LEGAL POSITION OF MARIJUANA

**Introduction**

In recent times, state legislatures have been over-pressured to either decriminalize or permit using and owning of given quantities of marijuana or pass laws that allow people to publicly smoke crude marijuana slanged as weed or ganja for medical benefits. According to public opinion and a certain group of advocates, marijuana purposely meant for smoking is safe for human health. It has been proved to effectively treat several diseases, such as chronic depression and Alzheimer’s dementia. Hypothetically, decriminalization and legalization may sound like synonyms, but they are completely different terms.

Legalization of marijuana means the removal of all lawful bans against the drug. Legalizing marijuana would mean that the drug has been equated to other drugs like alcohol and tobacco. The general adult population will have to purchase it in a similar way (Gerbert, 2004). Decriminalization of ganja means one may be arrested if found in possession of large quantities of the drug, but drug charges will be dropped from the criminal record. In other words, it is the process of eliminating criminal sanctions from marijuana possession such that an individual becomes immune to being prosecuted by the criminal justice system. In such a case, drug penalties do not include jail terms but drug treatment or civil fines (Graham, 2001).

Despite the vigorous debate, no state in the USA has decriminalized its use. It is still a federal-controlled substance; hence it is illegal to peddle the drug. However, 26 states have decriminalized the drug for medical purposes. As contradicting as this may sound, the medical use of smoked marijuana and legalization/decriminalization of the plant is being supported in a way that prevents the testing and regulatory procedures of the Food and Drug Administration that is needed for all drugs sold for human consumption in the United States of America. This pushes the public to concur with certain impacts on public health without comprehending any scientific proof behind its use.

Businesses licensed to sell marijuana for medical use are doing much to obscure the plant's legal status. With the support of millions of addicts and politicians, they are pressuring the advocacy to push for its legalization and decriminalization regardless of the dangers of such a parliamentary act. However, the optimization of global and community interests depends on the legalization or decriminalization of marijuana. In support of this thesis statement, this paper presents an argument supporting either the legalization or decriminalization of the drug based on previous proof that supports the same. In my discussion, I shall present a comprehensive argument that discusses the health benefits, economic implications, and benefits of combating social problems legalizing or decriminalizing the drug.

**Discussion: Literature Review**

The public has always perceived marijuana to be a benign recreational drug though addictive and tends to influence other drugs. The majority of uses consider it to be favorable compared to other drugs because it is less likely to lead to dramatic physical signs of intoxication. The termination of marijuana use is also less likely to lead to withdrawal symptoms. Its severity is still deeply inscribed in delta 9-THC, the core psychedelic component of bhang that accumulates in the fatty tissues during long-time use. The social effects of legalization and decriminalization have been at the top of considerations during advocacy throughout the debate. Regardless of the use of medical marijuana for years, legislatures and some scientists have been fast to validating the drug's challenging social outcomes. Despite these bewilderments, its medical form has been legalized in 24 states and two states for medical and recreational purposes (Hurley & Mazor, 2013).

The increased concerns about the effects of such parliamentary acts have influenced the interest in pursuing research on medical marijuana. The core issue that has been researched over time and is still being researched is whether there is any correlation between marijuana use and an increase in social problems such as crime and hard drugs. The only social effect that has been successfully proved is that marijuana can triple the number of consumers. An increased number of marijuana consumers would simply mean that society has accepted its legal use and should be decriminalized. To the point that the use of the drug serves as a hallway to the use of harder drugs, decriminalization or legalization could steer enduring social problems because an increased number of drug consumers would mean that they will have to engage in illegal activities just to feed their drag-using behavior. In the case where decriminalization and legalization doesn’t propel further use of the drug, rulings might still influence criminal behaviors since marijuana depots give gangs conspicuous target to attack stores where high-grade marijuana are kept. Well, there is no proper evidence of such allegations (Gerbert, 2004).

*Correlation between Crime and Marijuana Utilization*

Previous researchers have strived to identify the relationship between crime or criminal behavior and marijuana use. Most of them have concluded that the use of the drug tends to steer delinquent behavior. According to Caulkin et al. (2012), who made a comparison of the number of criminal activities perpetrated by youths who tested positive for marijuana use concluded that "Juveniles who test positive for marijuana have a high number of criminal referrals to juvenile court for non-drug crime than those who test negative for marijuana use.” A similar research was also conducted in New Zealand by Cerd (2012). In this study that involved a sample of adolescent individuals, the connection between marijuana dependence and violent behavior was examined. Card examined various variables of the sample, such as gender, socioeconomic status, and any kind of mental disorder, and concluded that the dependence on marijuana increased violence odds by over 200%. A control experiment was done using alcoholic and mentally ill individuals, and it was discovered that the dependence on these still contribute to violent activities but at lower odds. In Dutch, students caught abusing the drug were discovered to be more vicious (Gruber, 2004). Most of these studies have been done on a cross-sectional perspective and have concluded as studies conducted from a longitudinal perspective.

