

CHAPTER FIVE

**CANNABIS IN THE UNITED STATES, JAMAICA, SOUTHERN AFRICA,
INDIA, AND THE ARAB WORLD: COMPARATIVE SOCIAL
AND POLITICAL PERSPECTIVES**

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This chapter examines the use and regulation of cannabis in a variety of different historical and geographic contexts. Factors that are found to influence the policies related to cannabis are number and status of users, importance in religious ceremony and practice, public perception of dangerousness, political and economic importance, and existing cultural standards and restrictions. Looking at case studies of the United States, Jamaica, South Africa, India, and Egypt sheds light on interactions between the aforementioned factors and suggests possible motivations behind the specific types of regulatory efforts engaged in by each country.

Cannabis (Marihuana) in the United States, 1900-1944

Hemp was cultivated for fiber by Europeans in the New World as early as 1611 in Jamestown, long before they knew of its properties as a medicinal or intoxicant. By the mid-19th century, however, cannabis was used in American medical practice for a wide range of conditions, particularly spasticity, headaches, and child labor pains. Over 100 articles recommending cannabis use were published in medical journals between 1840 and 1900, and in 1870 it was included in the U.S. pharmacopoeia (Bonnie and Whitebread 1974:4). With the exception of Fitz Hugh Ludlow's The Hasheesh Eater (1851), however, there is little evidence of the use of cannabis as an intoxicant. After the Civil War, use of marijuana as a euphoric remained limited and was not conceived as a problem; an article in Scientific American of 1869 simply concluded that cannabis was "doubtless" used "to a limited extent" in the U.S. for its intoxicating properties (Brucher et al. 1972:407, Musto 1973:216).

Things changed in the first decade of the 20th century, however, as reformers successfully obtained federal restrictions on cannabis along with alcohol and other drugs, and in the second

and third decades of the century a "marihuana menace" was discovered and the substance became a public issue. The Marihuana Tax Act of 1937 established regulatory procedures aimed at prohibiting marijuana use. Crucial to the passage of the Act were the propaganda efforts of economic groups and, later, of the Commissioner of the Federal Bureau of Narcotics, Harry Anslinger, along with racial antagonism against Mexican laborers in the Southwest.

Marihuana smoking by immigrant Mexican laborers was first noticed in the early 1900s in towns along the Mexican border. Its use soon spread among Gulf coast black laborers and criminals. Tales of destructive effects of marijuana also began to circulate at this time and place. In 1906 the Pure Food and Drug Act required any quantity of cannabis, and several other substances deemed dangerous, to be clearly marked on the label of any drug or food sold to the public. But marihuana was not included with opiates and cocaine in the Harrison Act of 1914, although it was listed in early drafts of the Act. This exclusion may have been due to the opposition of the pharmaceutical industry, which was less afraid of possible misuse than were reformers (Musto 1973:216). In an extension of the Pure Food and Drug Act in 1915, the importation of cannabis was prohibited except for medical use. The ban, a direct response to pleas from Texas, was totally ineffective (Bonnie and Whitebread 1974:37,53ff.). The earliest prohibitions in the West were adopted by California and Utah; still, there was no nationwide political interest in the inclusion of marihuana in the basic federal narcotics legislation (Bonnie and Whitebread 1974:53,60, Musto 1973:216).

In 1917 a police chief claimed that users of marijuana became addicted and violent. In 1919 Federal officials reported marihuana to be the cause of violence among Mexican prisoners in Southwestern states. Around the same time, Dr. Oscar Dowling, president of Louisiana's

Board of Health, argued that cannabis ought to be controlled (Musto 1973:218-9). Also in 1919, Texas enacted a general marihuana statute modeled after the Harrison Act. It did not prohibit possession or use, however, reflecting continued concern over the constitutionality of interfering with private conduct (Bonnie and Whitebread 1974:34-37). At about the same time, in 1920, the U.S. Department of Agriculture published a pamphlet that highlighted marijuana's commercial potential and urged Americans to grow cannabis for profit.

Following World War I, domestic fears of marihuana increased in the Southwest; there was a rapid increase in Mexican immigration as the economy boomed and the use of marijuana spread among lower-income whites. Concern also was intense in New Orleans, where cannabis was blamed for the rising crime rate (Bonnie and Whitebread 1974:68). Anglos in these areas associated marihuana, Mexicans, and lawlessness, and believed that Mexicans were incited to violence by smoking it. The Southwestern states called for federal action, but the fear of marihuana generally in the U.S. was still minimal. Moreover, the troubles of the federal government in enforcing the Harrison Act discouraged further regulation of any additional drugs and the situation continued to be viewed as a state problem (Musto 1973:219-20).

After Prohibition made alcohol less available and more dangerous and expensive, a substantial commercial trade in marihuana for nonmedical use developed for the first time. Marihuana "tea pads" appeared in New York (Brecher et al. 1973:410). Concern also grew over regular cannabis smoking among U.S. troops stationed in the Panama Canal Zone. However, the Panama Canal Zone Report of 1925 concluded that "There is no evidence that marihuana, as grown and used [in the Canal Zone] is a 'habit-forming' drug in the sense in which the term is applied to alcohol, opium, cocaine, etc., or that it has any appreciably deleterious influence on the

individuals using it.” The Report recommended that no action be taken to prevent its use or sale in the Zone (Bonnie and Whitebread 1974:134).

This emerging trade in recreational marihuana never became industrialized, however, and this would hurt its chances of remaining legal in the United States. Tobacco's status is due in part to the economic power of its purveyors, and those leading companies owed much of their early success to the ability to mass produce cigarettes (Robert 1952; Prince and Simpson 2000).

Though consumed in much the same manner as tobacco, marihuana production was never mechanized and its trade was never consolidated in the hands of a few large companies. In 1933, a radio booking-agent did approach a white jazz musician named Milton Mezzrow in the hopes of forming a company to sell Mezzrow's special type of marihuana cigarette on a national scale. But Mezzrow declined, and marihuana never had the kind of lobbying influence that comes with industrial, economic power (Grinspoon 1977: 15).

Throughout the 1920's officials generally were slow to enforce local laws against marihuana because they were more concerned with alcohol. In the absence of such law enforcement the price of marihuana remained relatively low. Reports associating marihuana with Mexicans and horrible crimes continued, but on the whole little notice was taken of its use. Between 1914 and 1931, however, many local bans were passed. For example, El Paso, Texas, passed an ordinance forbidding the sale and possession of cannabis, which inaugurated the phase of local prohibition. By the early 30's, only 16 states had laws prohibiting the use of marihuana.

Congressional interest in marihuana increased under local pressure and international indictments, however, and in 1929 marihuana was classified with the narcotics for the first time

in federal legislation. Also in 1929, the Surgeon General issued a Preliminary Report on Indian Hemp and Peyote which concluding that marihuana was "definitely a narcotic," thereby giving credence to popular notions that the substance was addictive and produced criminality and insanity. In 1930 the Federal Bureau of Narcotics was established with Henry J. Anslinger as director. Concern about the constitutionality of federal action, along with pressure from the pharmaceutical industry, deterred any federal legislation, and the FBN concentrated on drafting a Uniform State Narcotic Act (Bonnie and Whitebread 1974:56-60,118; Musto 1973: 222).

As the Great Depression brought devastating unemployment, Mexicans came to be seen as unwelcome surplus labor in regions where they were numerous. Police and district attorneys in the Southwest urged the federal government to prohibit the use of marihuana, which was said to make Mexican users dangerous (Musto 1973:220). Racial conflict developed between Mexican farm laborers and farmers and growers, and more acutely between Mexican and Anglo members of the working class.

The conflict was particularly bitter in Los Angeles, as the surplus of labor in California in 1930 was one of the largest in the state's history. The American Federation of Labor, farmers, the American Legion, and nativist organizations came out against Mexican immigration. The theses that marihuana was smoked by Mexicans and that such smoking leads to crime also became dogmas among law enforcement officials in New Orleans, Denver, and other cities with rising crime rates, which were attributed to the effects of the "killer weed". Los Angeles began a program of massive repatriation of Mexicans (Bonnie and Whitebread 1974:145,77, Helmer and Vietorisz 19xx). Marihuana was smoked occasionally by some Mexican farm workers at this time as one custom among others of their peasant culture, as alcohol consumption is

conventional to Anglos. Yet during the 1920's almost no notice was taken of it in the Anglo communities in which Mexicans labored, in spite of a widespread belief in the criminality of Mexicans in other respects.

After 1930, however, "the situation changed radically as farms interests were threatened by incipient unionism among the farm workers. The union movement began to develop out of the Mexican mutual aid societies around 1928, a time when labor organizing was a felony crime in California as was the preaching of "anarchism" or "bolshevism". These ideological catch-alls were used by the farm interests as a legal means for attacking Mexican labor organizations without driving away labor completely.

