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Is Greece ready to embrace a legal regime similar to Spain's concerning the legalization of cannabis?

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DEDICATION

*To my father and mother, who raised me up so I can stand on mountains and walk
on stormy seas.*

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I. Introduction

This thesis examines the controversial issue of the legalization of cannabis use based on the current scientific evidence and after an analysis of survey responses from two different European cultural groups: the Greeks and the Spaniards. Nowadays, cannabis is used worldwide regardless of the fact that its consumption is prohibited in many countries. The widespread use of cannabis has started to stimulate governments to pass legislation for reduced punishments in cases of possession and use of cannabis in small amounts for personal use.

With respect to my country, Greece, the Greek legislation has never changed on this particular matter. In Greece, cannabis use or possession even in small quantities is still unlawful. In 2011, the Greek government considered passing a new law which would legalize the use of some drugs for personal use, including cannabis.¹ However, the supply and cultivation of cannabis would still remain punishable as a crime. The then government had considered that as the impact of cannabis for personal use is minimal, there is no need to maintain very strict rules about cannabis use.² Subsequently, police would have the capacity to handle more quickly and easily the more severe situations, while freeing the recreational and personal use of cannabis. It is noteworthy that the proposed law had adopted a remedial attitude in which every drug user would be treated as an addicted person who required rehabilitation rather than a criminal penalty. However, this bill was never ratified.

On the other hand, things are different in another European country--Spain. Greek and Spanish cultures have different origins but share some commonalities, chiefly due to their shared Mediterranean culture. It was very interesting for me to study the Greek and Spanish similarities in family and social structures and our mutual respect for tradition and ethics. Despite our shared understanding on these matters, Spaniards have adopted a more liberal attitude on drug policy enforcement through the legalization of cannabis growth, possession, and use in private spaces and for personal use. This legislative development supported the legal framework of the

¹ <http://greece.greekreporter.com/2011/08/02/decriminalization-of-drug-us/>.

² *See id.*

establishment and operation of cannabis social clubs in Spain.³ Nowadays about 800 private “cannabis clubs” exist there and Spain has become the “New Amsterdam,” where it is known that one could easily obtain and use cannabis for recreational use without fear of persecution.⁴ All these liberal movements in Spain have shown only positive results in their society and economy.⁵

Reviewing the Spanish legislation regarding the legalization of cannabis and the socio-legal outcomes of this development, I was inspired to conduct a social survey of Greeks and Spaniards on the legalization of cannabis since Spain has legalized cannabis quite some time ago and Greece has not. My theory as an attorney and socio-legal examiner is that at the present time Greeks are prepared to accept a legal regime similar to Spain’s which has already legalized cannabis for personal use.

My aim is to demonstrate through data that Greeks and Spaniards do not have differences regarding their views on the legalization of cannabis even though they currently have different legal approaches to the issue. In addition, I theorize that the time of the legalization of cannabis in Greece has now come, is possible, and would be accepted by Greeks. My anticipation is that this thesis will prove helpful and valuable to Greek legislative bodies and organizations which promote this change towards the legalization of cannabis for personal use.

My thesis doesn’t encourage or discourage cannabis use. It only shows data regarding Greeks and Spaniards’ beliefs on legalization of cannabis and attempts to provide incentives to the readers to consider further legislative and social measures which will balance the right of personal freedom with the duties of every state to promote and protect the health of its citizens, especially its minors, from the health risks. In addition, my thesis respects everyone’s personal choices and refrains from bias and does not judge the beliefs of my survey’s participants.

³<http://www.theguardian.com/world/2014/aug/04/catalonia-holland-of-south-tightens-rules-barcelona-cannabis-clubs>.

⁴ *See id.*

⁵ Reuter P., *Marijuana Legalization: What Can Be Learned from Other Countries?*, Rand - Drug Policy Research Center, July 2010.

The focus of this thesis was to examine the opinions of Greeks and Spaniards regarding the legalization of cannabis in relation with the underage people, the moral principles, and two other recreational drugs, such as alcohol and tobacco. This study poses the following research question: “*Are Greeks ready to embrace a legal regime similar to Spain’s which has legalized cannabis for personal use?*”

As previously mentioned, my thesis doesn’t foster the unrestricted accessibility of cannabis. It compares two European cultures, their attitudes towards personal cannabis use, and their criminal laws pertaining to such use. For my analysis, I used data from a questionnaire which had 100 Greek and 100 Spanish respondents, various journals and articles on the topic written in Greece and in Spain and reviewed their penal laws on the subject. The results suggest that Greeks have analogous ideas with Spaniards on the legalization of cannabis (despite the fact that the two countries treat the use differently—it is a crime in Greece and not in Spain). Therefore, I theorize that Greeks favor a potential change on the current legal status of cannabis use. To assess the strength of the survey results, I also used as a counterfactual analysis of the cannabis status in Greece and Spain data from the 2012 National Reports of European Monitoring Center for Drugs and Drug Addiction which provided in-depth information about the new development, trends, and attitudes regarding drugs in Greece and Spain.

This thesis is pertinent to the Sociology of Law because it examines the interaction between the law, society, and social norms. In particular, my research assesses the legal regulations, the perspectives of the Greeks and Spaniards on the topic of the legalization of cannabis for personal use, and the relation between law and social change. For the analysis and explanation of my data, the concepts of legal optimism and legal pessimism along with the Marx’s ideas, the conflict theory, and the theory of the social reality of crime have been employed.

My thesis is organized as follows: In chapter II, I provide information about the subsequent issues: a) cannabis and its recreational use; b) cannabis and its medical use; c) cannabis as compared to tobacco, and alcohol; d) the arguments for and

against the legalization of cannabis; e) EU policies regarding cannabis; and f) the legal status of cannabis in Greece and Spain. In chapter III, I provide the theoretical framework and the rationale for conducting my research and investigating this particular research problem. In chapter IV, I introduce important articles, journals, books, and other sources pertaining to my research. In chapter V, I present the process used to collect my data and information. In chapter VI, I display my data in detail with graphs and tables. Then, my results are discussed in chapter VII and a synopsis of my thesis with recommendations follows in chapter VIII.

II. Background

This present chapter presents an overview of the cannabis' uses and its relation with alcohol and tobacco. It also offers insight into the EU policies about cannabis use and arguments for and against its legalization. Subsequently, it provides a brief overview of the Greek and Spanish legislation within the field.

Cannabis, also known as marijuana, is mostly used for recreational and medical reasons. It has a prevalent position in the category of drugs as it continues to be the first preference of drug users all over the world according to the 2014 European Report of European Monitoring Center for Drugs and Drug Addiction.⁶ Cannabis exist in a variety of forms such as hashish and hash oil.⁷

Users typically smoke cannabis in hand-rolled cigarettes or in pipes or water pipes.⁸ They also smoke it in emptied cigars that have been partially or totally filled up with cannabis. Some users utilize vaporizers so that they can keep the smoke away from their lungs and just inhale the vapor, which has sustained the active components of cannabis.⁹ Other users can mix cannabis in food, such as brownies, cookies, or candy, or brew it as a tea.¹⁰

⁶ *European Drug Report 2014: Trends and developments*, EMCDDA, Lisbon, May 2014.

⁷ <http://learnaboutmarijuana.org/factsheets/whatis cannabis.htm>.

⁸ *See id.*

⁹ *Id.*

¹⁰ *Id.*

Cannabis is mainly consisted of tetrahydrocannabinol (THC), which is mainly responsible for its psychoactive effects.¹¹ Due to its paranormal constituents, most users consume cannabis in order to relax and get “high”, namely, to feel ecstasy and recreation.¹² It has been noticed that these effects of faux happiness are accompanied by an increase in heart rate and food cravings.¹³ In higher doses, cannabis can cause a reduction in short-term memory, dehydration of the mouth, weakened motor skills, reddening of the eyes, and feelings of paranoia and nervousness.¹⁴

On the other hand, cannabis has very important medical uses. Specifically, cannabis is used as remedy to treat diseases or alleviate symptoms.¹⁵ Its beneficial capability on human’s health is recorded back thousands of years across many cultures. Scientists employ cannabis to decrease nausea and vomiting in chemotherapy, to increase the appetite of people suffering from AIDS and cancer, treat glaucoma, and to relieve pain and muscle spasticity.¹⁶

Of course, there are arguments against the positive effect of cannabis on a person’s health. Some argue that short-term use elevates minor opposing effects, but does not seem to intensify important adversarial effects.¹⁷ Long-term results of cannabis are not distinct¹⁸ and there are welfare concerns embracing memory and reasoning problems, peril for addiction and the hazard of children taking it inadvertently.¹⁹ Despite this anxiety, the medical use of cannabis has been legalized in several

¹¹Wayne H., Nadia S., *Adverse Effects of Cannabis*, the lancet, Vol 352, November 14, 1998, p. 1611-1618.

¹² See id.

¹³ Id.

¹⁴ Id.

¹⁵<http://www.emcdda.europa.eu/publications/drug-profiles/cannabis>

¹⁶Borgelt LM., Franson KL., *The Pharmacologic and Clinical Effects of Medical Cannabis*, Pharmacotherapy Review, 2013, p. 195-209.

¹⁷Wang T., Collet JP., *Adverse Effects of Medical Cannabinoids: A Systematic Review*. CMAJ Review p. 1669-78, June 2008.

¹⁸ See id.

¹⁹ See Borgelt.

