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The alternative war on drugs

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The alternative war on drugs

Drug evictions, cannabis regulation and the legal
consequences of adapting to the limitations of
criminal law in the field of drug control

Larissa Michelle Bruijn

L.M. Bruijn

The alternative war on drugs: drug evictions, cannabis regulation and the legal consequences of adapting to the limitations of criminal law in the field of drug control

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The alternative war on drugs

Drug evictions, cannabis regulation and the legal
consequences of adapting to the limitations of
criminal law in the field of drug control

PhD thesis

to obtain the degree of PhD at the
University of Groningen
on the authority of the
Rector Magnificus Prof. C. Wijmenga
and in accordance with
the decision by the College of Deans.

This thesis will be defended in public on

Thursday 20 May 2021 at 16.15 hours

by

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born on 16 February 1991
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It cannot be doubted that each of us can only see part of the picture. The doctor sees one, the patient another, the engineer a third, the economist a fourth, the pearl diver a fifth, the alcoholic a sixth, the cable guy a seventh, the sheep farmer an eighth, the Indian beggar a ninth, the pastor a tenth. Human knowledge is never contained in one person. It grows from the relationships we create between each other and the world, and still, it is never complete.

Paul Kalanithi, *When Breath Becomes Air*

PREFACE

AN ALTERNATIVE WAR ON DRUGS AND AN ALTERNATIVE LAW DISSERTATION

This doctoral dissertation is a collection of already published journal articles and book chapters. Today, a collection of research papers is the standard format for doctoral dissertations in many sciences, such as medical, natural and engineering. In the academic legal world, however, a strong tradition exists to publish coherent monographs. I decided to write and publish the chapters of my dissertation as separate articles for the following reasons. First, writing papers and receiving responses from (peer-)reviewers improves the quality of the research and is likely to influence further work. Second, scientific papers are still by far the most important method of communication in academia. Publishing a monograph instead of articles slows the dissemination of research results and the possibility to drive and develop scholarship. Third, published articles are the currency to gain a research position at a university. My plan has always been to aim for a career in academia, and publishing has helped me to reach this goal.

The already published papers are converted into Chapters 3, 4 and 5. I want to thank Jan Brouwer and Michel Vols, with whom I co-authored Chapter 3, and Michel Vols, with whom I co-authored Chapters 4 and 5, for their fruitful collaboration. Chapter 3 has previously been published as: Bruijn, L.M., Vols, M., & Brouwer, J.G. (2018). Home closure as a weapon in the Dutch war on drugs: Does judicial review function as a safety net? *International Journal of Drug Policy*, 51, 137-147. Chapter 4 has previously been published as Bruijn, L.M., & Vols, M. (2020). Upperdogs versus Underdogs: Judicial Review of Administrative Drug-Related Closure Cases in the Netherlands. *Recht der Werkelijkheid*, 41(1), 25-49. Chapter 5 has previously been published as Bruijn, L.M., & Vols, M. (2019). Eviction as a Tool for Crime Control: Fighting Drug-Related Crime in the Netherlands and the United States. In N.M. Davidson, & G. Tewari (Eds.), *Global Perspectives in Urban Law: The Legal Power of Cities* (Juris Diversitas) (pp. 63-99). Abingdon: Routledge.

Apart from some minor revisions, I included almost identical versions of the already published papers into this dissertation. I revised the chapters to ensure minimal and non-disruptive overlap; yet, needless to say, some overlapping content among the chapters is inevitable.

Although some chapters have already been published as separate articles, the overall dissertation forms a cohesive body of work. All chapters centre on the alternative war on drugs (in which drugs and related crime are being fought without bringing criminal law into play), studying the (re)regulation of cannabis in the Netherlands and Canada, and the use of the instrument of eviction to fight drug-related crime in the Netherlands and the United States. The introductory chapter (*Chapter 1*) and the concluding chapter (*Chapter 6*) will bridge the gap between the individual chapters, connect the dots, and reveal an alternative, but coherent law dissertation.

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LIST OF ABBREVIATIONS

ASBO	Anti-Social Behaviour Order
CCSA	The Canadian Centre on Substance Abuse
CDS	Canada's Drug Strategy: Action on Drug Abuse
DA	District Attorney
ECLI	European Case Law Identifier
European Convention	European Convention on Human Rights
European Court	European Court of Human Rights
GALA	General Administrative Law Act
HUD	Federal Department of Housing and Urban Development
INCB	International Narcotics Control Board
MMAR	Marihuana Medical Access Regulations
NEP	Narcotics Eviction Program
NYC	New York City
NYCHA	New York City Housing Authority
OHA	The Oakland Housing Authority
PHA	Public Housing Authority
Single Convention	Single Convention on Narcotic Drugs of 1961
THC	Tetrahydrocannabinol
Psychotropics Convention	Convention on Psychotropic Substances of 1971
RPAPL	Real Property Actions and Proceedings Law
RPL	Real Property Law
Trafficking Convention	Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988
UN	United Nations
UNB	University of New Brunswick
US	United States
VIF	Variance influence factor
VNG	Union of Dutch Municipalities
WODC	Research and Documentation Centre of the Ministry of Justice and Safety