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LEGALIZING OR CRIMINALIZING DRUGS

-THE DEBATE THAT NEVER ENDS

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Abstract

The aim of this essay was to see how the arguments about legalization and criminalization of drug use appeared like and if it could be criticized and another important question was if marijuana should be legalized. I studied the arguments and questions like how far the government could go to “protect” its citizens are discussed. Is it right to incarcerate another person for possessing or using a drug and is it right to discriminate? Alcohol and tobacco is not criminalized, so is it ok to divide the society were one is seen as a normal person even if he/she is using drugs like alcohol or tobacco and the other one is seen as a criminal for also using a drug? I have made a literature study so therefore I choose qualitative research in an inductive way. The result of this research was that it is not easy to understand the debate and what side you are on. The author’s different opinions and values were based on different perspectives, but at the end it became clear that marijuana should be legalized because of humanly reasons.

Index

	Page
Preface	3
1. Introduction.....	6
1.1 Problem dealt with.....	6
1.2 Purpose.....	7
1.3 Basic questions	7
1.4 Important Concepts.....	7
2. Method	9
2.1 Choice of method.....	9
2.2 Selection.....	10
2.3 Data Collection.....	13
2.4 Data Source	13
2.5 Treatment of the data.....	14
2.6 Quality demands on literature	14
2.7 Pre-Understanding.....	15
2.8 Criticism of sources.....	15
2.9 Demarcating	16
2.10 Continue Description	16
3. Thesis	16
3.1 Legalization in Sweden.....	16
3.1.1 Decriminalization.....	16
3.1.2 Proposal model and prevention.....	19
3.2 Criminalization in Sweden.....	20
3.3 Legalization in the U.S.....	21
3.3.1 Economic effects.....	22
3.3.2 Violence.....	23
3.3.3 Alcohol and tobacco addiction.....	23
3.4 Criminalization in the U.S.....	24
3.4.1 Three questions in criminalization	25
3.4.2 Protecting the children	25

3.4.3 Crime and violence	26
3.4.4 The health of citizens	27
3.4.5 Commercial and freedom.....	29
4. Summary	29
5. Analyze	30
5.1 The debate	30
6. Conclusion	33
References	37

Preface

I would like to take the opportunity to thank everybody at the Drug Policy Alliance, especially Michael Blain, Gabriel Sayegh and Ethan Nadelmann. They have helped me so very much and given me lots of information. Thank you all for being so patient and understanding and for helping me and giving me your time, and last but definitely not least, for all the cooperation and tolerance you have shown.

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1. Introduction

1.1 Problem dealt with

Drug policies are a frequent object of discussion and debate in both scientific and political circles, being discussed on TV and in the newspapers, and polls being presented in the media. This allows the public to take part in discussing the social and political issues involved. Most people lack direct experience with drugs, making them dependent upon the views and information provided by others, whether these be drug addicts, scientists or journalists. Becoming more actively engaged in discussions concerned with drug policies, for example, is one way of becoming less dependent upon information from only certain individuals.

Olsson (1990) emphasizes the need of viewing reality from different perspectives that can give rise to very differing views, and of attempting to integrate these views into an overall conception of reality. If one only has access to one view or perspective, the danger is that of acting and reacting in terms of that perspective only. It is a human dilemma that we can never hope to know everything. A question that can thus be asked is: What views should be the basis for the reality as we understand it of drugs like marijuana? Whose perspective and arguments are right?

The media play a large part in spreading information. Many people read the news and editorial pages of newspapers carefully every day. One of the topics discussed is that of the drug situation and drug policy. Questions of legalization versus drug use are part of the overall discussion. Such questions concern social problems that can strongly affect society.

I decided to examine the debate regarding the legalization versus criminalization of drug use. I wanted to know more about what kinds of arguments there are, who is using them and what the person's motives are. I also wondered to what extent I should believe what I read. Do people with power and knowledge really listen to each other in discussions concerned with drug use? People argue for and against it for differing reasons. The arguments they use and how various arguments can be criticized were matters that interested me. It is also about whether marijuana should be legalized. In examining them, I made use of literature from the U.S. and Sweden and also made a study tour of New York City, yet my aim is not to directly compare these two countries. I want instead to show that the arguments about legalizing versus criminalizing use of drugs are basically the same whatever part of the world is involved.

1.2 Purpose

The major aim of the study is to examine arguments about the legalization versus the criminalization of marijuana.

1.3 Basic questions

What are the basic arguments for criminalizing use of marijuana?

What are the basic arguments for legalizing use of marijuana?

Can these various arguments be criticized?

Should use of marijuana be legalized?

1.4 Important concepts

The study concerns the concepts of criminalization and legalization. I will discuss the two concepts and endeavor to clarify what they mean. Since it is highly relevant, I will also define what I mean by a drug and what its use and abuse involve.

A typical pharmacological definition of a drug generally is a chemical agent which, when taken into the body, affects life processes or alters the structure or function of some part or parts of the organism. Yet this broad definition encompasses both legal drugs such as nicotine, alcohol and caffeine, as well as drugs used for purely medical purpose and illegal drugs. These different categories fit into the definition of chemical agents which alter the functioning of the organism (Brenner, 1992). My definition of a drug in the present context is that it is a substance that changes the functioning of the human body and mind in such a way that people sometimes act in a manner they would otherwise avoid, since the substance can lead to at least a temporary deterioration in their judgment.

Criminalization means that some actions end up with punishment (Jareborg, 2001). It is a political decision which determines whether an action is to be considered criminal or not. With the help of criminalization, the legislative system endeavors to influence people in such a manner that they do not act in certain ways. Punishment can thus be seen as a control measure. The idea is that criminalization should have a general preventive effect. People should be kept from committing crimes (Wennerberg, 2001). The threat of being punished should thus affect people's actions in a certain direction and prevent or restrain anyone from acting in a way that is damaging either to himself/herself or to society. The aim is to frighten people away from carrying out certain behavior or discourage them from doing so (Jareborg, 2001).

Jareborg (2001) also states that if one wants to implement certain moral behavior or certain habits, there are much better methods to accomplish this than use of punishment. According to him, criminalization also has a symbolic function. By criminalizing an action, society points out what is socially unacceptable. The government tells people in this way what it accepts and what it does not.

Drug legalization would mean that the use of a drug presently illicit for recreational purposes would no longer be a crime. No one would therefore be punished for using the drug recreationally (Husak, 2002). Legalization involves accepting certain drug abuse but at the same time pursuing the goal of the use of drugs leading to as little damage to the individual as possible. Even if one considers the most worthwhile goal to be that of drug abusers becoming drug free, this may not be a realistic goal. Examples of legalization are those of methadone treatment, needle exchange and decriminalization (Bölenius, 1996).

In Sweden, for example, drugs are illegal. Since it is illegal to sell or to possess drugs, all non-medical use of them is illegal, being regarded as abuse and not use. There can be said to be a huge difference between drug and alcohol. Narcotics are regarded as constituting a greater social and legal problem than alcohol, alcohol being a legally and socially accepted drug, although whether it should be is a matter that can be discussed, since it can also be abused (Olsson, 1990).

At the same time, the concepts of use and abuse are problematical. They are used and understood in different ways by different people and this creates confusion. All use of illegal drugs is considered abuse. One explanation for this can be that the word “abuse” is closely related to the word “illegal”. Although both the possession and consumption of drugs is illegal in Sweden, this does not need to mean that one is a drug addict if one uses drugs from time to time. Thus, one can both use and abuse legal as well as illegal drugs (Goldberg, 1993). Skog (2000) states that although he can be of the opinion that someone is a drug addict, that person may not share his opinion regarding this. At the same time there are many authors who point to the risk of experimenting with drugs, since there are people, for example, who are now drug addicts because of previously having experimented with use of drugs.