European countries, including Austria, Czech Republic, Finland, Germany, Italy, Netherlands, Portugal and Spain.²⁰

Putting the popularity of cannabis aside for the moment, tobacco and alcohol also have a very widespread acceptance as recreational drugs, despite the authorities which have demonstrated the high risk of harm that can be caused on people's health by tobacco and alcohol. According to a current study of scientists about the assessment of drug risks,²¹ cannabis was proved to be far safer than alcohol, tobacco and multiple other illicit substances. Cannabis is roughly 114 times less deadly than alcohol, according to these recent findings.²² Of the seven drugs included in the study, alcohol was the deadliest at an individual level, followed by heroin, cocaine, tobacco, ecstasy, methamphetamines, and cannabis.²³ Previous studies consistently ranked cannabis as the safest recreational drug, but it was not known that the difference was this huge.²⁴ Researchers recommend that legal control and not prohibition of cannabis would be a more practical tactic to face cannabis use.²⁵ Moreover, pursuant to a Delphic analysis²⁶ by British researchers in 2007, cannabis was found to have a lower risk factor for addiction paralleled to both tobacco and alcohol. However, daily use of cannabis can in some instances be associated with psychological issues, depression, panic attacks, bad temper, and sleeplessness.²⁷ Despite these side-effects, cannabis symptoms are generally trivial and are never lethal.²⁸

²⁰Bifulco M., Pisanti S., *Medicinal Use of Cannabis in Europe*, Science & Society, EMBO Reports, 2015, p. 1-3.

²¹Van Amsterdam J., Opperhuizen A., *Ranking the Harm of Alcohol, Tobacco and Illicit Drugs for the Individual and the Population*, Eur. Addict. Res. 16, 2010, p. 202-207.

²² *See id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶Nutt D., King L., *Development of a Rational Scale to Assess the Harm of Drugs of Potential Misuse*, The Lancet 369, 2007, p. 1047-53.

²⁷*Erowid Cannabis (Marijuana) Vault : Effects*, Erowid.org., February 2011.

²⁸*Myths and Facts about Marijuana*, Drugpolicy.org, February 2011.

The legalization of cannabis comes to an opposition with the prevalent cannabis prohibition, which commenced in the late of 1930s, as a result of the agreement about Indian hemp, also known as hashish, during the International Opium Convention in 1925.²⁹ Nonetheless, nowadays use and possession of cannabis in small quantities have been legalized in many countries.

The legal status of cannabis for personal use is one of the most controversial policy issues in the European Union.³⁰ Despite the fact that cannabis is a classified drug placed under supervision by the United Nations and by all EU Member States, the measures adopted to control it at national level differ significantly. Cannabis extracts, such as marijuana, hashish and cannabis oil are categorized as narcotic drugs under both Schedules I and IV of the 1961 United Nations Single Convention on Narcotic Drugs³¹. The article 36 of this Convention calls for Member States to adopt such measures that will guarantee that their state laws regarding the possession of drugs will not conflict with the provisions of this Convention.³²

The EU Member States have transferred the UN instructions regarding the penal or administrative control of cannabis, and have applied them according to their own state or local occurrences. This has resulted in a legal disparateness regarding cannabis offences: some countries or regions allow particular kinds of use, possession, and consumption; other countries apply administrative sanctions or fines; while still others apply penal sanctions. As of 2015, Czech Republic, Netherlands, Portugal, Spain, and Switzerland have the least strict laws towards cannabis use and possession for personal use.³³

Despite the diverse legal tactics towards cannabis, a shared inclination can be seen across the Member States in the development of alternate measures to criminal

²⁹https://treaties.un.org/pages/ViewDetailsIV.aspx?src=TREATY&mtdsg_no=VI-2&chapter=6&Temp=mtdsg4&lang=en.

³⁰ <http://www.undrugcontrol.info/en/issues/cannabis>

³¹ *See id.*

³² http://www.unodc.org/pdf/convention_1961_en.pdf, p. 18-19.

³³ *See note 15.*

prosecution for cases of use and possession of small quantities of cannabis for personal use without aggravating circumstances. Most European justice systems are more supportive to counselling, fines, cautions, and probation than punishment. It is remarkable that cannabis especially is often differentiated from other substances and given unique treatment in these cases, either in the law, by prosecutorial directive, or by the judiciary. Nonetheless, police arrests for drug offences, mainly those involving cannabis, are rising in several countries.

In addition, within the EU, the Council Resolution on cannabis requests Member States to take measures to dissuade personal use of cannabis, such as improving the communication with cannabis users especially the very young, to inform and educate parents, teachers, media professionals, prison staff and police officers, and to promote networking among health and education professionals on cannabis-associated issues.³⁴ The Council also invites Member States to take measures against Internet sites providing information on cultivation and encouraging use of cannabis.³⁵

The supporters of legalization of cannabis argue that the criminalization of cannabis use should be eliminated from the criminal justice system and be regulated in a manner identical to alcohol and tobacco.³⁶ They also claim that the prohibition must be weighed against the loss of personal freedom and thus governments should have a high regard for personal free will and the right of independence.³⁷ In addition, they assert that legalizing cannabis will bring financial development to each country's economy and subsequently to EU's economy by creating jobs and economic opportunities in the formal economy instead of the illicit market.³⁸ Apart from the rise of tax revenue, law enforcement resources, corrections and court

³⁴<http://www.emcdda.europa.eu/legal-topic-overviews/cannabis-possession-for-personal-use>.

³⁵*See id.*

³⁶<http://legalizationofmarijuana.com/pros-and-cons-of-marijuana.html>.

³⁷*See id.*

³⁸*Id.*

costs will also be reduced.³⁹ In this way, organized crime and violence would be controlled better and mitigated, as it has been observed in other states.⁴⁰

On the other hand, opponents argue that a state cannot be implicated with the distribution of substances, such as cannabis, considered immoral and unhealthy as the goal and the role of the state is to protect citizen's health and not to expose them to risk.⁴¹ Moreover, they allege that the open availability of cannabis would create new consumers and minors would be encouraged to use cannabis as its legalization would send the message that its use is acceptable to the society.⁴² The adversaries also contend that the use of a soft "starter" drug as cannabis will lead to the use of hard drugs and as a result violence and neglect of children by drug-addicted parents will be escalated.⁴³

As my research is based on the beliefs and perspectives of Greeks and Spaniards, it is very important to review the legal status of cannabis in Greece and Spain. Greek law makes no distinction between hard and soft drugs, although an interesting difference is that Greek law does make a distinction between addicts and non-addicts.⁴⁴ Drug use is only an offense when the user is a non-addict.⁴⁵ Addicts taking drugs for personal use are sentenced to treatment. An addict is described as "any person who, having yielded to the practice of drug use, is incompetent of conquering it without the help of specialized therapy."⁴⁶ A specialist is recruited by the court to draft a report on anyone accused of or claiming to be an addict.⁴⁷ Dependent users cannot be criminally prosecuted, but they are mandated to

³⁹*Id.*

⁴⁰<http://www.inquisitr.com/1490010/is-legalizing-recreational-marijuana-use-beneficial-to-the-society-colorado-crime-rate-statistics-surely-suggest-so/>.

⁴¹*See id.*

⁴²*Id.*

⁴³*Id.*

⁴⁴<http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=YTYbJcYuEkI%3D&tabid=132>.

⁴⁵*See id.*

⁴⁶*Id.*

⁴⁷*Id.*

treatment for up to one year at a detoxification center.⁴⁸ Non-addicts acquiring drugs for personal use is a crime punishable by two to five years of prison.⁴⁹ The length of the sentence is contingent on the amount of drugs obtained and/or possessed.⁵⁰ Possession by non-addicts with a view to use is not a specific offense, but it is covered indirectly under the laws of acquisition.⁵¹ Trafficking through negligence results in up to one year imprisonment while trafficking given aggravating circumstances carries a penalty of up to eight years in prison.⁵²

Based on the above statements, cannabis' possession or use of even small amounts is illegal in Greece. Generally, individuals are arrested for cannabis use and possession and sometimes based on the collected evidence are convicted by the courts. Especially, possession of large quantities of cannabis may lead to several years in prison. In Greece, as with all drugs and according to the 3459/2006 Law on Narcotics, article 29, paragraphs 1 and 4,⁵³ cannabis-related offences of purchase, possession, as well as cultivation for exclusive personal use, are punishable with imprisonment. Reduction/suspension or conversion of the penalty is foreseen in case of small quantities.⁵⁴ In addition, cultivation of cannabis only may also be included as an offence of personal possession.⁵⁵

It is very interesting that the economic crisis in Greece has also touched the problem of cannabis use and its legalization. Last week, the first cannabis festival in Greece took place at Syntagma Square in Athens. The activists of the legalization of cannabis who organized this festival named it as "Athens Cannabis Protestival", as they protested against the current legal status of drugs and users and they also

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ http://www.dsanet.gr/Epikairothta/Nomothesia/n3459_06.htm.

⁵⁴ *See id.*

⁵⁵ *Id.*

sought the legalization of cannabis for personal use, medical and recreational purposes, and the decriminalization of users.⁵⁶

The supporters claim that such evolution would promote the Greek economy. In particular, it would generate considerable revenues to the state through a state-run cannabis production industry that would also create 40,000 employment positions.⁵⁷ Such a potential would produce €2.5 billion a year and assist the Greek economy come out of the recession.⁵⁸ The advocates of the legalization of cannabis were protesting for their right as individuals to use the ecstatic substance of their selection. Conversely, the Medical Association of Athens, on the occasion of this festival, expressed its strong opposition to the legalization of cannabis and any action which contributes to the dissemination and social acceptance of psychotropic substances, on the basis that they feared minors will be more attracted to use drugs.⁵⁹

It is noteworthy that the two key sponsors of the festival were two Spanish websites selling cannabis seeds.⁶⁰ According to the advocates of the legalization of cannabis, the Greek government should permit its citizens to cultivate up to six plants for personal use, create non-profit cannabis social clubs, and sell certain quantities per year to adults at low prices.⁶¹ Last of all, the supporters of the legalization of cannabis think that the time is fully grown for such a sweeping change with the present Greek government.⁶²

On the other hand, Spain has been progressively relaxing its drug laws for many years and nowadays has become one of the most liberal countries in Europe regarding drug use. This development was generated by the need of Spaniards to

⁵⁶ <http://www.protothema.gr/greece/article/474526/pano-i-fouda-se-amsterdam-metatrapike-i-plateia-sudagmatos/>.

