acceptable (Anderson and Coletto 2016). About 24% of Canadians have consumed cannabis (IPSOS 2017), 13% currently consume cannabis (NGR 2017b), and 130,000 (less than half of one percent of the population) are registered medical consumers (Health Canada 2016). In Canada, the rates of disordered cannabis and alcohol consumption are both slightly lower than in the United States: about 1.3% of the population 15 years and older meet criteria for disordered cannabis consumption and about 5.5% for disordered consumption of alcohol (Statistics Canada 2012).

In 2016, the combined Canadian and US cannabis markets were estimated to be worth about (USD) 56 billion. About 12% of that market, or (USD) 6.7 billion is in legal sales, with 1.8 billion coming from the recreational market and 4.9 billion from the medical market. Of legal sales, about 87% occurred in the United States and 13% in Canada, about (USD) \$18 per capita in the US and (USD) \$24 per capita in Canada. Legal sales are expected to triple over four years, from (USD) 6.7 billion in 2016 to (USD) 18 billion by 2020 (Arcview 2016).²

Cannabis, Fair Labor, Consumer Health, and the Environment

This section examines how labor and environmental issues typical to other agriculture products have manifested in the cannabis sector. Three environmental issues of particular concern are energy, water, and agricultural inputs. Cannabis uses energy to heat/cool air, dehumidify, ventilate, pump water, and warm irrigation water (Mills 2012, 59). Indoor production depends on grow lights and is thus more energy intensive than greenhouses or outdoor farms. Energy sources vary by farm and region. In Canada, where all commercial-scale cannabis is grown indoors, some provinces are almost entirely powered by hydroelectric dams while others draw on fossil fuels (Wilt 2017). Illegal growers sometimes burn fossil fuels to produce energy off the grid, in an effort to evade detection (Gurnon 2005; Mills 2012, 59). Some growers generate additional CO₂ emissions by pumping CO₂ into grow houses (Mills 2012, 59) or improperly dispose of bulbs containing the neurotoxins (O’Hare, Sanchez, and Alstone 2013, 18).

Cannabis cultivation is relatively water-intensive. Some estimates suggest each plant requires six gallons (23 liters) each day, which is similar to almond production (Philpott 2014; Ingraham 2015; CEBPTF 2016). While best practices include collecting water during rainy season and storing it in permitted tanks or ponds, some farmers draw water from streams during the dry season, adding stress to the ecosystem and its wildlife (Bauer et al., 2015). Improper wastewater

² US population figures from “U.S. and World Population Clock” (US Census Bureau) at https://www.census.gov/popclock/?intcmp=w_200x402. Canadian figures from “Population by Year, Province, and Territory” (Statistics Canada) at <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/demo02a-eng.htm>.

disposal can contribute to polluted watersheds (Carah et al. 2015). Outdoor production can also leach herbicides, pesticides, fungicides, and fertilizers into water and soil, adding toxins to the food chain (O’Hare, Sanchez, and Alstone 2013, 10). Farmers at times use prohibited chemicals or unlawful volumes of legal inputs (Thompson et al. 2014, 92) that can be harmful to not only the environment, but also workers and consumers. Illegal growers have cleared land, built terraces, diverted streams, and constructed roads, which can result in deforestation or erosion, at times on public land (Carah et al. 2015; Bauer et al. 2015).

In both the US and Canada, cannabis production has historically been more common on the West (Pacific) Coast than other regions, attracting seasonal migrant workers—most from within the US or Canada—for the summer and fall harvest months (Caulkins et al. 2012, p. 33; Krissman 2016, note 2; Walter 2016). During prohibition many workers were drawn not only by cannabis culture but also to the potential of high, untaxed wages for low-skilled work (Krissman 2016; Walter 2016).³ Many cannabis workers have had profitable and safe experiences, but some have not. Like workers in other semi-legal economies, cannabis farm workers are at heightened risk of abuse because victims are reticent to report perpetrators, for fear that they (the victims) will face consequences for involvement with illegal activities. Cannabis farm workers have reported wage theft, sexual harassment and assault, discrimination, unsafe housing, and threats and acts of violence for the purpose of improving productivity and silencing dissent (August 2013; Krissman 2016; Schirmann 2016; Walter 2016). The ubiquity of abuse is unclear, as cannabis market data are unreliable (as discussed in the following section). Some farm workers aim to work exclusively in the legal sector, but this may be difficult as farm owners adapt their plans in response to crop yield, permitting costs, or success with lab testing.