Other concepts that need defining are *liberal* and *restrictive*. According to Fessem (1996), the concept liberal has a negative sound in Swedish drug policy debate. In Bonniers lexicon (1966) it is written that the word liberal means generous, free of prejudice, forbearing and broad-minded.

According to the Nationalencyklopedin (1993) the term is derived from the Latin word *liberalis*, which means noble, honorable and human. The concept is used by people with attitudes showing them to be open, tolerant, generous and favorable to reform. According to Bonniers lexicon (1966), the concept restrictive means stopping, suppressing, controlling and restraining.

2. Methods

In investigating the problem selected, I first conducted a study of the literature. It is important to have in mind the need of thinking critically and to not describe a problem according to only a one-sided selection of the literature available. Therefore, I will endeavor to report the steps in the process I undertook. My interest was partly for earlier studies concerned with the criminalization and legalization of drug use and partly it was driven by personal interest. The literature study concerns two major areas: legalization and criminalization.

2.1 Choice of methods

Since my approach is theoretically based, I considered it most appropriate to conduct a literature study primarily, and for it to be qualitative. It is qualitative in the sense that I have focused on opinions and standpoints presented in the literature. To conduct a quantitative study, I could have focused, for example, on the number of studies supporting various viewpoints. Backman (1998) describes the difference between quantitative and qualitative methods by saying that quantitative methods can be measured in terms of numbers. My intention was that the reader be able to follow the basic lines of argumentation found in the literature. In discussing legalization and criminalization, I wanted the reader to understand and to criticize the arguments available from various sources.

My aim is not to test different theories empirically, but to provide an overall understanding of the problems involved. Accordingly, I decided to collect information in an inductive way. Patel and Tebelius (1987) declare that an inductive way of studying a problem means that one meet the reality as unprejudiced as possible, without any clear hypothesis.

Patel and Tebelius (1987) remark that a qualitative method allows the scientist, in the course of the research process, to interplay with the material in question. The scientist's ability to achieve

clear insight and to be open in his/her thinking is the basis for sensible interpretation of the material. The scientist's pre-understanding contributes to the process, which becomes creative and helps the scientist gain an adequate understanding of the text. The understanding of it contains an element of subjectivity, which is something that Gubrium and Holstein (1997) discuss. They consider qualitative research to be based in part upon subjectivity and they defend that the scientist is never denying or attempting to take distance from this. The scientist's experience and valuation will unavoidably strike on the work and Patel and Tebelius (1987) claims that the scientist is responsible to report for its pre understanding. Bystedt (2001), on the other hand, states that it is impossible to completely describe one's pre-understanding to the reader because of the amount of information and the details this would require, a matter I agree with.

Qualitative research often concerns processes that are not stable over time, and there may also be developments and changes in the interaction between the scientist and what he/she is studying. It is emphasized that in qualitative research the relationship between the scientist and the study object should be a developing and growing one (Neuman, 2000). Taylor and Bogdan (1984) discuss how within qualitative research one is engaged in an ongoing process in which data collection and analysis of the results go side by side. I agree with this statement in my own case since in the course of the study there has been a change in knowledge on my part, which can be said to resemble a process in which different fragments of the research were carried out and in the end an overall impression that was basically new was arrived at.

2.2 Selection

In the course of my project I made a study tour of New York and was in contact with people who worked with questions of legalization in one way or another. I sent an e-mail to the director of the Drug Policy Alliance, Michael Blain, and asked him if I could visit their organization. I explained the purpose of my study and why I was in need of the study tour, pointing out that I used the approach I did to obtain a deeper understanding of the character of the problem. The aim of my study tour was not to use it as a major part of the empirical material. My intention was to verify and confirm the impression I had from the literature. I had a meeting with Michael Blain involving an informal discussion, one that gave me a better understanding of the legalization and criminalization debate.

The reason that I chose the United States is that both Sweden and the U.S. are Western countries but are located in different parts of the world, one in Europe and the other one in North America. I wanted to see whether there appeared to be any appreciable differences in the arguments or whether instead debate in the area was basically the same, even though two different parts of the world were involved.

Most of the books on which my study is based concern drug policy in the United States. Sometimes the information involved is difficult to apply in other countries, partly because of people referring in the U.S. to different states, as well as to the federal governmental level. The punishment scale and treatment forms are also different from those in Sweden, for example, but as compared with many other books, I found those I chose to be legitimate in their approach and to be of very high quality. Also, it is commendable that these books discuss both sides of the problem. Most of the books I have used are about the legalizing versus the criminalizing of drugs and what effects different drug policies would have on society. Overall, I feel there can be no single, absolute truth even if someone may, as a scientist or an author generally, endeavors to explain or to understand a particular behavior qualitative research appears to demonstrate. Much of the uncertainty has to do with differing interpretations, how respondents interpret questions and how the author interprets the answers. Other factors affecting how an answer turns out can be of the period of time involved, age, gender, culture and ethnicity. I am also aware that an author may have had his/her own special interests in mind in writing a book.

I have based a large part of my study on Douglas Husak's (2002) book; *Legalize this! The case for decriminalizing drugs*. Husak holds both a PhD and JD and is Professor of Philosophy and Law at Rutgers University. According to him the book is first and foremost about the injustice of a punitive drug policy, a matter I agree with. A number of books about the failure of drug policies have been written. Many of these books contend that we are losing the "war on drugs" and they insist that it cannot be won. Even the "best" of these books rarely discusses the injustice of drug policy itself. Saying that a policy does not work is a different kind of criticism than saying that a policy is unjust. He argues that a relatively uncontroversial principle of justice gives us good reasons to stop punishing people simply for using illicit drugs.

In his book, Husak concludes that a punitive drug policy is unjust, even if it could somehow be made to succeed. In his book he gives reasons for doubting that we have a very good basis for predicting exactly how countries would change if drug use were decriminalized, yet his

arguments do not depend on the validity of such predictions. In other books, such as *Mopping up after the legalizers* 1992), prohibitionists appear to consistently exaggerate the danger of illicit drugs and the advantages of existing policy. Husak makes no attempt to match their inflamed rhetoric. Broadly speaking, the book is about how to evaluate the justice or injustice of the criminal law of relevance here.

One reason I have decided to use another book, one by James Inciardi, is that as a professor and as director of the Division of Criminal Justice at the University of Delaware he has done extensive research, teaching and clinical work in the areas of drug abuse, criminal justice and criminology. He was Director of the National Center for the Study of Acute Drug Reactions at the University of Miami School of Medicine, Vice President of the Washington DC based Resource Planning Corporation and Associate Director of Research for both the New York State Narcotic Addiction Control Commission and the Metropolitan Dade County Comprehensive Drug Program.

During my study tour Ethan Nadelmann told me that Inciardi had done extensive consulting work both nationally and internationally and that he has published many books and articles in the areas of substance abuse, history, folklore, criminology, criminal justice, law, medicine, public policy and AIDS. Nadelmann described Inciardi's work as being genuine and being based on a great deal of experience in the field of narcotics generally. The aim of the book is to review drug policies briefly and to consider the evidence for their impact and effectiveness and to present the background of the drug legalization debate.

I met Ethan Nadelmann in person and have used two of his works, one from 1992 and the other from 2004. He is the founder and Executive Director of the Drug Policy Alliance, which is the leading organization in the United States for promoting alternatives to the war on drugs. Nadelmann has a PhD from Harvard and a Masters degree in International Relations from the London School of Economics. He has also taught politics and public affairs at Princeton University.

