

**I.C.A.R**

**Ichirouganaim Council for the Advancement of Rastafari**



Framing Mischief: the adverse  
Impact of Marijuana Laws

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*Geopolitics of Marijuana Prohibition and Marginalisation of Interest  
Groups*

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Perpetual Problem or  
Potential Problem  
Solver for Barbados

## FRAMING MISCHIEF: THE ADVESE IMPACTS OF MARIJUANA LAW

*"Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?*

*They gather themselves together against the righteous and condemn the innocent blood."*

*Psalm 94:20-21*

### ABSTRACT

Law in the "New World" has been usually the instrument by which the interest of the coercive order has been enforced. Beginning with the 'global' Papal Bull "Inter Caetera" of 1493, and repeatedly, through to the 1997 Narcotic Drugs Shiprider and counting, law on this side of the Atlantic gives evidence of the unrelenting stranglehold of the coercive sociopolitical and economic order of which the African and African Descendant has been the victim; deprived of rights to life, health, freedom, property and the pursuit of happiness. It is no error that marijuana is incorrectly classified as a narcotic drug in scientific literature as well as in the 1914 Harrison Act and other statutory provisions. The notion of classism and racism that obtained in the years leading up to its dubious classification in 1937 as being a "dangerous drug", and the ultimate criminalization of cannabis and its users must be exposed. Current initiatives to reform laws pertaining to marijuana continue to prioritize the interest of the coercive order. Western scholarship, in trying to come to terms with probable decriminalization or legalization of cannabis, uses various categories: legal, economic, environmental, sociological, religious/sacramental, ethno-botanical, medicinal, recreational, industrial etc. when debate and research is undertaken.

Rastafari remains resolute and publicly defends InI economic, cultural and ethno-botanical interests in marijuana. From InI perspective, having borne the brunt of legal national, regional and international sanctions, the process of decriminalization and legalization must take into consideration and provide full reparatory justice for Rastafari.

## DEFINITIONS

### *Geopolitics of Marijuana Prohibition and Marginalisation of Interest Groups*

Geopolitics focuses on political power in relation to a geographic space. Academically, geopolitics analyses history and social science with reference to geography in relation to politics. <https://en.wikipedia.org/wiki/Geopolitics>

Geopolitics attempts to explain international politics in terms of geography – that is, the location, size, and resources of places. It tries to describe the relationships between geographic space, resources, and foreign policy.

<http://www.newworldencyclopedia.org/entry/Geopolitics>

Geopolitics: analysis of the geographic influences on power relationships on international relations <https://www.britannica.com/topic/geopolitics>

Prohibition: The act of forbidding the cultivation, consumption, manufacturing, storage and transportation of alcohol and alcoholic beverages, previously, but in this case ganja.

Marginalisation: Social exclusion: i.e. social disadvantage and relegation to the fringe of society; placed in a position of little importance, influence, power. This is predominantly a social phenomenon by which a sub-group is excluded, and their needs and desires ignored. <http://www.businessdictionary.com/definition/marginalization.html>

Interest Group: usually a formally organized association that seeks to influence public policy. <https://www.britannica.com/topic/interest-group>

## INTRODUCTION

This section discusses the geopolitics of marijuana prohibition from the perspective of Rastafari. Rastafari is an interest group that seeks to influence any society in which InI live towards African consciousness and harmony with the cosmos. On the specific issue of the herb and its medicinal properties, the correct approach should be to distinguish between its use and abuse. Abuse of any substance is undesired.

Kindly note we refrain from using the word 'marijuana'; preferably, InI use the terms "ganja" and "herb". Rastafari's use of the word marijuana will be done only in the context of this symposium; which poses the question of whether marijuana is a potential problem solver for Barbados.

Barbados was, and still is, a pivotal point of European empire. Marijuana prohibition is intertwined with the interests of empire, recast in the various stages and forms of imperialist globalization. Barbados was the crucible of the 1661 Slave Code that declared Africans to be non-human chattel. Barbados is the "university" that exported the philosophy and practice of racism against Africans throughout the colonial world. Barbados mastered psychological warfare resulting in brain washed Africans embracing and mimicking massa as the path to progress.

