



Making the Case for Marijuana Legalization

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The outlook for marijuana legalization is brighter than ever.

Numerous states have [decriminalized or medicalized](#), and many others are considering these steps or even full legalization. The situation is similar across Europe, and several Latin American presidents want to discuss legalization.

The opportunity for legalization is therefore ripe, but the task is still daunting. About half of Americans still oppose legalization. Public opinion has swung toward legalization in the past, only to reverse in subsequent years. [A legalization bill in California](#) polled well initially but then failed at the ballot box in November 2010.

Thus, advocates of legalization must figure out which arguments are effective, and which are not. Unfortunately, many standard defenses are unpersuasive and risk doing more harm than good.

One problematic claim is that legalization will generate a huge [budgetary windfall](#). This argument has some truth, since legalization means reduced expenditure and increased tax revenue. For marijuana only, however, the magnitudes are modest, so it is easy to exaggerate this benefit. And the public knows that legalizers would still be legalizers even without a budgetary benefit, so this approach diminishes credibility.

Another awkward argument is that legalization is mainly about helping the sick via medical marijuana. Everyone knows that [medical marijuana](#) facilitates recreational use, and that many “medicalizers” are content with this outcome. So the medical marijuana approach seems sneaky. Worse, it has generated a new opponent of full legalization, medical marijuana producers who do not want competition.

A third dodgy suggestion is that legalization — of marijuana only — would dramatically reduce violence in the U.S. and [Latin America](#). Most prohibition-induced violence now stems from drugs other than marijuana, so this tactic makes the marijuana legalizers look uniformed or dishonest.

Still another bad defense of legalization is that marijuana is safer than alcohol or cigarettes. Regardless of the facts, this claim just spurs the prohibitionists to support bans on more goods. Plus, most of prohibition's ills stem from prohibition, not the properties of the prohibited good.

Perhaps the worst argument for legalization is that use would not increase. Available evidence does not suggest a large increase, but lower prices and legal acceptance would certainly nudge in that direction. Legalizers should also reject the view that increased use is necessarily a bad or that reduced marijuana use is an appropriate goal for government policy.

So what argument should legalizers employ? That the government has no business interfering in private activities except to prevent harm to others. Concern for such “spillovers” might justify laws against driving under the influence or perhaps a minimum age of use. It cannot justify an outright ban of marijuana or even significant restrictions.

This defense of legalization has the enormous virtue of honesty, and it forces prohibitionists to admit that they do not support individual liberty. Some people share the prohibitionist perspective, but most do not. So legalizers should trust their fellow citizens and believe that, when honest arguments are made, the right side usually wins.

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