⁵⁷ *See id.*

⁵⁸ *See id.*

⁵⁹ <http://www.lifo.gr/now/greece/66078>.

⁶⁰ *See id.*

⁶¹ *Id.*

⁶² *Id.*

face the widespread social issues caused by heroin use and HIV in 1980s.⁶³ The most consumed illegal drug in Spain is cannabis or, more precisely, cannabis resin. Spain's geographical proximity to Morocco, one of the world's main cannabis resin – or hashish – producers, is an important factor in its high rate of consumption. As now cannabis is grown throughout Spain, small amounts for personal use are legal and the Spanish economy has evolved significantly by the creation of grow shops, seed banks, and private members clubs which supply their customers with up to 100 gr./month.⁶⁴ Each Spanish region has its own policies and commissioners.⁶⁵

Pursuant to Spanish law, while small amounts for personal use are lawful, it is still unlawful to traffic cannabis or to cultivate it for commercial supply. Specifically, the article 368 of the Spanish penal code denotes that even possession of cannabis is illegal.⁶⁶ Despite this fact, private residences are considered sacred and thus cultivation and consumption of quantities of cannabis for personal use are permitted in the privacy of one's own home.⁶⁷ In addition, it is also permitted to sell and buy seeds and hemp goods.⁶⁸ However, possession or use of drugs in public places is still against the law for the protection of the citizens, but it doesn't constitute a criminal or arrestable offense—it is equivalent to a public nuisance.⁶⁹ The only sanctions that can be imposed for this act is a fine of €601 or more.⁷⁰ It is notable that the definition of “personal use” is open to dispute. Therefore, a police officer has every right to contest the user's allegation that the cannabis possessed is for “personal use” and may proceed to the user's arrest. Afterwards, if a judge decides

⁶³ Gamella J., Jiménez R., *A Brief History of Cannabis Policies in Spain (1968-2003)*, Journal of Drug Issues, July 2004.

⁶⁴ <http://www.tdpf.org.uk/blog/cannabis-social-clubs-spain-legalisation-without-commercialisation>.

⁶⁵ *See id.*

⁶⁶ http://www.legislationline.org/download/action/download/id/5160/file/Spain_Criminal_Code_Codigo_Penal.pdf.

⁶⁷ *See id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

that cannabis or cannabis products are possessed for trafficking, then the penalty is from three years to six years in jail.⁷¹

III. Theoretical Framework

This chapter describes the theory chosen to examine the research question of this thesis. Below I discuss several possible approaches to the rule of law and law's relationship to society: The Sociology of Law, the legal optimism, the legal pessimism, the Karl Marx's ideas, the Conflict Theory, and the theory of the social reality of crime.

The Sociology of Law both as an academic and research field examines the relationship of law and society.⁷² A sociological attitude towards law is related with how society works and the affinity between law and other spheres of social life.⁷³ It is notable to examine two methodologies which illustrate conflicting aspects regarding the law's function; legal optimism and legal pessimism.

According to legal optimism, law is the essential tool to the establishment of the society.⁷⁴ It can solve the problems of society and is the indispensable parameter which brings social stasis or change.⁷⁵ The law is the term which we apply to those values and behaviors in society which control what structures are used and why, and which rules work and which do not and why.⁷⁶ Law coordinates society through the enactment of legislation and the enforcement of sanctions.⁷⁷ The lawmakers

⁷¹*Id.*

⁷²Banakar R., Travers M., *An Introduction to Law and Social Theory*, Oxford - Publishing 2002, p. 3.

⁷³*See id.*

⁷⁴Himma K., *Law, Morality, and Legal Positivism: Proceedings of the 21st World Congress of the International Association for Philosophy of Law and Social Und Sozialphilosophie – Beihefte*, Franz Steiner Verlag, December 2004, p. 168.

⁷⁵*See id.*

⁷⁶Friedman L., *The Concept of Legal Culture: A reply*, 33 in David Nelken, (ed.), *Comparing legal cultures*, Dartmouth Publishing Company Ltd. (1997).

⁷⁷*See id.*

should generate rules of society in accordance with their citizens' beliefs.⁷⁸ In other words, law is a natural outgrowth from the belief of the governed citizens.

In contrast, according to legal pessimism, law has a reduced or even no role regarding the control of society.⁷⁹ Society's unofficial social norms establish the controlling function and the construction of law is a product of these social norms.⁸⁰ Therefore, the social norms and changes lead to law instead of law ensuing in social norms.⁸¹ Based on Banakar, the law guarantees the anticipations and expresses the beliefs and standards of the society.⁸² In particular, he thinks that law is an outcome of society which reflects the society's principles, but society doesn't reflect the moral values expressed in law.⁸³ Law is just an official form of regulations and norms, which portrays the rights and obligations of the citizens.⁸⁴

From another point, there is the Conflict theory, which will be also examined in relation to my research question of the thesis. Karl Marx, a supporter of development, stimulated conflict theory.⁸⁵ Viewing the depression of employees and farmers in early modern Europe, he dedicated his life to fighting for a revolution that he thought that would enhance their lives.⁸⁶ In supporting this revolution, Marx realized some persistent perceptions of society. He perceived society as held together not so much by consensus over ideas as by dominance.⁸⁷ Those with power could compel and control others to do their bidding.⁸⁸ Power originated from property, from owning the courses of manufacture on which the economic system

⁷⁸ *Id.*

⁷⁹ Ehlich E., *Eugen Ehrlich's Sociology of Law*, Lit Verlag, 2014, p. 118.

⁸⁰ *See id.*

⁸¹ *Id.*

⁸² *See Banakar at 3-4.*

⁸³ *See id.*

⁸⁴ *Id.*

⁸⁵ Turner J., *Sociology: The Science of Human Organization*, Chicago: Nelson-Hall, 1985, p. 34.

⁸⁶ *See Banakar at 20.*

⁸⁷ Coser Lewis, *Social Conflict and the Theory of Social Change*, *The British Journal of Sociology*, Vol. 8, No. 3., September 1957, p. 200.

⁸⁸ *See id.*

and people's existence rests on.⁸⁹ Those who own the land in farming societies have control, those who possess factories in industrial societies have power, and they rule by dominating.⁹⁰ Holders force, control ideas, and impose law by exploiting those with lesser power.⁹¹

Marx gave impetus to the development of conflict theory.⁹² Some of the questions raised by Marx are:⁹³ How are resources allocated? How are resources used to control people and classes? What tensions and conflicts are likely to arise? How do these transform society? Marx offered new awareness into the social forces of power, inequality, and conflict. He believed that societies were not steady social systems, governed by democratic rules and commonly beneficial exchanges.⁹⁴ The rules were carried out by those with power, and the exchanges were unfair.

Specifically, Conflict Theory posits that every society is exposed to a process of constant change and that this process causes social conflicts.⁹⁵ Thus, social change and social conflict are omnipresent. Individuals and social classes, each with unique interests, are essential elements of a society. As such, they are members in this process but there is no assurance that the interests of each class will concur.⁹⁶ Undeniably, the nonexistence of shared ground will bring them into conflict with each other. Occasionally, each element's involvement may be positive or negative, progressive or damaging. The advancement made by each society as a unity is restricted by the actions and omissions of some of its participants by others.⁹⁷ This weakness may stimulate an effort for greater development but, if the less advancing group has access to the coercive power of law, it may establish disparity and

⁸⁹ See Banakar at 20-21.

⁹⁰ See *id.*

⁹¹ *Id.*

⁹² Deflem M., *Sociology of Law - Visions of a Scholarly Tradition*, Cambridge University Press, 2008, p. 119.

⁹³ See Banakar at 97.

⁹⁴ See note 89.

⁹⁵ See Deflem at 119-121.

⁹⁶ See *id.*

⁹⁷ *Id.*

tyrannize those regarded less equal.⁹⁸ In turn, this disparity will become an important basis of conflict. The conflict theory recognizes the state and the law as instruments of coercion used by the ruling class for their own benefit.

Conflict theorists advocate that crime in any society is triggered by class conflict and that laws are formulated by those in power to safeguard their rights and interests.⁹⁹ All criminal acts have political hints, and Quinney (2000) has called this concept the "social reality of crime."¹⁰⁰ Pursuant to the concept of the social reality of crime, crime is held to be a legal explanation of human behavior created by the representatives of the prevalent class in a politically organized society.¹⁰¹ Therefore, definitions of crime are consisted of conducts that fight with the interests of the dominant class, which has the power to render its interests into public policy.¹⁰² Descriptions of crime are consecutively employed by the class that has the power to manipulate the enforcement and organization of criminal law.¹⁰³

In addition, according to the theory of the social reality of crime, behavior designs are shaped in relation to the definitions of crime; and within this framework, people participate in actions that have comparative likelihoods of being defined as criminal.¹⁰⁴ The possibility that persons will evolve action outlines with a high probability for being defined as criminal is contingent on organized opportunities, learning experiences, interactive relationships and identification, and self-perceptions.¹⁰⁵ A dogma of crime is structured and circulated by the governing class to safeguard its supremacy.¹⁰⁶ The social reality of crime is accordingly created by the construction and application of definitions of crime, the evolution of behavior

⁹⁸ *Id.*

⁹⁹ *See* Deflem at 230.

¹⁰⁰ Quinney R., *Conflict Theory of Crime*, Wadsworth Publishing Co, 2000, p. 65-69.

¹⁰¹ *See id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

patterns in relation to these definitions, and the construction of an ideology of crime.¹⁰⁷

The aforementioned theories are valuable tools to my study because they will give me the opportunity to understand the role of Greek and Spanish legal regimes about the legalization of cannabis. In addition through these concepts I will be able to examine if Greece can adopt a legal system concerning the regulation of cannabis use similar to Spain's. Employing legal optimism and legal pessimism, I will comprehend how norms and culture in society affect law and in reverse. The choice of applying Marx's theories along with the conflict theory and the theory of the social reality of crime is that these concepts will assist me in relation with the responses of my Greek participants to appreciate whether law about cannabis use should change in order to reflect the beliefs and values of the society.

