Canadian Public Opinion on Cannabis

How Far Out of Step With It Is The Existing Law?

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Abstract

Public attitudes in Canada are clearly in favour of loosening restrictions on cannabis possession. Opinion polls conducted over the past few years show that most Canadians support decriminalizing simple possession and use of marijuana. Recent polls, moreover, suggest that more than half favour full legalization. Support for legal access for health purposes is higher; only one in six adults opposes this reform. National drug surveys offer few further details beyond the demographic profiles that relate to certain views. This paper takes a closer look at public opinion based on a random household survey of Toronto adults (N=1,081). This allows us to identify additional characteristics associated with opinions about cannabis reform. Consistent with the findings from national drug surveys, the majority opposes the current prohibition. Respondents also recognized potential health concerns in addition to acknowledging health benefits of cannabis and a variety of problems with the existing law. Public attitudes are broadly ‘harm reduction’ oriented suggesting evidence-based, public health initiatives would garner wide support as a viable alternative to criminal controls.

Résumé

Il ne fait aucun doute que les Canadiens appuient le relâchement des restrictions concernant la possession de cannabis. Les sondages d’opinion menés au cours des dernières années révèlent que la plupart des Canadiens sont en faveur de la décriminalisation de la simple possession et de la consommation de marijuana. De plus, des sondages récents...
Introduction

While support for the elimination or reduction in penalties for cannabis use was a minority view in the mid-1980s, public opinion in Canada has shifted towards more liberal cannabis control policies. Support varies by age, gender, education, and region, but is strong and appears to be growing in most demographic groups (Savas, 2001). Debates have become more prominent and broadened public discourse on the contentious issue of cannabis law reform. Newspaper editorials, opinion pieces, and daily letters are regularly published on the topic (Hathaway & Erickson, 2004), and a number of court cases have challenged the prohibition of cannabis possession on constitutional grounds (Fischer et al., 2003; Hathaway, 2001; Hathaway & Erickson, 2003). Two federal inquiries have called for legal changes but their position statements strongly differ — one would decriminalize simple possession (House of Commons, 2002) while the other seeks to regulate (i.e. legalize) supply and distribution (Senate, 2002). More recently, the Harper government has voiced its opposition to any change in Canada’s cannabis laws (The Toronto Star, 2007).

Public views about this issue have not been gauged in depth. There are few dedicated surveys of drug policy opinions, and the single-item polls that are typically conducted have not provided comprehensive details (cf., CTV/Angus Reid, 1997; CBC/MacLean’s, 1999; National Post/COMPAS, 2000; Ipsos Reid/CTV, 2004). Clear trends in opinion are not easy to establish due to variation in sampling procedures and wording of the items from one survey to the next. Based on Angus Reid Group polls over a ten-year period (1987-97), Savas (2001) found increased support for “decriminalization” in all gender, age, and education groups. In fact
these data show support for legalizing cannabis (at 51% in 1997), if the reported options (i.e., marijuana should “be legal” or “remain illegal”) can be taken at face value. Pollsters generally start by asking, “Should smoking marijuana be a criminal offence?” Endorsement may be (n)either for legalizing cannabis (a regulated system of supply and distribution), (n)or the more moderate policy option of decriminalizing possession (a reduction in the penalties to users).

Despite some lack of clarity in wording of the options, on the whole opinion polls indicate transition toward endorsement of significant reform. Even those most in favour of the status quo (71%), as Savas (2001) notes, believe that marijuana “should be legal for health purposes,” despite otherwise supporting use of criminal controls. Support for cannabis as medicine is strong and likely growing, as reflected by significant regulatory changes that have been implemented over the last ten years. Although it remains a controlled substance in Canada, legal access to cannabis has been granted to people with HIV/AIDS and other serious illness under the Medical Marihuana Access Regulations since 2000. The federal government’s commitment to this program is uncertain, however, given that few medical exemptions have been granted — about 2,500 at the time of writing — and the application process is so onerous that many would-be legal users are effectively deterred (Belle-Isle & Hathaway, 2007; Lucas, 2008).

