



**SESSION SEVEN:
CONSIDER DRUG REGULATION VS. CRIMINALIZATION**

Part One: Arguments for Regulation, Not Criminalization

**Article 1:
Jimmy Carter, 'Call Off the Global Drug War,'
New York Times, June 16, 2011**

In an extraordinary new initiative announced earlier this month, the Global Commission on Drug Policy has made some courageous and profoundly important recommendations in a report on how to bring more effective control over the illicit drug trade. The commission includes the former presidents or prime ministers of five countries, a former secretary general of the United Nations, human rights leaders, and business and government leaders, including Richard Branson, George P. Shultz and Paul A. Volcker.

The report describes the total failure of the present global antidrug effort, and in particular America's "war on drugs," which was declared 40 years ago today. It notes that the global consumption of opiates has increased 34.5 percent, cocaine 27 percent and cannabis 8.5 percent from 1998 to 2008. Its primary recommendations are to substitute treatment for imprisonment for people who use drugs but do no harm to others, and to concentrate more coordinated international effort on combating violent criminal organizations rather than nonviolent, low-level offenders.

These recommendations are compatible with United States drug policy from three decades ago. In a message to Congress in 1977, I said the country should decriminalize the possession of less than an ounce of marijuana, with a full program of treatment for addicts. I also cautioned against filling our prisons with young people who were no threat to society, and summarized by saying: "Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself."

These ideas were widely accepted at the time. But in the 1980s President Ronald Reagan and Congress began to shift from balanced drug policies, including the treatment and rehabilitation of addicts, toward futile efforts to control drug imports from foreign countries.

This approach entailed an enormous expenditure of resources and the dependence on police and military forces to reduce the foreign cultivation of marijuana, coca and opium poppy and the production of cocaine and heroin. One result has been a terrible escalation in drug-related violence, corruption and gross violations of human rights in a growing number of Latin American countries.

The commission's facts and arguments are persuasive. It recommends that governments be encouraged to experiment "with models of legal regulation of drugs ... that are designed to undermine the power of organized crime and safeguard the health and security of their citizens." For effective examples, they can look to policies that have shown promising results in Europe, Australia and other places.

But they probably won't turn to the United States for advice. Drug policies here are more punitive and counterproductive than in other democracies, and have brought about an explosion in prison populations. At the end of 1980, just before I left office, 500,000 people were incarcerated in America; at the end of 2009 the number was nearly 2.3 million. There are 743 people in prison for every 100,000 Americans, a higher portion than in any other country and seven times as great as in Europe. Some 7.2 million people are either in prison or on probation or parole — more than 3 percent of all American adults!

Some of this increase has been caused by mandatory minimum sentencing and "three strikes you're out" laws. But about three-quarters of new admissions to state prisons are for nonviolent crimes. And the single greatest cause of prison population growth has been the war on drugs, with the number of people incarcerated for nonviolent drug offenses increasing more than twelvefold since 1980.



Not only has this excessive punishment destroyed the lives of millions of young people and their families (disproportionately minorities), but it is wreaking havoc on state and local budgets. Former California Gov. Arnold Schwarzenegger pointed out that, in 1980, 10 percent of his state's budget went to higher education and 3 percent to prisons; in 2010, almost 11 percent went to prisons and only 7.5 percent to higher education.

Maybe the increased tax burden on wealthy citizens necessary to pay for the war on drugs will help to bring about a reform of America's drug policies. At least the recommendations of the Global Commission will give some cover to political leaders who wish to do what is right.

A few years ago I worked side by side for four months with a group of prison inmates, who were learning the building trade, to renovate some public buildings in my hometown of Plains, Ga. They were intelligent and dedicated young men, each preparing for a productive life after the completion of his sentence. More than half of them were in prison for drug-related crimes, and would have been better off in college or trade school.

To help such men remain valuable members of society, and to make drug policies more humane and more effective, the American government should support and enact the reforms laid out by the Global Commission on Drug Policy.¹

For more information, read the 2011 Report of the Global Commission on Drug Policy,² supported by President Jimmy Carter.