Using a multi-wave sampling design, Rushefsky's study exposed that young adults who began using the drug at the age of fifteen were prone to be aggressive by the time they were nineteen. This shows that marijuana use at a tender may spark vicious behaviors in youthful years (Rushefsky, 2013). According to research that was conducted by Siegel (2013), it was discovered that the continuous use of marijuana during the early stages of adolescence increases the chances of involvement in close associate hostility in late adolescence by 110%. The same studies discovered that drug use in early adolescence increased the odds of being a perpetrator of intimate partner brutality by 84% regardless of whether one takes alcohol or not. These are just among other researches that justify the fact that marijuana can cause violent behaviors. In as much as these studies seem viable, the results given by the scholars are ambiguous. It is hard to tell whether the correlation between marijuana use and crime result from casual connections or uncontrolled variables. They only explain this relationship where the drug is illegal.

On the contrary, other scholars have argued that marijuana use does not affect the rates of crime. A study conducted by Green n.d concluded that marijuana use only led to an increase in property crimes but not violent crimes. McShane & Williams (2007) argued that there would be no relationship between marijuana and crime if the drug was legalized. According to them, the laws that prohibit the possession and use of the drug are the ones that steer violent behaviors. In case the drug is legalized, violent behaviors would only be recorded around the marijuana depots within their vicinities due to high quality and quantities of the drug and cash being stashed there, but this can effectively be controlled by implementing security measures (Hurley & Mazor, 2013). It is, therefore, just to state that marijuana use has no proven relationship with rates of crime in places where it is legalized.

*Legal Implications and of Legalization and Decriminalization of the Drug*

Section 4(1) of the CDSA states that marijuana possession is a criminal offense that attracts civil fines of $1000 if found with less than 30g and life incarceration if found peddling more than thirty kilograms of the drug (DOJ, 2012). Decriminalizing the drug would mean that the charges attached to its possession would be dropped. Consequently, legalizing the drug would mean that peddling or rather drug trafficking would be done away with (DOJ, 2012). The 21st Amendment of 1973 oversaw the decriminalizing of possession of a small quantity of the drug, and by 1978, over ten states had enforced this amendment. Afterward, it was noted that marijuana use had not increased in these states in relation to the states that had not decriminalized the drug (Pacula, 2004). In addition to this, the states where the drug had been decriminalized recorded a decline in cases that involved the possession of the drug. For instance, In California, the first state to decriminalize the drug recorded a drop in marijuana law enforcement costs by $57 (Pacula, 2004). Such a change should not seem unexpected because most North American drug cases have been charges due to marijuana possession.

When examined in terms of individual marijuana possession, these changes have resulted due to the instituted laws. This is because such users have been protected by the decriminalized states' laws (Single, 2012). The legal implications of legalizing and decriminalizing cannabis are economical, mostly affirmative. According to Pacula (2004), most states that decriminalized the drug recorded a decline in possession offenses. For instance, California recorded a drop of 35%; Colorado recorded a drop of 40% while Minnesota recorded a drop of 43%. The general outcome is that the funds used in pursuing marijuana possession laws have decreased, and the money used to pursue other drug laws has increased (Pacula, 2004). Even though the courts may not verify this economic benefit, they can verify that the number of drug possession cases brought before the courts has significantly decreased (Monroe, 2012).

*Health Benefits of Marijuana and its Correlation with Harder Drugs*

Since the legalization of marijuana in over 20 states, no single evidence has proved that removing marijuana possession penalties can increase the number of users. Similarly, no evidence proves a correlation between bhang abuse and abuse of harder drugs such as cocaine and meth (Elders, 2012). It is a proven case, which simply means that the decriminalization of marijuana is unlikely to be a hallway to the use of other hard drugs. Graham (2001) said that "If cannabis was legalized, it could be purchased from trusted establishments, and the perils associated with the sale of harmful substances could be under control.” According to the NIDA, marijuana has been linked to health defects and argued that it causes paranoia, brain impairment, and lung defects, but this sounds like similar health implications caused by the intoxication of tobacco substances into the body. Note that tobacco is legalized but has no medical benefits. On the other hand, marijuana has been proved to possess a number of medical benefits.