To provide more insight into public attitudes on legislative policies and practices for cannabis, this paper reports findings from a 2004 survey of adults in Metropolitan Toronto. Although our sample does not represent Canadians entirely, other surveys on drug policy in recent years have shown that opinions in Ontario are remarkably consistent with opinions in the rest of the country (Adlaf, Begin, & Sawka, 2005; Savas, 2001; Single, 1997). Questionnaire items covered three broad domains: knowledge of and attitudes about existing policies, personal experience with cannabis, and socio-demographic characteristics. In order to provide a fuller picture of opinions and related personal and social characteristics, the analysis focuses on public attitudes concerning the current law and options for reform. These findings offer guidance for pursuing legal changes that would have the crucial element of popular support (MacCoun & Reuter, 2001).

**Research Methods**

Interviewers from a university-based survey research centre telephoned randomly generated numbers for households in Metropolitan Toronto (416 exchange). They asked to speak to the person 18 or older whose birthday was nearest the day of the call. Of 5,000 numbers dialed, 1,440 (28.8%) households were successfully contacted and yielded an eligible respondent. A total of 1,081 respondents fully completed the survey, an overall response rate of 75%. Their demographic profile is generally con-
Canadian Public Opinion on Cannabis

consistent with that of the Toronto sub-population surveyed in the Ontario Drug Monitor of 2004-05 (Ialomiteanu & Adlaf, 2006) with university educated and female respondents being somewhat overrepresented in our survey. Participants were informed of the confidential nature and purpose of the study, and their anonymity assured. Completed surveys took an average of ten minutes to conduct.

Findings

Sample characteristics
Forty-three percent of the sample was male. The mean age of respondents was 42 years and 45% of them were married. Ninety-five percent were at least high school educated, and more than half (55%) had finished a university degree. Three-quarters worked either full-time (62%) or part-time (13%), and one in ten respondents (11%) was a current full-time student. The median personal income in the previous year, before taxes and other deductions, was between $40,000 and $49,999. Gross household income was $20,000 higher (median $60,000 to $69,999). Three in four participants (77%) described themselves as White, and 64% were born in Canada.

Experience with cannabis
Fifty-one percent of participants knew someone who uses cannabis on a regular basis. Only slightly fewer respondents (49%) had ever used themselves, a third of them had used it one hundred times or more. Fifty-three percent of all lifetime users used cannabis in the past year. More than half (54%) of this group had used in the last month — one in ten past-year users (11%) were using daily, and another 12% were using more than once a week. Past-year users were asked about reasons for using. These included recreation (88%), relaxation (58%), socialization (44%), and as a coping strategy for anxiety, stress, or depression (22%). Uses cited less often were to be more productive (9%), medical purposes (6%), dependence/addiction (4%), and religious reasons (1%).

Policy perspectives
Twenty-one survey items were drug policy related, covering general perspectives on moral-legal regulation to legislative options for reform. To gain a better understanding of the principles and values that may inform drug policy opinions, respondents were asked first about their views regarding the proper role of government in controlling drug use. This item was inspired by the Le Dain Commission (1972), which grappled with the issue over 30 years ago. The commissioners appointed to that government inquiry were divided in their opinion along the lines of three positions that stem from well-known works by Hart (1963) and Devlin (1965), and the classic treatise by J.S. Mill, On Liberty (1901). Mill famously contended that
Andrew D. Hathaway, Patricia G. Erickson and Philippe Lucas

Table 1. Toronto residents’ opinions by population group. Percent who feel that cannabis should be legally available.