**Article 2:
Samuel Oakford,
'Portugal's Example: What Happened After It Decriminalized All Drugs, From Weed to Heroin,'
Vice News, April 19, 2016**

'Today, Portuguese authorities don't arrest anyone found holding what's considered less than a 10-day supply of an illicit drug — a gram of heroin, ecstasy, or amphetamine, two grams of cocaine, or 25 grams of cannabis. Instead, drug offenders receive a citation and are ordered to appear before so-called "dissuasion panels" made up of legal, social, and psychological experts. Most cases are simply suspended. Individuals who repeatedly come before the panels may be prescribed treatment, ranging from motivational counseling to opiate substitution therapy.

Though often narrowly assessed in reference to its decriminalization law, Portugal's experience over the last decade and a half speaks as much to its free public health system, extensive treatment programs, and the hard to quantify trickle down effects of the legislation. In a society where drugs are less stigmatized, problem users are more likely to seek out care. Police, even if they suspect someone of using drugs, are less likely to bother them. Though at least 25 countries have introduced some form of decriminalization, Portugal's holistic model and its use of dissuasion panels sets it apart.

The rate of new HIV infections in Portugal has fallen precipitously since 2001, the year its law took effect, declining from 1,016 cases to only 56 in 2012. Overdose deaths decreased from 80 the year that decriminalization was enacted to only 16 in 2012. In the US, by comparison, more than 14,000 people died in 2014 from prescription opioid overdoses alone. Portugal's current drug-induced death rate, three per million residents, is more than five times lower than the European Union's average of 17.3, according to EU figures.

When Portugal decided to decriminalize in 2000, many skeptics assumed that the number of users would skyrocket. That did not happen. With some exceptions, including a marginal increase among adolescents, drug use has fallen over the past 15 years and now ebbs and flows within overall trends in Europe. Portuguese officials estimate that by the late 1990s roughly one percent of Portugal's population, around 100,000 people, were heroin users.

¹ Jimmy Carter, 'Call Off the Global Drug War,' New York Times, June 16, 2011; <http://www.nytimes.com/2011/06/17/opinion/17carter.html>

² Global Commission on Drug Policy, *War on Drugs*, June 2011, http://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf; see also the Wikipedia article "Global Commission on Drug Policy"



Today, “we estimate that we have 50,000, most of them under substitution treatment,” said Goulão before adding that he’s recently seen a small uptick in use of the drug, predominantly among former addicts that got clean. This reflects Portugal’s tenuous economic condition, he contends.

“People use drugs for one of two reasons — either to potentiate pleasures or relieve unpleasure — and the types of drugs and the type of people who use drugs carries a lot according to the conditions of life in the country,” he remarked.

Parallel harm reduction measures, such as needle exchanges and opioid substitution therapy using drugs like methadone and buprenorphine, he said, serve as a cushion to prevent the spread of communicable diseases and a rise in overdoses even if the number of users injecting heroin happens to increase for a period of time...

Portuguese health workers refer to Greece as a cautionary tale. Wracked by a budgetary crisis and the austerity conditions of repeated bailouts, Greece experienced an explosion of HIV transmission rates after budget cuts left health programs drastically underfunded. According to EU figures, only Greece and Latvia experienced larger cuts than Portugal to its public health services between the period of 2005 to 2007 and 2009 to 2012.

And yet Portugal experienced no discernable rise in HIV transmission — the cushion effect in action.

“We don’t assume that this is the silver bullet, but in my view it has been very important because it introduced coherence into the whole system,” he said. “If our responses are based in the idea that we talking about addiction, that we are talking about chronic disease, talking about a health issue — to have it out of the penal system is a clear improvement. It was really important for our society because it allowed us to drop the stigma.”³

Action Steps

In the U.S., learn from local and state efforts at shifting to decriminalization and regulation⁴

- Law Enforcement Against Prohibition: www.leap.cc
- DrugPolicy.org to see drug laws and treatment by state
- International Drug Policy Reform Conference, in DC, Nov 18 – 21, 2015⁵