In this context, the pressure for a Federal marihuana law reflected the state of industrial conflict which intensified through the early Depression years but which had not existed in the 1920's. Since marihuana was used principally by Mexican laborers, "anti-marihuana legislation effectively served as anti-Mexican legislation" (Helmer 1974:24). Thus in the 15 years after 29 states, 17 west of the Mississippi, classified marihuana as a narcotic and prohibited its use for nonmedical purposes (Bonnie and Whitebread 1974:32-34, Musto 1973:216).

Another kind of industrial conflict may also have been represented in the changing legislative attitude towards cannabis. As early as 1917, G.W. Schlichten had invented a "decorticator" machine that promised to revolutionize the industrial production of hemp and turn it into a lucrative, and more environmentally sound, alternative to conventional means of paper and fabric production. Early experiments with Schlichten's decorticator, funded by industrialists Henry Timken, Milton McRae, and newspaper giant E.W. Scripps (founder of the United Press Syndicate), confirmed Schlichten's assertions that his new machine could establish industrial

hemp as a hugely profitable new enterprise. However, economic uncertainty stemming from U.S. participation in the First World War quickly turned these potential financiers skittish, and Schlichten and his decorticator fell into obscurity (Herer 1995: 13-14).

In the late 1930s, when Schlichten's patents began to expire, other inventors developed decorticators (Wirtshafter 1994: 52). The potential of these new means of industrial hemp production caused Popular Mechanics to describe hemp as "new billion dollar crop," and Mechanical Engineering to call it "the most popular and desirable crop that can be grown" (Herer 1995: 15). Ironically, the articles on hemp in both these magazines were written in 1937, when hemp and cannabis were still legal, but published in 1938 when the Marihuana Tax Act had already been established. According to many hemp and marihuana activists, this shift was at least partly due to the threat that widespread industrial hemp production posed to powerful economic interests already vested in current production materials and methods, as well as those working on synthetic alternatives. Some have suggested that the Dupont Corporation—in order to protect its investments in new sulfite processes to make paper from wood pulp and in a new synthetic fabric called nylon—joined forces with the Hearst newspapers in mounting a public scare campaign against marihuana. Hearst's interest in suppressing cannabis lay in his paper manufacturing division and its vast timber holdings, which were also threatened by the emergence of hemp alternatives. In the 1920s and 30s, then, Hearst's newspapers began to popularize the notion of marihuana as a "killer weed" and a corrupter of youth (Herer 1995: 24-26).

Interestingly enough, Dupont's chief financial backer was Andrew Mellon of Pittsburgh's Mellon Bank. As Secretary of the Treasury under Hoover in 1931, Mellon had appointed Harry Anslinger (his future nephew-in-law) as head of the newly reorganized Federal Bureau of

Narcotics and Dangerous Drugs. This certainly seems to have given Mellon, Dupont, and Hearst a tremendous potential for influencing federal regulatory efforts against hemp and marihuana (Herer 1995: 24-25; Wirtschafter 1994: 53).

But Anslinger and the FBN largely avoided the issue of marihuana at first. Rather than an aggressive, expansionistic bureaucracy making its name on the persecution of marihuana, the FBN was more reticent in its early years, allowing states to handle marihuana and small-scale narcotics offenders while concentrating only on general policy and large-scale trafficking (Himmelstein 1983: 37). Prohibition had demonstrated to Anslinger the risks facing any agency that meddled with the personal lives of citizens. Therefore, he focused on only the most dangerous drugs and avoided "gray areas" like marihuana, barbituates, and amphetamines in the hopes of avoiding the displeasure of citizens and judges, displeasure which might spell doom for a small, newly formed enforcement agency (Musto 1973: 213). Anslinger also saw potential problems in enforcing anti-cannabis legislation due to the ease with which it is grown and the problems of constitutionality that would accompany any attempts at federal regulation (Musto 1973: 223).

The Federal Bureau of Narcotics did attempt to shape public beliefs concerning marihuana, even in the early 1930s. The annual FBN Report of 1932 explicitly linked marihuana use to "wherever there are settlements of Latin Americans." In October of 1932, Anslinger declared that instances of criminals using the drug to give them courage "before making brutal forays" are well known to the FBN. In fact, use of marihuana even in those communities was probably not extensive. The FBN report also recommended control measures by the states to prohibit "nonmedical" trafficking (Becker 1963:128). For the most part, however, the agency

stressed that the actual number of users was not great (Musto 1973:221). But the FBN's approach to the marihuana problem would change in the coming years, as more and more articles appeared linking the drug to violent minorities and criminals and depicting it as a threat to the nation's youth. Coupled with a rise of citizen groups and increasing pressure from state and local law enforcement, marihuana became an issue that the agency could not only no longer downplay, but one that it could capitalize on (Musto 1973; Himmelstein 1983).

The FBN strongly endorsed the Uniform State Narcotic Drug Act, which contained an optional provision for including marihuana as a narcotic drug. The Bureau stressed that the marihuana problem could be brought under control if all states adopted it. At first the Act did not fare well in the state legislatures (Musto 1973:221), perhaps because national opinion against cannabis had not yet crystallized. For example, a second report in 1933 on marihuana smoking in the Panama Canal Zone affirmed the 1925 report and advised against any prevention of its sale or use. The report was labeled confidential, however, and was thereby suppressed (Bonnie and Whitebread 1974:138). In the mid-1930's there was greater concern through the U.S., although it is difficult to know whether or how this may have correlated with possible changes in rates of marijuana use.

Faced with local resistance to the Uniform State Narcotic Drug Act as a general drug law, the strategy of the FBN began to change. In late 1934 Anslinger emphasized the need for states to adopt USNDA to control marihuana. Marihuana was now called "the worst evil of all" (Bonnie and Whitebread 1974:92,97-98). In September 1934, it was asserted that marihuana is perhaps the most "insidious of our narcotics" a scourge brought into the country by the unrestricted immigration of Mexicans. Anslinger also learned from Prohibition that citizens

groups could offer great assistance to federal enforcement agencies. "These aggressive lay groups had gained experience in political lobbying over other issues from women's suffrage to Prohibition. They were welcomed by the FBN and in the mid-1930s they eagerly took up the battle against marihuana, the new menace to America's schoolchildren" (Musto 1973: 214).

The FBN issued reports on "marihuana-associated crimes" but continued to recommend uniform acts by states rather than federal legislation, asserting that the problem was concentrated in the Southwest and was only a minor problem even there. Late in 1936, however, under increasing pressure from Southwestern states, and with his agency without a legitimating mission since the repeal of the Prohibition Amendment, Commissioner Anslinger's FBN began holding conferences and working the press in order to propagandize against marihuana. Increasingly, federal intervention seemed necessary in order to lead the activities of the states. (Musto 1973: 220-222; Helmer and Vietorisz 1974: 21; Becker 1963: 139-141).

In July 1937 Harvey Anslinger published Marihuana: Assassin of Youth. The tone of its title is continued in the text: "How many murders, suicides, robberies, criminal assaults, hold-ups, burglaries, and deeds of maniacal insanity it [marihuana] causes each year, especially among the young, can only be conjectured" (1937:18). Nonetheless, the FBN appears to have exploited more than created the marihuana scare of the early 1930's (Musto 1973:229). Marihuana use was attacked by various popular and purportedly scientific articles (Becker 1963:141). For example, in 1934 Dr. Walter Bromberg reported at a meeting of the American Psychiatric Association that one out of four people in Southern states may be a marihuana smoker and that the possible use of marihuana was spreading from the South to New York and other cities. Pressure from law enforcement officials in the Southwest launched the bill, and it had clear sailing in Congress,

perhaps because the bill was unobjectionable to most and reflected opinions that had become widespread at the time. No Congressperson demanded increased appropriation to fund marihuana control, and the new Act was largely a technical adjustment in federal law that duplicated existing state laws (Galliher and Walker 1977:374-375). However, "when viewed from the narrow goal of placating fears about an 'alien minority,' the Act was serviceable for more than a quarter of a century," (Musto 1973:229) until marijuana became the drug of choice for rebellious white youths.

Nonetheless, although marihuana use seems to have increased throughout the early 1930's, there appears to have been little evidence of a national or local marihuana crisis just prior to the bill's passage. In fact, the great bulk of anti-marihuana propaganda inspired by the Bureau came after the passage of the Act, not before. Before the campaign got underway, many states had laws prohibiting sale and possession of marihuana, and prior to the first federal hearings, all states had such laws. "For Anslinger, the moral entrepreneur, this was a time of victory. By 1936 marihuana was subject to statutory control in every state, and the federal Marihuana Tax Act was passed in 1937. But for Anslinger, the ambitious bureaucrat, 1936 seems to have been another year of defeat. His budgetary appropriation remained near a low point that had not been seen in over a decade, which to some extent reflected the general economic conditions of the time.... Faced with a steadily decreasing budget, the Bureau responded as any organization so threatened might react: it tried to appear more necessary, and... to increase its scope of operations. It argued persuasively that marihuana use was indeed a menace and that the Marihuana Tax Act of 1937 could not be properly enforced without large new infusions of funds to the FBN (Dickson 1968:152-155).