<table>
<thead>
<tr>
<th>Gender</th>
<th>Percent</th>
<th>N</th>
<th>P-Value</th>
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<tbody>
<tr>
<td>Men</td>
<td>62%</td>
<td>463</td>
<td>p &lt; .0001</td>
</tr>
<tr>
<td>Women</td>
<td>48%</td>
<td>618</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Age</th>
<th>Percent</th>
<th>N</th>
<th>P-Value</th>
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<tbody>
<tr>
<td>18–34 years</td>
<td>56%</td>
<td>405</td>
<td>p = .505</td>
</tr>
<tr>
<td>35–45 years</td>
<td>54%</td>
<td>447</td>
<td></td>
</tr>
<tr>
<td>55+ years</td>
<td>51%</td>
<td>229</td>
<td></td>
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<tr>
<th>Education</th>
<th>Percent</th>
<th>N</th>
<th>P-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than high school</td>
<td>28%</td>
<td>50</td>
<td>p = .001</td>
</tr>
<tr>
<td>High school graduate</td>
<td>50%</td>
<td>196</td>
<td></td>
</tr>
<tr>
<td>More than high school</td>
<td>57%</td>
<td>834</td>
<td></td>
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<table>
<thead>
<tr>
<th>2003 Personal Income</th>
<th>Percent</th>
<th>N</th>
<th>P-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $30,000</td>
<td>45%</td>
<td>360</td>
<td>p &lt; .0001</td>
</tr>
<tr>
<td>$30,000 to $49,999</td>
<td>58%</td>
<td>268</td>
<td></td>
</tr>
<tr>
<td>$50,000 and over</td>
<td>65%</td>
<td>364</td>
<td></td>
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<table>
<thead>
<tr>
<th>Country of Birth</th>
<th>Percent</th>
<th>N</th>
<th>P-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>62%</td>
<td>688</td>
<td>p &lt; .0001</td>
</tr>
<tr>
<td>Other country</td>
<td>41%</td>
<td>392</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Percent</th>
<th>N</th>
<th>P-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>60%</td>
<td>836</td>
<td>p &lt; .0001</td>
</tr>
<tr>
<td>Black</td>
<td>36%</td>
<td>66</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>35%</td>
<td>179</td>
<td></td>
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Repressive action by the state should be limited in order to minimize disruption of individual rights. The scope of law is thereby limited to acts inflicting harm on others; the state may not criminalize an act to prevent harm to the agent, nor because the thought of it is offensive to others.

Mill’s view was reflected in the call by one commissioner (Marie-André Betrand) to limit state intervention to the sale of adulterated drugs and other demonstrated threats to public security. She argued that any intervention in the case of private drug use is a violation of individual rights. By contrast the majority (three of the five commissioners) endorsed Hart’s (1963) stance that the law has a paternalistic role that justifies restricting rights if necessary to preserve social order and protect persons from harms they are apt to inflict on themselves. Cannabis should be decriminalized not legalized, they argued, to still deter young people from taking up the habit. A second minority opinion reflected Devlin’s (1965) view that in addition to the state’s paternalistic function, it must also safeguard social
morality regardless of actual harm. While agreeing with the Le Dain majority opinion that the penalties for cannabis were disproportionate to harm, Commissioner Ian Campbell favoured maintaining prohibition on the grounds that its repeal would carry the wrong message that the use of cannabis is harmless.

In light of the neglect of the Le Dain Commission and the recent House (2002) and Senate (2002) cannabis reports, even Campbell's moderate call for penalty reduction seems liberal in comparison to current legislation, which continues to embody paternalistic values and morality enforcement through the instrument of law.

Where do our respondents stand on the fundamental issue of the role of government in controlling drug use? Four in five supported either the Millsean perspective (the state should only intervene when the use of drugs harms others — 38%) or took a more moderate, paternalistic standpoint (drug use must be prohibited to prevent harm to users — 42%). By comparison, far fewer (14%) endorsed the moralistic mandate that drug use be prohibited to uphold social values.

Recent court decisions have generally concurred that the penalties for cannabis are disproportionate to any harms to users or society that use of this substance potentially may cause. The consensus of the courts, however, has been that its use is not a right deemed worthy or “fundamentally important” enough to warrant constitutional protection. Cannabis consumption, in other words, is deemed too trivial a pastime to merit Charter scrutiny or court interference as to the constitutionality of the existing ban. One influential ruling additionally decreed that it is up to the parliament, not a court of law, to decide the outcome of this legislative issue (Hathaway, 2001). In light of the foregoing, a potential gauge of interest (in the court of public opinion) is the level of attention people feel that politicians ought to be devoting to cannabis reform. Nearly half of our respondents (46%) thought cannabis legislation required more attention from policy makers. Far fewer favoured less (26%) or present levels of attention (24%).

Another indicator of its importance to the public is the issue's impact on voting intentions. Respondents were asked to suppose that their Member of Parliament (MP) favoured cannabis legalization. Thirty-nine percent said this would not affect their vote — while similar proportions said that they would be less (32%) or more likely (27%) to support this politician. Support for legal access for health purposes was stronger. Half the respondents (52%) were more likely to vote for an MP who supported access for the seriously ill. Most of the others (37%) said that it would make no difference to their vote. Rather than being indifference this may indicate the issue has attained a broad consensus that crosses party lines. Indeed, 84% agreed with “current laws allowing people with cancer, AIDS, hepatitis C and other serious illnesses to grow and possess marijuana for medical purposes with a recommendation from their physicians.” Moreover, four in five...
respondents (81%) favoured loosening restrictions “to allow use by people with less serious illnesses if they feel that it provides relief.”