On the other hand Barbados was also pivotal to the science of the positive energies of the Indigenous Peoples and the enslaved Africans. Spiritual legend has it that when the conch shell echoed from Ichirouganaim, the enslaved ones in Haiti knew that the mystics were right for launching an intensified revolutionary mission. The Haitian Revolution was won in part by the religious use of the drum. The Haitian Revolution so inspired Nanny Grigg that she encouraged Bussa and his courageous rebels with news of its success. The discussion on *marijuana as problem solver* has relevance for the entire region because Barbados is not disconnected from the rest of the Caribbean.

## **Geopolitics**

It was a political decision to ban ganja. Ganja was made illegal only in 1937 when whale oil and pharmaceuticals emerged as big global business. It was a political decision to open a market for pharmaceutical companies in heroin, opiates, barbiturates; the British American Tobacco Company and the rum industry. Dupont's interests in dynamite, whale oil and paper, among others commodities clashed with anyone bringing ganja into the market; small people would be hurting the big business interests.

The prohibition of ganja was used to take revenge on the Mexicans. DuPont wanted 18,000 acres of Mexican land. When he could not get it, William Randolph Hurst used yellow journalism to smear the Mexican's use of ganja. The scientific fraternity and the American Medical Association were complicit in the political decision to destroy anything that would build an industry for darker people.

Also, the herb was made illegal because the black men playing music in New Orleans were using it and white women who were using ganja began eyeing black musicians. The time had come to prohibit herb use. Dark skinned people, people who live near the equator, people of South East Asia are mainly the people of the world who are being prevented from growing and using ganja. While the herb is officially illegal, a lot of cultivation goes on in enclosed spaces under heavy security to provide for selected groups in powerful nations. The seeds of the best plants in the hills of St. Vincent are routinely collected by pilots while the Regional Security System soldiers "are destroying" the herbs. It is well to note which racial groups go to jail for ganja. They are mostly Mexicans and Africans. The White population of Barbados does not go to jail. The police admit that they cannot touch certain people.

Laws against ganja represent a continuation of neo-colonialism against Third World countries. The Obeah Acts passed during slavery banned anything that Africans used

for spiritual purposes. Even a calabash was forbidden. Similarly, the ban on ganja is about economic power and control of the minds of the people; it has never been about their health. Today, the herb is being experimented on and tampered with e.g. genetic modification. The trend to modify and convert ganja into pharmaceutical drugs is ongoing. The herb can be grown anywhere under varying conditions but it is obvious that ganja grown with commercial agricultural practices can have a negative effect and can bring about negative trends. America can make or break the Caribbean due to its military power.

### **Historical perspective**

The aromatic and therapeutic herb plant known variously as cannabis, kaneh bosm, sweet calumus, marijuana, ganja amongst various cultures and peoples around this planet has been cultivated and used for diverse purposes from the beginning of civilization (Ernest L. Abel. 1980. Chapter 1, Marihuana: The First Twelve Thousand Years. Plenum Press, New York).

Ganja's early uses have included curing maladies such as female weakness, gout, rheumatism, malaria, beri- beri, constipation, absent-mindedness. It has also been known to be effective in cases of neuralgia, to quiet maniacs, reduce chronic alcoholism, morphine and chloral addiction; hysteria, epileptic fits, migraines and numerous other complaints (David Solomon and Alfred Lindesmith 1966:20; The Marijuana Papers published by the New American Library, New York).

During the decades of the 20<sup>th</sup> century, many favorable conclusions with respect to the status of marijuana have been compiled as investigations and analyses were undertaken by reputable bodies of powerful countries. In the USA, the First Report of the National Commission on Marijuana and Drug Abuse (1972:14) in the section, "Marijuana: A

Signal of Mis-understanding “ records that from as early as 1914, the Harrison Act had incorrectly classified marijuana as a narcotic drug in its statutory provisions. This has been replicated in scientific literature. The Report stated that the herb that was used by Mexican immigrants and West Indian sailors in the ‘gulf states’ should not have been confused with Asiatic opium smoking. It added that the infamous Harry Anslinger, who had been instrumental in supporting the American government in their passing of the 1937 Marijuana Act, eventually denied that marijuana use led to harder drugs/substances. The insistence by the DEA that marijuana remain a Schedule 1 drug similar to heroin and cocaine exemplifies the same mind-set of those of the early 20<sup>th</sup> century.

