

***Cannabis policy: Moving beyond stalemate.* By Robin Room, Benedikt Fisher, Wayne Hill, Simon Lenton, & Peter Reuter.** 2010. Oxford, UK: Oxford University Press. 233 pp. List price paperback \$59.95. ISBN: 978-0-19-958148-1

By John E. Scharff

This recent text from multiple authors is a report on what is known about marijuana use and effects, and the laws, policy, and sanctions applied to cannabis users from past to current times. The wide reaching work was made possible by the Beckley Foundation and other research grantors who saw the value of the authors assembling a comprehensive analysis of current cannabis policy, how it is implemented, and how it might be changed to accommodate the will of the people. This work thoroughly discusses the health risks from cannabis use, especially to youth who start excessive use at a young age; conversely, there are also many who find cannabis use beneficial. A major premise of this work is to shift cannabis policy to align to the public will and proactively plan regulation and services to lessen use.

The authors appear to use a modernist/functionalist lens revealing how cannabis policy and law application diverge at many locales. The politicization of cannabis policy has produced a polarized stalemate making legal change difficult; positions have become aligned to social control or personal liberties. The juxtaposition is shown in how cannabis has low toxicity compared to alcohol or most other illegal drugs, yet sanctions remain disproportionate to actual risk or harm. The book explores how current law is incongruent to what many people want, or feel is just, but the quandary is international treaty law insists cannabis remain criminalized.

The 1961 Convention (UN, 2007a), of which the US is a signer, requires that marijuana possession, production, or trading, be kept a punishable offense. The book defines the convention as an international drug control regime. The authors assert that legal change, to allow cannabis use, requires either denunciation of the current treaty; or negotiation and ratification of a new one. The writers explain and discuss numerous examples of countries and specific states or areas with unique policies. A consensus seems to be that judicial efforts at prohibition of cannabis have failed when the people desire more permissive laws. A compounding effect of prohibition is that users resort to markets where more dangerous drugs are available.

Due to treaties being the highest law of the land and therefore hard to change, many countries and specific states or locales have skirted cannabis prohibition laws through *de facto* or *de jure* legalization. In *de facto* legalization cannabis use is illegal but usually not sanctioned in practice; *de jure* legalization ranges from decriminalization to de-penalization of medical marijuana use which all vary within themselves. This text culminates with suggestions for possible paths to actionable policy change, and a proposal: the Draft Framework Convention for Cannabis Control.

Because of variations in demand for cannabis in areas, it is posited that high use areas of the United States and many governments of the world are morphing into “controlled use

regimes.” In these countries or locales the authorities implicitly or tacitly allow a quasi-legal market to meet cannabis need. Cannabis also has influential revenue potential, whether illegal or not. Some laws are bending to shifting social norms, though politicians are reluctant to promote relaxed cannabis laws for fear of appearing soft on crime. The writers further explain that demand or use patterns are not uniform which has caused local jurisdictions or states to make policy remedies addressing explicit use, cultivation, and quality control regulations. The policy proposal also makes suggestions for lessening the use and illegal trade of cannabis. Specific preventative efforts to deny minors access to marijuana are proposed, and treatment availability for all users is proposed as a remedial measure. The authors suggest that such efforts and further research could be financed through regulation of cannabis and the anticipated fees recovered. The proposal has the structure of the tobacco industry regulatory framework but allows cannabis use or availability policy to correspond to local public norms.

Cannabis Policy: Moving Beyond Stalemate makes explicit the intersectionality of policy, politics, and the people’s will as variables in how fast law and social change happens, if at all. The complexity and volatility of the subject makes it a good candidate for an upper-level college text on arguments of logic, values, and social mores. This tome might be even more useful to help students of public policy explore how, or why, policy is formed, implemented, or changed at the macro level.

The authors’ biggest contribution is in informing readers of how many people at the micro level are affected by cannabis policy and why changing it needs to be happen. This work will certainly have value to anyone who wants to be informed about the changing position cannabis has in cultures. The authors report 39.8% of people in the US have tried cannabis, making legality an important issue that needs to be brought into public discussion. The proposal for a new convention on cannabis and the draft presented are reasoned suggestions that need to enter the public and policy makers’ debates.