Even if all cannabis were produced legally, it is unlikely that workers would be protected from exploitation or abuse. Scholarship on labor organizing, occupational safety, and income equality all show that US and Canadian legal protections have not protected farm workers from pervasive and profound abuse (FJ 2015; USDOJ 2015). In the United States, farm workers are exempt from the National Labor Relations Act (1935) and have the highest rates of toxic chemical injuries and skin disorders of any working group. Estimates suggest that each year about one of every hundred agricultural workers (around 20,000 people) experiences acute pesticide poisoning (PAN 2016). Additionally, worker housing is inadequate and unsafe, field sanitation is poor, and workers and their families often suffer nutritional deficiencies (PAN 2016). In Canada, some provinces exclude farm workers from labor rights legislation, such as laws protecting collective bargaining rights and union certification, and—although farm work is one of the country’s most dangerous occupations—many workers lack access to health care (Otero and Preibisch 2015). For migrant workers employed through Canada’s Temporary Foreign Worker Program, complaints about occupational hazards have been met with threats of deportation, termination of employment, and abuse (Otero and Preibisch 2015).

³ Cannabis farm work and trimming (cutting the bud from the stem) is only low-skilled work if quality standards are low, which is more typical on the black market.

Pesticide misuse and overuse has drawn a great deal of attention because of the risks to workers, consumers,⁴ and the environment (see Voelker and Holmes 2015; Subritzky, Pettigrew, and Lenton 2017). Although Canada and legalized states have banned specific pesticides, enforcement is weak. Oregon is the only state that mandates testing for all products. In Canada, products are randomly spot checked, unless a grower has a history of using banned substances (Robertson 2017). Unsurprisingly, contaminated products are sold on the legal market. Some have high residue levels of legal pesticides, while others have been treated with chemicals unfit for consumption (Crombie 2015a; Crombie 2016; Robertson 2017).

Cannabis and Social Science Research

There are several challenges to conducting social science research on political consumerism in cannabis and other semi-legal sectors. First, US researchers report experiencing slowed processes or decreased chances of receiving funding for cannabis-related research (Hesse 2017). Universities may discourage researchers from applying for federal funding for cannabis research in the first place, fearing that doing so could jeopardize the institution's federal funding.⁵ The US government has made explicit, through the Drug Free Schools and Communities Act,⁶ that all institutions of higher education must prohibit cannabis from campus, or risk losing federal funding, including student financial aid and research grants (Eisenstein 2015). Canadian researchers have had more support, as long as studies focus on research on policy-making and public health.⁷ Since 2016, the government has encouraged cannabis studies that have the potential to inform public policy (TFCLR 2016). Second, Institutional Review Boards (in the United States) and Research Ethics Boards (in Canada), which are charged with protecting research subjects, can present additional challenges. At best, they may require rigorous protocols for working with individuals who may be at special risk because of non-compliance with cannabis law. At worst, they may discourage researchers from inquiring about engagement with illegal supply chains.⁸ Third, studies in this field may be especially resource intensive, requiring researchers to invest substantial resources (e.g., time, volunteer work, reciprocal agreements) in building trustful relationships with supply and demand side actors, especially if the research objective is emancipatory and the methods inclusive (see O'Neill 2010). Fourth, researchers often find data unavailable or unreliable, relying heavily on anecdotal information, questionable official estimates, and imperfect methodologies (see Andreas and Greenhill 2010). Finally, research in this area may be marginalized or diminished within academic circles, discouraging scholars from engaging it as a topic of inquiry. Challenges may include a lack of specialized conferences, receiving callow questions instead of thoughtful feedback when presenting papers, not being taken seriously, and having to explain and justify engagement with the topic (see Voss

⁴ Inhaled pesticide residue may be more toxic than if eaten (Sullivan, Elzinga, and Raber 2013).

⁵ Personal conversations with faculty at public universities in Colorado (December 2016) and California (May 2017).

⁶ H.R. 3614 -101st Congress (1989-1990).

⁷ Personal conversation with faculty at a public university in Canada (June 2017).

⁸ Personal conversation with faculty at a public university in Canada (June 2017).

2012).⁹ As scholars who focus on deviant behavior have long reported, those who study stigmatized populations at times themselves are subjected to those same stigmas—a phenomenon called “stigma contagion” (Kirby and Corzine 1981).