In 1994 Nadelmann founded the Lindesmith Center, which is a drug policy institute. It is concerned with science, compassion, health and human rights. According to such authors as Douglas Husak, Austin Brenner and Carter Hodding, Ethan Nadelmann is widely regarded as the outstanding proponent of drug policy reform, both in the United States and abroad. Much of his

work is about a person's right to make his/her own decisions, whether it is sensible to prohibit something that millions of people want and whether it is right to incarcerate people for the rest of their lives because of possessing drugs.

2.3 Data Collection

In my search for relevant literature, I divided the problem up into two different areas: the legalization and the criminalization of drug use. The collection of primary data was done through the library catalog of Lund University Library by means of the databases LOVISA and LIBRIS. I used such words as criminalization, legalization, drug, politic, crimi*, legal*, drug*, politi* and many other words. The command * means that similar words such as legalize, drug addicts and politicians are also considered. I also studied earlier in-depth papers because I wanted to get new ideas about references and about how the paper should best be organized. I have searched continually for new literature and analyzed as much as possible of what I have found. I have glanced through many books and sorted away literature that I considered to not be scientifically oriented.

2.4 Data Source

A major difference between a literature study and other types of research is in the data collection involved. A literature study, according to Cohen and Manion (1994), concerns data that already exists. I chose to use Cohen and Manions terminology since I felt there to not be particularly much material about studies of this kind. Cohen and Manion claim that literature can be divided into that representing primary and secondary data. Primary data is the direct source of a literature study, whereas secondary data should be used primarily as a complement to primary data or when one does not have the primary data at all. My aim was to use primary data in the form of books and articles. Usually, if I discovered something of particular interest in a book, something that did not stem directly from the author of the book, I tracked the book down and used it instead. Secondary data is not original work but involves descriptions of what someone else has done. It has only limited value, partly because certain mistakes can occur when the information about something is being repeated, although the original description can also be incorrect (Cohen & Manion 1994).

Neuman (2000) emphasizes the value, however, of using secondary data as well. He considers that within literature studies, scientists in particular can readily take advantage of such data to gain a broader perspective in this way. I would emphasize the fact that in use of secondary data

one reproduces someone else's theories or observations, since it is the original writer's own words that are involved. There is a danger in simply trusting primary data, however. Various interpretations can be lost and discussions may be limited.

2.5 Treatment of the data

When I had selected the literature to use, I decided to work through it in an in-depth way, one-by-one. In connection with that, I made a decision again, regarding each piece of literature, of whether I really wanted to work with it. If a book was not very relevant, I eliminated it. When I was done reading a book, I made notes on the major information it contained, doing this with each of the books. I wanted to have an overview of the basic discussion points involved. In obtaining this, I discovered various similarities in pattern, making it possible for me to divide the material up into two different parts. Starrin and Svennson (1994) call this open coding. It means one's comparing different phenomena with each other through use of optional concepts. The aim is to determine what the material expresses regarding a particular phenomenon and what concepts describe the phenomena best. Treatment of the data was done in line with the aims of the study.

2.6 Quality demands placed on the literature

A major demand I placed on the literature for the study was that it be scientifically oriented. Holmberg (1983) alleges that if knowledge is to be regarded as scientific it needs to belong to an established area and represent special work of the type used in science generally. Patel and Tebelius (1987) use the concepts of *realism*, *reliability* and *conscientiousness* to refer to efforts to ensure scholarliness in science-related work.

Patel and Tebelius (1987) consider it to be important to be able to show that the information collected is in accordance with reality. It needs to be possible to show that the interpretation that has been made is reasonable. Reliability in qualitative studies means scientists being able to argue about and discuss the interpretations involved and these not being based on stereotypes or prejudice. To achieve reliability, it is important that one be able to present one's standpoints clearly and that one describes the approach one has taken. In qualitative studies the scientist has only his/hers knowledge and judgment to depend on, which means that the scientist's preciseness and honesty are factors determining the quality of a study. Conscientiousness means the scientist's being able to present the basis for his/her interpretations, line of thinking and conclusions. The scientist should be consistent in the starting points taken and the assumptions

made. The results should not be distorted and one should be able to argue about the interpretations that have been arrived at (Patel and Tebelius, 1987).

My approach to controlling the realism, reliability and conscientiousness of the literature I have used was that I made use of the work of a number of different scientists who all dealt with the same basic problem area. I was able to note that some of the authors' opinions regarding a restrictive drug policy, for example, were very much the same, even though their studies had been written under quite differing conditions. I also tried to use current literature as much as possible. This was because I wanted the study to apply the results to today's society. To be able to apply the discussion of Patel and Tebelius (1987) to my study, I referred to the author involved in connection with each part of the material I collected. If the reader wants, he/she can seek out my references.

2.7 Pre-understanding

When I started work on my study, I had difficulties in understanding how anyone could put an end to problems of drugs by criminalizing their use. My common sense told me that the different explanations of why some individuals become drug addicts concern primarily psychological and social problems, the primary problem in my view being not matters of law, but rather of social policies. My own views concerning drug problems may have affected the study in such a way that the opinions I have which can be related to the literature have been given greater space in the study than the opinions that I disagree with. Yet I have tried insofar as possible to keep this in mind and to not let my own opinions affect my conclusions.

2.9 Criticism of sources

To judge whether a fact is reliable or not, one has to examine and work through it critically. Questions of why, when and where a document has been produced and under what type of circumstances are matters to consider. One should also question the author's relation to the document produced, and ask who the author is and for what purpose the document was created (Patel and Davidson, 1994). One knows that the authors have their own opinions and pre-understandings, which could have affected their way of presenting the material.

Alvesson and Sköldberg (1994) discuss distortion of information in connection with the criticism of sources. They use two different concepts: tendency and dependence. A tendency concerns the author's interest in distorting what is presented regardless of whether or not he/she is aware of

this. Dependence concerns whether or not the information has been taken directly from the literature. As already indicated, I decided to use as much primary literature as possible, partly to reduce the risk of distortion and level of dependence. I decided not to use the Internet because I do not feel one can rely on the information from it 100 percent, despite there being various legitimate and reliable sites that supply useful information.

2.8 Demarcating

The data material that I have worked with has contained much other information too that I chose not to focus upon, my having to overlook a considerable amount of good information. Because of lack of time, I did not have the possibility of critically examining all the literature at my disposal or of putting as much effort as I would have liked into analyzing it. Since the general discussion of legalization versus criminalization was so extensive, I decided to limit myself to two countries: Sweden and the United States, and instead of discussing drugs of all types, I limited myself to marijuana.

2.10 Continued description

In the study I consider first the debate in Sweden on the legalization versus the criminalization of drugs and the kinds of arguments employed, which I will examine critically. I will then present the arguments on legalization versus criminalization used in the United States these arguments also being viewed critically. The study is divided into two parts, each of these being divided into subordinate parts in which various issues are discussed. A review of the problems will then be presented and in chapter five I compare the standpoints of various authors. I conclude finally with reflections and ideas of my own.

3. Thesis

3.1 Legalization in Sweden

3.1.1 Decriminalization

In Sweden there was a change in law in 1988 aimed at showing that society is against drugs of all kinds. The change was meant to fulfill an important prevention function for young people, hindering them from getting into use of drugs. Three topics have been discussed, in particular, concerning reasons why drugs should not be criminalized (BRÅ, 2000: 21).

For one thing, the question has been discussed of whether it is right to punish people for an action directed against themselves. Another topic that has been discussed concerns how the police should apply the law. If punishment is in terms of a fine, then for legal reasons no urine- or bloodtests can be performed, which means that the evidence available is of a loose character. Because of the unsure testing methods, test taking itself could also be regarded as an insult to the individual. The third topic concerns the fear that drug addicts will fail to seek help and treatment because of the fear of being punished. Yet this problem was resolved by a specific responsibility rule, declaring that a drug addict can avoid punishment by submitting to treatment (BRÅ, 2000: 21).