IV. Literature Review

The legalization of cannabis is a controversial issue, which has been discussed by many scholars and researchers all over the world. Due to my profession as an attorney, I have read numerous legal articles and journals concerning the legalization of cannabis. Despite my legal involvement, I have never noticed a survey about the Greeks and legalization of cannabis in contrast with other European citizens in other countries, such as Spain. I started to search more thoroughly about the opinions of Greeks regarding cannabis and discovered that there were gaps in the research. These gaps gave me the motivation to start my own research on this issue. Therefore, I first started my project by examining on prior related studies on the cannabis use and its effects, the attitudes based on the legalization/decriminalization of cannabis, the relationship of cannabis with alcohol and tobacco, the minors' influence, and the moral beliefs regarding cannabis use.

¹⁰⁷ *Id.*

According to Pearson and Shiner (2002),¹⁰⁸ in 1999 MORI¹⁰⁹ conducted a survey to 1600 English adults, aged 16 to 59 years old about their opinions regarding the illicit drugs and the legalization of softer drugs as cannabis. The data from the survey displayed that despite the fact that most people in United Kingdom took drug problems seriously, many had reservations regarding whether the police could prevent people from using drugs. In addition, most people made clear distinctions between substances and general support was obvious for some form of legalization of cannabis. Among adults of all ages, cannabis was considered to be the least harmful illicit drug. Apart from this, there was a common belief among the participants of the survey that cannabis was the least harmful of drugs, including alcohol and tobacco.

Gamella and Rodriquo (2004)¹¹⁰ present an interesting study about the cannabis policies in Spain from 1968 to 2003. In particular, they give details about the legal changes in Spain, their implementation, and long-term oscillations in consumption rates. In addition, they state a number of indicators of the rise of cannabis cultivation at residences since 1992. This increase occurred because Spaniards reacted to a modification of the Spanish law which permitted the police officers to arrest individuals for transporting cannabis. It should be noted that Gamella and Rodrigo also describe in their report some instances of violence in the upper levels of the import trade of cannabis in Europe. Nonetheless, they mention that the violence appears significantly less than that involved in markets for cocaine or heroin. In the end, they conclude that there are many legal and political inconsistencies regarding the treatment of legalization of cannabis and suggest that there should be

¹⁰⁸Pearson G., Shiner M., *Rethinking the Generation Gap, Attitudes to Illicit Drugs among Young People and Adults*, Criminology and Criminal Justice, February 2002.

¹⁰⁹Nowadays, it is called Ipsos MORI and is the largest independent market and opinion research organization in United Kingdom.

¹¹⁰Gamella J., Jiménez R., *A Brief History of Cannabis Policies in Spain (1968-2003)*, Journal of Drug Issues, July 2004.

established a consensus about this issue all over Europe through the reexamination of policies.

McCoun and Reuter (2001) noted that measures concerning cannabis are the most “active policy battlefield” in the drug policy debate in the Western countries. McCoun and Reuter step forward and define “depenalization” as a strategy characterized by “a substantial reduction of penalties for possession of modest quantities of prohibited psychotropic drugs ” regardless of the fact that the sale and manufacture of these drugs remain illegal and that prohibition is aggressively prosecuted at current levels”.¹¹¹

MacCoun and Reuter also conclude that “the removal of criminal penalties for possession is unlikely to increase significantly the numbers who use drugs,” but “legalization is very likely to lead to commercialization of the product - lower prices, easier access, and heavy promotion” and, in this sense, commercialization “will generate higher prevalence and consumption”.¹¹² Commercialization is therefore the key aspect to deliberate in comprehending major legal changes concerning cannabis, as “the term legalization compounds two very different interventions that are in principle separable: depenalization and commercialization”.¹¹³

In another study, MacCoun (2010)¹¹⁴ examined the practical consequences of publicly tolerated retail sales of cannabis through the generally known coffee shops in the Netherlands. MacCoun used accessible Dutch data regarding the frequency and forms of cannabis use, its remedy, the imposed sanctions, and the prices and pureness of cannabis since the 1970s to nowadays. Then, he compared all this information with similar indicators in Europe and the United States. According to

¹¹¹ MacCoun R., Reuter P., *Drug War Heresies. Learning from other Vices, Times and Places*, Cambridge University Press, 2001, p.74.

¹¹² *See id* at 9.

¹¹³ *See id* at 240.

¹¹⁴ MacCoun R., *What can we Learn from the Dutch Cannabis Coffee Shop System?*, The Author, Addiction, Society for the Study of Addiction, 2010.

the findings, the dominance of cannabis use among Dutch citizens increased and declined as the number of coffee shops grew and later fell. In addition, the coffee shops didn't seem to foster the desire to cannabis users to try heavier drugs.

Nonetheless, MacCoun acknowledges that the treatment rates for cannabis are higher than elsewhere in Europe. He concludes that these Dutch policies have ameliorated the problem of drugs in the society and people perceive this experience as an effective way to deal with the crisis of drugs. In addition, he observes that cannabis use in the Netherlands is lower than would be anticipated in an open market and he estimates that this is due to the fact that cannabis prices have stayed high because of production-level bans. As stated by MacCoun, the Dutch system serves as a refined choice to both full prohibition and full legalization.

On the other hand, Moravek (2008)¹¹⁵ studied the transmission of the Problem Drug Use (PDU) concept into Czech scientific discourse through European institutions' projects, and assessed PDU's utilization by Czech researchers in relation to cannabis legalization efforts. Moravek mentions that because of PDU's focus on hard drugs, drug policy reformers in the Czech Government legitimized their interest on "harder" drugs, and successively proposed more tolerant sanctions for the possession, use, and cultivation of cannabis. Moravek believes that policy reformers should not overlook the problem of cannabis use and focus only on "harder" drugs. He thinks that even if the cannabis is legalized, it will still remain a problem for society and people will continue to see this as a challenge.

Another very interesting study is presented by Van Vliet (1990),¹¹⁶ who highlighted that the Dutch drug policy has achieved largely against the international drug politics. Vliet thinks that the Dutch attitude to cannabis use is much more practical than the British system, which considers addiction as a disease in need of treatment.

¹¹⁵ Moravek J., *Problem Drug Use, Marijuana, and European Projects: How Epidemiology Helped Czech Policy Reformers*, Central European Journal of Public Policy, Vol. 2, December 2008.

¹¹⁶ Van Vliet H., *The Uneasy Decriminalization: A Perspective on Dutch Drug Policy*, 18 Hofstra L. Rev. 717, 1989-1990.

He has also claimed that Dutch react more simply and humanely than the British because the Dutch only see the drug users as divergent fellows and not as strangers.

Likewise, Bonnie (1990)¹¹⁷ has also studied the liberal drug policy in Netherlands, which is based on the treatment of addicts rather than punishment. The drug laws in the Netherlands prioritize the health and care of drug users. Bonnie deems that the open-minded system in Netherlands seems to operate well and suggests that other countries should also adopt similar policies. He also explains that the legalization of cannabis is not associated with narcotics, immorality, felonious conduct, and insanity.

The same successful results are also presented by Greenwald (2009),¹¹⁸ who states that the cannabis decriminalization in Portugal gave lessons to people and to the legislative bodies for developing fair and successful drug policies. In particular, he first examined the Portuguese legalization context as set forth in law and in the terms of how it operates in practice. The results of legalization in Portugal were analyzed both in complete terms and in comparisons with other states that persist to forbid drugs, especially within the EU. The data indicated that the Portuguese legalization framework has been an unambiguous success.

By the same token, Hughes and Stevens (2011)¹¹⁹ studied the problem of legalization of cannabis in Portugal, where use and possession of drugs were decriminalized on July 1st of 2001. Founding their conclusions on interviews with 13 interested parties¹²⁰ in 2007 and 2009 and assessing autonomously the

¹¹⁷ Bonnie R., *Marijuana Use & Criminal Sanctions - Essays on the Theory & Practice of Decriminalization*, Lexis Publishing, 1980.

¹¹⁸ Greenwald G., *Drug Criminalization in Portugal: Lessons for Creating Fair & Successful Drug Policies*, Cato Institute, 2009.

¹¹⁹ Hughes C. and Stevens A., *What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?*, Oxford University Press on behalf of the Centre for Crime and Justice Studies (ISTD), 2010.

¹²⁰ These included representatives of the Institute for Drugs and Drug Addiction (the government body in charge of researching and responding to drug addiction and use), non-governmental organizations, political parties and national and international drug researchers.

Portuguese system, they considered the criminal justice and health consequences against the current status of two other European countries, Spain and Italy. They claim that at odds with the expectations, the Portuguese legalization didn't cause significant rise in drug use. On the contrary, the data showed declines in problematic use, drug-related harms and criminal justice congestion.

Hathaway (2011)¹²¹ perceives that cannabis status has been evolved importantly and has been stabilized in many countries through the high use levels, social open-mindedness, and general cultural acceptance of its use in many countries. However, cannabis is still an illegal drug, and thus users still confront the fear of legal sanctions and experiences of stigma from the society.

An insightful study about the legalization of cannabis in connection with other harmful substances such as tobacco and alcohol is reported by Brink (2008).¹²² Brink discusses the issue of legalization of cannabis and claims that cannabis has less negative effects on human's health than nicotine, alcohol, and cocaine. Based on this point, he recommends the substitution of prohibition of cannabis use and criminalization of cannabis users by a system of regulations similar to those employed for other recreational drugs for instance tobacco and alcohol, with better quality control, deterrence through educational programs, high prices and boundaries regarding cannabis availability and free and open therapy for the few who deal with problems because of their use of cannabis constantly.