Despite these challenges, a social science literature on cannabis has emerged. While only one study has focused explicitly on the intersection of political consumerism and cannabis (Bennett 2017a), cannabis research today is addressing a broader range of theories and empirical questions than before. Traditionally, studies focused on domestic drug policy (e.g., Hajizadeh 2016; Cerda and Kilmer 2017; and Bear 2017); political economy (e.g., Weisheit 2011); international cooperation on controlled substances (e.g., Nordstrom 2007); public health issues, such as addiction and impaired driving (e.g., Wettlaufer et al. 2017); criminal justice and the War on Drugs (e.g., Polson 2013; Corva 2014); and the sociology of “cannabis culture” (e.g., Hathaway 1997, 2004; Sandberg 2012; Bottorff et al. 2013). Today, researchers are publishing articles on a broader range of topics. In 2013, for example, the *Humboldt Journal of Social Relations* published a special issue on “Current perspectives on Marijuana and Society” that included work on gender, activism, and patient-grower relationships. Similarly, the *Cannabis and Cannabinoid Research* (established in 2015) publishes on “the scientific, medical, and psychosocial exploration” of cannabis, including research on consumer behavior (e.g., Haug et al. 2016). Although research on political consumerism in cannabis faces special challenges, legalization seems to have provoked growth in the literature, perhaps because it has prompted new sources of funding, such as corporations, philanthropic foundations, private colleges, and government agencies in places where cannabis is legal (Eisenstein 2015).

III. Research methods

This chapter draws on diverse types of data that were collected in multiple ways and analyzed using a variety of methods. First, I draw on two years (August 2015–August 2017) of field research within the cannabis industry, including collecting data from 64 dispensaries in Portland, Oregon; 100 hours of pro bono consulting for an emerging non-profit focused on labor issues; over 50 interviews and informal conversations with industry actors; participation in cannabis conferences and events in Portland, Oregon and Vancouver, British Columbia; a few days on a cannabis farm in Humboldt, California; and several informal conversations (phone, Skype, and in person) with Canada and US-based social scientists studying cannabis. This research was intended to generate both a broad understanding of the sector, and collect specific types of data to answer research questions related to several discrete projects.

Second, I systematically identified and read all relevant articles published in the last two years in five media outlets. To identify relevant articles, I conducted a Boolean search for “(cannabis OR marijuana) AND (organic OR “fair trade” OR fairtrade OR “fair labor” OR “workers rights” OR “labor practices” OR “socially responsible” OR “alternative agriculture” OR “co-op” OR “labor union”). I searched *The New York Times* and *Globe and Mail* (major newspapers from each country); *The Oregonian* and *The Vancouver Sun* (regional publications from an area of each

⁹ Author’s personal experience and personal conversation with faculty at a public university in Canada (June 2017).

country renowned for more liberal drug policy and pervasive cannabis culture); and *The Huffington Post* (an online outlet likely to cover this topic). I found 145 articles published between June 1, 2015 and June 1, 2017, and read the 48 relevant articles. The purpose was to direct my attention to relevant issues, initiatives, debates, businesses, agencies, leaders, and organizations that had not emerged in my field research.

Finally, I reviewed two sets of academic literature. First, I read about the cannabis industry, including history, public policy, and social science, in order to understand the process and context of legalization. Second, I read about political consumerism in Canadian and US domestic agri-food products, in order to understand how political consumerism emerged and manifested in other sectors. These literatures come from scholars across disciplines, including anthropology, business/management, economics, geography, international relations, political science, public health, public policy, sociology, and, occasionally, the natural sciences. The analysis that follows is a case study drawing on data from field research, a systematic review of media coverage, and two sets of academic literature.

IV. Case Study: Political consumerism in the context of US and Canadian cannabis legalization

Before legalization

In both the United States and Canada, legalization advocates engaged in traditional forms of democratic political participation. They mobilized voters, lobbied elected officials, raised money for campaigns, and pressured politicians and celebrities to publicly express support. Before medicinal cannabis legalization, advocates framed prohibition as an immoral legal restriction that shortchanged a morally deserving subset of consumers: seriously ill or dying patients (Dioun 2017, 2018). Once activists gained legal foothold, they extended the moral boundaries to include safe access for all adult consumers (Dioun 2017, 2018). This framing often focused on the ubiquity and social acceptance of safe adult cannabis consumption (Harris and Morris 2017). Political consumerism was used to support these efforts: consumers publicized their consumption and others' acceptance of consumption in an effort to convince the public and the state that cannabis consumption is "normal" (Heddleston 2012). Normalization, in the context of cultural attitudes toward drug use, refers to a widespread acceptance, marked by easier access, higher consumption rates, and greater tolerance from non-consumers (Parker and Aldridge 2002). Though the process of normalization is not fully understood, the idea is that the more normal something is the more difficult it is to sustain support for its prohibition (Erickson and Hathaway 2010).