In late April and early May of 1937, Congress held hearings to determine the fate of the proposed Act. As expected, the House accepted all the Treasury Department's testimony in favor of the Act. The only serious opposition came from Dr. William Woodward, legislative council for the American Medical Association. However, having recently fought to block health insurance from being included in the Social Security Act, the AMA had fallen out of favor with Congress, and Woodward's objections to the Act were ignored (Abel 1980: 245-247; Musto 1973: 227-228).

In the end, the Federal Marihuana Tax Act was passed in August 1937 with hardly any debate. The act stipulated that all manufacturers, importers, dealers, and practitioners must register and pay a special prohibitive tax. The law also established a tax on all transfers and, as a revenue act, it was carefully separated from the Harrison Act to discourage attacks in court (Musto 1973:10). FBN agents began to arrest marihuana users whom they had formerly either ignored or turned over to state authorities. Even then, however, the focus remained more on heroin, which had replaced alcohol after Prohibition was repealed in 1934 as the enemy substance number one. If agents were found making excessive arrests for possession of marihuana, they were told to get back to "the hard stuff" (Bonnie and Whitebread 1974:180; Musto 1973:223). Enforcement remained with local police, aided occasionally by FBN agents; publicity campaigns claiming the menace was out of hand were stopped by the Bureau as alarmist because Anslinger believed the problem was under control throughout most of the nation (Musto 1973:10).

Enforcement and interest in marihuana declined as the U.S. entered World War II on December 7, 1941. In 1943 Colonel J.M. Phalen, editor of Military Surgeon, wrote an editorial

entitled "The Marihuana Bugaboo" in response to written inquires about soldiers using marihuana in Panama:

The smoking of the leaves, flowers, and seeds of Cannabis sativa is no more harmful than the smoking of tobacco....The legislation in relation to marihuana was ill-advised....It branded as a menace and crime a matter of trivial importance....It is hoped that no witch hunt will be instituted in the military service over a problem that does not exist" (quoted by Lindesmith 1965:234).

Similar in spirit was the La Guardia Report of 1944, through which thirty-one eminent physicians, psychiatrists, clinical psychologists, pharmacologists, chemists and sociologists reported to Mayor La Guardia on the marihuana problem in New York City. They stressed the relative triviality of the effects of the drug, but their report was strongly attacked, even by an editorial in the Journal of the American Medical Association (JAMA). Despite such dissenting voices, and softening of laws in a few states, the marihuana prohibition established in the 1930s remains the national policy in the United States down to this day.

Marihuana policy in the U.S. has been shaped by a number of factors. The lack of long-standing cultural guidelines on use left the drug open to the definitional efforts of a variety of interested parties. Though hemp was widely planted in colonial times, recreational use of cannabis was not a widespread habit. Furthermore, industrial hemp production was never established (with the exception of the government's Hemp for Victory program during World War II), thus giving the plant's legitimate advocates less power and influence. Instead, hemp and marihuana were attacked by industrialists and newspaper conglomerates scared of its potential economic competition, by nativists and labor-unionists who associated the drug with cheap immigrant labor, by citizens groups concerned over marihuana's corrupting influence on youth, and by law enforcement officials convinced that the "killer weed" was inspiring a host of

despicable crimes. Their attacks were largely successful, as the Marihuana Tax Act of 1937 set severe restrictions on marihuana that remained in place and largely unchallenged for decades to come.

Cannabis (Ganja) in Jamaica, 1945-1975

Jamaica has probably the highest density of cannabis users of any country in the Western Hemisphere – an estimated 60-70% of the lower section of the rural population including men, women, and children. Jamaica also has had one of the longest histories of legislative attempts to eradicate its use. Brought by indentured laborers from India in the 19th century, cannabis – or as it is known in parts of India and in Jamaica, ganja – soon was used for a variety of purposes by rural and urban workers and became part of a "ganja complex" – an integrated body of beliefs, norms, and practices – that developed in social groups of regular users (Rubin and Comitas 1976) Users do not report hallucinogenic experiences. Instead, they believe that ganja acts as a stimulant to work -- a motivator instead of a de-motivator as is commonly believed in the United States. Cultural rules or social controls in Jamaica also stress moderate use. Widespread use is also partly the result of economics, for ganja is cheaper than alcohol and freely available to the poor.

Two factors are of particular interest in the history of Jamaica's legislation regulating cannabis. First, Jamaican ganja legislation was based less on knowledge of cannabis and the ganja complex than on socioeconomic conditions and racial and class prejudices and fears of the governing elite. Second, 60 years' of the most stringent legislation has failed to reduce either the cultivation or consumption of ganja. Indeed, instead of suppressing ganja and other drugs, the

political elite and poor communities have become dependent on Jamaican drug entrepreneurs for support, selective violence, and welfare. Gunst (1994) found that economically successful drug entrepreneurs in poor communities use illegal profits for welfare services in their local communities and, in turn, provide get-out-the-vote services to political elites. Drug laws therefore are only selectively enforced – against gangs that support rival politicians or against leaders of gangs who become too popular to be controlled by their elite patrons. Thus ganja is still of major social, political and economic significance in the island and, indeed a major force in Jamaican politics.

The history of ganja in Jamaica can be said to begin in 1845 when indentured laborers from India arrived there to work the sugar plantations after the abolition of slavery. By 1917, about 33,000 immigrants had come to Jamaica from India, probably bringing with them the multipurpose use of cannabis (Prince et al. 1972:16). The first official mention of ganja smoking, in 1883, maintained that it caused lunacy. An 1892 report of the Protector of Immigrants asserted that East Indian laborers were using ganja, but a report of the Indian Hemp Drugs Commission of 1884 noted only benign effects from moderate cannabis use.

Negative attitudes toward cannabis grew in the early 20th century. For example, a lengthy editorial in the Daily Gleaner in 1913 referred to the "considerable concern" among Jamaican planters over ganja smoking among natives and alleged that ganja demoralized East Indian laborers and led them to crime. These sentiments took legal form when Jamaica added prohibition of Cannabis sativa to the International Opium Convention, which was ratified, although possession and use were not yet specified as criminal acts. In 1924 the Dangerous Drugs Law was passed, increasing existing penalties for use of opium and ganja.

Jamaica's economy plunged with the global depression of the 1930's, and the Rastafarian movement rose among the island's low income and generally much darker skinned working class. Rastafarians blended the black nationalist political philosophy of Marcus Garvey, a fundamentalist interpretation of the Bible (including that God is black), and the belief that ganja is a holy plant. Correspondingly, concern over drug use increased among lighter skinned and more prosperous elements of Jamaican society. In 1941, penalties were increased for possession, sale, and cultivation of cannabis. Mandatory imprisonment was decreed for the first time. This was a response to the passage of the Marihuana Tax Act of 1937 in the United States, to economic depression, and to class cultural conflicts between elites and Rastafarians within Jamaica. Following World War II, ganja became a major police and public concern. Ganja use was associated with crime by the Commissioner of Police, T. Calver. The Dangerous Drugs Law was amended to include penalties covering all forms of possession and sale and to distinguish between these offenses and smoking.

As economic conditions improved in the 1950s Jamaican crime rates were at the lowest level for the century and the general atmosphere was optimistic. However, in 1960 several British soldiers were killed during an incident involving a religious group that used ganja. The British press and much of the public saw such disorders as insurrectionary and stimulated by the use of ganja. The Minister of Home Affairs declared that police believe 50%-75% of violent crimes are a result of smoking ganja (Rubin and Comitas 1976:26-7).

When Jamaica gained independence in 1961 the Dangerous Drugs Law was amended to increase penalties for growing, selling, and possession of cannabis. In the next several years, a series of legislative debates was held concerning new ganja legislation, and in 1964 the

Dangerous Drugs Law was amended again, and again made harsher. Mandatory imprisonment was increased for the first conviction of possession; for the second conviction, the police were given powers of search on the authority of a sergeant instead of a magistrate's warrant. It also became an offense to allow premises to be used for cultivation or use of ganja, and police were empowered to seize vehicles suspected of carrying the substance. The Dangerous Drugs Law was amended once more in 1972. The mandatory sentencing provisions of earlier legislation were repealed and the courts were given discretionary power in sentencing. Maximum penalties for possession were kept the same and maximum penalties for cultivating, selling, and dealing were increased.

Severe penalties for ganja offenses, considerable extensions of police power, rewards to informants and to successful police prosecutors, large-scale police raids and, since 1963, use of helicopter searches and surveillance have all been used to uphold the Dangerous Drugs Law. Nevertheless, the evidence strongly suggests that ganja use and cultivation have increased and, significantly, that these law enforcement methods may well have had damaging side-effects on the administration of justice generally (Comitas 1975:129-131).

In the mid 1970's reports appeared of large-scale, organized exportation of ganja across national boundaries in exchange for money for small arms. Jamaica became a trans-shipment point for illegal drugs from South to North America, and a new wave of criminality developed (Rubin and Comitas 1976:16,21-27, 174-177).