In 1993 there was another change of law in Sweden. Imprisonment became possible as a sanction for drug use. This law made it possible for the police to use urine and blood tests to prove that a suspect was on drugs, even if they only had a slight suspicion of this (Folkhälsoinstitutet & CAN, 2000). Articles such as Ethan Needleman's *An end to marijuana prohibition* (2004) argued that it was wrong to force people to take urine and blood tests, declaring that it was degrading and could be questioned in every way. Who gives a person the right to interfere in another person's life and tell him/her what to do and not to do? Where should one draw the line? Will people be able to wear whatever they want or will some outfit be considered outrageous and disgraceful and wearing it become illegal? The aim of the adjustment of punishment, according to BRÅ (2000: 21), was partly to create possibilities for early intervention and in that way stopping young people from using marijuana and partly to make treatment better for those who were already serving a prison sentence.

I agree with Boekhout van Solinge's (1997) assertion that sociological insight is missing in our way of thinking regarding the relationship between the patterns of drug use that are observed and the way society looks upon drug use in general. The use of marijuana, for example, is considered to be extremely abnormal behavior. The result is that most "ordinary" people do not use marijuana on a regular basis. On the other hand, many of those who do continue taking it regularly are the very ones who are already "abnormal", for example by belonging to a marginal subculture or by having serious psychological problems or a psychiatric disorder. Because of the very abnormal behavior of drug users, there is thus a self-fulfilling prophecy. This situation of people who are already abnormal behaving unacceptably implies that the possibility of a "normal" consumption pattern developing is almost automatically excluded. Boekhout van Solinge (1997) states that since people have tended to learn that use of marijuana leads to use of

heroin no matter what, anyone using marijuana and showing abnormal behavior will eventually use heroin simply because of the fact of believing himself/herself to be abnormal.

Since the fight against marijuana has been given the status of being a national project in Sweden, meaning that achieving a drug-free society is viewed now as a higher goal than simply that of keeping the drug problem within acceptable boundaries, the basic belief in a restrictive drug policy is no longer questioned. It is difficult to have a serious and rational debate on drugs and drug policy in Sweden. Speaking in a dispassionate way about drugs is hardly possible, for example. The official system of beliefs makes it virtually only possible to speak of drugs in very negative terms. Saying, for example, that the health hazards of some illicit drugs such as marijuana are not very serious, or saying that some people are using marijuana simply for pleasure is almost impossible in this context (Boekhout, van Solinge, 1997).

The drug policy debate in Sweden can thus be seen as being of a black and white character: if you're not with us you're against us. The quest for a drug-free society has developed to such a degree that this goal appears to be used for justifying almost any means conceivable of fighting drug use. Not only are drug-scare messages being employed to prevent people from taking marijuana, but Sweden now has the right in this connection as well to intervene strongly in the private lives of its citizens. This is shown by the requiring of urine and blood tests, for example (Fessem, 1996). Should all means conceivable be regarded as acceptable when there is suspicion of use of drugs? Should the police be able to intercept people's phone calls and listen to private conversations in this context? Should the police be able to make bodily inspection of people in search for marijuana, or is this ethically wrong?

A possible reason for such practices taking place can be that Swedes are familiar to an extent, with the fact that the Swedish State intervenes in the private lives of its citizens. The Swedish welfare state model is associated with making sure insofar as possible that the vast majority of people live a decent life. In some cases, far-reaching measures are considered necessary for the sake of public good. For example, HIV- positives or people having AIDS can be incarcerated in special sections of hospitals if their behavior is considered to represent a risk to society. There are criticisms against policies of this sort, yet these criticisms are often not heard. One possible reason for this is that Sweden does not have any strong tradition of liberalism. During the 19th Century, when liberalism developed in Europe's cities, Sweden was poor and basically a society without a strong urban culture. The absence of a strong urban culture also explains why a liberal

urban culture failed to develop (Tham, 1995). Yet who is to say that Sweden wanted a liberal culture to develop? Perhaps Swedes never intended this. Who is to say, in fact, that it is necessary to have a liberal culture. In many countries people think, however, that Sweden is an example of a country with an excellent drug policy.

3.1.2 Proposal model and prevention

Those who want a more liberal drug policy argue that people should be free to use marijuana. There are different proposals regarding limitations such as that there should be a state monopoly, taxes on the sale of it and age limits. One of the arguments for legalizing marijuana is that it is very difficult to prevent all illegal production and distribution of it because it can be produced at home or in simple laboratories. The fundamental idea propounded here is that it is up to every citizen to decide whether he or she wants to use marijuana or not (Wikesjö, 1996). When arguments for legalization are discussed, those who are pro-legalization may say, for example, that there should be an age limit, yet questions arise of what that limit should be? In Sweden one can drink alcohol at the age of 18 but cannot buy it before the age of 20. What kinds of drugs should be legalized? According to what criteria should they be chosen and who should determine the criteria? What levels of purity and potency should be permitted? Should the taxes be the same on all drugs or should one pay a higher level of tax in buying heroin than in buying marijuana?

What is important is not to fight misuse literally but to decrease the negative bodily effects of abuse in the form of disease, brain damage, death and the like. This can involve providing young people with information on how to use drugs as safely as possible, and handing out sterile needles to prevent the spreading of HIV/AIDS and other infections. One can also provide instructions on how to treat a person who has taken an overdose and emphasize the importance of cooling off after a rave party because of the risk of overheating (Nyberg, 1996). According to some persons with more restrictive views, such information can be misleading. In a way, it sends the message of its being all right to take drugs because one is given helpful advice on how to cool off after a rave party. These persons believe it is more important to teach young people about what drugs are, what they can do to the human mind and body and how to avoid all of this. They feel that teaching them that they should cool off after a rave party because of overheating gives them the wrong message.

Olsson (1996) writes that the basic idea is that a drug addict is an ill person and that drug addiction is a disease. He feels that the drug addict should be treated as someone who is ill person and not as someone who is a criminal. Fugelstad and Rajs (1998) consider an argument for the legalization of marijuana to be that drugs are not going anywhere, that they are here to stay. They say that we should focus on minimizing the damage and normalizing drug abuse, helping drug addicts to melt in into society.

According to many authors, the argument that drugs are here to stay and going nowhere is a terrible one. Prohibitionists consider the statement to mean that the vision of a drug free-society has been given up and believe it is important that one have such a vision. Instead of giving up, they feel that drug policies should be questioned and discussed. Obviously, the policy of today is not working because there are many people who are drug addicts. One should ask why. Do drug addicts get the kind of help they really need? What kinds of support groups are there for them? Do the staffs of organizations that can help have the proper training?

Criminalization in Sweden

Olsson (1996) states that the effects of not having a restrictive drug policy mean that the cheaper marijuana is, the easier it will be to get ahold of and the more available it will be, and that more people will use it and be hurt by it. If the availability of marijuana increases, then the number of people using it will also increase. One purpose of a restrictive drug policy is to set limits to the access people have to marijuana and to be able to work against people starting to use it. Wikesjö (1996) writes that one of the leading arguments for a restrictive drug policy is that if society succeeds in preventing or putting an end to all the illegal production of marijuana at the source or prevents drugs from coming out on the market, there will not be any more drug abuse. Such a strategy requires strong efforts by the police and by military forces directed against drug producers and drug pushers with the intention of stopping the production and spreading of marijuana. Control measures of this sort at all levels are important factors in a restrictive drug policy and they have been found in many respects to work in practice. Yet how it is possible to stop all illegal production when the raw products of marijuana can be grown at home, for example? On the other hand, Wikesjö (1996) writes that where such a restrictive approach demands that drug addicts be made responsible for all of their drug abuse, it goes against human thought patterns of drug addicts being seen as persons who have difficulties and may be victims of bad living conditions. Another problem has been the resistance toward coercive care of drug addicts who are not mentally ill, because it goes against Sweden's liberal attitude, that of the

absolute freedom of the individual. People discuss in newspapers and wonder what kind of a liberal attitude Sweden has if an individual cannot decide whether he/she wants to use marijuana or not? Where is the absolute freedom in that?

