

TEXT BY JEFFREY MIRON

LEGALIZE IT



can-na-bis
kanəbəz/Submit
noun
a tall plant with a stiff upright stem, divided
serrated leaves, and glandular hairs. It is used
to produce hemp fiber and as a psychotropic
drug, a dried preparation of the flowering tops
or other parts of this plant, or a resinous extract
of it (cannabis resin), used (generally illegally)
as a psychotropic drug, chiefly in cigarettes.

Why Thailand (And Every Other Country) Should Legalize Marijuana

Sure it's "cool" to smoke ganja, the chronic, bambalacha, the sticky-icky. Miley Cyrus certainly thinks so. So do James Franco, Rihanna, and Ice Cube. Well, now even former UN Secretary General Kofi Anan agrees that it's time to make the drug legal. Sure, we could have asked Snoop Dogg to write a dopedizzle "free the weed" OpEdizzle, but we wanted someone who could convince even your parents, who would have been more than happy to see you study at Harvard University, where this contributor serves as Senior Lecturer and Director of Undergraduate Studies in the Department of Economics.

Thailand currently outlaws the production, distribution and sale of marijuana. Most other countries do likewise, due partly to their own views and partly to United Nations Treaties that restrict the cultivation, trade, and use of narcotic drugs, other than for medical and research purposes. Marijuana prohibition dates to 1937 in both Thailand and the United States; most other countries banned marijuana by the beginning of World War II.

Despite this long history of prohibition, however, marijuana policy is changing. Uruguay legalized marijuana in 2013, subject to limits on home production growth, regulation of grower clubs and dispensaries, and registration rules for customers. Even though federal law still outlaws marijuana, four U.S. states and the District of Columbia have legalized marijuana under their state laws; and more than twenty-three states have weakened marijuana prohibition by decriminalizing possession or by legalizing medical provision and use. More than thirty other countries, including Portugal, the Netherlands, Canada, Germany, Chile, Argentina, Israel, Russia, India, Colombia, Italy, Mexico, Spain, and Switzerland, have decriminalized marijuana or scaled back enforcement significantly. Additional U.S. states such as Florida, Georgia, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Pennsylvania, South Carolina, Tennessee, Utah, West Virginia, and Wisconsin, and other countries including Brazil, Mexico, and Canada, are also considering legalization, decriminalization, or medicalization. The time is therefore ripe to ask whether marijuana prohibition is good policy.

I argue here that all countries should legalize marijuana. I make this case by considering four issues: the possible harms from marijuana, the possible benefits from marijuana, the impact of prohibition on use, and the adverse consequences of prohibition.

THE ALLEGED HARMS FROM MARIJUANA

Prohibition advocates believe marijuana has adverse effects on both users and society, including diminished health, increased traffic accidents, greater crime, and more use of “hard” drugs like cocaine, heroin, or methamphetamine (the so-called gateway effect). Each of these effects deserves consideration, but the evidence provides minimal support for any of them.

Few products are without health risks, and marijuana can have adverse health consequences. That said, a large literature examines marijuana’s health effects, with some studies finding modest negatives and but most finding little or no impact.

Only a few studies, moreover, consist of double-blind, placebo-controlled randomized experiments, the gold standard of scientific evidence. Instead, most studies examine the relation between marijuana use and health for a sample of individuals who vary in whether or how much they use marijuana. Such studies do not control for unobserved characteristics that may cause both health effects and marijuana use.

People with mental illness, for example, may be more likely to use marijuana, but that hardly demonstrates that marijuana causes mental illness. Instead, the correlation can just as readily indicate that people with mental illness are more likely to consume marijuana, perhaps because they believe that marijuana eases their conditions. People who use anti-depressants are more likely to be depressed, but not because Prozac caused their depression. A 2013 study found that medical marijuana laws in the United States have generated lower suicide rates.

In some cases marijuana’s alleged health effects results more from prohibition than from marijuana per se. Breathing any kind of smoke potentially damages one’s lungs, so concern over marijuana smoking is not unreasonable. But marijuana can be warmed in vaporiz-

ers rather than burned; this releases the active ingredients without smoke. Alternatively, marijuana or its active ingredients are readily consumed via edibles, including beverages, baked goods, and candies. Prohibition, however, both inhibits innovation of safer ways to consume marijuana and limits diffusion of information about these safer methods. In areas with medical or legalized marijuana, these alternative products are widespread.

Marijuana use undoubtedly affects driving ability, but so do alcohol, lack of sleep, and medications such as flu and cold remedies that induce drowsiness. Further, considerable evidence suggests that while both alcohol and marijuana impede driving skill, alcohol’s impact is worse. Policies that make marijuana more available relative to alcohol, moreover, seem to have reduced overall traffic accidents, most likely because some consumers substituted marijuana for alcohol.

The claim that marijuana causes crime has a long history, dating at least to allegations in the 1930s by FBI head Harry Anslinger that marijuana causes “reefer madness”:

“Those who are habitually accustomed to the use of the drug are said to develop a delirious rage after its administration, during which they are temporarily, at least, irresponsible and liable to commit violent crimes. The prolonged use of this narcotic is said to produce mental deterioration. It apparently releases inhibitions of an antisocial nature which dwell within the individual.”