A stream of newspaper reports continued to appear that vividly described assaults, robberies, and murders allegedly perpetrated by individuals under the influence of ganja. This reinforced the view of upper class Jamaicans that ganja was responsible for increases in

delinquency and criminality. Little, if any, objective evidence exists to substantiate these charges. "On the contrary, our research indicates that compared with non-smokers of similar stations in Jamaican life, smokers are similar in every major dimension – certainly no less hard-working and no less socially capable. The overwhelming majority of even the heaviest smokers are law-abiding citizens, except with regard to cannabis, with no criminal involvement with police or court. Nevertheless, the stereotypes held and promulgated by the upper elements persist and flourish in Jamaica" (Comitas 1975:129-131).

Thus we could say that there are two major views in Jamaica of ganja – the elite view that is reflected in government reports and legislation, and the popular view that forms a ganja complex. The most important element of the popular view of ganja is the belief in the efficacy of the substance, especially when it is drunk rather than smoked. The folk explanation is that beverages and liquid medicines allow ganja to be absorbed into the blood stream, thereby strengthening the blood and enabling it to ward off disease, whereas ganja when smoked goes directly from the lungs to the brains where it may have sometimes unpredictable consequences. Ganja teas and tonics are widely thought to keep the user in good health, prevent constipation, colds, gonorrhoea and a host of other ills. It is believed to be "particularly good for children, preventing disease in general and marasmus in particular. With ganja tea, the youth grow stronger and smarter. For the mass of users, ganja is valued as a cure for a wide assortment of complaints from arthritis to stomach ailments" (Comitas 1975: xx-xx ?).

Ganja also is regularly taken to increase the user's capacity to work. "Almost universally, users maintain that ganja enhances their ability to work, that is, to perform manual labor, and they regularly consume ganja with this objective... In rural areas of Jamaica, ganja apparently

permits the individual to face, start, and complete the most difficult and distasteful manual labor... Among the rural poor, to smoke is to conform; not to smoke may mean social marginality – the reverse of the situation found on the higher social levels..." (Comitas 1975:129-130).

In sum, concern about ganja in Jamaica appears to reflect class and racial conflicts rather than evidence of the negative effects of its use, except insofar as the use of ganja is itself a symbol of working class solidarity and dissent. This, in any case, is roughly the view of the ganja-using population who see anti-ganja legislation and its enforcement as arbitrary, directed against the laboring masses, and utilized by those in control for purposes far beyond the stated intent and letter of the law. Some users hold the relatively benign opinion that 'government' simply does not understand that ganja causes no harm and does not lead to violence. Most, however, believe that 'government' is antagonistic to poor people having anything good; or that legalizing ganja would adversely affect the 'big men' who make 'plenty profits' from the plant; or that medical doctors are against ganja because users do not get sick; or, more generally, that elites use ganja laws to make the vulnerable people of Jamaica more vulnerable (Comitas 1975:129-131).

It thus appears that for both dark skinned workers as for light skinned elites, attitudes towards ganja and ganja policies reflect class-based ideologies. For example, the alleged relationship between ganja use and violence was never seriously questioned by elites. "Time after time, the widely held concept of ganja driving ordinary working men berserk, either in individual or mass incidents, arose in the ganja debates and was generally accepted as fact with no regard for how the use of ganja actually functioned in poor people's lives. Nor did elites question whether severe legislation might conflict with stable and stabilizing folk values and

practices. At various points, it was categorically asserted that restrictive legislation could change widespread values and behavior. At other times, it was asserted that ganja smoking was the practice of a dangerous minority that could only be controlled by severe legislation."

What lessons can we learn from the Jamaican experience (Beaubrum 1975)? First, it is apparent that the behavioral and psychological traits associated with use of cannabis are highly variable culturally. Far from being a recreational drug that cuts motivation to work, as is believed in the United States, users of cannabis in Jamaica see it as a medicinal and an essential aid to job performance.

Second, "it is clear from the Jamaican data that hallucinations are not an invariable consequence of marihuana use. In the Jamaican working class setting, hallucinogenic reactions are neither regularly sought nor generally experienced... Contrasts between the 'marihuana habit' of middle-class Jamaicans and the ganja complex of working-class Jamaicans reinforce the thesis that psychoactive reactions to cannabis are conditioned by the cultural formulation of both experience and behavior" (Rubin 1975:265).

Third, the use of cannabis is not disruptive among the poor because the cultural rules for its use are so well defined. These rules include screening of users, appropriateness of times and places of use, modes of ingestion, acceptable experiences and behaviors while under the influence, proper relation to the work ethic, the validation of non-smoking, and others.

Fourth, economics, especially relative price differentials, plays a large role in shaping peoples choice of substance, particularly if those people are poor and therefore more price sensitive (Prince 1972). This was also the case of Mexican farm labors in the American Southwest – marijuana was untaxed and cheaper than tobacco available to the poor (Beaubrum

1975:494). In this sense, we might consider drugs to be staples, or at least quasi-staples. That is, overall demand appears to remain quite constant, but there are likely to be shifts to comparable drugs in response to great increases of prices. Similarly, "the acceptance of tobacco in Europe was undoubtedly enhanced by European familiarity with smoking hemp. Tobacco was, in many ways a counterpart to hemp, all the familiar features were there. Brought to Spain from the New World as a medicinal plant, it came to be regarded as a cure-all; the Amerindian ritual use of tobacco may also have been known, and eventually also its psychoactive qualities. Even the use of pipes for smoking tobacco in the Near East was adopted from the water-pipes used for smoking hemp. Like hemp, tobacco is chewed, sniffed and smoked. Perhaps the spread of tobacco was so rapid and overwhelming in the Old World, because a receptive ground had been laid by the traditional folk uses of hemp" (Benet 19xx: 48).

Finally, the regulation of ganja in Jamaica reflects class and racial conflicts within that society. The generally darker-skinned working class and poor are the principal users, and the fairer-skinned social and economic elite has stigmatized and criminalized ganja as a means of maintaining superior status for themselves and social control of their subordinates.

The Use and Governance of Dagga in Southern Africa

The use of cannabis in southern and eastern Africa has been discernable for centuries, although there exists little evidence of its precise origins. A recent archaeological excavation did uncover two fourteenth-century, ceramic smoking-pipe bowls with traces of cannabis in Ethiopia. This is the earliest indication of cannabis use in Africa outside of Egypt (Van der Merwe 1975:77-80.) Because the plant is not indigenous to Africa, outside traders and travelers

introduced cannabis to the native population (Abel 137.) Arab traders disseminated cannabis throughout eastern and southern Africa and it is believed that Bantu-speaking natives carried cannabis seeds from northern to southern Africa. The pattern of cannabis diffusion in Africa can be traced, at least partially, from variations of local terms for the drug. Cannabis is called dagga in the south, bangi in the east, and diamba in the west (Du Toit 19xx:81.) The term bhang, derived from the name for Bengal, was also used to refer to cannabis in the east, which, according to Du Toit (19xx:82), suggests an Indian origin of cannabis use in Africa.

The accounts from colonial explorers, landowners, journalists, and traders provide much of the history of cannabis usage in Africa during the eighteenth and nineteenth centuries. David Livingston, after arriving at the great falls which he named after Queen Victoria, witnessed cannabis smoking among the Makololo, a relation to the Sotho tribe. According to Livingston this tribe called dagga “matokwante” and after observing them smoke the drug he claimed that “it makes them feel strong in body, but it produces exactly the opposite effect upon the mind. Two of our fittest young men became inveterate smokers and partially idiotic” (1865:286-87.)

Livingston described the ritual of smoking dagga as the following:

The performances of a group of matokwante smokers are somewhat grotesque; they are provided with a calabash of pure water, a split bamboo, five feet long, and the great pipe, which has a large calabash or kudu’s horn chamber to contain the water, through which the smoke is drawn Narghille fashion, on its way to the mouth. Each smoker takes a few whiffs, the last being an extra long one, and hands the pipe to his neighbor. He seems to swallow the fumes; for striving against the convulsive action of the muscles of the chest and throat, he takes a mouthful of water from the calabash, waits a few seconds, and then pours water and smoke from his mouth down the groove of the bamboo. The smoke causes violent coughing in all, and in some a species of frenzy which passes away in a rapid stream of unmeaning words...(Livingston 1865:286-87.)

White settlers and explores who met the Xhosa, Fingo, and other southern Nguni tribes also witnessed the smoking of dagga by both men and women (Alberti 1968.) Andrew Smith

claimed that dagga had been known to the Caffers “from time immemorial” and observed that they were partial to smoking it as opposed to tobacco (1939:312 [Du Toit 95-6.]