Bergström (1992) writes that the idea of letting use of marijuana be free in society is based on the idea that some people will become drug addicts or seek up drugs in any case, but Olsson (1996) writes that the greater access there is to marijuana, the more of it people will consume. He also points to the threats toward the lives and health of children that are involved.

Nyberg's (1996) view is that legalization does not solve any problems, its instead leading to disastrous results for the individual and his/hers family and that it will also lead to great economic expenses for society. She argues that if marijuana were legalized, the message would be sent out that society had given up the war on drugs. Some scientists such as Ethan Nadelmann ask, however, who is to say that the result of using drugs would be disastrous for the family? The methadone program is an example of people with an addiction to heroin being able to live a "normal" life, even if they in fact are addicted to methadone.

Legalization in the United States of America

The direction in which the government appears to be heading is toward that of more enforcement and tougher penalties, yet it can be argued that this direction will lead very certainly to a dead-end. The prohibition of marijuana has failed to stop its use and abuse in what are now more than 50 years. Instead, it has created a large criminal class out of many citizens who are otherwise law-abiding, peaceful and productive members of society. Those citizens who have not had their lives and careers ruined by an arrest have to live in fear and mistrust of their own government and the police (Friedman & Szasz, 1992).

Foreign-born residents of the U.S. can be deported because of a marijuana offense, however long they may have lived in the country, and regardless of whether their children are U.S. citizens and of how long they have been legally employed in the country. New York State withdraws or suspends the drivers licenses of people arrested for possession of marijuana, even if they were not driving at the time of the arrest. Many people use marijuana because they find it positive or useful for many of the same reasons that people drink alcohol or take pharmaceutical drugs. It is not simply about having "fun". It is similar in this way to a beer, a glass of wine or a

cocktail at the end of the workday, or use of a prescribed drug to ease depression or anxiety (Nadelmann, 2004).

However, the right to use marijuana is all right only to the extent that no direct harm is done to others. Therefore, if marijuana should be legalized, there should be drug-testing. Persons on whom many lives depend on, such as airline pilots or doctors, have the potential of injuring many persons. But a pilot still has the freedom of choice; the pilot can use marijuana at a time that does not affect his/her work as a pilot. In such cases, testing can be seen as very sensible. However, in jobs in which the lives and health of others do not depend on the job performance of the person, in question, testing would probably not be considered necessary, because the employee would probably lose his/her job anyway if he/she were unable to perform the job at an acceptable level (Brenner, 1992).

3.1.3 Economic effects

Nadelmann (1992) writes that the U.S. has committed itself to a long-drawn-out and costly “war on drugs”. More than half the income of organized crime as a whole is believed to stem from the illicit drug business, estimates of between 10 and 50 billion dollar per year. If those markets were legal, the state and federal governments in the U.S. would collect billions of dollars annually in tax income. Instead, they expend billions in the fight against illegal sale and use of drugs. Legalization would cut these costs and reduce the number of crimes connected with selling and buying of drugs at artificially high prices. Despite there being many limitations to it, the methadone system represents a form of legalization that has proven effective in reducing criminal behavior and in improving the lives of thousands addicts.

Drug prohibition laws clearly promise tremendous advantages through reduced government expenditures and adding of new tax income from the legal production and sale of drugs, so that public treasuries enjoy a net benefit. As a result, the huge amount of money involved would be available for other things, such as drug treatment, educational and job-training programs. The quality of urban life would rise, the rate of homicide and many other crimes would decline and the government would be free to pursue more realistic goals. If it were possible to possess and sell marijuana, the black market would disappear, prices would decline and abusers would not feel forced to commit crimes to finance their habits (Nadelmann, 1992).

3.1.4 Violence

Schmoke (1992) remarks that, just as prohibition banned something that millions of people wanted, anti-drug laws make it illegal to possess a product that is in very high demand. As a result, the price of that product has risen far beyond its true cost. This has led to enormous profits from illegal drugs and turned drug trafficking into the criminal enterprise of choice for pushers. Schmoke argues that if one takes the profit out of their enterprise, pushers will be reached by the message this provides. He feels it is time to fight the crime epidemic associated with drug trafficking by communicating with the drug underground in the only language they understand: that of money.

Decriminalization would take the profit out of drugs and would greatly reduce, if not eliminate, the drug-related violence that is currently plaguing the streets. It is very easy for people living in communities where drugs are not a problem to argue that drug-related violence cannot justify decriminalization (Schmoke, 1992). Citizens of society who have to live with that violence day in and day out, and live in terror of being gunned down, robbed, assaulted or having that occur to loved ones, want conditions to change. One can, of course, not be certain that drug-related crimes would be eliminated if decriminalization took place. There is certainly no guarantee that one could walk around safely simply because drugs were no longer prohibited. Similarly, accidents happen all the time and people die every second, yet decriminalization could be expected to have a negative effect on crime.

3.1.5 Alcohol and tobacco addiction

In Carter's (1992) views, drug addiction does not come close in severity to the far more serious problems of alcohol and tobacco addiction. Hard drugs such as amphetamine and heroin (not marijuana) are estimated to kill around 4000 people a year directly and several tens of thousands a year indirectly. Alcohol kills at least 100 000 a year, addicts millions more and costs the marketplace billions of dollars. Tobacco, in turn, kills over 300 000 a year, addicts tens of millions and contaminates the atmosphere as well. Yet neither alcohol nor tobacco threatens or challenges the system of law and order since use of them is regarded as a personal or a group problem rather than as a criminal one. Opponents of the legalization of drug use maintain, however, that simply because of use of alcohol and cigarettes being legal does not mean that drugs such as marijuana should be made legal too.

Nadelmann (1992) writes that alcohol is consumed by approximately 140 million Americans and tobacco by 50 million. In 1986 alcohol was a factor contributing to 10 percent of the work-related injuries and 40 percent of both suicide attempts and traffic fatalities that occurred. As many as 18 million Americans are reported to be alcohol abusers, costing society some \$100 billion annually. Estimates of the number of deaths linked to alcohol use vary from 50 000 to 200 000 per year and tobacco is said to be responsible for an estimated 320 000 premature deaths per year in the United States alone. By comparison, the National Council on Alcoholism in the U.S. reported that 3562 people were known to have died in 1985 from use of illegal drugs. It is clear that the combined health costs of illegal drugs amount to only a tiny part of those caused by alcohol and tobacco.

When legalization is being discussed, questions such as where marijuana should be sold come to people's minds. Should it be sold in drug stores, in public restrooms or perhaps be ordered by mail? Should some or all kinds of drugs be legalized and what kinds of drugs should only be available on a prescription basis, and if so, how often should these prescriptions be refillable? If marijuana is to be legalized, should it in that case be all right to smoke a joint at work? Should airline pilots, doctors, nuclear plant employees or other categories of workers who could endanger others be forbidden to use marijuana at all times or only while they are on duty or shortly before? What kind of reasonable restrictions should there be?