It must be exposed that the notion of classism and racism obtained in the years leading up to the dubious classification of cannabis in the 1937 as being a “dangerous drug” and the ultimate criminalization of its users. In fact, much of the stigmatization and intolerance associated with its use stemmed from upper class hostility to an unfamiliar lower working class indulgence of the herb.

The unquestionable consensus arising from scientific research by a wide cross section of studies, done especially on the Third World over the last century, conclusively reaffirm the herb’s margin of safety. These studies systematically refute on scientific grounds all the major charges made against the herb over the years, such as: the stepping stone theory, a-motivational symptoms, foetal abnormalities, hormonal deficiencies, decline in fertility, loss of co-ordination of motor functions and impairment of memory.”

Studies include Bourhill (1913 Africa), Walton (1938 Mexico), Chopra and Chopra (1957 India), Comitas and Rubin (1975 Jamaica), Carte (1976 Costa Rica), Hamid (1980

Trinidad), Comitas (1980 Greece) and Grimspoon (1993 North America). As Ernest L. Abel summarizes in his informative text, *Marijuana, the First Twelve Thousand Years*,  
*“the middle-class perception of marijuana as evil has persisted over the centuries...Only after the sons and daughters of prominent middle-class parents had been arrested and branded as criminals, and in many cases sentenced to long terms in prison, only after it became apparent that marijuana was no longer a minority –group problem, only after fear and panic about marijuana’s alleged dangers began to dissipate in the light of evidence to the contrary from their own sons and daughters, only when the erstwhile marijuana users become the nation’s lawmakers- only then did attitudes and laws about marijuana change”*.

He concludes “whatever marijuana’s past, its future will inevitably be that of decriminalization and eventual legalization, subject no doubt to the same regulatory measures as those that apply to alcohol...If the past is any example, instability, lack of progress, and immorality will or will not occur regardless of whatever happens where marijuana is concerned.”

When debate and research has been undertaken of cannabis, Western scholarship, in trying to come to terms with probable decriminalization or legalization, has usually adopted various categories, namely: legal, economic, environmental, sociological, religious, sacramental, ethno-botanical, medicinal, recreational, industrial etc.

### **The failed ‘War on Drugs’**

Society should be aware that the Rastafari community does not accept the categorization of cannabis as a drug. Cannabis is a natural plant which does not have to be altered in the laboratory in order to acquire beneficial properties or to be used. Ganja belongs within the classification of herb. It should not be listed as a narcotic in the same vein as barbiturates, crack cocaine, heroin and LSD. Ganja must be demarcated from the so called drug culture which is primarily a modern western phenomenon.



The perceived 'war on drugs', begun in the early 1980s, was initiated in the Caribbean during the late President Ronald Reagan's term of office and ultimately championed by his wife Nancy Reagan whose utterances in the public domain perpetuated the long established 1930's prohibition propaganda and falsification of information associated with cannabis (see Harry J Anslinger et al). Simultaneously with the war on drugs during the 1980s, American carriers were mentioned to off-load cocaine in Carlisle Bay, Barbados.

Thus the imposed 'war on drugs' introduced crack cocaine into poor communities i.e. in places that previously were associated only with the availability of the herb. After the visit of a certain foreign military carrier to our island state of Barbados in the 1980s, parts of downtown Bridgetown which had traditionally been places for purchase of small quantities of ganja, also became areas where those who were so inclined could acquire "crack", a cheap derivative of cocaine. Cocaine had been consumed mainly by the wealthier in society.

The war on drugs escalated the targeting of minorities in the USA and the poor, under privileged, marginalized communities in the so called 'Third World' including the island state of Barbados. Our living memory saw this paradigm shift towards implicating black working class communities as prime targets of law enforcement. The utter contempt that has been meted out to indigenous cultures of herbalism which have existed from time immemorial, transformed peaceful communities, urban and rural, into areas vulnerable to intrusion from heavily armed military and paramilitary personnel.