According to the observations of the Dutch explorer C.P. Thunberg (1795), the Hottentots mixed hemp with tobacco in order to enhance and speed up the pleasurable intoxication of these drugs. The British explorer, G. Thompson, also observed the stimulating effects of the mixing of hemp and tobacco. Thompson claimed that slaves and Hottentots prized the inebriating effects of cannabis, even though it rendered them “for a time quite mad.” Although white landowners were weary of the intoxicating effects of cannabis, they cultivated the drug for their servants “as an inducement to retain the wild Bushmen in their service.” Since the Bushmen were made captives at an early age they became strongly addicted to dagga and could not perform their duties without it (Thompson 1967 [Abel 141]; Gutsche 1968:46 [Du Toit 95.]

Not all white men approved of the use of dagga by the African natives, including the evangelist Hugo Hahn. As a missionary Hahn came to Africa to “save the souls of savages” and did not believe that the use of dagga was in their own best interest. Its use would certainly prohibit their souls from entering heaven, claimed Hahn, who raided Boer hemp farms and burned cannabis plants wherever he found them. Not surprising, both natives and landowners viewed his actions with disapproval (Vedder 1966 [Abel 141.]) The American journalist Henry M. Stanley, also condemned the use of dagga by natives in Africa. Stanley, unlike Hahn, was not interested in saving souls, but found that natives who used dagga had weak bodies and were unfit to carry his cargo. According to Stanley:

Certainly most deleterious to the physical powers is the almost universal habit of vehemently inhaling the smoke of the cannabis sativa or wild hemp. In a light atmosphere, such as we have in hot days in the Tropics, with the thermometer rising to 140 Fahr. In the sum, these people, with lungs and vitals injured by excessive indulgence

in these destructive habits, discover they have not physical stamina to sustain them. The rigor of a march in a loaded caravan soon tells upon their weakened powers, and one by one they drop from the ranks, betraying their impotence with infirmities (1879:1:86 [Abel 141.]

Not all white explorers observed the weakening effect of cannabis on the body. Indeed, A.T. Bryant's discovered the opposite effect in his experiences with the Zulus. Bryant wrote in his book The Zulu People that "young [Zulu] warriors were especially addicted [to dagga] and under the exciting stimulation of the drug were capable of accomplishing hazardous feats." According to Bryant some historians have argued that when Zulus attacked the Dutch at the Battle of Blood River in 1838 they were intoxicated with dagga (Bryant 1970 [Abel 141-2.]) Bryant observed that the hemp the Zulu smoked was home-grown and that they terminologically separated the quality seeds from the poor grades (Du Toit 96-7.) Other African tribes also smoked cannabis in preparation for battle. David Livingston observed Sothos warriors who "sat down and smoked [hemp] in order that they might make an effective onslaught" (Livingston 1987:540 [Abel 141-2.]) Marwick claimed that the natives took dagga in order to stimulate the brain and "if a man is faced with an extraordinary knotty problem he will smoke his shawulo [pipe] and concentrate on the problem and the solution will present itself to him without trouble" (1940:80 [Du Toit 97.]) One can surmise from the experiences of Bryant, Livingston, and Marwick that the unwillingness of Africans to carry Stanley's cargo had less to do with the effects of cannabis use than their resistance to his demands (Abel 142.)

Even though indulgence in dagga may have made strong warriors, most colonists and African tribes did not approve of the drug. The medical staff of the Pretoria Mental Hospital claimed that dagga was an intoxicant, which produced similar effects as alcohol. The staff concluded that it was "difficult to determine whether the moral degeneration, which often exists

in an addict, is the cause or the result of his addiction” (Du Toit 107.) The Ja-Luo tribe of eastern Uganda forbade its warriors from smoking dagga (Hobby 1902:30.) Other tribes prohibited married women from smoking dagga “on account of some evil effect it is said to have upon her or her child, should she become a mother” (Purvis 1909:336-337.) Henri Junod wrote in his book Life of a South African Tribe that the Thonga also disapproved of dagga. According to Junod, this tribe attempted to break young men off the dagga habit by breaking their dagga pipes, taking the small amount of residue soot out of them and mixing it with their food. Unknowingly these young men would eat the food. After this practice had taken place three times the Thonga believed that these youths would develop a disgust for hemp and cease from smoking it ever again (Junod 1912:342-45 [Abel 142.]

These attempts to condone dagga did little to discourage the cultivation and use of dagga in Africa. Dagga was embedded in the religious and cultural practices of many tribes and a number of cults or sects were even created that worshiped hemp. Poggee and Wissman witnessed such a cult during their 1881 explorations when they visited the Bashilenge, who lived on the northern border of Lundu. Here they viewed large plots of land used for the cultivation of hemp and small groups of hemp smokers, who bound by the ties of friendship, eventually transformed themselves into a cult. The Bashilenge referred to themselves as Bena-Riamba, or the “sons of hemp” and called their land Lubuku, or “friendship.” The Bena-Riamba would greet each other by saying “moio,” which signified both hemp and life (Benet 19:45.) Every tribesman was required to participate in the cult and show his devotion through frequently smoking as much hemp as possible. Magical powers were attributed to hemp and it was thought to keep many kinds of evil at bay, which is why the Bashilenge used hemp when they traveled or before they

went to war. The hemp pipe itself gained symbolic significance and, according to Wissman et al (1888), “no holiday, no trade agreement, no peace treaty was transacted without it” (Benet 19xx:45.)

Wissman also encountered cannabis use among the Balubas, a Bantu-speaking tribe living in the Belgian Congo. This tribe smoked hemp in large gourd bowls approximately one meter in circumference on state and feast days and, apart from religious purposes, often enjoyed the drug as an evening pastime. It is believed that hemp-smoking originated in this area in 1888 when Kalamba-Moukenge, the chief of the Balubas, publicly burned the ancient idols and fetishes of all the tribes he conquered. Realizing that he needed to unify his territories and strengthen his central power, Moukenge replaced these various idols and fetishes with only one: cannabis. It was reported that some subjects of Kalamba-Moukenge enjoyed the hemp ritual so much that they formed a group called the bene-Riamba, or the “sons of hemp” (Emboden 226-7.)

Indeed, dagga use was so much part of the African culture and way of life that many tribes negotiated their economic transactions with the drug. The Bergdama tribe of southwest Africa engaged in trade with neighboring tribes through bartering dagga for commodities like cattle, goats, iron, and copper. The Bergdama also paid its annual tribute to its overlords, the Saan, in the form of dagga cakes (Vedder 1966:175 [Abel 142-3.]

By 1870 European settlers, alarmed by the supposed dangerous effects of cannabis, tried to curtail the use of dagga in South Africa by passing a law that prohibited the smoking, use or possession of dagga as well as the sale, barter or gift exchange of the hemp plant (Du Toit 1977:241.) Fearing the danger that dagga use posed to white South Africans, the Wragg

Commission, chaired by the Supreme Court Justice Walter Wragg, took additional measures in 1887 to outlaw the use, possession, cultivation, and sale of cannabis. Neither of these attempts in South Africa to prohibit dagga were successful; nor were similar legal measures established in other African countries (Abel 1980: 147.)

The continuing use of dagga by native Africans prompted the South African government to enlist the aid of the League of Nations in 1923 in an effort to outlaw cannabis. It was proposed to the League of Nations Advisory Committee on traffic in Opium and Dangerous Drugs that cannabis be treated as a habit-forming drug and thus included in the international convention. Provisions of the Medical, Dental and Pharmacy Act No. 13 of 1928, Articles 61-70, deemed it illegal to grow, use, sell, or supply drug products defined as “habit forming.”

Dagga was included in this act under Article 69, which stated:

No person shall smoke, or use, or shall import, manufacture, sell or supply, or possess for purpose of sale or supply to any other person, any pipes, receptacle or appliance for smoking opium, Indian hemp or dagga or intsangu...(Du Toit 107.)

Provisions were made for licenses to be issued for the cultivation and export of dagga, but since the law came into effect in 1928 only one license for each has been issued and these licenses were not renewed (De Toit 107.) According to De Toit the most likely reason these licenses were not renewed was due to the evaporation of the foreign market for legally imported dagga (107.) Again, this action did little to reduce dagga use nor did another anti-cannabis law passed in South Africa five years later. According to Abel “try though they might to legislate cannabis out of existence, South African lawmakers were never a match for the plant’s tenacious hold over its devotees” (Abel 147.)

In 1937 provisions to Act 42 made farmers who cultivated or permitted dagga to grow on their land subject to prosecution. A government report issued in 1952 on the state of the dagga trade reported that Africans and Colored groups represented 96 percent of all dagga-associated prosecutions, even though they composed only 76 percent of the total population. This finding mirrored the popular perception of the dagga user in Africa as black African or a member of another political minority group. The status of the dagga user did widen to include poor whites, but most did not believe it to be a drug that the elite would use, even though some evidence suggested that dagga was becoming permissive among the White elite male youth of South Africa. Thus, according to Du Toit, it was probably quite surprising for the conservative white South African to learn that dagga was used by members of the national service men at Voortrekkerhoogte—the South African West Point (Du Toit 107-8.)