³ Samuel Oakford, ‘Portugal’s Example: What Happened After It Decriminalized All Drugs, From Weed to Heroin,’ *Vice News*, April 19, 2016; <https://news.vice.com/article/ungass-portugal-what-happened-after-decriminalization-drugs-weed-to-heroin>

⁴ Borden, “Washington Sheriff Tells Oregon Voters: Legalization Is Already Working,” *Stop the Drug War*, October 21, 2014; Eric March, “A town in Massachusetts decided to stop arresting drug users. 2 months later, here’s how it’s going.” *Upworthy*, August 18, 2015

⁵ See the website <https://eiseverywhere.com/ereg/newreg.php?eventid=98820>



Part Two: God Undoes the Damage in Human Nature

Isaiah 53:4 – 12

Making substance abuse legal does not mean making it moral, or simply taking a hands-off approach to people. This passage reminds us that bringing people into full health is personally costly.

Text of Isaiah 53:4 – 12

^{53:4} Surely our griefs he himself bore,
And our sorrows he carried;
Yet we ourselves esteemed him stricken,
Smitten of God, and afflicted.
⁵ But he was pierced through for our transgressions,
He was crushed for our iniquities;
The chastening for our well-being fell upon him,
And by his scourging we are healed.
⁶ All of us like sheep have gone astray,
Each of us has turned to his own way;
But the LORD has caused the iniquity of us all
To fall on him.

⁷ He was oppressed and he was afflicted,
Yet he did not open his mouth;
Like a lamb that is led to slaughter,
And like a sheep that is silent before its shearers,
So he did not open his mouth.
⁸ By oppression and judgment he was taken away;
And as for his generation, who considered
That he was cut off out of the land of the living
For the transgression of my people,
To whom the stroke was due?
⁹ His grave was assigned with wicked men,
Yet he was with a rich man in his death,
Because he had done no violence,
Nor was there any deceit in his mouth.

¹⁰ But the LORD was pleased to crush him
Putting him to grief;
If he would render himself as a guilt offering,
He will see his offspring,
He will prolong his days,
And the good pleasure of the LORD will prosper in his hand.
[¹⁰ But the LORD wishes to cleanse him
Of his wound;
And if you give an offering for sin,
Your soul shall see a long-lived seed⁶]
¹¹ As a result of the anguish of his soul,

Our Grievs, Sorrows: The experience of being fallen and exiled from the garden, both personally and collectively. When Jesus healed people of diseases, Matthew was reminded of Isaiah, and quoted Isa.53:4 this way: ‘He himself took our *infirmities* and carried away our *diseases*’ (Mt.8:17, quoting from the Greek Septuagint).

Our Iniquities: The moral condition of being fallen and exiled. Adam and Eve were exiled because they corrupted human nature, and Israel shared in Adam and Eve’s exile because they couldn’t undo the corruption. The Messiah would share in this exile, internally by taking on our fallen humanity, and circumstantially in an intensified form: e.g. Jesus was pursued by a murderous Herod, etc.

Offerings: The Servant lived, died, and rose again as an intensified sin/guilt offering (Lev.3 – 7). In this offering:

- *The animal’s organs* associated with waste and toxins (kidney, liver, intestinal fat) were completely consumed in fire. Jesus consumed ‘the old self’ (Rom.6:6) and condemned the sin within his humanity (Rom.8:3).

⁶ At Isaiah 53:10, the Greek Septuagint (LXX) manuscripts are subtly but notably different than the existing Hebrew variants: the Masoretic Text (MT) and the Dead Sea Scrolls (DSS). The earliest complete text of the MT family (the Aleppo Codex) dates from the 900’s AD and reflects the effort to standardize texts by the Jewish Masorete scribes in Palestine and Babylon from the 7th – 10th centuries. The Great Isaiah Scroll among the DSS collection dates from between 350 – 100 BC. However, the Jewish community in Alexandria, Egypt, translated the Hebrew Scriptures into the LXX version about 250 – 150 BC from an older Hebrew manuscript. This would have been both natural and necessary: Hellenistic Greek was spoken in the region conquered by Alexander the Great from the Adriatic Sea to the Indus River; Jews in the Diaspora spoke Hellenistic Greek more than Hebrew. So the LXX and DSS, being of comparable age, witness to both variants being ancient.