3.2 Criminalization in the United States of America

Those in the U.S. who feel use and sale of marijuana should remain illegal argue basically as follows: Governments that produce, distribute and tax an addictive intoxicant create more problems than they solve. For one thing, drug use would increase. Marijuana would become cheaper, more easily available and in more widespread use than it currently is if all legal risks were removed and the demand for it increased due to advertising. In addition, if use of marijuana became legal for young people, this would not eliminate drug use any more than legalizing alcohol eliminates underage drinking. Also marijuana is a plant that can easily be grown by anyone. If law enforcement is unable to distinguish "legal" from illegal marijuana, then growing marijuana at home becomes a low-cost though risky way of supplying one's neighborhood and friends with it. Legal marijuana does not drive out the black market and does not eliminate the need for tough law enforcement. It only makes the task more difficult (Walters, 2004).

Those who are pro-legalization argue instead that although use of marijuana might increase, the prices would fall and users could obtain marijuana at low, governmentally-regulated prices and they would no longer be forced to engage in prostitution and street crime to support their habits. The result would be that the level of drug-related crime would decline significantly, that there would be less crowded courts and jails all of which would free law enforcement workers to direct their energies at the combating of other partly more severe crimes.

Three questions in criminalization

Why should drug use be criminalized? According to Husak (2002), there are three basic matters that tend to be considered when criminalization is being discussed.

3.2.1 Protecting children

One matter is that of society feeling the need to protect children. Everyone basically wants the best for their children and the children need all the help they can get to be protected from illicit drugs. Husak (2002) writes that almost 60 percent of high schools seniors in the United States have tried out an illicit drug at some point in their lives. Some 41 percent of high school seniors and 36 percent of sophomores said they had used an illicit drug during the past year. Almost 33 percent of seniors were found to be current users, which meant that they had used an illicit drug during the past 30 days.

Society should protect its children, yet millions of children live in poverty and their parents lack health insurance. Schools tend to be overcrowded and under-financed. One can argue that if the government were really concerned about the welfare of children, they could think of more productive ways of helping them than by spending the enormous sum of money it does on a strict drug policy. The concern for the welfare of children seems to vanish as soon as they actually begin to use an illicit drug such as marijuana. When a child is caught with marijuana, sympathies are put aside and often no mercy is shown (Husak, 2002). The statement that sympathies are put aside can be criticized. Young children are not sent to jail in such cases since they are underage. Instead they get juvenile treatment, and mercy is shown, at least to a considerable extent in countries where democracy exists.

There is a growing trend in criminal justice in the United States, nevertheless, to prosecute and sentence children as adults. The trend is difficult to bring together with the image of the innocent child who needs to be protected from the danger of marijuana. Husak states that our concerns for

ensuring that children remain drug-free are quickly forgotten when doctors want to spot a syndrome or disorder. Every day in North America, about five million children take Ritalin, a relatively powerful psycho-stimulant. The United States and Canada account for about 95 percent of the consumption of Ritalin in the world. Ritalin is like cocaine for children, its being that strong, yet if a teenager uses real cocaine, he/she can receive serious criminal penalties. Drug problems facing children today can be said to primarily involve the use and misuse of licit substances, not illicit ones (ibid).

According to people who are against legalization, liberals have forgotten one extremely important factor, namely that it is children whose parents who use marijuana that are particularly endangered. This can be from time to time or on a regular basis. They consider it wrong for a child to see his/her parents high on drugs or struggling to survive because of an overdose. It is argued that children should not need to worry about whether their parents will be alive tomorrow or not. Another important issue raised is that children very often learn from their parents and that if they grow up in an environment of that kind they may take after the behavior patterns of their parents.

3.2.2 Crime and violence

The second issue concerns the need of increasing the safety of citizens by significantly reducing drug-related crime and violence. Three types of crimes can be linked to drug use: The first type is systemic. Because drug use is illegal and illicit drugs such as marijuana are bought and sold on the black market, systemic crimes occur. If a seller cheats a buyer, or if a user is disappointed, or if a consumer refuses to pay a dealer, the complaining party cannot go to court and file a lawsuit. Disputes of this kind must be resolved outside the normal legal channels. This results in the illicit drug market frequently becoming violent (Husak, 2002).

Illicit drugs associated with systemic crimes include highly publicized cases of murder because of monetary disputes involving illegal drug transactions. Sometimes innocent children are killed in gun battles between rival drug gangs. Such tragedies frequently give rise to the call for stricter enforcement of existing drug laws, yet stricter enforcement can make dealing more profitable, and thus increase violence and the incidence of the very systemic crimes it is designed to prevent (New York County Lawyers Association, 1996).

The second type of crime according to Husak (2002) is that of economic crimes. Being a drug addict easily leads to the person engaging in economic crimes.

Husak (2002) writes that drug use easily results in economic crime for a simple reason, that of addiction. Illicit drug users are willing to go to extraordinary lengths to obtain drugs because they feel very much in need of them and many of these illicit drugs are expensive. This leads to users' committing economic crimes because of a combination of strong demand and high price. The New York County Lawyers Association (1996) writes that most of the economic crime in New York City is committed by heroin addicts who need to finance their habits. Alcoholics and tobacco addicts hardly ever need to steal so as to purchase their drugs and it is not due to their addictions being less powerful. It is because they can afford to buy what users of illicit drugs cannot buy.

The third type of crime connected with drugs is psychopharmacological. This category of crime is the result of the effects of marijuana itself, rather than of the fact that its use and sale is prohibited. Use of marijuana can sometimes lead to violence. It can release inhibitions that otherwise are controlled. Marijuana may weaken judgment and awareness, leading users to act in ways they would otherwise avoid (Husak, 2002).

Yet research provides no evidence that people under the influence of marijuana or heroin are more likely to become aggressive and violent. These drugs tend to have the opposite effect, their psychopharmacological properties leading to users becoming passive. Alcohol is the drug that is most likely to lead to psychopharmacological crime. If the commission of such crimes is to be accepted as a basis for punishing drug users and prohibiting drugs that cause people to become violent and aggressive, then drinkers in particular should be punished. The best candidate for criminalization is alcohol (ibid). At the same time, there are doctors who argue that drugs such as amphetamine and LSD can make people aggressive, violent and destructive.

3.2.3 The health of citizens

The fourth type of crime, according to Husak (2002), is associated with health and well-being: Since marijuana is bad for health, the State considers itself to be justified in punishing drug users. Although the State has a central role in protecting the health of its citizens, it does not ordinarily perform this function by punishing the very persons whose health it strives to protect, however. The FDA (Food and Drug Administration Department) provides a valuable service by

ensuring that consumers do not become sick from eating spoiled meat. Criminal penalties can be imposed on sellers of adulterated food, yet no one has ever proposed putting people in jail for eating food they know to be unhealthy.

Inciardi & McBride (1991) state that marijuana and other illegal drugs have demonstrably negative health consequences. The consequences of health are associated with the specific methods of intake, particularly the use of unsterile needles, injection spots, as well as the lifestyle of addicts. They affirm that any policy that increases consumption would also increase the health costs of public safety problems associated with, drug use on the highway and at places of work, for example. Yet many authors do not agree with Inciardi and McBride. They say that if drugs were to become decriminalized, the State could provide free and sterile needles and that this would reduce the spread of HIV/AIDS.

Bennett (1992) also states that if marijuana were to become legal, there would be more drug-related accidents at work, on highways and on airline flights. There would also be greater losses in worker productivity and the hospitals would be filled with drug emergencies, he argues. He also states that school children would try marijuana and drop out of school and pregnant women would deliver premature infants. Marijuana has the same negative effect on babies and on women, whether it is legal or not.

Some authors feel, however, that it is very misleading to say that young people who tried marijuana would tend to drop out of school. Perhaps some of them would, but not all of them at least. Reasons for young people dropping out of school can be problems at home, psychological problems, or whatever. The authors also ask, if it is so bad for pregnant women to try marijuana, then why is the use of alcohol and cigarettes not prohibited. Is alcohol not just as bad and does it not have an effect on infants similar to that of marijuana?