In this context, political consumerism took the form of "alternative lifestyle" politics. In this mode of activism, individuals leverage their everyday practices, tastes, consumption habits, leisure activities, modes of speech, and dress to challenge predominant norms (Haenfler, Johnson, and Jones 2012). Examples include veganism, up-cycling, DIY (do it yourself), self-sufficiency, and voluntary simplicity (e.g., Zamwel, Sasson-Levy, and Ben-Porat 2014; Dobernig and Stagl 2015). This form of activism is at once an individual decision to opt out of a cultural norm and a collective action that challenges the status quo (Haenfler, Johnson, and Jones 2012). In cannabis, US and Canadian activists used alternative lifestyle politics to suggest that adult

consumption is common, can occur in moderation, may address health issues, and does not preclude productivity or healthfulness (Hathaway, Comeau, and Erickson 2011).

Activists used a variety of tactics to advertise cannabis consumption as a feature of mainstream culture. Celebrities, such as Barack Obama, Oprah Winfrey, and a handful of Fortune 500 Company executives, disclosed their past or current consumption habits (Bukspan 2015), suggesting that consumption was not limited to counter-cultural icons such as Ben Harper or Bob Marley (see Plume 2012, 155). Less famous activists also opened up. “4/20 smoke-outs”—cannabis consumption parties held in highly visible spaces, such as college campuses—drew hundreds of participants keen to put their consumption on display (Harvey 2014; TIME n.d.).¹⁰ For several years protesters have held smoke-outs in front of the White House, where “dozens, perhaps hundreds” of people consumed cannabis in public and in front of the media, as a political act of civil disobedience (Heddleston 2012), most without receiving even a \$25 ticket for breaking the law (Nelson 2016). Finally, cannabis consumers and legalization advocates promote normalization in other, more subtle ways, such as listing rental properties as “4/20 friendly,” wearing t-shirts featuring a cannabis leaf outline, and selling cannabis paraphernalia in their stores (Heddleston 2012). Through their lifestyles, cannabis advocates frame consumption as normal, prohibition as antiquated, and prohibitionists as the “counter-culture” subgroup that has fallen out of touch. Through lifestyle politics, political consumerism aimed to turn social norms and stereotypes on their head.

Compared to supply side actors, consumers of illegal cannabis have been freer to participate in political consumerism. Cannabis consumers can openly discuss their illegal market activities (purchasing and consuming cannabis) without risk, so long as they are not found in possession of illegal quantities. Supply side actors, on the other hand, are less able to avoid association with criminal activity. They risk having their farms, storage facilities, transportation systems, and distribution networks investigated or raided (Polson 2013, 2015). Typical supply side political consumerism activities—such as creating transparent supply chains, sharing stories about the people behind a product, and creating inclusive, collective business models—seem less available to producers in sectors that are not fully legal. In illegal industries, supply chain actors may have limited information about where products come from or where they are going, and may be hesitant to disclose information about their own business operations. During prohibition, for example, aspiring cannabis farmers would ask plant nursery employees for advice on growing “tomatoes” to avoid identifying their crop (Weisheit 1990). Given these constraints, it is not surprising that in the early 1990s, before medicinal consumption was legalized, advocacy placed medical consumers—such as AIDS patients—in the spotlight, instead of cannabis farmers (Dioun 2017).

After California legalized medicinal cannabis in 1996, nearly a decade passed before an initiative emerged to facilitate ethical purchasing transactions between supply side and demand side actors. In 2004, a California marijuana compliance attorney (who also worked as the program director of a USDA organic certification company) launched Clean Green Certified to audit and certify cannabis against its own set of environmental (and later labor) standards for cannabis. In

¹⁰ “420” is a nickname for cannabis and the date 4/20 is its unofficial holiday.

August 2015, 20 years later, with recreational cannabis already available in two states and legalized in one more, systematic Internet searches for ethical purchasing initiatives yielded only five results. All were small membership associations and certifications, none of which met ISO-65 or ISEAL standards.¹¹ In Oregon, where medicinal cannabis has been legal since 1998, only two dozen Oregon growers had any kind of certification (Crombie 2015b), and ethically-oriented producers struggled to differentiate their products and fetch higher prices in the marketplace (Harbarger 2015). As one grower explained, he wanted his cannabis to “appeal to the grass-fed beef and organic-tomato crowd” but had yet to identify what kind of packaging and outreach would help facilitate such a transaction (Harbarger 2015).