The situation was further compounded by the formation of middle and upper-class service clubs in the Caribbean and Barbados to serve as agencies supporting drug rehabilitation and prevention. The underlying objectives and messages of these organizations were, apparently, an exercise in attempting to convert users of 'illegal substances' to mainstream Christianity. This approach worked in tandem with the local

“drug squads” that meted out harassment and confrontation to poor working class and marginalized younger generations in Barbadian communities. Accused persons are given the choice between rehab and the mental institution. Prison is more likely.

The lessons learned from the present situation that is occurring in the Philippines, where the President has allowed law enforcement squads to execute on any citizens known or suspected of involvement in contraband to be shot or executed on sight, can be the eventual result of the state implementing its ‘war on drugs’ carried to the unbridled extreme.

#### FRAMING MISCHIEF BY A LAW

Law has been the instrument by which the interest of the coercive order has been enforced in this part of the ‘Third World’. The following are but a few of the laws that were passed internationally and locally which can be cited to substantiate this claim.

- 1493 Papal Bull "Inter Caetera" which sanctioned Portuguese and Spanish genocide of the people of Africa and the Americas.
- 1663 Stuart Monarchy Grant - a slave trading monopoly entrusted for 1000 years to the Company of Royal Adventurers trading to Africa; reconstituted 1672 to the Royal African Company (Eric Williams. 1964: 31. Capitalism and Slavery. Published by Andrea Deutsch Ltd. London).
- 1700s Slave Laws passed in the West Indies throughout the period of African enslavement to enforce the heinous system (see Elsa Goviea’s review).
- 1833 Slavery Abolition Act provided compensation to former slave owners for loss of their property and required the newly freed persons to work for 4 - 6 years on the plantation to make up the short-fall on the £20 million received by the planters.

- 1897 Barbados Vagrancy Act Cap.156 passed by the colonial government on the basis of the UK's 1824 Vagrancy Act.
- **1926-7 Dangerous Drugs Act in Barbados.** The Act regulates the importation, exportation, manufacture, sale and use of opium and other dangerous drugs. It also prohibits the cultivation of the *Papaver somniferum* [opium poppy] and *Cannabis Sativa*; prohibits the importation of prepared opium and provides for making regulations.
- 1929-12 Amendment Act revised definitions of the Dangerous Drugs Act 1926-7 and amended the procedure for dealing with drugs in transit.
- 1932 Amendment [further amended the Dangerous Drugs Act] to conform with Geneva Convention No. 2 July 1931.

(The above three are in the Report for Barbados communicated by the Government of the United Kingdom at the League of Nation, January 28, 1937)

- 1937 Marijuana Act passed in the United States
- 1961 The United Nations Single Convention on Narcotic Drugs
- 1972 the Single Convention's amending Protocol

The dates of prohibition and subsequent 'reinforcement' bear a sinister congruence with significant dates in the region. It is tempting to associate the latter two geopolitically with the Caribbean's labour protests of the 1930s and the first and second decades of the region's political independence and development. It is more sobering to contemplate the trend of coercive laws that has continued to be imposed by black leaders upon their faithful electorate. The Prohibited and Unlawful Societies and Associations Act 1974 (the Dread Act) in Dominica placed a select group of citizens outside the protection of the nation's laws.

## **Barbados**

- 1991 Drug Abuse (Prevention and Control) Cap. 131
- 1995-6 Vagrancy (Amendment) Act abolished the distinction between a felony and a misdemeanour
- 1996 Regional Security System
- 1997 Narcotic Drugs Shiprider

Marijuana Prohibition criminalized a large segment of the population and has spawned a global enterprise proliferating illegal gun possession throughout the Caribbean.

Rastafari asserts that it is mischief to criminalize a certain section of the population. It is wrong to warehouse the fruit of black women's wombs in prisons. It is wrong to implement policies that create the negative conditions that have led to increasing violence among young and not-so-young men throughout our communities. It is mischief to want to change the law, thereby admitting failure of national policy, with no recompense given to citizens that the laws have failed.

Rastafari declares that it is exploitative for some institutions of society to now be positioning to benefit from marijuana by framing their economic self-interest as medical marijuana. These same powerful forces, having in their possession research from regional institutions, have remained silent while the lives of many poor black youth and their families have been destroyed due to the existence of the marijuana prohibition law and its biased application. Self-interested public relations only magnify the wrong. Any changes in the legal and social management of marijuana must address this injustice and make restitution to affected families.