He will see it and be satisfied;
By his knowledge the Righteous One,
My Servant, will justify the many,
As he will bear their iniquities.
¹² Therefore, I will allot him a portion with the great,
And he will divide the booty with the strong;
Because he poured out himself to death,
And was numbered with the transgressors;
Yet he himself bore the sin of many,
And interceded for the transgressors.

- *The meat* became a vehicle to ‘bear the iniquity’ of the people into God. It was eaten by the priests, then sent by the high priest into God once a year on the Day of Atonement. God both consumed it and bore it away from Israel, through the symbolism of the two goats (Lev.16). Jesus bore the iniquity in human nature – into God to be destroyed, and away from humanity forever.
- *The life-blood* was ‘poured out’ and ‘sprinkled’ as healing and purity from God to the people. Jesus gave his life for us, so he could give his Spirit to us.

Historical and Cultural Background

- *Isaiah*: A poetic preacher who lived in around 800 BC, in the Southern Kingdom of Judah (after the nation Israel split into two kingdoms). He is among the ‘Hebrew prophets’ who put their hope in God to bring about a worldwide change through the Jewish Messiah (final king). This section is called ‘The Song of the Suffering Servant.’
- *Last Session*: Recall that we covered Isaiah 59 in our last session. That section says that the Servant came also because he wanted to bring about justice, and saw that people were not capable of living justly because of their sinfulness.

Guiding Questions

1. Why is it costly to help others out of a broken condition? To bring them ‘well-being’ and ‘healing’ (53:5)?
2. According to Isaiah, what is the condition of those who need the help of the Servant?
3. If God had said, ‘Just overcome it yourself,’ how would that feel? How would that be different than God sending this ‘Servant’ to help?
4. Did this happen? Did the Servant actually change anyone’s life?
5. If this passage can be a paradigm, what does it mean to be a ‘servant’ to others?

About two-thirds of the approximately 300 New Testament quotations of the Old Testament come from the LXX. For example, in Romans, Paul quotes exclusively from the LXX; in Romans 9 – 11, he quotes from LXX Isaiah 11 times, including a very significant instance in Romans 11:26. There, he cites Isaiah 59:20, and demonstrates a preference for the LXX over the DSS-MT on a theological issue congruent with the LXX tradition of Isaiah 53:10. In his incarnation, Jesus would ‘turn *transgression away* from Jacob’ (LXX), healing human nature by conquering the disease of sin, as opposed to merely coming ‘to *those who turn* from transgression in Jacob’ (MT) as some kind of external reward.

Early church theologians also preferred the LXX version of Isaiah 53:10. Clement of Rome, *Epistle to the Corinthians*, chapter 16, cited it. Justin Martyr cited it in two places: *First Apology*, chapter 51, and *Dialogue with Trypho*, chapter 13. Augustine quoted it in *Harmony of the Gospels*, book 1, paragraph 47. John Chrysostom cited it in *Homilies on First Corinthians*, Homily 38. The great 3rd century biblical commentator Origen of Alexandria also preferred to quote LXX Isaiah (*Commentary on the Gospel of John*, book 6, paragraph 35 quotes LXX Isaiah 53:7; *Commentary on the Gospel of Matthew*, book 12, chapters 29 – 32 quotes LXX Isaiah 53:2 – 4). Origen’s preference for LXX Isaiah is suggestive, since he wrote the monumental *Hexapla*, a 28 year project where he did word-for-word comparisons of six versions of the Hebrew Bible including one Hebrew version, the Greek LXX, and other Greek translations.



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Leader's Notes

Overview

This is a study and action group. We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. She's explained why the war on drugs has resulted in the mass incarceration of black and brown people, especially black men. Even though more drug abusers are white. Why? Because, as we learned in chapters 2 and 3 of her book, the legal system has quickly eroded civil rights protections of the Fourth, Eighth, and Fourteenth Amendments. So we no longer have protection from police searches and seizures in a meaningful sense. Implicit racial bias is legal in policing, prosecution, and sentencing. Reintegration carries tons of hardships. We also looked at some problems with private prisons. During this session, we'll look at the big question: drug regulation vs. criminalization. If you have the time, please read the 2011 Report of the Global Commission on Drug Policy and the full article about Portugal.