In sum the regulation of cannabis in Africa has become increasingly high, but this has had little effect on diminishing the high numbers of users of the drug. If anything, the number of users has grown over the years as the status of users has become broader. While the drug was at one time almost exclusively used by native Africans, poor whites, and even white, elite, male youths, have come to indulge in dagga. It is certainly the case that not all African tribes condoned the use of dagga, but those who did praised the drug for its stimulating effects on the mind and body. Thus, the level of harmlessness of dagga is perceived as low among those who use it, and those who have passed laws to prohibit the drug seem less concerned with its negative health effects than threat of danger from those who use it. African dagga is not a critical component of the international market for cannabis, but is used for local consumption or trade

between neighboring tribes. As such, it is apparent that dagga in Africa is much more important in terms of its cultural, rather than economic, functions.

Ganja, Bhang, and Charas in India

Cannabis use occupies an important place in the religious and cultural practices of many Indian people, transcending all caste hierarchies. The Hindu view the hemp plant as holy and believe that a guardian lives in the bhang leaves. According to native literature “To see in a dream the leaves, plant, or water of bhang is lucky...A longing for bhang foretells happiness.” Bhang was thought to have positive effects on the body and the mind, curing dysentery and sunstroke, aiding digestion, clearing phlegm and freshening the intellect. Its use could turn “into light the murkiness of matter” and was the “Joy-giver, the Sky-flier, the Heavenly-guide, the Poor Man’s Heaven, [and] the Soother of Grief.” It was even believed to keep Hindu families through famines (HDCR 145.)

Although cannabis did not grow indigenously in India and is thought to have been brought into the country by Iranian tribes, it quickly become embedded in many religious rituals (Emboden 224.) At many holy places, such as Benares and Ujjain, yogis, bairagis and sanyasis would use bhang in order to concentrate their minds on the Eternal, and ascetics relied on it as a substitute for food or drink (HDCR 145.) Some holy men even consumed the resin of cannabis, called vijaya, before reading holy writings or entering sacred places. Vijaya was considered the favorite drink of the god Indra, who gave the drug to people so that they could experience “elevated states of consciousness, delight in worldly joy, and freedom from fear” (Emboden 224.) The Hindus believe that the god Shiva, or Shankar, encourages cannabis consumption, and

bring the drug, usually in the form of ganja, to temples as an offering to Shiva on Shivaratri day (Hasan 239). According to Abel the relationship between ganja consumption and worshipping Shiva is akin to communion in the Catholic church. Ganga is believed to possess special attributes of Shiva just as the Catholic communion host and wine is believed to be the body and blood of Christ (Abel 128.)

Cannabis use in India can be classified into three distinct categories. Ganja and Charas are forms of cannabis that are smoked through a funnel-shaped clay pipe (chilam) and are often mixed with tobacco. Charas and tobacco are sometimes mixed together in the form of a cigarette by a user, but one cannot purchase this product commercially in India. Bhang is a form of cannabis that is either eaten or used in a beverage called thandai. Bhang is usually eaten with sweets because they enhance its intoxicating effects. Bhang and Ganga are relatively cheap and can be purchased in small quantities from licensed dealers for a few paises. (Hassan 241).

Social context and caste positions most often determine which form of cannabis is used (Hasan 238-40; Underhill 1921.) According to Hasan cannabis use is intricately connected to the prohibition placed on alcohol, which vary by caste, though in general alcohol use is not commonly used among any caste compared to hemp. The highest caste, the Brahman, and the Bhagat (devotees) are prohibited from consuming any alcohol, but allowed to partake in cannabis (Hasan 238.) When a person wants to become a Bhagat he must pledge before his guru that he will not consume liquor, meat, onion, garlic or have sexual intercourse, even if he is married, but he is still permitted to use cannabis. The Brahmans must practice fasting, vegetarianism, and abultion, but may use cannabis in order to be closer to the supernatural (Hasan 239.)

The preparation and consumption of thandai also symbolize social and caste positions in Hindu society. Rich in protein and nutritional value, a variety of dry fruits, nuts, and spices are used to prepare thandai. Almonds, pistachios, rose petals, black pepper, aniseed, and cloves are ground on a stone plate (silauti) and water is added to make a thin paste. Milk and Bhang are then mixed into this paste, along with a bit of sugar or jaggery (brown sugar.) The thandai, or cold drink, is then ready for consumption. During the hot summer months thandai not only helps to prevent dehydration, but also serves as an excuse for families and friends to visit and chat with each other. Often the drink is made collectively, and as the process of making thandai is so time-consuming that it gives individuals the time to discuss what is new in their lives. These thandai parties are stratified according to caste—an untouchable would not be allowed to drink thandai with a member of the twice-born caste (Hasan 240-41).

The smoking of ganja is not as stratified by caste as the consumption of banja. Individuals of a variety of caste positions, including Bhagats, may share a common pipe to smoke ganja, but the ritual purity of the pipe (chilam) remains unaltered because it is considered improper for the lips of any smoker to touch it. This is done through holding the tubular part of the pipe in such a way that the smoke is inhaled between the index finger and thumb of a user's right hand. According to cultural custom, only one big puff of ganja is appropriate at a single smoking party (Hasan 242, 244).

Some individuals of the lower castes, even the untouchables, have been known to achieve a higher status in Indian society by becoming Bhagats and using cannabis. Hasan relates a story of a city railway employee who learned to use hemp drugs through contact with a holy man. This railway worker left his well-paying job to become a Bhagat, returning to his village to smoke

ganja in excess. Leaving this job and renouncing the material world did not lower, but enhance, his status. After becoming a Bhagat, members of higher ranked castes, such as the Pasi, Chamar, and Bhujwa, who would have otherwise shunned his presence, attended his smoking parties. This man later became a naut, or exorcist and medicine man, in the village (Hasan 243).

Given the fact that cannabis use is acceptable among all castes in India, the drug is not considered dangerous or harmful to the physical health of individuals or the moral welfare of society. Nonetheless, when India was under British rule colonial governors did try to impose legal restrictions on cannabis use because they feared that the drug made people prone to violence. The British crown, however, never outlawed cannabis in India. In the 1770s when the British East India Company faced bankruptcy, Parliament decided that taxing cannabis in India would be a feasible way to make back the money it loaned the Company. Under a law that came into effect in 1798 one had to obtain a license from the Zillah, or revenue office, before they could manufacture or sell any form of cannabis. This regulation was adopted “with a view to check immoderate consumption, and at the same time to augment the public revenue” (Abel 122-3; IHDC 1893-4, 3:16.)

While this new law may have had the effect of curbing cannabis consumption, it was more directed at reaping higher tax revenues. This fact angered the governor general, who claimed that cannabis use was ruining India. The governor argued that hemp drugs “are of so noxious a quality, and produced a species of intoxication so extremely violent that they cannot be used without imminent danger to the individual as well as to the public.” He attributed poverty, disease, crime, and political corruption to cannabis use and urged that all forms of the drug be prohibited in India. The Board of Revenue met to address the governor’s allegations, but decided

that cannabis use was not as dangerous as the governor claimed, and that if curtailment was indeed in the best interest of India, that it should be attained through taxation, not anti-cannabis legislation. According to the Board, hemp drugs:

are not for the most part represented as producing any very violent or dangerous effects of intoxication except when taken in excess...we do not recommend that the sale of any of them be altogether prohibited, but shall proceed to state what appears to us the best means of restricting the use of them, and improving the revenue by the imposition of such taxes as are best adapted to the nature of the cause (Abel 123; Moorkerju 1948:447.)

Despite the taxes on ganja an agricultural product survey conducted under the auspices of the British government in 1838 found that it continued to be used daily by the local population. The official in charge of this survey also discovered that cannabis was being sold illicitly, and therefore suggested to Parliament that it be outlawed. Parliament responded by devising a new method to tax hemp drugs. This new tax was based on the weight, rather than the potency, of the drug, but it also failed to achieve the level of revenue the state expected (Abel 124.)

At the same time that Parliament was implementing new taxes on cannabis drugs, criticism about the harmfulness of hemp use gained additional strength. It was brought to Parliament's attention that Sepoys, the native Indian soldiers who served in the British army, were using ganja, and as a result, undermining the dignity and efficiency of the armed forces. The financial secretary of the Indian government also publicly condemned cannabis use in 1870, arguing that "every lunatic asylum report is full of instances of insanity and crime due to the use of ganja" (Mookerjee 1948; Abel 124.)

Interestingly, official attacks on cannabis use focused on the use of ganja rather than bhang or charas. This was probably because bhang was the weakest form of cannabis and, as a beverage, was consumed as leisurely as a cup of tea. However, charas was the most potent form

of cannabis used in India, and therefore would have had the most harmful physical effects on the body. But, charas was also more expensive than ganja and bhang and relatively few people used it. It was mostly used by the wealthy who could afford to keep a relative or friend who used too much charas out of the public eye. Ganja, however, was inexpensive and potent, which made it a popular drug of choice among the lower classes. Unlike the wealthy, if the poor encountered problems with law enforcement officials regarding hemp use they had not one to protect them and were either sent to jail or an insane asylum (Abel 124-5.)