The same results of Brink's assessment are visible in Lachenmeira's report (2010),¹²³ which explains the results of a risk evaluation study where 19 recreational drugs (17 illegal drugs plus alcohol and tobacco) consumed in the Netherlands have

¹²¹Hathaway A., *Cannabis Normalization and Stigma: Contemporary Practices of Moral Regulation*, Criminology and Criminal Justice November 2011 vol. 11 no. 5.

¹²²Brink W., *Forum: Decriminalization of Cannabis*, Wolters Kluwer Health, Lippincott Williams & Wilkins, 2008.

¹²³Lachenmeiera D., Rehm J., *Comparative Risk Assessment of Alcohol, Tobacco, Cannabis and other Illicit Drugs Using the Margin of Exposure Approach*, published online 2015 Jan 30, doi: 10.1038/srep08126.

been classified by a Dutch expert panel as per their detriment. The harm parameters recorded are critical and long-lasting toxicity, addictive potency, and social harm. Based on the report, cannabis has the lowest probability of mortality and is safer than the regularly used alcohol and tobacco as well as the rest of the drugs in the research. To decide the risk of mortality, the researchers compared the deadly dose of each substance with a generally used quantity of each substance. According to their results, alcohol was found to be potentially more fatal than heroin. Moreover, their findings confirmed previous research which concluded that cannabis is significantly more harmless than other recreational drugs, such as tobacco and alcohol. In the end, researchers argue that their results direct toward the need of establishment of emergent plans which will focus on dealing the jeopardy related with alcohol and tobacco, rather than the unlawful drugs in the study.

A recent study from Cerveny (2015)¹²⁴ investigated the impact in Czech Republic after a change in law in drug policy on the stage of the beginning of cannabis use. Specifically, Cerveny used the survey data of 2012 so that he could delve into the details of the results because of the new law which decriminalized possession of small quantities of several illegal drugs, such as cannabis, for personal use. He observed that there was no impact because of this amendment. According to his findings, the policy change did not intensify the trade of cannabis. In Czech Republic, cannabis users still found it as simply to gain access to cannabis after the decriminalization as they did before the policy change. The research also found that whether or not an individual starts using cannabis is not only opportunity driven. Some individuals will never start using cannabis. Actually, the decriminalization did not lead the avoiders to commence consuming cannabis.

Lambropoulou (2003)¹²⁵ scrutinizes the drug policies in Greece and explains through collected data that the sanctions of cannabis users sometimes can be

¹²⁴Cerveny J., *Cannabis Decriminalization and the Age of Onset of Cannabis Use*, CentER Discussion Paper Series No. 2015-007, January 2015.

¹²⁵Lambropoulou E., *Drug Policy in Greece: A Balance between Enforcement and Persuasion*, *European Journal of Crime, Criminal Law and Criminal Justice*, Volume 11, Issue 1, 2003, p. 18-39.

tougher than the punishment of heroin users. She also remarks that the drug policies in Greece are affected by varied parameters, such as the political and economic instability, and the fact that there are no resources of primary prevention of drug use. Additionally, the treatment and rehabilitation system is not very successful and as a result a lot of drug users are registered for years on the waiting lists. Further, she states that users of soft drugs, such as cannabis, are generally treated as felons and most of the times they have to face imprisonment. In the end, Lambropoulou recommends that Greek legislators should reconsider the drug policies and reduce the intrusion of criminal law in cases of drug use and possession for personal use. Apart from this, she suggests the enactment of pilot programs for the regulation of cannabis supply.

In summary, the aforementioned studies assisted me to discover what statistical knowledge, analytical perspectives, and discussions exist related to cannabis use and its legalization and to increase my knowledge about the data on the topic. This literature review was not solely focused in Spain and Greece, but also in other European countries, in which cannabis has already been legalized. This is due to the fact that the comparative review of other European countries would be helpful to my analysis as I would have the opportunity to review the effects and results of cannabis legalization in these countries. To conclude, the related work was beneficial to me as it gave me new unique ideas and aided me to rationalize the relevance of my proposed research and combine the collected data with my conclusions.

V. Methodology

The purpose of this study is to examine and compare Greeks' and Spaniards' opinions about the legalization of cannabis. This section will: (a) set forth the research methodology of my study, (b) justify the sample selection, (c) describe the procedure used in designing the survey and collecting the data, and (d) give details of the statistical procedures to analyze the data.

The term “survey” generally describes a research methodology designed to collect data from a specific population, or a sample from that population, and usually employs a questionnaire or an interview as the survey instrument.¹²⁶ Surveys are used to obtain data from individuals about themselves, their opinions, and trends between populations.¹²⁷ Sample surveys are a very valuable tool for collecting and analyzing data from selected individuals. They are commonly recognized as a fundamental instrument for conducting and applying basic social-legal research methodology.¹²⁸

In addition, there are noticeable advantages in using a questionnaire instead of an interview methodology.¹²⁹ Questionnaires are less expensive and easier to administer than personal interviews. Above all, the questionnaires allow confidentiality to be guaranteed.¹³⁰ In addition, questionnaires can be analyzed more scientifically and empirically than other forms of research and the data can be used to compare and contrast other research or measure change.¹³¹ On the other hand, one may argue that questionnaires may be biased and thus they may not give an accurate picture of the problem. To manage bias, I constructed my questions and answer choices in a way that the respondent would feel willing to tell the truth. More details about the foundation of my questions are given below.

All the aforementioned reasons led me to choose a descriptive research methodology and to design two identical questionnaires for two different sample populations (Greek and Spanish) in order to evaluate the perceptions of Greeks and Spaniards about the legalization of cannabis. For this study, a self-selection sampling¹³² was used due to the limited time frame in which to complete the project

¹²⁶Kelley K., Clark B., *Good Practice in the Conduct and Reporting of Survey Research*, first published online: 1 May 2003.

¹²⁷*See id.*

¹²⁸*Id.*

¹²⁹*Id.*

¹³⁰*Id.*

¹³¹*Id.*

¹³²Lavrakas P., *Encyclopedia of Survey Research Methods*, Sage Publications 2008.

and the scope of the research. The self-selection sampling, in which the pool of participants can agree or decline to participate in the sample, either explicitly or implicitly, enabled me to reduce the amount of time necessary to search for participants. The participants were chosen based on my Greek and Spanish contacts. Some of them are my colleagues, friends, and old classmates. Some others are members in the bar associations, in which I participate. I do not believe that there is any bias in my participants' responses: their participation was voluntary; they were asked about their opinions regarding an interesting social issue and not regarding myself; and they didn't receive any prize or compensation in order to participate. In addition, to assure that my participants could take part in my survey, I asked them whether they would have access to the Internet and whether they know to use a computer. It is noteworthy that the selected participants were very interested in the topic and committed to take part in the study. Moreover, they were willing to give more insight into the problem being studied as my questions were closed-ended, short, not misleading or confusing, and easily accessible via an online credible survey website. The survey questions were developed as a result of my review of previous studies¹³³ and discussions with other legal practitioners and psychologists.

My primary goal was to encourage participants to be truthful and to feel comfortable sharing information on the topics covered by the survey. As a sample of my research, I chose 100 Greeks and 100 Spaniards from 18 to 65 years old. I restricted my study to adult participants because of the potential vulnerability of minors and the highly sensitive nature of the research topic. In the direction of improving my sampling frame, I tried to seek more participants. Generally, the more participants a study has, the less likely the study is to suffer from sampling error. However, the brief duration of the project did not give me the opportunity to administer the survey to a larger number of participants. Surveys involving more

¹³³ See Chapter IV-Literature Review.

than 200 participants generally take more time to administer the questionnaire and analyze the results.¹³⁴

The survey used in this study addressed two goals. The first aim was to examine the opinions of Greeks and Spaniards regarding the legalization of cannabis. The second goal was to collect data about their opinions on other topics, such as alcohol and tobacco use, influence of cannabis use on minors, and morality or immorality of cannabis use. The survey consisted of the ten questions, written in English, along with an information sheet—kindly see Appendix A and B. This sheet was sent to the participants in order to obtain information on the scope and the aims of my study and emphasize that their participation was voluntary and all the data and their personal responses would be kept confidential. Apart from this, the usage of an online survey through the software company “survey monkey” ensured the anonymity of the participants and their answers.

Reliability and validity are significant aspects of the questionnaire design. On the one hand, reliability is related with the uniformity of the measurement, that’s the point to which the questions used in a survey draw the same type of information each time they are used under the same conditions.¹³⁵ This is specifically essential, as alterations in question wording and structure are likely to bring forth different responses. Validity is linked with the precision of the measurement, and it is often debated in the context of sample representativeness. However, validity is also controlled by survey design since it also rests on asking questions that measure what we are presumed to be measuring.¹³⁶

According to Suskie (1996),¹³⁷ a seamlessly reliable questionnaire produces coherent responses. Although it is hard to create a perfect questionnaire, it is

¹³⁴<http://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/conduct-surveys/main>.

¹³⁵<http://www.bl.uk/reshelp/findhelpsubject/socsci/topbib/quantmethods/quantitative.pdf>.

¹³⁶ See id.

¹³⁷ Suskie L., *Questionnaire Survey Research: What Works*, Association for Institutional Research, 2nd edition, June 1996.

feasible to design a questionnaire that can measure consistent responses. According to Leary (2004),¹³⁸ there are seven parameters for designing an effective questionnaire:

1. Usage of clear-cut language in formulating the questions.
2. Draft the questions as simply as possible, precluding problematic and misleading words, unnecessary dialect, and bulky sentences.
3. Avoid making unjustified postulations about the respondents.
4. Provisional information should lead to the main concept of the question.
5. Do not use double negatives in questions or double-barreled questions.
6. Select an applicable response format.
7. Pretest the questionnaire.