Legislative options and opinions of the law
To gain a better understanding of opinions on the issue of loosening restrictions on non-medical consumption, respondents were also asked about their knowledge of the law about simple possession of cannabis. Thirty-nine percent of them were able to identify the correct Act (Controlled Drugs and Substances Act) [CDSA] and penalty by law (up to six-month imprisonment and a $1,000 fine for a first offence). About the same proportion of the sample either could not name the penalty (14%) or the legislation (13%), or simply admitted that they did not know (13%). One in five believed that possession is now legal (10%) or only an offense if cannabis is used in public (9%).

Respondents were informed about the penalties and then asked, should the law be stricter, more relaxed, or left the same? Twenty-two percent agreed that the law should be stricter (“more like the laws for heroin”) compared to more than half (54%) who said the law should be relaxed (i.e., that cannabis should be treated “similar to alcohol”). Confirming this opinion in support of regulation, the same majority (54%) concurred with a later item asking whether cannabis should be legally available in some form. Consistent with the strong support for health-related uses, most (87%) approved of selling it in drug stores by prescription, with 38% in favour of over-the-counter sales. Government licensed outlets — much like liquor or beer stores (77%) — and private cultivation (59%) were other favoured sources of supply. The least supported option for providing cannabis was open market sales with no restrictions (13%).

Legalization supporters are on average three years younger (mean age 41 vs. 44 years, \( p < .05 \)) and more likely to have at least a Bachelor’s degree (\( p < .01 \)). As shown in Table 1 they are more often White, Canadian born, male, and report higher annual income. “Legalizers” were also more likely to know a marijuana user, and to have used the drug themselves at least once (\( p \)-values < .0001). A larger segment of the respondents (69%) including more nonusers, said that “private use by adults should not be liable to arrest and a criminal record.” Around two-thirds (64%) also stated that “the police spend too much time and money arresting users.” A small majority (53%) went further, agreeing with the statement that “resources are wasted cracking down on growers.”

Despite strong opposition to criminalizing users, the potential harms of cannabis evoked slightly more equivocal responses. Opinions were evenly divided on the following three statements: “There is no solid evidence that marijuana use causes serious health problems” (46% agree vs. 45% disagree), “I’m worried that smoking marijuana leads to the use of other more serious drugs” (50% vs. 47%), and “Most
youth crime starts with soft drugs like marijuana” (48% vs. 47%). Just over half (53%) agreed that smoking marijuana is no different than drinking alcohol (versus 43% in disagreement). The meaning of this item is open to interpretation. We do not know if more agree that cannabis is just as harmful or innocuous as alcohol; or perhaps they were referring to its social reputation as a popular drug for recreational consumption.

Discussion

The opinions about drug policy options for cannabis, derived from a representative sample of adults in Metropolitan Toronto, suggest that the public is in favour of significant reform. These findings show significant public comprehension of potential benefits and problems with a number of regulatory models for cannabis control, and point to the need for a more nuanced set of options than the extremes of prohibition or unregulated access. While opinion is divided on the harms of using cannabis and its links to other drug use and criminal behaviour, the majority still favours some form of legal access and the relaxation of the law. The minority opposed to legalizing marijuana (44%) changed their attitudes dramatically when the subject shifted to legalizing health-related use. More than two-thirds (72%) of this group supported current laws allowing the seriously ill to grow and possess marijuana. Further, 62% favoured loosening restrictions to allow use by people with less serious illnesses who do not now qualify for medical exemption.

Several limitations of the study should be noted. Sampling from the population through Random Digit Dialing means that a large number of calls are necessary to contact enough respondents willing to be surveyed. When the survey includes questions about illegal conduct, a high degree of non-response is typically expected. We successfully contacted nearly one in three of the selected households, 75% of which yielded an adult, 18 years or older, who was eligible and willing to complete the survey. Drug use surveys have become quite standardized in Canada. Levels of participation in recent studies are reported to be within the standards expected of most surveys (Adlaf, Begin & Sawke, 2005), and the validity of self-reports on drug use is documented (Harrison, Marti, Enev & Harrington, 2007). The trend towards greater acceptance of cannabis in particular also mitigates against reluctance among users to participate in social research of this nature (Reinarman, Kochen & Kaal, 2004). Insofar as the results may under-report responses of segments of the population most likely to use cannabis, the survey represents a conservative estimation of support for legal change in the general population.