Similar if less extreme characterizations have dogged marijuana for decades, yet no convincing evidence actually demonstrates an impact of use on criminal behavior.

Marijuana production and use are associated with crime, but that correlation results from marijuana’s outlawed status. Under prohibition, every marijuana farmer, distributor, seller, and consumer is a criminal, so casual observation can easily suggest that marijuana causes crime. Under prohibition, moreover, those who enter the marijuana trade are more likely than average to have other criminal connections because such persons are more willing to work in an underground market.

A final harm often attributed to marijuana is greater use of harder drugs via the gateway effect. Many hard-drug users consumed marijuana before using hard drugs, but this does not mean that the former caused the latter. Most people who try hard drugs had also previously consumed alcohol, MacDonald’s French fries, and mother’s milk, yet none of these “caused” the later use of hard drugs or marijuana. The



Marijuana vending machine in Vancouver, Canada

relevant question for causation is whether most marijuana users go on to consume other drugs; the evidence shows they do not.

THE POTENTIAL BENEFITS OF MARIJUANA

The fact that marijuana's harms are far more modest than asserted by legalization opponents is only one side of the story; in addition, marijuana seems to raise the quality of life for many people.

Roughly 150 million people around the world report having used marijuana in the past year, some occasionally and some regularly. The motivation varies; some users seek relaxation, others like being "high", still others perceive medical benefits, and some simply wish to fit in or look cool.

Regardless of the precise reason, all these people presumably consume marijuana because they believe the benefits outweigh the costs. And this belief is common despite the fact that, due to marijuana's outlawed status, users face the risk of arrest, cannot easily determine the quality of the products they consume, and purchase their marijuana from criminals who may rip them off.

Some users may be making a mistake in consuming marijuana—incorrectly balancing the costs and benefits—but it stretches credulity to believe that all users are so doing. Further, people make poor choices about many goods or activities, including alcohol, tobacco, food, or driving on highways. Most societies nevertheless let individuals choose for themselves which products have acceptable combinations of good and bad effects, presumably because most people make reasonable choices about these products most of the time. Likewise, for most risky goods, society only bans uses that have a strong likelihood of harming others, such as drunk driving.

Thus a key argument for legalization is that many users get significant benefits from marijuana. Policy should therefore respect individual choices to consume marijuana so long as use is not adversely affecting others, as is usually the case. Relatedly, policy seems most likely to be effective when it is consistent across different substances. This implies legalization for marijuana.

PROHIBITION'S IMPACT ON MARIJUANA USE.

In addition to considering marijuana's harms and benefits, rational policy evaluation should ask how much prohibition reduces use. If the impact is modest, and if prohibition has unwanted side effects (as argued below), then prohibition is ill-advised regardless of whether marijuana is harmful or beneficial on average.

The ideal evidence on how much prohibition reduces use would examine changes in use after a country or state has repealed prohibi-

tion. Alas, few governments have repealed their prohibitions of drugs or alcohol, so evidence on this question is incomplete.

Existing evidence nevertheless suggests that prohibitions have only a modest impact on use. Proxies for alcohol consumption, like the death rate from cirrhosis of the liver, indicate that prohibition re-

duced alcohol consumption by roughly 10-20 percent. Marijuana legalization by U.S. states appears to have generated little change in measured use rates. The Netherlands and Portugal, which have substantially weaker laws and enforcement against marijuana, have use rates little different from, or lower than, the United States with its relatively aggressive enforcement regime. Medical marijuana laws in U.S. states have generated, at most, modest increases in use.

Thus, marijuana use will probably increase under legalization, but only to a moderate degree. Whether such an increase is desirable depends on the nature of this increase: more responsible use by adults is a benefit of legalization; greater irresponsible use, especially by youth, is presumably a cost. Regardless, whether policy should tolerate increased use depends on the costs of preventing that increase; that is, on the direct effects and unintended consequences of prohibition.

UNINTENDED CONSEQUENCES OF PROHIBITION

While prohibitions tend to reduce the size of the outlawed markets, they do not eliminate such markets. Instead, prohibitions drive markets underground, with numerous unwanted consequences. I discuss first the nega-

tives of prohibitions generally and then discuss recent marijuana prohibition specifically.

Under prohibition, producers, suppliers, sellers, and buyers cannot resolve commercial disagreements with lawyers, courts, and other non-violent mechanisms, so they resort to violence instead. Such violence is common in drug and prostitution markets, as it was in gambling mar-

kets before the advent of state-run lotteries and the expansion of legalized gambling during past decades. Violence was common in the alcohol trade during Alcohol Prohibition, but not before or after. Over the past century, violence has increased and decreased with the enforcement of drug and alcohol prohibition. Across countries, violence is elevated especially in countries that grow and ship illegal drugs, such as cocaine and heroin.

Prohibition also encourages income-generating crime, such as theft or prostitution, since prohibition rates prices for the outlawed good, implying users need additional income to purchase drugs. Prohibition diverts criminal justice resources from deterrence of all kinds of crime.