According to Robson (1993),¹³⁹ a high credibility of response is attainable by providing all the respondents with the precise same set of questions. To improve the reliability and validity of my questionnaire I had two experts, a psychologist and a marketing consultant, who create and employ surveys professionally and in connection with academic studies, to review the questionnaire before it was administered and advise on whether my questions were clear and easily understood and whether my questions had a natural connection with my study's scope and purposes. After the review and approval of my questionnaire by the experts, the survey questions were uploaded and portrayed online.

The link of the questionnaire was emailed to each participant along with the information sheet. One link was sent to Greek volunteers and another to Spaniards. The survey questions were identical for both of them and were written in English. All of my participants speak, write, and understand English and this fact helped me significantly to avoid translating the questionnaire and restrict any misunderstandings. The addressees were invited to complete the questionnaire as

¹³⁸O'Leary Z. , *The Essential Guide to Doing Your Research Project*, Sage Publications 2004.

¹³⁹ Robson C., *Real World Research: A Resource for Social Scientists and Practitioner-researchers*, Oxford: Blackwell Publishers, 1993.

soon as possible due to the short timeline of the project. One week later, a kind reminder via email was sent to each addressee of the questionnaire. Fortuitously, all 200 volunteers responded to the entire questionnaire. I think that the exceptional number of my response rate is due to the fact that the legalization of cannabis is a hotly-debated issue nowadays, and especially in the case of Greeks, I have noticed that they are very interested in whether cannabis will eventually be legalized in our country. In addition, I followed-up with them regularly and in the end I sent to all of them thank you notes. Apart from this, the survey was clear, short, easy to complete and measures to protect confidentiality have been taken.

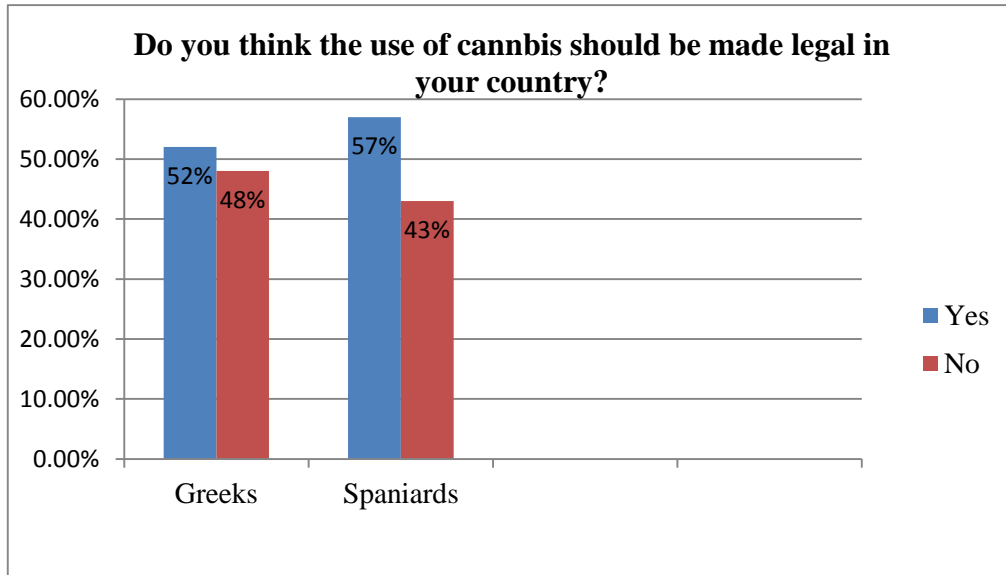
The data analysis involved the scrutiny of the surveys for accuracy and totality, the encryption and entry of data into a database, and an analysis of the descriptive responses according to frequency distributions and descriptive statistics. It is notable that there were no unfinished surveys. Graphs, tables, and descriptive statistics were constructed to illustrate results with respect to each of the ten questions.

VI. Results

This section begins with the presentation of the findings obtained from my research by setting out the results from the questionnaire that was distributed to the Greek and Spanish participants. For this study, I selected 100 Greeks and 100 Spaniards to be examined via an online questionnaire regarding their views about the legalization of cannabis. As the questionnaire was consisted of only ten closed-ended and short questions, I managed to collect the data in a time period of three weeks. Two-hundred completed questionnaires were received from my participants between April and May 2015.

The Greek and Spaniards participants were first asked whether the use of cannabis should be made legal in their countries respectively. 52% of Greeks and 57% of Spaniards claimed that the use of cannabis should be made legal in their countries correspondingly. Kindly see graph 1.

Graph 1



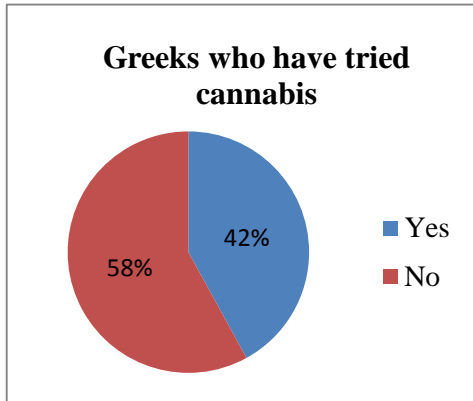
Then, the participants were asked whether the use of cannabis in their countries is a critical problem in their countries nowadays, a moderately critical problem, not too critical, or not too really a problem at all. The results of their responses can be found in Table 1.

Table 1

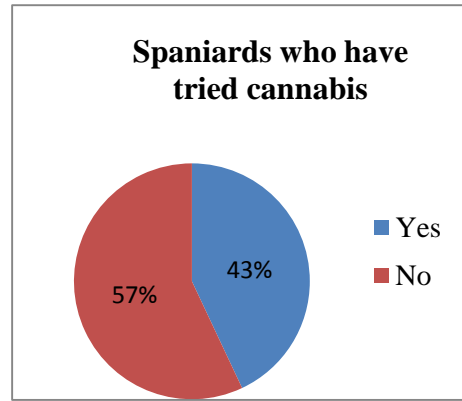
Answer Choices	Greeks	Spaniards
Critical Problem	9%	15%
Moderately critical problem	28%	37%
Not too really critical	44%	30%
Not really a problem at all	19%	18%

Next, the participants were asked whether they have ever happened to try cannabis. 42% of Greeks and 43% of Spaniards asserted that they have tried cannabis. Kindly see graphs 2 and 3.

Graph 2



Graph 3



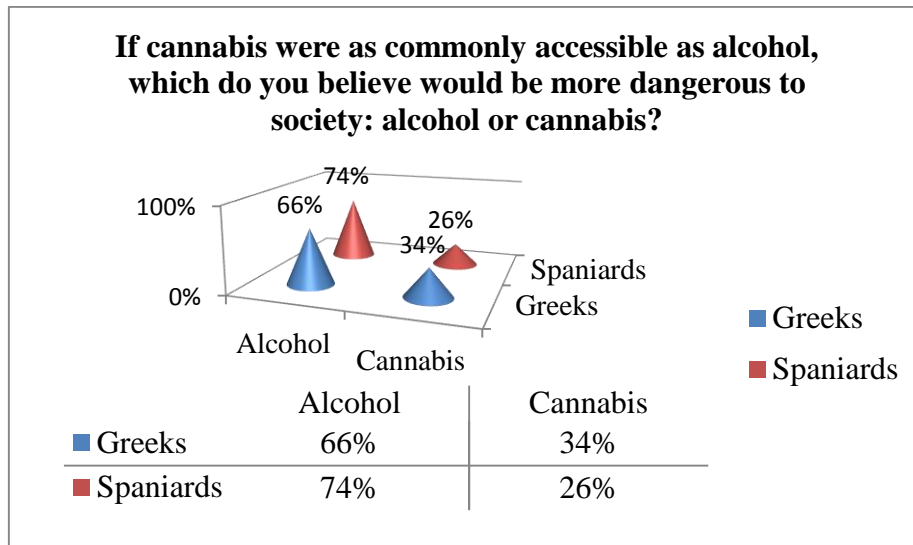
Subsequently, I studied my participants' opinions about the cannabis use in relation to other dangerous substances to a person's health. In particular, my participants were questioned about which substance among tobacco, alcohol, and cannabis was the most detrimental to a person's overall health. The participants were advised that they could only choose one of the options. Kindly see table 2.

Table 2

Answer Choices	Greeks	Spaniards
Tobacco	46%	45%
Alcohol	42%	40%
Cannabis	12%	15%

From this point of assessing my participants' perceptions about other dangerous substances such as tobacco and alcohol, I then asked them to select which one between alcohol and cannabis would be more dangerous to society if cannabis were as commonly accessible as alcohol. For the results, kindly see graph 4.

Graph 4



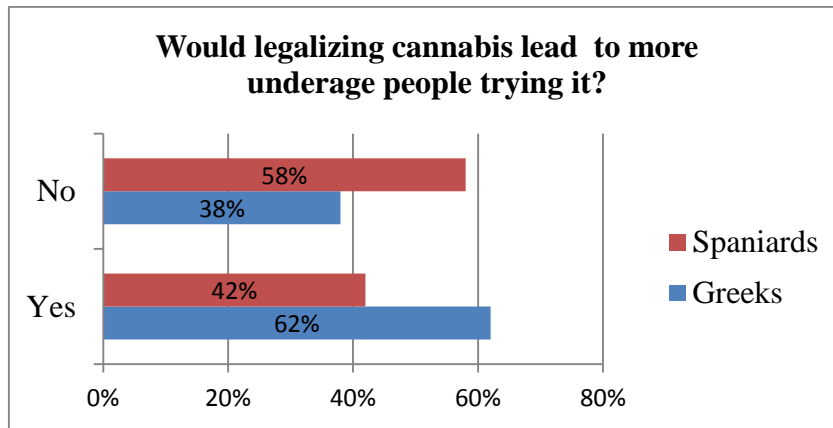
Following, the participants were also inquired whether the cannabis use by adults should be legal: a) for personal use; b) only for medical use; c) it should not be legal at all. The results of their responses are summarized in Table 3.