There are both positive and negative sides of the use of marijuana. Medical researchers have discovered there to be strong risks in smoking it, ranging from links to mental illness and the risk of getting cancer. Marijuana is currently the leading cause of treatment that is needed for drug abuse. Nearly two-thirds of those who meet the psychiatric criteria for needing treatment for substance-abuse have been found to do so because of use of marijuana. Legalization activists, on the other hand, believe that young people would reduce their smoking because of the potency of marijuana, but it can be argued that legalization would produce a sharp increase in the threat of

addiction (Walters, 2004). Yet medical researchers have also discovered that marijuana can have a positive effect on people with cancer, for example. Many patients become ill because of the medicines they take for cancer, and marijuana can be used to ease the feeling of being indisposed, so that the patient no longer feels sick all the time during their illness.

Commercial and freedom

One matter that Inciardi & McBride (1991) consider is the ability of the commercial market system to create, expand and maintain high levels of demand. The success of alcohol and tobacco advertising programs is very apparent. The linking of smoking with women's rights has been a masterful step on the part of cigarette advertisements. The linking of alcohol with the search for happiness after work and romantic associations has been so effective that during 1987 alone, Americans spent \$71.9 billion on beer, wine and purified spirits. The new Marlboro man might be expected someday to be smoking marijuana instead of tobacco.

Those who are pro-legalization say that the fact of marijuana becoming legal would not have to mean that there would be advertisements for it, since there would be severe restrictions, allowing no advertisements at all. So the Marlboro man would still be smoking simply ordinary cigarettes.

Inciardi & McBride (1991) write that those who argue for the legalization of drugs say that the government has no right to interfere with adult behavior that does no harm to others. Liberals tend to agree with Mill (1863), who feels that the government can educate, inform and also try to persuade people, but that laws should not restrict individual choices, even if the actions taken may be harmful to the individual involved. Yet, Inciardi & McBride (1991) point to what John Stuart Mill wrote in *On Liberty* (1921). Mill considers it perfectly legitimate for a person who has once been convicted of an act of violence toward others under the influence of alcohol to be placed under special legal restrictions that limit his/her actions.

4. Summary

Neither alcohol nor tobacco is criminalized for adult use. Those who are pro-legalization argue that one reason for this is that alcohol and tobacco are regarded as socially acceptable, whereas an illegal drug like marijuana is regarded as a problem and is thus criminalized. Those who are

pro-criminalization, on the other hand, argue that use of the drug would increase and that more people would be hurt by it, that children would be unable to protect themselves against it and that adults would have to do their best to protect their children against it. They argue as well that the health of the populace would be in danger and that there is good reason for marijuana to be illegal, its being so bad both for the human body and the mind.

Criminalization has been viewed not only a costly and abject failure, but as a totally doomed effort as well. It has been argued that drug laws and drug enforcement above all have created enormous profits for drug dealers and traffickers, and have led to overcrowded jails, police and other governmental corruption, predatory street crime carried out by users in search of the funds to purchase black market drugs, and urban areas being harassed by street-level drug dealers and being terrorized by violent drug gangs.

Against all of this, pro criminalization voices would argue that legalization of marijuana would lead to an increase in use of the drug because it would become cheaper and more readily available, an increasing number of people, particularly young people, trying it out and becoming addicted to it. They would not only hurt themselves, it would be argued, but also their loved ones, its likewise negatively affecting societal safety and the economy generally. Various questions could be posed. If doctors were under the influence of marijuana, should they be allowed to perform surgery? Would people trust a doctor at all who might possibly be addicted to marijuana? Should hundreds of people put their lives in the hands of an airline pilot who might be too high on drugs?

5 Analysis

5.1 The debate

Thurén (1992) says that politics and debates in the end are about opinions and beliefs. He indicates that discussions many times lead to a dead end if the participants differ in their valuations and viewpoints. He also declares that experts often think they have authority not only in the scientific area, but also in making judgments and evaluations generally, but that no scientist is qualified enough to judge in any absolute way whether something is right or wrong or how one should act in a given situation. He argues that experts can only highlight the basis for

decisions that the people and their chosen representatives must make. It is very difficult indeed to know whose opinions, arguments and answers to questions are right, although from a reader's perspective, the arguments presented are not simply about facts, but also represent rhetorical methods aimed at "crushing" the arguments of opponents and gaining approval for their own arguments. This does not have to mean that an author's arguments are strictly untrue. It can be a question of how matters are interpreted and of how ideas are presented.

I find it very difficult to take a final standpoint in the debate on whether legalization or criminalization of drugs is best. Some people consider legalization to be a good thing, both in terms of health and of economic considerations, its also making it easy for a person to come in contact with a group of drug addicts to seek ways of helping them. Other persons consider legalization negative because of its increasing drug use and making a drug such as marijuana, which has less serious effects than many others, more readily available. Who should determine what is good and what is bad? Authors of literature in the area often feel it is their responsibility to present their arguments in a manner aimed at combating their opponents' arguments. In following the arguments presented, I noted that authors appeared to want the best for everyone, such as drug addicts, for example, but that their manner of thinking and of dealing with problems were totally different.

Some authors declare that drug addicts should be incarcerated because they can hurt innocent people, and also that since drug use is against the law and is prohibited, drug addicts should be punished. Other authors say that they should receive treatment instead of being incarcerated since addiction should be regarded as an illness. They argue that we do not incarcerate people for having HIV/AIDS, some of whom have unprotected sex with others and are able to harm innocent people in this way. Yet, on the other hand, there are those who say that alcoholism is not a disease. They say that one has a choice, quite in contrast to someone who has a brain tumour, for example. Still others, such as Nadelmann (2004) and Husak (1992), consider that drugs should be legal, in part because law enforcement costs society so much. They feel that, instead of having overcrowded jails, we should focus on education and health. Some authors who are pro-legalization believe that all kind of drugs should be legalized, whereas there are others who think that only marijuana should be legalized and are against all other drugs. Another issue I have noted is that of what the age limitation should be. Common to the arguments in general is that those presenting them disagree in so many ways with each other. Authors who are against

legalization discuss what the age limits and restrictions should be and who should determine them, some saying 18 and others 20 or 21 years as an age limit.

Statistics and research are often referred to that differ from each other. The statistics can often be questioned. Can one rely on the numbers and on who is presenting them? Do the latter have a hidden agenda or a predetermined view that guides them? Although the debate has been largely about legalization versus criminalization, some authors go so far as to discuss whether it is acceptable to have differing views on drug policy, seeming to argue that if one criticizes a restrictive drug policy, one is automatically pro-legalization. After discussing such matters, authors may go back to debate again the merits of criminalization versus legalization. I believe this is something very important to discuss here. Is it really all right to have an opinion on drug policy or criticize it without being questioned or to be carved as being a drug liberal, and is it really so bad to have a liberal opinion regarding marijuana?

Holmberg (1983) notes that in Karl Popper's view progress is made through critique. He speaks of the society that permits critical debate and where new solutions to problems can be formulated and be examined, an "open society". Even if agrees on examining a problem critically, this does not have to mean that one is in agreement regarding the solution. Since solutions to problems and political proposals always have consequences that no one can predict, there can be no single absolute truth, particularly regarding a problem such as drug addiction (Holmberg, 1983). Drug abuse is seen by most people as a crisis, and many people assume accordingly that the most human solution is to try to get the drug addict to become free of his/hers addiction, but there are also people who feel that it is the decision of the addicts themselves to make and not ours. Perhaps they are happy with their addiction. Once again, who are we to say what is right or wrong?