Notwithstanding significant demographic variations in our data, consensus on the need for meaningful reform surpasses recent moderate legislative proposals by
the former Liberal government to decriminalize simple possession (Erickson, Hathaway & Urquhart, 2004). A draft bill put before Parliament in 2003 (C-38) would have amended the CDSA and created, under the Contraventions Act, a non-criminal federal offence of cannabis possession. This would have been a ticketing offence, with no resultant criminal record, for amounts of 15 grams or less of marijuana and one gram or less of hashish (Erickson, 2005). Fine penalties of $150-400 would be imposed, while larger amounts would still be subject to the current criminal penalties of a fine up to $1000 and six months of imprisonment. This bill is now dead and there seems to be little chance for the re-introduction of a more moderate penalty structure for cannabis possession. The Harper government’s new “anti-drug strategy,” moreover, retreats still further in asserting an ideological commitment to waging war on drugs and a permissive culture of illicit drug consumers. This includes the introduction of a bill that would increase penalties for simple possession of cannabis, and institute mandatory minimum sentences for production and distribution. Referring to mixed messages concerning the use of marijuana, the Conservative Health Minister declared “... the party’s over” (Hathaway & Tousaw, 2008).

In this context of legal inertia, it is of interest to note that an evidence-based policy analysis of the cannabis issue a quarter-century ago (Solomon, Single & Erickson, 1983) advocated a partial repeal of the criminalization of cannabis that would remove the offence for possession. This option was deemed preferable to reducing penalties and discharge provisions that fail to reduce the number of persons subjected to criminal records. Hence the political climate characterized by these authors in the 1980s as “backing into reform” appears to have changed little in 2008, except that “backing away from reform” is currently more fitting. What has changed in the interim is that cannabis possession charges have continued to escalate (Erickson & Oscapella, 1999), with recent arrests in major Canadian cities increasing by 20 to 50% in 2006 (Canadian Press, 2007). A recent U.S. national study of marijuana arrests found that drug law enforcement was counterproductive in reducing non-drug crime, leading to increases in homicides, burglaries, and motor vehicle thefts (Shepard & Blackley, 2007). Economic analyses have indicated that increased drug enforcement has led to increases in property crime, due to the re-allocation of scarce police resources (Benson et al., 1992; 1998).

Recent surveys showing that Canada may have among the highest use rates in the Western world suggest that cannabis enforcement has not effectively deterred. In contrast, the evidence that cannabis use has not risen in locations that have decriminalized is well established (Single, Christie & Ali, 2000; Reinarman, Cohen & Kaal, 2004). Popular opinion, as demonstrated by our survey, has swung away from criminalization toward significant reform. A June 2007 national Angus Reid Poll found that 55% of respondents favoured legalizing cannabis, indicating
that this trend is neither abating nor that the Toronto sample is atypical of Canadians overall (Drug War Chronicle, 2007).

The question of whether public opinion leads or follows the law related to substance use has been much debated (Black, 1976; Duster, 1970). In the field of alcohol control, public attitudes and regulation of alcohol seem closely aligned, with little support for more liberal changes (Anglin, Kavanagh & Giesbrecht, 2001). It seems clear that before the advent of drug prohibition in Canada 100 years ago, the public displayed little concern over drug use; however, once harsh laws were in place and the supporting “dope fiend” mythology was widely promulgated, public views fell in line with the punitive nature of drug laws (Giffen, Endicott & Lambert, 1991). Cannabis was included as a prohibited drug in 1923 without any Parliamentary notice, critical discussion, or evidence of problems related to its use. This policy went largely unchallenged until the increase of young users and associated arrests that characterized the cultural upheaval of the 1960s (Giffen et al., 1991; Erickson, 1980).

The gap between public opinion and existing drug laws is thus brought into sharper societal relief. Our study suggests that Canadians are more receptive than policy makers to moving away from criminal penalties toward more evidence-based, public health approaches. A national drug strategy that would replace punishment with prevention initiatives reflects a position similar to that advocated by the Le Dain Commission over thirty years ago (Le Dain, 1972). Perhaps it is time for the federal government to join the reform trend displayed in most western democracies (Erickson, 2005) and take action to reduce the threat of criminalization of millions of otherwise law-abiding citizens through more progressive strategies of cannabis control.

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References