Table 3

Answer Choices	Greeks	Spaniards
It should be legal for personal use.	47%	54%
It should be legal for medical use.	45%	19%
It should not be legal.	8%	27%

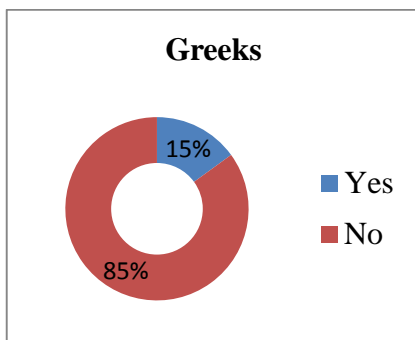
After that, the participants were requested to respond whether legalizing cannabis would lead to more underage people trying it. 62% of Greeks and 42% of Spaniards believe that more underage people would try cannabis if it would be legalized. Kindly see graph 5.

Graph 5

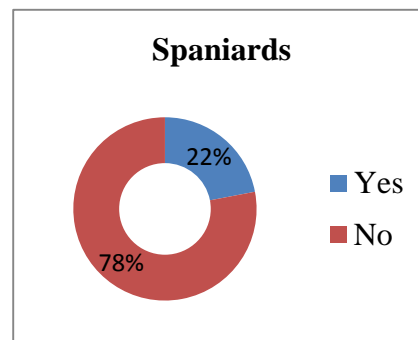


The next question aimed to study the beliefs of Greeks and Spaniards about whether people convicted of possessing small amounts of cannabis should serve time in prison in case cannabis use is not legalized. 15% of Greeks and 22% of Spaniards claimed that people convicted of possessing small amounts of cannabis should serve time in prison. Their replies are portrayed on the graphs 6 and 7 below.

Graph 6

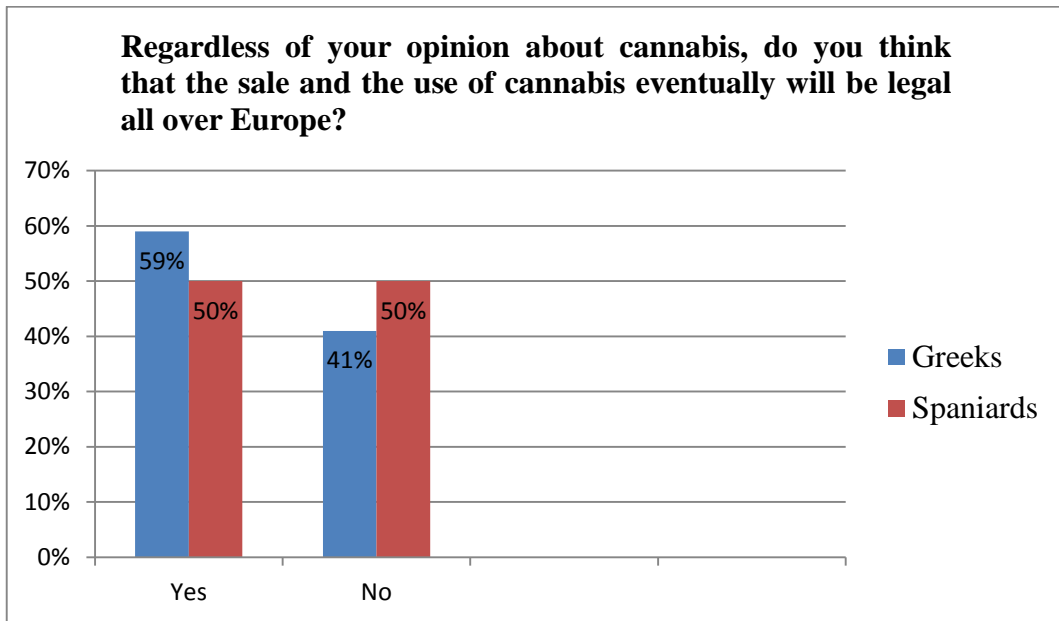


Graph 7



In another close-ended question, the participants were asked, regardless of their opinions about cannabis, whether they think that the sale and use of cannabis eventually will be legal all over Europe. 59% of Greeks and 50% of Spaniards deem that the sale and use of cannabis eventually will be legal all over Europe. Their responses are pictured on the graph 8 below.

Graph 8



Last, the participants were asked about whether smoking cannabis is: a) morally acceptable; b) morally wrong, c) not a moral issue at all. The responses are shown in Table 4.

Table 4

Answer Choices	Greeks	Spaniards
Morally acceptable	16%	27%
Morally wrong	17%	22%
Not a moral issue at all	67%	51%

VII. Discussion

This study was undertaken to examine the beliefs of Greeks and Spaniards regarding the legalization of cannabis and whether Greece is ready to legalize cannabis as Spain has already done. My research question was formulated as follows: “Are Greeks ready to embrace a legal regime similar to Spain’s which has legalized cannabis for personal use?”

Based on the results of my study, it can be concluded that Greeks are prepared and receptive to legalize cannabis for personal use. In particular, the data examined indicate that a majority of Greeks and Spaniards favor the legalization of cannabis use. Subsequently, the greater part of Greeks and Spaniards believe that in due course the sale and use of cannabis will be legalized all over Europe. In addition, most of the Greeks believe that the use of cannabis in Greece is not too really critical problem. Apart from this, the majority of Greeks and like the majority of Spaniards consider that cannabis use by adults should be legal for personal use. It is worth mentioning that a great number of Greeks also support that cannabis use by adults should be legal for medical use.

Greeks and Spaniards have similar perspectives on the most popular recreational drugs. For example, the figures point out that the preponderance of Greeks and Spaniards reckon that tobacco is the most dangerous substance to a person's health. Moreover, a high percentage of Greeks and Spaniards esteem that even if cannabis were as accessible as alcohol, alcohol would still be the most perilous substance to a person's health. Only the one-fifth of Greeks and Spaniards believe that cannabis is more threatening to a person's life.

Most of the Greeks as most of the Spaniards feel that smoking cannabis is not a moral issue at all. It is remarkable that an almost equal percentage of Greeks and Spaniards has split and some Greeks and Spaniards believe that smoking cannabis is morally acceptable and some others believe that this is morally wrong. In correlation with this, the majority of Greeks and Spaniards believe that people convicting of possessing small amounts of cannabis should not serve time in prison. Besides, almost the same amount of Greeks and Spaniards have tried cannabis. However, there is a divergence between the beliefs of Greeks and Spaniards on whether legalizing cannabis would lead to more underage people trying it. A high percentage of Greeks contemplate that legalizing cannabis would lead to more minors trying it, whereas the majority of Spaniards do not have the same opinion.

Based on the above findings, we can conclude that Greeks and Spaniards have not only commonalities as Mediterranean cultures, but also have more or less the same attitudes about the legalization of cannabis. My results concerning the anxiety of my Greek participants that legalizing cannabis could result in more minors to try it can be supported by the results of the 2012 National Report for Greece of the European Monitoring Center for Drugs and Drug Addiction.¹⁴⁰ According to this report, the vast majority of cannabis users are juveniles. This conclusion can also be drawn by the present statistical study of the University Research Institute of Mental Health,¹⁴¹ which indicated that nowadays due to economic crisis in Greece more teenagers prefer cannabis over alcohol and tobacco as cannabis is cheaper and easy available drug. Therefore, despite the fact that Greeks are more inclined to the legalization of cannabis than before, according also to my results they are afraid that this change may lead to an increase of the cannabis use by the minors. The only obstacle to the legalization of cannabis in Greece, if any, is the concern of increased use of cannabis by minors.¹⁴²

Another issue is that the mainstream of the drug offenders are juveniles, who have been arrested for cannabis possession, use, or sale and most of the times they stand trials for their crimes.¹⁴³ Nevertheless, most of the Greeks are in the support of legalizing cannabis, which can also be perceived from the fact that this year the first festival for the support of legalization of cannabis was organized in Athens and a large amount of Greeks participated and advocated in favor of the legalization of cannabis.¹⁴⁴ In addition, despite the fact that Greeks are the first in the rank of alcohol and tobacco users all over Europe, Greeks acknowledge that tobacco and alcohol are more detrimental to a person's health than cannabis.¹⁴⁵ No other official data was available about the cannabis use in Greece, as there is no monitoring

¹⁴⁰<http://www.emcdda.europa.eu/html.cfm/index213933EN.html>.

¹⁴¹ <http://www.espad.org/greece>.

¹⁴² See note 59.

¹⁴³ See note 140.

¹⁴⁴ See note 56.

¹⁴⁵ See note 140.

system which exists regarding the implementation of drug policies. Only the Ministry of Health and Social Security supervises the drug problems in my country, but most of the data are not easily available.

On the other hand, it is demonstrable that most of the Spaniards do not feel any concerns that legalizing cannabis would lead to more underage persons to use it. In Spain, according to the 2012 National Report for Spain of the European Monitoring Center for Drugs and Drug Addiction,¹⁴⁶ minors prefer alcohol and tobacco over cannabis and every year the statistics show a decrease in cannabis use by minors. Especially, nowadays tranquilizers have exceeded cannabis in the rankings regarding the attractiveness of drugs.¹⁴⁷ Nevertheless, in Spain it is more readily obtainable to reach cannabis than Greece, as in Spain there exist approximately 800 social cannabis clubs.¹⁴⁸

In addition, according to the results of the 2012 National Report for Spain of the European Monitoring Center for Drugs and Drug Addiction the 32% of Spaniards support the legalization of cannabis whereas according to my results 57% of Spaniards advocate this. It is noteworthy to say that this report regardless of the fact that presents reliable and official data is based on statistics and findings of surveys which conducted in 2011, namely four years ago. As stated by a recent report of the Spanish Foundation against Drug Addiction (FAD),¹⁴⁹ which was based on more than 1,400 surveys of people of ages of 15 to 65 years old over half of Spaniards support the legalization of cannabis in their country.