Although local officials were quite vocal in expressing their grievances about how hemp use was ruining India, British lawmakers refused to pass any prohibitions statutes because they feared it would encourage illegal or contraband cannabis consumption. Parliament continued to assert that the only way to decrease the use of hemp drugs in India was to increase the cost of the drugs to consumers, which of course would raise more money for the colonial power. In 1877 the British government did commission a special task force to examine the extent to which cannabis use was effecting Indian society, but similar to their previous conclusions, insisted that only excessive cannabis consumption was harmful. This commission argued that “the policy of government must be to limit [cannabis] production and sale by a high rate of duty without placing the drug entirely beyond the reach of those who will insist upon having it.”

Interestingly, the commission discovered that the use of charas and ganja was decreasing among the upper classes as a result of higher costs, but the use of alcohol, which was substantially cheaper, was rising among this segment of the population (Abel 125-6, 128; Mookerjee 1948.) While the commission did believe that frequency of usage and potency were

important factors to consider, it could find no scientific evidence¹ on hemp drugs that supported the local officials claims that cannabis use was harmful or dangerous to the health of individuals. In fact, the commission stated that “the most striking feature of the medical evidence is perhaps the large number of practitioners of long experience who have seen no evidence of any connection between hemp drugs and disease” (IHDC 3:223.) The commission could also find no scientific data that linked cannabis use to crime, and concluded that “it is but rarely that excessive indulgence in hemp drugs can be credited with inciting to crime or leading to homicidal frenzy” (IHDC 169:3:259.)

An 1894 Hemp Drugs Commission Report (HDCR) issued by the British Army in India also found little evidence to support the claims that hemp drugs were dangerous. Although the police reported that many people were arrested because of ganja use, this was, generally speaking, not due to the consumption of ganja, but because ganja was the readiest excuse to fill out on the forms when police made inquiries into the causes for incarceration. If a prisoner did not indicate a cause for being arrested, then a police officer who needed to cite a cause, wrote down ganja use. According to the HDCR, “the police know that no further enquiry will be made, so they stick [ganja] down” (HDCR:140-1).

The most important finding regarding hemp use reported in the HCDR was that the occasional use of hemp in moderate doses could be beneficial for medicinal purposes. It also reported that moderate use of hemp was the norm in Indian society compared to excessive use

¹ It is important to note that the scientific data the Commission relied on was thought to be biased because it did not include comparisons of cannabis users to non-users from the same social and economic background (Abel 132.)

and that excessive use harmed the individual consumer rather than the welfare of society.

According to this report:

The excessive use may certainly be accepted as very injurious, though it must be admitted that in many excessive consumers the injury is not clearly marked. The injury done by the excessive use is, however, confined almost exclusively to the consumer himself; the effect on society is rarely appreciable (HDCR 143-4.)

Furthermore, the HDCR found that few individuals from any class in Indian society had claimed to have observed any negative effects associated with hemp use. Indeed, “the very few witnesses who could so recall a case to give any definite account of it, and the manner in which a large proportion of these cases broke down on the first attempt to examine them, are facts which combine to show most clearly how little injury society has hitherto sustained from hemp drugs” (HDCR 143-4 [Andrews and Vinkenoog:140-2.]

In sum in Indian society cannabis is widely used among both high and low status individuals and culturally, is an important part of the religious rituals of those who follow the Hindu faith. The different forms of cannabis in India are stratified according to social class. Charas, the most expensive form of cannabis, is used almost exclusively by the wealthy, while the poor indulge more frequently in ganja, which is both cheap and potent. Few social actors, including the British government, view cannabis as harmful or dangerous to the individual consumer or society at large, and therefore the drug is not highly regulated in India (at least during the time period of this study). The few attempts to regulate cannabis use in India have come in the form of taxes for additional revenue, rather than prohibitive legal restrictions to outlaw its cultivation, sale, or consumption.

Hashish in the Arab World, Especially Egypt

Cannabis use in Egypt can be traced back to around the mid-twelfth century when mystic devotees from Syria emigrated there during the reign of the Ayyubid dynasty. Poems published around this time expressed that cannabis use produced desirable behavioral effects, including euphoria, sociability, and meditateness. Unlike alcohol, hashish consumption was not prohibited by Islamic religion. It was cheap and a small quantity produced the desired effects. Furthermore, unlike alcohol, hashish did not have an easily detectable smell nor was it pressed by the feet in preparation for consumption (K 199). While hashish users in Egypt have repeatedly claimed that Islam permits cannabis use, the Egyptian Islam Mufti issued a Fetwa in 1940 that prohibited the drug for religious followers (K 203).

Hashish, also referred to as the “wine of Haydar” after the Sufi monk who supposedly discovered the drug in 1155 A.D., has long been known and consumed in the Arab world (Rosenthal 1971:49-50; O’Shaughnessy 1942). According to Abel, “the apocryphal oath by which Haydar entrusted his disciples not to reveal the secret of hashish to anyone but the Sufis underlies the close association between the drug and the Sufi movement in the Arab community” (Abel 38). The Sufis were a religious counterculture in Arab society and one could easily identify a Sufi member by his wool garments. Similar to the American hippies of the 1960s, the Sufi expressed no interest economic gain or societal status and were, therefore, looked down upon by the Establishment as lazy and worthless. Furthermore, the Sufis were characterized as being effeminate and homosexual. The Sufis' love of hashish was often used to account for their countercultural norms and values, and some even believed that use of the drug contributed to a low libido in men. The Sufi claimed that hashish use allowed them to gain otherwise unrealizable insights about themselves, enhancing trivial experiences to profound meaning-

making events. They also said that hashish permitted them greater happiness, less anxiety, and even increased their pleasure for music (Abel 39-40; Rosenthal 1971:97).

The Moslem botanist, Ibn al-Baytar (A.D. 1248), claims to have witnessed the Sufis eating hashish in the mid-thirteenth century, when he traveled through Egypt. Writing in his diary, al-Baytar described that the “people [i.e. the Sufis] who use it [hashish] habitually have proved its pernicious effects for it enfeebles their minds by carrying to them maniac affections, sometimes it even causes death.” According to al-Baytar a definite stigma was attached to hashish use and while “men of the vilest class alone dared to eat it, still they did not like the name of hashish takers applied to them” (Rosenthal 1971:51; Walton 1938:13.) This remark implies that upper-class Moslems did not approve of hashish use or the Sufis who indulged in its habitual use (Abel 42).

In Cairo public gardens were the gathering spot of choice for the city’s hashish users. The garden of Cafour, in particular, was cited in poems as the favorite haunt of hashish users. For example, one poem expressed that “the green plant which grows in the garden of Cafour replaces in our hearts the effects of old and noble wine,” while another poem stated “give me this green plant from the garden of Cafour, this plant which surpasses wine itself in the number of people it enslaves.” Unfortunately for the hashish users, the authorities did not view Cafour with such admiration. The governor of Cairo ordered troops to destroy Cafour in 1253, burning all the cannabis plants in the garden. The more devout citizens of Cairo proclaimed the huge fire that resulted from the burning of Cafour as “a just punishment of God” (Abel 42.)

Hashish users did not have to wait long after the burning of Cafour to find a new source of cannabis. Farmers on the outskirts of Cairo began sowing cannabis seed to supplement their

income, which was considered a legitimate business enterprise since they paid taxes for this privilege. However, in 1324 a new governor decided that this arrangement was no longer appropriate and ordered his troops into the countryside to destroy hashish plants. This search-and-destroy mission lasted an entire month, and though it left hashish fields barren, farmers were eventually able to re-cultivate this land. Evidently, the money that they made from hashish crops was too large for farmers to relinquish and in order to protect themselves from future government interference, they began offering bribes (Abel 42).

In 1378, however, the governor of Cairo issued another order to destroy the cannabis fields. Unlike the earlier incident describe above, this time the farmers decided to resist the governor's troops. The force of the farmers convinced the troops to back off, and instead of fighting, the government decided to place the fields under seize and starve the farmers into defeat (Abel 42.) Although the farmers held out for several months, the troops finally crushed the resistance and burned the hashish fields. Towns were either razed or placed under martial law. Local cafes that had been centers for hashish trade were closed and their proprietors hunted down and killed. Patrons of these hashish cafes were rounded up in the town square, and in a public spectacle of punishment, troops pulled out all their teeth (Hasam 43; Rosenthal 1971:136.)

Despite the government crackdown on cannabis, the hashish business resumed at a thriving rate in 1393. Although hashish was praised by many as an alternative to alcohol, those opposed to the drug argued that it caused five harmful effects: submissiveness, debility, insanity, brain damage, and prostitution (Hussein 1957.) One contemporary Egyptian historian, Maqrizi, wrote "as a consequence [of hashish use], general corruption of sentiments and manners ensued, modesty disappeared, very base and evil passion was openly indulged in, and nobility of external

form alone remained in these infatuated beings” (Drake 1970:69-70.) While citizens like Maqrizi deplored hashish users and the hashish trade, many recognized, that regrettably, hashish had become part of Arab culture (Abel 143.)