Content Questions, Part 1

1. Are Christians surprised that we might advocate for drug de-criminalization?
 - a. It might be because they think that the laws should embody morality. But why then do we de-criminalize alcohol? Alcohol is far more destructive to our bodies as marijuana, if not more so. We regulate it, and strictly, but it's not a criminal issue.
 - b. Drug *dealing* might still be considered a predatory, other-harming activity. Especially among minors, or where children are present.
2. In Scripture, is there a difference between actions that are primarily other-harm and actions that are primarily self-harm?
 - a. What are actions that are primarily other-harm?
 - i. Murder, rape, theft.
 - b. What are actions that are primarily self-harm?
 - i. Suicide
 - ii. Consensual sex outside of God's vision of marriage. Paul says in 1 Corinthians 6:18, 'Every other sin that a man commits is outside the body, but the immoral man sins against his own body.'
 - iii. Intoxication or substance addiction
 - c. Note: It's true that self-harm eventually does harm others, like when a person becomes so addicted that their loved ones suffer. But that depends on whether they have loved ones. It's also true that other-harm involves some form of self-harm, because you can grow accustomed to violence, sear your conscience, and wire your brain in ways that are detrimental. So you can damage your own human nature. But we are talking about what is primary.
3. How does the government factor into other-harm and self-harm?
 - a. To stop or deter other-harm. In Genesis 9:1 – 7, God sanctions some form of principled retribution for human life to deter violence. And in Romans 13:1 – 7, Paul seems to repeat that principle and applies it to the government.
 - b. Self-harm is primarily a health issue. We don't imprison people who attempt suicide. We send them to the hospital. We get help to addicts.
4. Recall from Session 1 how we learned that when black people are drug addicts, white people call them culprits. But when white people are drug addicts, white people call them victims. So we call it an 'opioid crisis' nowadays. And that's good, but we should have done that all along. Empathy and identification with the offender makes the difference between treating an offender with restorative justice or retributive justice.
5. What about the economic issues, like who gets to profit from legalized drugs? Who gets to make them?
6. In November, 2016, Massachusetts (where I live) voted to decriminalize recreational marijuana on a direct ballot vote. Personally, I would have liked to see a provision to prohibit companies from outside of Massachusetts for 2 – 4 years, and another provision to help people who were imprisoned for breaking past marijuana laws to set up marijuana businesses. Give them a head start! It's only fair. If you live in a State that is now decriminalizing marijuana, you might want to lobby for that kind of law.