## RASTAFARI, GANJA AND REPARATORY JUSTICE

Widespread use notwithstanding, cannabis in the Caribbean and Barbados has been primarily associated with the Rastafari community which over the years has undergone untold discrimination, incarceration, profiling and marginalization while maintaining our stance and acknowledgement of the herb as a sacrament, medicine and healer of the nations. Rastafari promotes the holistic approach to the use of cannabis or ganja as a humanistic, religious and environmental sound practice. Forbidding and ignoring the cultural, religious, medicinal benefits of the plant cannabis has brought about another dimension of neo-colonialism in the form of discrimination, profiling and xenophobia and religious intolerance.

The Rastafari community's 1997 submission for proposed amendment to the Barbados Constitution explained, "the Rastafari's use of the herb as a religious sacrament is centered around those universal spiritual principles which are found among the American Indian, the Buddhists, the Zoroastrians (Magi), the Essenes, the Sufis of Islam, the early Roman Catholics, the Bantus, the Pygmies, the Zulus, and the Hottentots in Southern Africa..."

"The use of herb by Rastafari is also grounded in biblical prophecy as outlined in Rev 22:2 which refers to the 'tree of life whose leaves are for the healing of the nations'. Further authentication is provided for this practice by Psalms 104:14; Proverbs 15:17; Ezekiel 34:29. Concerning the smoking of the herb, spiritual justification is presented in Psalms 18:6-8 and Revelations 8:3-4 among other passages."

It is well to recall that at the United Nations Conference Against Racism held in Durban, South Africa 2001, the Rastafari community, represented by this organisation, ICAR, spoke to the caucuses on reparations and reparatory justice about the profiling, the discrimination and injustices which Rastafari in Barbados and in the general Caribbean

region encounter in our daily life for expression of African and Indigenous culture. Rastafari identified the intolerances experienced by brethren, sistren and youth as situations which qualified for immediate action with respect to reparatory justice and appropriate compensation.

The conference framework of Reparations, Reconciliation and Redress of past and current imbalances placed the subject as main points for debate. Rastafari, as well as the North American Indian First Nations delegates, were able to share concerns and disgust with the various law enforcement agencies who assume that long hair and dreadlock are associated with criminal intent and activity. At that UN Conference Rastafari linked these attitudes to religious intolerance.

## RECOMMENDATIONS

Recalling, within the context of Reparatory Justice, that the 2001 United Nations World Conference Against Racism held in Durban, South Africa initiated the process that has moved us forward into the UN designated Decade for People of African Descent with the themes of "*recognition justice and development*" the focal emphasis has now become reparatory justice.

Rastafari demands that the process of re-regulation, decriminalization and legalization must take into consideration the deprivation of livelihoods, psychological and societal damage imposed on the cultivators, distributors and users who have been incarcerated over the decades. Reparatory justice should lead to entrepreneurship in agro-industry and other business innovations associated with the by-products of the herb, eco and organic farming, indigenous health tourism; e.g. ganja oil for cancer patients.

Additional measures which the State should implement include total reassessment and restitution of those in prisons and mental health institutions to: free up the people who are currently institutionalized for a little ganja; introduce a moratorium and cessation of

arrests and imprisonment of persons for use of herb; grant amnesty to persons currently facing ganja charges; expunge the records of persons who have been criminalized for ganja; give timely economics compensation and business support to the above persons to cultivate their ganja organically in the great outdoors of the tropics; officially recognize RastafarI's ancestral practice of using ganja herb for sacramental and economic purposes. RastafarI wants total freedom as regards ganja. We do not want America to supply us. All ganja is medicinal. The whole plant can be used in various ways that are safe for health.