This analysis of political consumerism in cannabis before legalization suggests that leadership emerged from the demand side, efforts emphasized normalization and aimed to achieve legalization, and the alternative lifestyle approach was more common than ethical purchasing initiatives.

After Legalization

As cannabis transitioned from illegal to semi-legal (and illicit to licit) in Canada and several US states, the contours of political consumerism began to shift. The focus transitioned away from normalization and began to focus on the goal of differentiating select cannabis products as “ethically” sourced. Leadership also moved from demand side to supply side, as newly licensed producers and distributors began to publicly self-identify, network, and organize. As cannabis consumption became less of an “alternative” lifestyle, the political consumerism approach of creating and purchasing ethical products came to the fore. This section describes political consumerism in the context of a newly legalized cannabis sector, in which both legal and illegal market activities were taking place.

In places where legal cannabis was available, “buy legal” advocates began asking consumers to *boycott* black market cannabis and *buycott* legal dispensaries. The campaign was not centrally organized, did not have a leader or figurehead, and participants did not coordinate actions or framing. Journalists, public figures, and cannabis industry actors propagated this form of political consumerism in an ad hoc way (e.g., Berlanga 2016). Their rationale often dovetailed with legalization arguments about the costs and consequences of the War on Drugs.¹² In a *Huffington Post* article, for example, a journalist compared purchasing illegal cannabis to purchasing “blood diamonds”—diamonds that have been smuggled and sold in ways that

¹¹ ISEAL is an NGO that provides guidance for international social and environmental standards-setting organizations. Its Code of Good Practice is a global reference for good social and environmental standard-setting processes (see Bartley and Smith 2010; Loconto and Fouilleux 2014). ISO, the International Standardization Organization, is an inter-governmental organization and the world’s largest developer of voluntary standards. Guideline 65 requires certification bodies to be transparent, unbiased, and independent from standards-setting bodies.

¹² See also in this volume the related chapter on mining and political consumerism (Stoddart et al.).

promote violent conflict.¹³ Titled “It’s Very Possible You’re Smoking ‘Blood Weed’” it asks readers:

How can you go and be very particular about buying only fair trade coffee and then go home and smoke dope that was produced by women who were being gang raped and kidnapped and murdered and all of that? (Brekke 2015)

Aside from the “buy legal” campaign, the ethical purchasing initiatives that emerged after legalization largely mimicked initiatives already in place for other agri-food products. Several farmers and retailers branded themselves as environmentally friendly. As with other sectors, some claims were not trustworthy. A 2015 investigative report revealed that some farmers marketing products as “organically grown” did not actually know how to grow organically. Others made exceptions to organic specifications or simply inflated claims (Crombie 2015a). A 2016 study similarly suggests that retailers may make claims without evidence or information (Bennett 2017a). Unsurprisingly, suppliers with a strong commitment to ethical production sought to differentiate their earnest processes from greenwashed claims.

In both the United States and Canada, cannabis producers pursued organic certification. In both countries national government bodies facilitate multi-stakeholder standards-setting processes, manage third party auditing systems, and provide certification information for farmers. The US Department of Agriculture’s National Organic Program (USDA/NOP) and the Canadian Food Inspection Agency’s Canada Organic Regime (CFIA/COR) have similar histories, standards, and consumer statistics,¹⁴ and since 2009 have recognized each other’s certifications (CFIA 2016). However, the organic agencies differed in their response to requests for organic cannabis certification.

In Canada, several cannabis producers have CFIA COR organic certification. In 2003, Island Harvest, a small legal medicinal cannabis farm, met the British Columbia Organic Certified Program Standards (which are CFIA compliant) and became the first certified cannabis producer in the country (Himelfarb 2003; Meissner 2003). Since Health Canada began permitting larger “commercial” farms, two commercial operations have become certified according to the CFIA COR standards: OrganiGram, in New Brunswick (Arsenault 2014), and Whistler Medical Marijuana Corporation in British Columbia (Baker 2016).

In the United States, however, the USDA NOP has unequivocally stated that Organic standards cannot be applied to Schedule I drugs, including cannabis (Stone 2014; USDA 2016). Violations of organic labeling regulations can result in fines of up to \$11,000, although (in 2015) a spokesman for the USDA NOP said the agency had not taken enforcement action against cannabis producers or processors using the designation (Crombie 2015b). There seems to be great demand for organic certification, however. According to employees of Oregon Tilth, an

¹³ “Blood weed” riffs on “Blood Diamond,” a 2006 film dramatizing the violence associated with conflict diamonds.