Content Questions, Part 2

1. Why is it costly to help others out of a broken condition? To bring them 'well-being' and 'healing' (53:5)?
 - a. Because you have to get up close and personal
 - b. Because you have to care enough to feel really disappointed and discouraged if people mess up again
 - c. With physical diseases, you run the risk of catching the disease, if you become a care-giver
 - d. With mental illness, you run the risk of being misunderstood or emotionally taxed
2. According to Isaiah, what is the condition of those who need the help of the Servant?
 - a. Suffering
 - b. Confused, in their perception of themselves and the Servant who came to help
 - c. Lots of boundary crossing, shown by words like 'transgression,' which means 'to cross a line'
 - d. Internally messed up, shown by words like 'iniquity,' which refers to a condition
 - e. Diseased, and in need of healing and well-being (shalom)
 - f. What is this condition? It is the Bible's description of sin. Sin is a disease that infects human beings.
3. If God had said, 'Just overcome it yourself,' how would that feel? How would that be different than God sending this 'Servant' to help?
 - a. The portrait of suffering people here seems pretty dire.
 - b. Many belief systems involve a god who basically says, 'Just overcome it yourself, and I'll judge you at the end.' Is that fair? Is a god who does that morally qualified to be our judge?
 - c. Does it matter which version of v.10 was the original? Well, the second version seems more positive in terms of a portrait of God. And it makes a stronger case for the Servant taking on a 'wound' of some sort, on behalf of those he came to help.
4. Did this happen? Did the Servant actually change anyone's life?
 - a. This is why Christians believe that Jesus was resurrected from the dead, to be a new humanity for us, so he can give us spiritually a new human nature that he shares with us. The apostle Paul said to the Corinthian church, 'If Christ has not been raised, your faith is worthless; you are still in your sins' (1 Cor.15:17).
 - b. Illus: Back in 2002, Denzel Washington was in a movie called John Q. Denzel played John Quincy Archibald, who is the father of a young son, Michael. Michael has a defective heart, and John's health insurance policy will not cover the surgery. So John gets a gun and takes the hospital hostage. His gun is actually empty, but no one knows that except him. Along the way, he actually becomes friends with all his hostages. He even gives advice to some of them. Quite funny. Towards the end, John has his son brought to the operating room. He puts one bullet into the empty gun, revealing to everyone that he had only ever planned to kill himself. He persuades the surgeon to take his heart and put it into his son, Michael's body. Now in the movie, there is a plot twist. At the last minute, a helicopter flies in a woman who had been killed in a car accident. She was a match for Michael, so John doesn't have to kill himself. Michael gets a new heart after all. But in the biblical story, there was no plot twist. In our story, we have a defective heart. Jesus comes into our world, into our humanity, to be our heart transplant donor. He alone could take on the same human nature that has the defect. He resisted the defect throughout his life, never letting it draw him into sin. He killed the defect through his death. He raised up a new human heart in himself in his resurrection. In this life, we are in the process of receiving Jesus' new heart, by his Spirit living in us. When God looks at us, He sees our faults, yes. But He sees our need.
 - c. Illus: Here is what Irenaeus of Lyons said about Jesus. Irenaeus was the first writing theologian outside of the New Testament. He lived 130 – 202 AD. 'Therefore, as I have already said, He caused man (human nature) to cleave to and to become, one with God... For it behooved Him who was to destroy sin, and redeem man under the power of death, that He should Himself be made that very same thing which he was, that is, man; who had been drawn by sin into bondage, but was held by death, so that sin should be destroyed by man, and man should go forth from death. For as by the disobedience of the one man who was originally moulded from virgin soil, the many were made sinners, and forfeited life; so was it necessary that, by the obedience of one man, who was originally born from a virgin, many should be justified and receive salvation... God recapitulated



in Himself the ancient formation of man, that He might kill sin, deprive death of its power, and vivify man; and therefore His works are true.' (Irenaeus, *Against Heresies* 3.18.7)

- d. Christians do believe that Jesus has a positive impact on us.
 - i. It's not that people who follow Jesus become 'perfect' in this life. But we do become more like him. That positive difference stacks up when you put people together.
 1. Think of Dr. Martin Luther King, Jr. and Mother Teresa.
 2. Christians led non-violent resistance movements all across the 20th century. See my presentation *The Role of Jesus in Revolution and the Pursuit of Justice*, on the NHI website: <http://nagasawafamily.org/article-role-of-jesus-in-revolution-&-pursuit-of-justice-w-ppts.pdf>
 3. See Dr. Robert Woodberry, 'The Missionary Roots of Liberal Democracy,' *American Political Science Review*, May 2012; I've put a pdf copy on the NHI website: <http://newhumanityinstitute.org/pdf-articles/article-Robert-Woodberry-MissionaryRootsOfLiberalDemocracy.pdf>
 - ii. But didn't Christians also make big mistakes? Yes, but Christians also point to Jesus as our objective standard. So we know Christians are making mistakes when we become less like Jesus. What are the objective standards for morality for atheists? Others? If you have no objective standards for moral conduct and virtue of character, how can you identify when you make a mistake?
- e. So God is restorative!
5. If this passage can be a paradigm, what does it mean to be a 'servant' to others?
 - a. Be involved in their lives
 - b. Create contexts for people to engage with you as they pursue healing and growth: recovery, education, training
 - c. Consider the Jesus story: Jesus stepped out of heaven to earth, wrestled with the human nature he put on, and carried it to cleanse and heal it, for us