Specifically in relation to RastafarI the State can take the following welcomed and important reparatory justice steps which should include, but are not limited to:

- Legal recognition of the RastafarI faith to combat religious intolerance;
- Train law enforcement and judicial personnel to respect the cultural mores of groups such as RastafarI and use appropriate interface strategies as proposed by the UN African and African Descendants Working Group in 2011;
- Expunge the records of persons convicted of possession of small amounts of cannabis. This would assist those affected to reintegrate into the economy and society of Barbados;
- Facilitate social rehabilitation of persons using ganja who were given the option to claim addiction, in order to avoid prosecution, and be committed to the psychiatric and other institutions;
- Apologize and provide remedies to the families of persons who have been institutionalized in any way due to their use of ganja;
- Allocate strategic designated spaces with appropriate business infrastructure for the operation of business enterprises by RastafarI;
- Disburse an annual percentage (5% - 7%) of taxes collected from the ganja trade, to the RastafarI community, through its Mansions and registered organisations, for its socio-economic development;

**RastafarI Economic stake in a new ganja regime should guarantee, but are not limited to:**

- A minimum 35% quota of business and export licences of the regulated cannabis trade, with a tax waiver for periods to be negotiated;
- Cultivation, storage, processing and marketing locally and internationally;
- Sovereignty over ganja seeds – the rights to propagate, store, distribute and register specialty strains;
- Registered individual and collective brand ownership of various strains of cannabis;
- Registration of production, processing and marketing cooperatives;
- Access, individually and collectively, to industry incentives;
- Investment and expansion
- Protection of RastafarI intellectual property rights to its Traditional and Indigenous Knowledge of ganja;
- Any other such rights as may pertain to trade in ganja in local and foreign markets.

**RastafarI Cultural stake** that should include, but not be limited to:

- Recognize and uphold the ethno-botanical relationship of the RastafarI and *cannabis sativa* ganja from RastafarI's inception in Barbados in 1975;
- Freedom to grow ganja around RastafarI homes/residences, backyards and communal grounds;
- Freedom of individual home and community usage for medicinal, culinary, cosmetic, esthetic, customary and recreational purposes;
- Creative and artistic expression such as carving, ornaments, jewelry, and functional objects to made from all parts of the ganja plant;



- Use at public events/activities organized by RastafarI such as family days, marches, rallies, motorcades; training sessions, fund raisers, exhibitions etc.

**RastafarI Sacramental stake** includes, but is not limited to:

- Possession, control and use of unrestricted amounts of ganja at RastafarI homes and in collective spiritual spaces, namely Tabernacles, Headquarters, Temples, Camps; Nyahbinghi, Reasonings, Rites of Passage - Sanctification of newborns, Initiation of adolescents, marriages, transitions ceremonies;

**Social stake** includes, but is not limited to:

- Usage as communal currency for bartering goods and services;
- Facilitating community cooperative exchanges of labour in agricultural, educational knowledge, health, sporting and other sectors.

## **Conclusion**

In the context of any official reconfiguration to the management of ganja in Barbados, the State has the opportunity to compensate the RastafarI community for atrocities it has endured. In Barbados a large proportion of affected persons, female and male, are of the RastafarI community. InI therefore seek reparatory justice guarantees of InI stake in the cannabis trade. Reparatory justice for punishment unfairly endured, due to State laws, can be afforded RastafarI through guarantee and protection of InI indivisible rights to economic, cultural, sacramental and social uses of ganja as the community's faith-based practice.

RastafarI makes no claim that every law used to administer Barbados is mischievous. RastafarI does make the claim that it is mischief to lump ganja in the category of narcotic drugs. Ganja has always been medicinal and therapeutic. The social group most identified with its use is a living testimony refuting the false claims attributing

harmful effects to ganja. It is mischief to profile and penalize RastafarI and criminalize a perceived ganja user group while practicing non-interference towards another.

In 2011, the African and African Descendents working group at the UN declared that it would support a comprehensive re-training of law-enforcement officers, judges, magistrates, lawyers etc. so as to alleviate the prevailing prejudice and ignorance displayed by many in their perceived execution of justice to citizens of diverse religious and cultural practices. This offer should be accepted.

RastafarI reiterates that InI traditions of economic/cultural/sacramental/social usage of ganja are indivisible. RastafarI stake in ganja is not to be limited to sacramental use.

Ganja has always had sustainable livelihood and ethno-botanical functions within the community in Barbados and worldwide. Ganja gives people a deep healing, awareness and connection to themselves. Reregulation of ganja must include compensatory reparatory justice to RastafarI.