¹⁴ About 43% of American households report they have purchased organic foods in the last 30 days (Pew 2016) and about 57% of Canadians report buying organic products weekly (MacKinnon 2013).

accredited USDA organic certification organization, farmers were calling very frequently to request information about organic cannabis standards or schedule an audit.¹⁵ In the absence of legal USDA organic labeling, or enforcement of false claims, un-audited “organic” products proliferated. In 2015, one journalist wrote that in “any marijuana dispensary in Portland” one would find marijuana “labeled as organic” (Crombie 2014a).

In the absence of USDA organic certification, some US cannabis producers reported pursuing other voluntary certifications, such as Fair Trade (from the organization Fair Trade USA), but were unable to identify an existing organization willing to apply standards and extend labeling to cannabis products. I contacted each of the domestic fair labor and sustainability certification programs included in a recent academic article (Jaffee and Howard 2016) and/or in a recent watchdog review of US domestic agriculture certifications (FWP 2016): the Agricultural Justice Project (Food Justice Certified), Coalition of Immokalee Workers (Fair Food Program), Ecocert (Fair For Life), Equitable Food Initiative (Responsibly Grown, Farmworker Assured), Fair Trade USA (Fair Trade Certified), and Sustainable Agriculture Network (Rainforest Alliance). Each organization confirmed that it would not extend standards and certification services to the cannabis sector. Most of the organizations expressed fear that certifying cannabis would result in reputational damage and/or donor withdrawal of support (see Bennett 2017a).

In the United States, about a dozen nation-wide cannabis-specific standards-setting organizations have emerged to certify cannabis as “ethical,” including the Cannabis Certification Council, Certified Kind, Clean Green, EnviroCan, the Foundation of Cannabis Unified Standards, Patient Focused Certification (PFC), Resource Innovation Initiative (RII), Oregon Sungrown Certified, and The Cannabis Conservancy (TCC). Additionally, several state and regional certifications have formed, such as the Certified Clean Cannabis program by Maine Organic Farmers and Gardeners Association. Interviews and website reviews suggest that these initiatives share a lot in common. Most have a similar origin story. As the founder of Kind Certified describes:

Over the years, a lot of growers would contact us [an organic certifier] and see if their cannabis crops could be certified organic. The response was “no” because of the USDA. Certified Kind was born as an alternative for organic cannabis growers. We put our heads together and came up with the Certified Kind standard based on international organic standards and the USDA. We tried to make sure we captured what organic really means and then adapted it for cannabis growers. (Aitchison 2014)

Most of the cannabis-specific certifications do not follow what scholars (e.g., van der Ven 2015) or practitioners (e.g., ISEAL 2017) have identified as best practices in standards setting and certification. Typically, founders are business entrepreneurs with a connection to the cannabis industry, environmental regulation, or organic agriculture, and access to capital. None of the certifications are worker-driven or formed by an NGO or social movement. Most are for-profit enterprises, aimed at selling a service to supply side actors aiming to differentiate their products in the marketplace. Many do not have transparent governance structures or standards-setting processes. Most are unclear about which types of “stakeholders” are invited to participate in “multi-stakeholder” consultations and/or do not have a method for identifying and incorporating

¹⁵ Personal correspondence with two Oregon Tilth employees.

the perspectives of traditionally marginalized groups, such as farm workers, which is a critical prerequisite for challenging conventional power dynamics (Bennett 2017b). Like most sustainability labels (see Bennett 2017c), the new certifiers focus on the environment more than labor, with labor standards largely reifying—not raising—state and national laws. Each certification’s leaders seem acutely aware of the other initiatives, and many of the leaders have met one another or talked on the phone and are aware of their similarities and differences. Most initiatives have decided to compete against one another, though a few mergers have occurred. As of early 2016, Clean Green remained the only certification with market recognition in Portland, Oregon (Bennett 2017a).

In addition to voluntary certifications, several initiatives have emerged to facilitate market transactions between cannabis producers and consumers. These initiatives aim to support small farmers who are committed to sustainable methods and who may struggle to compete with the economies of scale available to larger producers (see Crombie 2015c). These initiatives are similar to the direct trade, relationship trade, and farm-to-table programs that have emerged in other agri-food sectors. Flow Kana, for example, is a nonprofit farmers’ cooperative that works as a technology platform (similar to Uber or AirBnB). It helps wholesale cannabis farmers sell directly to customers/patients:

