

Cannabis legalisation?

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In the run-up to the last general election, both political parties promised a debate about the legalisation of cannabis. The arguments for and against legalisation are finely balanced. I set out below the two sides of the debate.

The arguments against legalisation are easy to make.

Legalisation means more users. That means more harm, not just to individuals but to society. Those in favour of its decriminalisation describe cannabis as “a low-harm consumer product that most users enjoy without major problems”. But many would disagree.

A huge amount of evidence shows that far from cannabis being less harmful than other illicit drugs, its effects are far more devastating. Long-term “potheads” (those who habitually take pot, as cannabis is known) display on average an eight-point decline in IQ over time, and an increased risk of psychosis and permanent brain damage. Cannabis is associated with a host of biological ill-effects, including cirrhosis of the liver, strokes and heart attacks. According to an Australian associate professor of medicine (Stuart Reece), cannabis use in pregnancy has also been linked to birth defects.

People who use it are more likely than non-users to go on to use other illegal drugs. To those who respond by saying that cannabis doesn't harm anyone other than the user, that's not true either. It can destroy relationships with family, friends and employers. Users often display more anti-social behaviour, such as stealing money or lying to get a job, as well as a greater association with aggression, paranoia and violent death.

Those in favour of legalisation will argue that keeping cannabis illegal does not control the harm it does. Yet wherever its supply has been liberalised, its use, and therefore the harm it does, have both gone up. In 2001, Portugal decriminalised illegal drugs, including cocaine, heroin and cannabis. Sparked by a report by the American Cato Institute, which claimed this policy was a “resounding success”, Portugal has been cited as proof that liberalising drug laws is the magic wand to erase the harm done by illegal drugs.

The truth is very different. In 2010 the Association of a Drug Free Portugal wrote in the British Medical Journal: “Drug decriminalisation in Portugal is a failure... There is a complete and absurd campaign of manipulation of facts and figures of Portuguese drug policy.”

According to the Portuguese Institute for Drugs and Drug Addiction, between 2001 and 2007, drug use increased by 4.2 per cent, while the number of people who had used drugs at least once rose from 7.8 per cent to 12 per cent. Cannabis use went up from 12.4 per cent to 17 per cent. The latest evidence about Portugal shows “a rise in the prevalence of every illicit psychoactive substance from 8.3 per cent in 2012 to 10.2 per cent in 2016/17, with most of that rise accounted for by increased cannabis use. Legalisation, which would create two supply chains (illegal alongside the unfettered use of consumption of cannabis) would lead to proliferation. Criminals would undercut licenced supply and the under-18s, non-licensed suppliers and misusers would still be criminalised.

In summary, creating more cannabis smokers – and the problems that go with it – is not the way forward.

On the other hand, the arguments in favour of legalisation start from the premise that although many doctors, psychiatrists and others tell us about the harm caused by smoking cannabis, they remain silent about the harm that comes from banning it. Historically, prohibition has done little to deter people from using the drug, but guarantees that only criminals will profit from it. The basic point is that cannabis is less harmful than alcohol in virtually every respect. Nobody with an ounce of sense thinks we should actually ban pints of beer or packets of cigarettes, whatever the problems that go with them. Although it is acknowledged that cannabis can be harmful, much of the so-called evidence against it, it is claimed, is very weak, failing to make allowance for genetic and often even socio-economic differences between cannabis users and non-users.

Banning cannabis pushes supply into the “black market”. This means that profits go to drug dealers and criminal gangs, who use extortion and violent turf wars to maintain their market share. To starve these criminals of a market, we need to create competitors that are answerable to the law. Who would bother with illegal drug dealers, legalisation supporters assert, if a legal and properly regulated supplier can bring something clean, safe and convenient to your front door within an hour?

The ban hurts users of cannabis by encouraging the supply of psychoactive potent strains of cannabis. Just as most drinkers prefer lager or beer and wine to hard liquor, most cannabis users tend to prefer a mellow high that does not knock them out altogether. But our current drug laws encourage supply of the strongest, most concentrated stuff possible, just as bootleg whiskey prevailed under 1920s prohibition in the United States.

US states like Washington, Nevada and Colorado have realised that the sky has not fallen in since they legalised cannabis for recreational or medicinal purposes. State treasuries have enjoyed a revenue boost and legalisation has reduced teenagers’ access to it, since dispensaries are monitored closely and are putting drug dealers – who do not care about their customers’ age – out of business.

In the Netherlands, cannabis has effectively been legal for nearly 40 years and the public health impact in terms of harm from its use has been negligible. The gateway to harder drugs has been

shut by removing cannabis from the black market. Moreover, the Dutch allow medicinal cannabis to the benefit of people with chronic pain.

Those who are against legalisation can bury their heads in the sand and pretend that human nature can be determined by legislation – thus continuing to make an ass of the law. Or they can face the facts and make the cannabis debate about how, not if, to make legalisation, combined with strict regulation, work. The case for legalising cannabis should be made on pragmatic, not ideological grounds.

These, very broadly, are the two sets of arguments. Legislators need to weigh them carefully to determine the common good.