The various authors differ regarding questions of health. Some say that needle exchanging would increase the HIV/AIDS problem because there would be more needles available. Others believe it would decrease the problem because people could get clean needles when they needed and wanted them and thus would not have to use already used earlier needles that they could get infected by. There are also authors who say, that marijuana is unhealthy and that the intake of it should be stopped, On the other hand, the literature also takes up there being many other things that are unhealthy, such as alcohol, tobacco and being overweight, emphasizing that people are not incarcerated for that. Many authors who are against legalization take the health question up,

using basically rather similar arguments, although saying, that one reason why marijuana is not legalized is that it is bad for the body.

A common trend in the literature is that authors who are pro-legalization often discuss the failure of drug policy today to work, declaring that new solutions are needed. In contrast, those who are against legalization often say that the restrictive drug policy model is right and is the only way. Everyone agrees that drug use is increasing, but the arguments about what should be done are poles apart. Some authors speak as though drug use in all countries is basically comparable. Yet is it really justified to do this? In my opinion, this tends to make the problem look smaller than it actually is. I do not think that it is possible to equate drug use in Sweden with that in New York City, for example.

6. Conclusions

I learned from the debate I have just described? For one thing, I have learned that it is not easy to evaluate the truth and adequacy of arguments on either side or even in the middle. It is very difficult to have an own opinion that one knows to be right. There perhaps hardly can be a completely correct answer. During this process of going through the arguments, I have had a change of heart and of that which I believed many times, but in the end things appeared to become more and more clear to me. I learned that there are different viewpoints and different ways of looking upon it all. It is also important to note that people often do not listen to each other at all. Authors are often not open for new ideas and attitudes, their having their own views and shutting all other doors. I feel I do understand much better now the disagreements which exist and the fact that in the case of very complicated issues of this sort everyone may have a perspective at least partly of one's own.

In this sense I will endeavor to present the point of view that I have arrived at. I make no effort to be dogmatic in presenting it. It is important that those representing any point of make this view clear to others and listen just as carefully to what others have to say. Bearing this in mind, I would say the following:

The optimal drug policy is that which most effectively reduces the growing harm of both drug use and drug prohibition (Nadelmann, 2004). I feel less concerned about reducing drug use per se and more interested in reducing the harm associated with drug use, such as the occurrence of HIV/AIDS, hepatitis, overdose, fatalities and other ills and diseases brought on by use of drugs. Sterile needles, I feel, should be more readily available and be legal to have and to use. My reason for believing as I do is rather simple, that I consider it so important to reduce HIV/AIDS and to reduce mortality. My view is that it should be easy to gain access to methadone, pharmaceutical heroin and other maintenance alternatives to illicit opiate addiction and that overdose fatalities should be reduced through drug education. Haunt (2003) writes that efforts should be directed more at reducing the increasing occurrence of death, disease, crime and suffering associated with both drug use and drug prohibition.

I think myself that drug addiction itself can be a disease or illness that prohibition aims at preventing. Drug addiction is a medical condition that causes one to lose control; it makes people virtually powerless to stop the use of marijuana. Yet many activities that do not involve the use of marijuana are far more risky to health, yet no one is attempting to use criminal law to prohibit them. According to the Center of Disease Control and Prevention, there are about 5000 deaths, 325 000 hospitalizations and 6 million illnesses in the United States each year caused by food poisoning.

Instead of criminalizing use of marijuana, I think one should direct strong efforts both at educational measures and at drug treatment, including rehabilitation and medical treatment. Needle exchange, drug substitution, and drug maintenance programs I believe to all be appropriate. I consider that a better system for managing marijuana use would involve civil regulation, taxation and control. The system could be set up to guarantee the licit availability of good-quality marijuana at reasonable prices, well below the present levels on the criminal market. There should also be age restrictions, health warnings and restriction on its availability to certain age groups.

There is the belief that the high prices of marijuana and other drugs on the black market force abusers to commit crimes, yet I think it is important to bear in mind the possibility that sometimes a criminal career may have been established before the onset of drug abuse, even though the latter tends to intensify criminal behavior. How can anyone be sure that an abuser would not commit a crime so as to finance his/her habits even if the criminalization of drug use

aims at abolishing such behavior. Some persons have no own financial resources to speak of. Where would they get their money from to be able to buy marijuana?

When an innocent child is killed in a shoot-out between rival dealers, drugs are quickly seen as being to blame, without other factors, such as guns, being made responsible. Such violent acts, occurring in the U.S. might perhaps just as well be attributed to America's "gun culture" as to the "drug culture". Decriminalization of marijuana would reduce the incidence of such systemic crimes. Punitive drug prohibition criminalizes million of individuals who engage in no crimes of other sorts, apart from their drug use. It transforms previously or otherwise legal markets into illicit markets, inviting violence and corruption and tempting many who would not otherwise be drawn to criminal activity to engage in it.

Although I believe in individualism, I think one should have collectivism in mind as well. An individual can be seen as having the right to make his/her own decisions, yet such decisions can affect society as a whole. If a drug addict robs or abuses someone, who is really to say that individualism was the right approach in such a case. Legalizing marijuana could lead to health care costs rising, money that could be spent on childcare instead, for example.

I argue that people should not be punished for what they put into their bodies. I see no legitimate basis for discrimination between alcohol users and users, at an equal level, of marijuana. The only legitimate discrimination, in my estimation, is between those drug users who do no harm to others and those who do. Husak (2002) states that matters of this sort should be regarded as basic issues of human rights, based on a human being's right of control over one's mind and body, similar to principles of nondiscrimination on the basis of race, faith, gender, sexuality and so on. I do not consider it right that anyone be incarcerated for using marijuana or possessing a small amount of it for his/her own use. I would support the treatment instead of the incarceration of drug law violators, not simply because my considering treatment to be more effective and less expensive in helping people with drug problems get their lives together, but because I regard it as wrong to punish someone who has committed no offense other than possessing or using a particular substance.

Many children grow up with parents who are drug addicts and may have been in an environment of this sort all their lives. Instead of pointing them out as being abnormal and classifying them as bad persons because of the self-fulfilling prophecy they may be succumbing to, one should do as

much as possible to help them to leave the pattern or viscous circle in which they have been living.

I believe that the picture of the underprivileged suburbs in which new types of drug use are developing are certain indications of there possibly being other explanations of drug use than just the availability of marijuana or of some people tending to become drug addicts. Growing up in a physically unpleasant environment that offers few possibilities of amusements or distractions and a social environment characterized by a high unemployment rate and few prospects for the future can make anyone more vulnerable to drug abuse. All these factors can contribute to someone's falling into patterns of drug use. It does not necessarily have to do with letting marijuana be free to obtain and there being easy access to it.

Goldberg (2000) writes that the fundamental idea in legalizing drugs is that we cannot eliminate the major reasons for people starting to use drugs and that therefore the best alternative is to formulate a policy that does as little harm as possible to society and to drug users. The number of drug users is to a large extent determined by political decisions that are made, and by problems in the labour market area. Goldberg (2000) argues that unemployment leads to consumption of drugs increasing, something that cannot be prevented by strong law enforcement. He writes that the problem is not that of the drug itself, but is more about increasing numbers of persons living under difficult circumstances.

Our freedom and rights are threatened in part by political surveillance, such as the "bugging" of telephone calls. The police, for example, can listen to a person's private telephone conversations if they have slightest suspicion against someone (Goldberg, 2000). My own view is that politicians sometimes advance proposals primarily to show that they can be effective in the war on drugs. I think that superficial success in the war on drugs, which we sometimes know is not particularly effective at a deeper level, often fills the function of creating the illusion of society trying to live up to its duties and of helping us to atone our conscience.

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