We partner with, and give scale to, premier artisan farmers in Mendocino County and Southern Humboldt [both in California] who focus on small batch, boutique strains.... We’ve developed close-knit relationships with heritage farmers who have grown cannabis sustainably in small batches for generations. Using only organic methods, these stewards of the land have spent their lives balancing a unique and harmonious relationship between the farm, the genetics and the terroir. The result is an unparalleled product for qualified patients that simply cannot be found anywhere else. (Flow Kana 2017)

The ethical purchasing initiatives described above are largely industry-driven. Although one study suggests consumers do inquire about the availability of “environmentally friendly or socially responsible” cannabis (Bennett 2017a), the movement toward ethical purchasing does not appear to be consumer-driven. There is no evidence of consumer advocacy organizations, social movement organizations, environmental groups, or fair labor watchdogs organizing boycotts, buycotts, protests, or naming-and-shaming campaigns. Dispensary workers speculate that consumers are not more demanding of ethical products because they confuse cumbersome state regulation of the sector with high environmental and labor standards, or they are not yet applying ethical frameworks for other agri-food products to this newly legal industry (Bennett 2017a). Some dispensary workers have perpetuated these consumer misconceptions by providing poor information about cannabis production, labor, government regulations, and the environment. For example, some dispensary workers say *all* cannabis is organic—because “that’s part of the hippie culture”—while others insist that organic methods are not possible for cannabis (Bennett 2017a). Leadership is emerging from supply side actors aiming to differentiate their products in the marketplace (and receive a higher price). Companies and groups of industry actors—not consumer groups or SMOs (social movement organization)—organize and sponsor events like the Cultivation Classic—the “world’s only cannabis competition exclusively for ethically-grown product” (Barnhart 2016)—and panel discussions about cannabis and the environment (Women Grow 2016).

V. Discussion: Legal status and political consumerism

Political consumerism and legalization: three shifts

The case of cannabis legalization in the United States and Canada highlights three ways in which shifts in political consumerism may coincide with changes in legal status. First, the objective of political consumerism may shift from being narrowly focused on normalization and legalization to addressing ethical issues related to methods of production. Second, political consumerism before prohibition may manifest as alternative lifestyle politics—in an effort to frame engagement as socially acceptable, ubiquitous, and mainstream—and shift toward ethical purchasing and marketing after legalization. Finally, leadership in political consumerism may be more likely to emerge from consumers during prohibition—because they have less to lose—but shift to supply side actors after legalization, as ethically-oriented producers aim to differentiate products in the marketplace.

Special challenges for political consumerism in illegal, semi-legal, or newly legalized sectors

Analysis of this case suggests several challenges for political consumerism in illegal, semi-legal, or newly legalized sectors. First, during prohibition supply side actors may be less likely than consumers to engage in public advocacy, leadership, and organizing because their participation in illegal activities may be more difficult to deny or obscure, and the consequences may be greater. In the case of cannabis, the consequences for owning and profiting from an illegal cannabis farm are much greater than the punishment for being in possession of a small amount of cannabis intended for personal consumption. Second, existing ethical purchasing initiatives may not expand into semi-legal or newly legalized sectors. In the case of cannabis, US and Canadian standards-setting organizations were unwilling to extend their certification programs to cannabis—even decades after the medicinal market was legalized—because of potential risks to their reputations, or “organizational stigma” (see Dioun 2018).¹⁶ Third, consumers may assume that newly legal sectors are so thoroughly regulated by the state that ethical purchasing does not apply. In Oregon, for example, dispensary workers suggested that many consumers believe that because the state mandates farm licensing, pesticide testing, and other forms of industry oversight, consumers do not need to worry about supply chain ethics (Bennett 2017a; see Crombie 2015d). Consumers accustomed to purchasing cannabis on the illegal market may not be in the habit of asking detailed questions about cannabis supply chains. Such engrained consumption habits can limit political consumerism even among ethically committed consumers (Lyon et al. 2014). Consumers who had limited access to cannabis during prohibition may also be in the habit of feigning ignorance about ethical issues in the sector, out of a sense of desperation and lack of more ethical alternative (Beckert and Wehinger 2013). These issues create special challenges to recruiting political consumers.¹⁷ Finally, because legalization advocates argued that a legal industry would be more ethical (e.g., fair to workers and considerate of the environment) than the illegal trade, it can be difficult to highlight ethical problems. In the case of cannabis, illegal cannabis production was often associated with

¹⁶ See also in this volume the related chapter on sensitive and dilemmatic political consumerism (Micheletti and Oral).