Nonetheless, compared to India, great efforts were taken to suppress hashish use in Egypt. England, which held Egyptian territory, supported local actions to prohibit cannabis use, while in India it suppressed such efforts. This is likely because England received no tax revenues from cannabis drugs in Egypt, thus could find nothing in its interest to keep hashish legal (Abel 133). Local government officials were concerned with the large numbers of Egyptians who consumed hash, either by itself or mixed with confections. Furthermore, the export of hashish confections to Europe alarmed authorities. Students at Cambridge University in England were rumored to indulge in “Turkish Delights,” square pieces of hashish containing sugar and gelatin (Allbutt 1900:903.) Other kinds of sweet hashish treats included “Sesame Sweetmeat,” flat pieces of hashish, sesame seeds and honey; “Bird’s Tongue,” black gelatinous pieces of hashish coated with sugar; an orange-colored slice of hashish with saffron and spices called “Saffron;” small banana-shaped pieces of hashish and sugar called “Banana;” and a black paste made with hashish called “Crocodile’s Penis,” so named because it was believed that both hashish and the penis of the crocodile were potent aphrodisiacs (Abel 137).

The Egyptian government attempted to pass laws to suppress the sale of hashish and its export abroad. In 1868 a law was passed that made possession of the drug a capital offense, however the importation of hashish into Egypt was allowed as long as a duty was paid. The Sultan of Turkey, who ruled over Egypt, embarked on a nationwide mission to confiscate and destroy hashish in 1877, and passed an ordinance that finally made importation of hashish illegal.

Cultivation of hashish became a criminal offense in 1884. However, customs officers were permitted to sell confiscated hashish abroad instead of destroying it. Money made from such sales was disbursed between the informers and custom officers who seized hashish (Abel 133.) These laws were reissued in 1891 and 1894 even though they resulted little in the way of decreasing hashish consumption. For example, in 1898 the government seized over 10,000 kilos of hashish and over 500 businesses were shut down because officials had found evidences of their proprietors permitting hashish to be used on their premises. The number of store closings only increased, and by 1908 over 2000 establishments were put out of business. (Abel 133.) Thus, it would appear that the general population continued to use hashish despite regulations by the government to prohibit the drug.

Over time the penalties for hashish use have become increasingly severe. Law 182/1960, amended by law 40/1966, stipulates that the punishment for importing, exporting, producing or manufacturing cannabis was the death penalty and a monetary fine between three and ten thousand pounds. It further states that the punishment for the possession, buying, and/or selling of cannabis is the death penalty or hard labor for life as well as a fine between three and ten thousand pounds (K 199). Punishment for personal use of hashish is three to fifteen years of imprisonment and a fine of five hundred to three thousand pounds. This law does not distinguish between types or quantities of drugs it only differentiates between types of offenses (Abel 38.)

Research conducted in Egypt in the 1950s found a strong stigma was attached to cannabis consumption due to an association between hashish use and the lower classes. The conclusions reached in this research pointed out that while hashish use was not restricted among one

particular social class, the working poor used the drug more than the middle class, which consumed the drug more than the wealthy (Al-Magraby 1963 [K 199]).

In sum, although the Egyptian government has attempt to prohibit the consumption of hashish through the enactment of various laws and regulations, this has not had a significant effect in decreasing the number of hashish users. However, evidence does exist that the status of hashish users in Egypt tend to be of the lower classes and that devout Muslims do not use hashish. Indeed, although some believe that hashish use is permitted under Islamic law, it appears as if this is simply not the belief of the general Islamic population. This paints a very different portrait than cannabis use in India where all classes enjoy some form of hemp and the most devout, who are allowed few indulgences, are allowed to consume cannabis. However, as in India, there is not a high degree of dangerousness associated with cannabis use in Egypt.

Toward Some Conclusions

The United States, between 1900 and 1944, began to highly regulate cannabis, despite the fact that the number of marihuana users during this period was low. The status of the cannabis user was perceived to be low and associated with ethnic groups, particularly Mexicans. Though the medical community did not believe that cannabis use was very dangerous to the individual consumer, law enforcement officials maintained the persistent assertion that the drug was harmful in regards to public safety and social welfare. This assertion formed the basis of US anti-marihuana legislation and gave purpose to the newly formed Federal Bureau of Narcotics and its ambitious leader, Harry Anslinger.

Jamaica has perhaps the highest number, or at least the highest percentage, of cannabis users in the world. This certainly contributes to the low level of dangerousness associated with ganja use there—many Jamaicans report that they feel no hallucinogenic effects from the drug, but rather, feel that it acts as a stimulant to work. Moderate, not excessive, use is widely accepted by the general populace. The increasingly stringent regulation throughout the period of this study seems to reflect class and racial divisions in Jamaican society, particularly since ganja is used more regularly among the darker-skinned working class than the fair-skinned elite. Though the Rastafarian religion incorporates ganja into its practices, the drug is even more important as a political and economic force. Drug entrepreneurs have made Jamaica an important spot in the international illicit economy, and have become powerful enough within the country to forge alliances with legitimate political authorities. Meanwhile, the "ganja complex," a set of cultural norms and attitudes which governs use of the drug for most Jamaicans, has assured that ganja is generally used in moderation and without much harm to individuals or the social welfare. Predictably, government regulation has done little to curtail this use, though it has served as a tool for elites to control the lower classes who are most commonly associated with the drug.

South Africa has had a high degree of regulation, but a large number of users across all status groups. There is a low degree of dangerousness associated with cannabis use, and it is a part of many religious rituals and is occasionally bartered in economic transactions. Authorities have passed laws to prohibit cannabis not so much because they believe it is harmful to the individual consumer, but because they want to exert power over their subjects. As in Jamaica,

anti-cannabis policies in South Africa have been more effective as assertions of political control than as actual means to prohibit use of the drug.

In India, cannabis is strongly connected to many religious rituals. Hindus even worship a god, Shiva, who is believed to indulge in hemp. All classes or castes use some form of cannabis, but the type and method of use tends to be differentiated according to class. Ganja is associated more with lower classes because it is cheap and potent. Bhang is acceptably used by all classes, perhaps because it is low in potency and because it is eaten or made into a drink, not smoked. Finally charas, which is high in potency and smoked, is used most often by upper classes because it is expensive. Historically, there has existed a low degree of cannabis regulation in India. The British Parliament refused to outlaw the drug even though local authorities complained that it was ruining Indian society. The only way that England attempted to decrease the use of cannabis was by imposing tariffs or taxes on the drug. However, the British did not feel strongly about prohibiting the drug because they could find no scientific research that showed the drug to be harmful to the welfare of society. Indeed, moderate usage was found to be beneficial to an individual's health. Thus, the level of dangerousness associated with cannabis use was overwhelmingly low, and moderate use was ensured by the many caste-based proscriptions on the drug. As such, cannabis was never seen as a threat to government or the social order and therefore, never severely regulated.

In Egypt we find a high degree of regulation, which has done little to decrease the use of hashish. The government passed a variety of laws to prohibit the use, sale, possession, cultivation, and import/export of cannabis. Although there is conflicting testimony over whether or not the Islamic religion permits cannabis use, it does not appear that hashish was or is

significant in any Islamic rituals, and the general consensus among Islamic populations is that devout Moslems should avoid the drug. Hashish use does tend to be associated with a lower status individual but all classes have been known to use hashish. However, the conflation of religious and secular authority in Egyptian society has resulted in a variety of regulatory efforts against hashish users and the threat to authority that they represent.

Across these five cases, some common threads appear. In no instances has a high degree of regulation effectively curtailed the use of cannabis. While the United States during this period had very few users to begin with, the laws put in place then would prove ineffective in later decades. Jamaica, South Africa, and Egypt have tried unsuccessfully to prevent cannabis use, although it could be argued that these countries, as well as the US, were more concerned with asserting political power over the lower classes of users than actually stopping cannabis use.

On the other hand, India's regulatory efforts have only been concerned with the economic gains of taxation. Why were British and Indian authorities not concerned with asserting their own political power through anti-cannabis laws? It would seem that cannabis was perceived as a threat to those in power in all cases except India. Since cannabis use in India was evenly distributed between castes and governed by a long history of cultural norms and standards to encourage specific types of moderate use, those in charge of the country had very little reason to feel threatened by the drug. This contrasts with the other countries that used drug laws to control reviled or threatening minority groups and, in the case of the US, had no long-standing religious or cultural restrictions on use in place. As such, the US was also the only case in which the drug was widely perceived as dangerous to individuals and society.

In sum, it is clear that the degree to which cannabis is regulated is directly attributable to the status of users and, by extension, to the perceived threat it poses to those in power. Attacking the drug and its users has proven a good tool to maintain and expand the scope of authorities like the United States' Federal Bureau of Narcotics, Jamaican police, white South African elites, and Egypt's Islamic Mufti. While the use and effects of cannabis are highly variable from culture to culture, the responses to cannabis by threatened authorities across a variety of cultures are remarkably similar.