Bretteville and Jensen (2006) noted that marijuana has medical promise in curing certain medical symptoms such as queasiness, anorexia, motion diseases, epilepsy, psychiatric defects, autoimmune disorders, and body inflammations. Also, bhang has been successfully proven to cure alcohol withdrawal and some strands of opium drugs. Considering the health benefits of marijuana, prohibiting possession and its use simply means denying the public the right to medical assistance (Graham, 2001). There is no single evidence that proves that marijuana is likely to cause death due to overdose, unlike other drugs such as alcohol, which apparently, is legal.

According to Cancer facts.com (2011), marijuana cannot cause cancer unless it is puffed. Other forms of use, such as pasting with food, can not cause cancer; this simply means that marijuana is less harmful than tobacco and its substances. Most health implications that result due to marijuana use are short-term in nature. Since marijuana use does not adversely impact health and opens for the use of other drugs, it would be just to say that legalization and decriminalization of marijuana does not affect a working society. Legalizing and decriminalizing the drug is for the best of the interests of society.

*Social Benefits of Legalization and Decriminalization*

If marijuana is legalized, there is a probability that tobacco and alcohol consumption shall reduce, which have far worse health implications than cannabis (Huska, 2004). According to Schenier (2010), "smoking marijuana helps to reduce neuropathic pain and boost appetite, especially for patients suffering from multiple sclerosis and some illnesses inflicted by use of alcohol and tobacco." The legalization of marijuana would also free police to pursue other heinous crimes such as rape. As discussed above, pursuing laws that prohibit the use of marijuana is costly, and hence resources should be freed to pursue other dangerous crimes. There is a likelihood of violent crimes to reduce significantly if public resources are channeled to combat other dangerous crimes (Huska, 2004). Incarcerating teenagers for a ‘senseless’ crime of marijuana possession turns them into real criminals (Huska, 2004). Therefore, the drug should be criminalized to safeguard young kids from being turned into criminals by the system.

There is also a possibility that decriminalizing the drug will help to pursue drug dealers who heavily gain from the sale of illegal drugs. It is an undebatable fact that illegal drugs are high-risk investments in production and distribution; hence legalization would mean that drug cartels will not benefit from its sale and will easily be pursued. Legalizing marijuana would also help create employment for the unemployed; tax revenue collected from the legal sale of the drug could be invested in a way that the unemployed would be able to benefit. Jobs would be created in research stations, for instance, is developing a better strand of the drug. Decriminalizing the drug for recreational use would help calm depression and mood disorders; hence it would be easy to control its use. It would provide treatment to the ill and benefit the economy in terms of tax revenues collected. Decriminalization would also give the adults a right to choose between consuming the substance or not, which would only promote responsible consumption manners (Schneier, 2010).

When examining whether to legalize or decriminalize, the positive and negative aspects of legalizing marijuana may seem as an ineffective way of dealing with the drug. The difference between the criminalization of marijuana and the legalization of marijuana can be understood in terms of the criminals who stand to benefit when laws that support these two are passed. Legalizing the drug would mean freeing up drug cartels, and this would mean that they would have to peddle more dangerous drugs to make profits (Galliher, 2012). Decriminalizing the drug would mean that drug cartels would cease to traffic drugs due to the law's pressure, but small growers will not have to face the law. Decriminalizing the drug would help regulate cartels, unlike legalization, giving them the power to roam freely.

A study conducted by Khoo (2009) revealed that marijuana has an almost 700% profit when the cost of producing 0.5g of the drug is compared to selling the same amount of drug. This would mean that the number of marijuana traffickers would increase due to the realized profits if the product is legalized; this would not benefit the government and the general masses. Decriminalizing the substance would give the government a chance to reap profits because it would have the power to regulate its supply (Galliher, 2012). This may sound like disadvantaging the masses, but it is an advantage to the citizens in a real sense. Therefore, decriminalization of the drug is a better course to take than the legalization of the drug. However, it would take a long time to decriminalize the drug if the government realizes that it would make a lot from civil fines than sales revenues (CBC, 2011).

**Conclusion**

All in all, many benefits can be realized from legalizing or decriminalizing the drug. Such benefits range from economic gains to social gains. The current laws that prohibit marijuana are frail and barren; their existence is threatening lives and government resources. The effects of prohibition need to be examined and re-drafted to suit the decriminalization of marijuana. Decriminalizing the drug would be the most effective method to optimize the interests of the world and maintain civil obedience.

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