¹⁷ See Dubuisson-Quellier (2015) on political consumerism as recruitment.

environmental degradation and violent drug trafficking networks. It may be difficult for ethical purchasing initiatives to point out the ways in which legal farms may also affect the environment and foster abusive conditions for workers.

Potential consequences of illegality, semi-legality, or new legality on political consumerism

This section examines how the challenges associated with legal status may affect the efficacy of political consumerism. First, illegality or history of prohibition may delay the development of ethical purchasing initiatives. In the case of cannabis, ethical labeling was delayed by existing certifications' unwillingness to extend standards to cannabis, and the private sector's reticence to develop certifications for a small medicinal sector, and new label organizers' inexperience with sustainability standards-setting processes. Second, ethical purchasing initiatives designed by industry actors may not follow best practices for ethical standards setting, such as being not-for-profit, avoiding conflicts of interest via third party auditing, making standards public, and including workers in standards-setting processes. Industry-generated or industry-co-opted standards are more likely to dilute standards and avoid challenging traditional power hierarchies and inequalities in the supply chain (Jaffee and Howard 2010). Third, new initiatives aiming to mimic how political consumerism has taken shape in other sectors may simply repeat typical shortcomings. For example, they may marginalize labor issues (Brown and Getz 2015), target a niche, elite consumer base (Alkon and McCullen 2011), or facilitate "not-in-my-body" forms of activism that provide opportunities for privileged individuals to avoid health hazards instead of eradicating them for the entire community (Szaz 2007). Finally, a sector unwilling to draw negative publicity to itself may be slow to educate consumers about its less desirable attributes, such as labor abuse and environmental degradation. This may be especially problematic if political consumerism initiatives are led by industry actors and for-profit organizations, as opposed to SMOs. As a result, consumers may not receive the information they need to engage in ethical purchasing initiatives. Overall, political consumerism in the cannabis sector is distinct from other sectors, and this distinction appears to be related to the sector's legal status.

Political consumerism, legality, and democracy

On one hand, this case illustrates political consumerism's capacity to complement traditional forms of political participation. Alternative lifestyle politics played a role in normalizing cannabis consumption. This aided lobbyists in framing prohibition as antiquated and convincing citizens and elected officials to respond to cultural shifts. In the United States, ethical purchasing initiatives also responded to demand for environmental labeling when the USDA refused to participate. In these ways, political consumerism is being used as a tool to promote democratic legislative processes and address collective action problems unresolved by the state. On the other hand, this case also highlights ways in which political consumerism may challenge democratic values. On a most basic level, flouting the rule of law and encouraging illegal behavior—like all acts of civil disobedience—may be considered anti- or un-democratic, though many disagree. Additionally, by glossing over the sector's environmental and social problems, inequalities may be further obscured and entrenched. Furthermore, ethical purchasing initiatives in cannabis (like other agricultural products) focus more on environmental issues—such as localism, pesticide use, and renewable energy—than issues of social and economic justice (Brown and Getz 2015). On rare occasions when initiatives do engage social issues, the conversation seems to be largely

limited to supporting local family farms (Bennett 2017a on cannabis; Alkon 2013 on other sectors). In this way, injustices related to labor are ignored, reified, and entrenched.

VI. Conclusions

This chapter examined the interactions between legal status and political consumerism by drawing on insights from the US and Canadian cannabis markets, in their transition toward legality to legal over the last two decades. It used empirical evidence to illustrate how legality can affect the goals of political consumerism, the approaches employed by political consumerism activists, and the types of actors that come forward to lead political consumerism initiatives. A sector's illegality, semi-legality, or newly legal status may present special challenges to political consumerism, including: silencing producers, confusing consumers, marginalizing social movement organizations, and creating incentives to obscure sector-specific ethical issues. In the case of cannabis, these challenges stunted the development of political consumerism and hindered adoption of best practices, such as consumer education campaigns and robust multi-stakeholder standards-setting organizations. In the case of the Canadian and US cannabis markets, political consumerism and legal status clearly have import for one another, and for the democratic process.

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Table 1. Cannabis consumption and public opinion in the United States and Canada

	Self-reported survey data	United States	Canada
Consumption	Consumed cannabis at least once over course of lifetime	52%	24%
	Currently consume cannabis (purpose unspecified)	22%	13%
	Registered for medical consumption*	<1%	<0.5%
	Consumption habits considered disordered	1.6%	1.3%
Opinion	Support full legalization (for medicinal and recreational consumption)	60%	50-60%
	Believe consuming cannabis is socially accepted	56%	-
	Personally believe cannabis is morally acceptable	-	65%

Sources cited within the text.

*Official statistic, not self-reported