Ajoia is a new marijuana dispensary in Louisville



Customers shop at Oregon's Finest, a marijuana dispensary in Portland, Oregon.

This conclusion—that prohibition causes crime—contrasts with the claim advanced by prohibitionists that drug use causes crime. Little evidence, however, confirms that drug use per se promotes violence or other criminal behavior.

Prohibition also lowers product quality and reliability. In legal markets, consumers who purchase faulty goods can punish suppliers via liability claims, bad publicity, avoiding repeat purchases, or complaining to private or government watchdog groups. In black markets, those mechanisms are unavailable or ineffective, so prohibition causes accidental overdoses and poisonings. U.S. alcohol prohibition provides a classic example, since deaths from adulterated alcohol soared. Similarly, marijuana users were sickened in the 1970s after the U.S. government sprayed the herbicide paraquat on Mexican marijuana fields but the marijuana was still harvested and shipped to U.S. consumers.

Prohibition generates corruption. In legal markets, participants have little incentive to bribe law enforcement, and they have legal mechanisms such as lobbying or campaign contributions for influencing politicians. In black markets, participants must either evade law enforcement or pay them to look the other way. Similarly, standard lobbying techniques are more difficult, and campaign contributions are illegal bribes leading to corruption in the United States and other countries.

Prohibition enriches those most willing to violate society's laws. In a legal market, the income from drug production and sale is taxed, and the revenue affects everyone via lower other taxes or higher government spending. In a black market, suppliers capture that revenue as profit. Existing estimates for the United States suggest that federal, state, and local governments could collect roughly \$50 billion per year from legalizing all drugs.

Prohibition has additional adverse consequences. Because drug crimes involve mutually beneficial exchange, participants do not report them to police, who therefore rely on undercover buys-and-busts, asset seizures, no-knock warrants, stop-and-frisk, and racial profiling, all of which strain accepted notions of civil liberty. Because of prohibition, many governments ban the over-the-counter sale of clean syringes, which increases needle-sharing and thus promotes the spread of HIV and other blood borne diseases. Because of prohibition, marijuana is more tightly controlled than morphine or cocaine and cannot be used for medical purposes. Similarly, doctors face loss of their medical licenses or even jail time for "excess" opiate prescribing, which encourage under treatment of chronic pain. Prohibition means that foreign policy and free trade negotiations are intertwined with decisions about drug policy. Widespread non-compliance with prohibition, despite draconian enforcement, signals users and non-users that laws are for suckers, undermining the spirit of voluntary compliance that is essential to a free society. And expenditure on police, judges, prosecutors, and prisons to enforce prohibition, summed across all levels of government and across all drugs, totals about \$50 billion per year in the United States alone.

These unwanted consequences of prohibition are not occurring to an extreme degree with respect to current marijuana prohibition: most societies have moved toward legalization, whether by de-escalating enforcement or via explicit policy changes like decriminalization or medicalization. But in earlier time periods, all these negatives were significant for marijuana prohibition, and most continue to some degree even now.

SUMMARY

Thus, marijuana prohibition is almost impossible to justify as a rational policy, even for those who believe marijuana is harmful or dis-

count the benefits it appears to provide many users. In brief, prohibition is a treatment that is worse than the disease.

Alternate policies that aim to reduce marijuana use, while not necessarily beneficial overall, almost certainly generate better ratios of benefits to costs than prohibition. A moderate sin tax, for example, can discourage use and raise revenue (which allows other tax rates to be lower) without generating a black market. Moderate regulation of marijuana, such as minimum purchase ages, can nudge back against inappropriate use. Similarly, laws against driving under the influence can address a kind of use that endangers others. These policies have their own potential for unwanted consequences; sin taxes, for example, can increase sufficiently to recreate the black market. Nevertheless, a policy regime similar to what exists in most countries for alcohol or tobacco would be a major improvement over current policy.

The crucial policy change is therefore legalization. Only when marijuana is produced, sold, and consumed in a legal market will the black market and its attendant evils disappear. And only then can individuals be free from government coercion in making their own decisions about whether marijuana improves their lives.

Read the full article with source material at www.2-mag.com

QUOTABLE CANNABIS CHAMPIONS



"Make the most you can of the Indian Hemp seed and sow it everywhere."

George Washington



"I inhaled frequently. That was the point."

Barack Obama, when asked if he ever inhaled marijuana.

"And God said, Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat."

Holy Bible: King James Version



"When you smoke the herb, it reveals you to yourself."

Bob Marley, musician



"By looking carefully at the evidence from the United States, we now know that legalizing the use of cannabis for medical purposes has not, as opponents argued, led to an increase in its use by teenagers."

Kofi Annan in his February 2016 OpEd calling for the global decriminalization of all drugs.

"I'd like to see the government back a programme of research into the medical properties of cannabis and I do not object to its responsible use as a recreational relaxant."

Sir Richard Branson, founder of Virgin group



"Weed is the best drug on Earth."

Miley Cyrus, musician



"I rolled it before I got up there."

Willie Nelson, musician, after being asked if he really rolled (and smoked) a joint on the roof of the White House in 1977.