Interpreting the results by the view of Sociology of law, I deem that based on the concepts of legal optimism the law should play a significant enlightening role to the construction and regulation of the Greek society. Pursuant to legal optimism, the legislators should enact laws that are in accordance with the citizens' beliefs and

¹⁴⁶ <http://www.emcdda.europa.eu/html.cfm/index214091EN.html>.

¹⁴⁷ *See id.*

¹⁴⁸ *See note 3.*

¹⁴⁹ <https://www.dinafem.org/en/news/over-half-spaniards-support-legalising-marijuana/>.

values.¹⁵⁰ The law should not only portray the rights and duties of the citizens as legal pessimism directs, but also to express the ideas and the standards of the society.¹⁵¹ For these reasons and based on my results, I believe that the Greek law regarding the cannabis use should be changed so that it meets and reflects the Greeks' beliefs, expectations, and needs. Greeks seem to favor the legalization of cannabis. Therefore, this should also be mirrored to the law of the country as well.

From the prospective of Marx and the conflict theory, the issue of legalization of cannabis would be analyzed as a war of classes. The conflict philosophy highlights the significance of power disparity in influencing cannabis use behavior and societal values regarding the drug use. In general, drug use arises as a reaction to inequalities in society.¹⁵²As a result, people resort to drugs as a means of breaking away from coercion and dissatisfaction. This can simply explain why cannabis use has skyrocketed nowadays in Greece. Due to the economic crisis, people avail themselves of cannabis, which cause them to feel euphoria and to ignore their problems. The development of the Greek society is restricted because of the actions and emissions of Greek legislators. This flaw in the system encourages an effort to a greater development.

As regards the core of the problem of the legalization of cannabis, we can observe two groups. The first group is consisted of the opponents of the legalization of cannabis, who believe that cannabis poses a peril that is almost unrestricted in its scope. This group elicits images of immorality, crime, death, and insanity in order to portray the problem of cannabis use. Oppositely, the other group which supports the legalization of cannabis claims that the problem is generated mostly because of the impact of the oppressive drug laws themselves. Some of this group point out how the first group may make profit by presenting the problem to the society as outbreak. The offense of cannabis use is activated by the class conflict. In

¹⁵⁰See note 78.

¹⁵¹See id.

¹⁵²Deflem M., *Sociology of Law - Visions of a Scholarly Tradition*, Cambridge University Press, 2008, p. 119-126, 192-194.

correlation with the social reality of crime theory, the dominant class, which in the current situation is the Greek legislation, controls and maneuvers the implementation and the construction of the laws regarding cannabis use.¹⁵³ The probability of whether cannabis use will be described in the Greek law as criminal depends on the learning experiences, societal relationships, beliefs, and structured prospects of society.

Society and more specifically governments try to establish rules that others must obey. In accomplishing this, the rules state who is deviant in a society and who is not. Greeks and Spaniards who are for or against the legalization of cannabis struggle over individual freedom and social control respectively. The adversaries of legalizing cannabis desire to restrain individual liberties by promulgating their morality and fears onto the rest of society. Their control comes at the sacrifice of the believers of the legalization of cannabis.

Through the conflict theory, we can illuminate that morality, whether in the practice of racist behaviors or religious influence, have caused legislation to be established, which is not always the correct interpretation of the present status quo. This is visible into the Greek cannabis use legislation which doesn't reflect the current situation of the society and the prevailing beliefs of Greek citizens. The Greek legislation has been largely affected by the prejudiced beliefs that the cannabis user is a simply felon, whereas Spanish legislation shows to be more liberal to cannabis user, who consumes cannabis for either recreational or medical purposes.¹⁵⁴

Nonetheless, as per my results the majority of Greeks and Spaniards do not relate cannabis use with moral principles. On both situations, the Greek and Spanish legislators by imposing their lifestyles and cultural beliefs in their societies, they take a moral decision. As it seems, the moral decision of the Spanish legislation is in consensus with the Spaniards' beliefs. However, the moral decision of the Greek legislation is in conflict with the Greeks' ideas. Because of this conflict and pressure

¹⁵³ See note 103.

¹⁵⁴ <http://www.tovima.gr/society/article/?aid=415356>.

and due to the fact that society is not a steady organism, revolution should be supported in order the lives of Greeks to be improved.

In conclusion, based on the results and the analysis of the theory, I reckon that Greeks desire the social change concerning the cannabis use. The Greek legislative bodies should embrace the beliefs of their citizens and adopt a legislation which will symbolize the needs and the beliefs of the society. Similarly, Spanish legislators, by legalizing cannabis use, they perceived that Spain needed a social change which would reflect the ideas of its citizens. The social change was accomplished and according to the literature review and my results, Spaniards still favor the legalization of cannabis and have observed successful results in their society. It appears that the Greeks are similar in all material respects to the Spaniards in their beliefs and attitudes towards cannabis use. Therefore, the time for social change in Greece may have come. Of course, we cannot overlook that most of the Spaniards still view cannabis use as a problem to their community. This observation should alert Greeks to be more cautious regarding the legalization of cannabis use in their country.

VIII. Conclusion

More social and legal questions will continue to engage the legal sociologists on the legalization of cannabis. Social control will still remain important in dealing with this issue. Further research has to be pursued about the attitudes of Greeks regarding the legalization of cannabis and whether cannabis has valid medical purposes. It is essential to study the increase of cannabis use in minors more thoroughly as this observable fact has climbed sharply in Greece, despite the fact that cannabis use is illegal in Greece. In addition, the liberal position of Spaniards on the legalization of cannabis and its effects on Spanish society should also be monitored by the passage of time. A socially and policy-oriented concentration, theoretical diversity, integrative research and the aspect of narrow specialization are the cost the legal sociologist has to forfeit for carrying out research on one of

the most captivating and characteristically sociological issues of the human behaviors.

The research indicates that the opinions of Greeks and Spaniards are very close regarding the legalization of cannabis despite the fact that their legal systems approach the issue differently. Greeks are more receptive to accept less strict laws concerning the cannabis use and possession. In addition, the study demonstrated that equally Greeks and Spaniards believe that alcohol and tobacco are more dangerous to our health than cannabis. All these findings suggest that the Greek government and legislative bodies should reconsider the current legal status of cannabis use and redefine it so that it reflects the desires and thoughts of Greek citizens. My expectation is that this study and these results will give impetus for social change in my country.

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APPENDIX A:
INFORMATION SHEET FOR PARTICIPANTS OF THE SURVEY

The information sheet which was sent to the Greek and Spanish participants follows:

INFORMATION SHEET

Is Greece ready to embrace a legal regime similar to Spain's concerning the legalization of cannabis?

Researcher: Maria Markou

Faculty Advisor: Ms. Ida Nafstad

This form describes a research study that is being conducted by me regarding my master studies in the field of Sociology of Law at Lund University.

The purpose of this study is to examine the opinions of Greeks and Spaniards regarding the legalization of cannabis in relation with the underage people, the moral principles, and two other recreational drugs, such as the alcohol and tobacco.

If you decide to take part in this study, you will be asked to complete one survey of ten questions that will take about 5-10 minutes to complete. The survey will ask questions about your beliefs on the legalization of cannabis.

Some of the survey questions may be distressing or make you feel uncomfortable. You can skip any of the questions you do not want to answer. All of the information I collect will be saved in a secure manner and only me I will have access to it. Confidentiality and privacy are guaranteed. There are no expected risks and there are also no expected benefits.

As this research is not funded, you will not be paid for participating in this study and there will be no cost to you to participate in this study. I make every effort to keep the information collected from you private. In order to do so, I have constructed the questionnaire online through the credible software company "survey monkey".

Your participation in this study is completely voluntary. You are free not to participate or to withdraw at any time, for whatever reason.

For more information or questions about this research you may send me an email at maria.ch.markou@gmail.com.

Your feedback is valuable to my research.

Thank you very much.

Kind Regards,

Maria Markou

APPENDIX B:

QUESTIONNAIRE FOR PARTICIPANTS OF THE SURVEY

The questionnaire which was addressed to the Greek and Spanish participants follows:

Questionnaire

- 1.** Do you think the use of cannabis should be made legal in your country?
 - a. Yes
 - b. No

- 2.** Would you say the use of cannabis is a critical problem in your country nowadays, a moderately critical problem, not too critical, or not really a problem at all?
 - a. Critical
 - b. Moderately Critical problem
 - c. Not too really critical
 - d. Not really a problem at all

- 3.** Have you, yourself, ever happened to try cannabis?
 - a. Yes
 - b. No

- 4.** Which of the following substances would you say is the MOST detrimental to a person's overall health: tobacco, alcohol, or cannabis? Choose only ONE of the options.
 - a. Tobacco
 - b. Alcohol
 - c. Cannabis

5. If cannabis were as commonly accessible as alcohol, which do you believe would be more dangerous to society: alcohol or cannabis?

- a. Alcohol
- b. Cannabis

6. Which of the following statements comes closer to your opinion about the use of cannabis by adults?

- a. It should be legal for personal use.
- b. It should be legal only for medical use.
- c. It should not be legal.

7. In your viewpoint, would legalizing cannabis lead to more underage people trying it?

- a. Yes
- b. No

8. If cannabis use is not legalized, do you think people convicted of possessing small amounts of cannabis should serve time in prison?

- a. Yes
- b. No

9. Regardless of your opinion about cannabis, do you think that the sale and use of cannabis eventually will be legal all over Europe?

- a. Yes
- b. No

10. Do you personally believe that smoking cannabis is morally acceptable, morally wrong, or not a moral issue at all?

- a. Morally acceptable
- b. Morally wrong
- c. Not a moral issue at all