

The Legalisation Of Drugs

A chapter from the hardback version of Saturn's Children by Alan Duncan and Dominic Hobson.

In the meantime, it is pointless to persist with the conventional responses to the increase in crime. More police, more prisons and more effective judicial procedures are clearly not working, except in so far as they satisfy a patent public thirst for retribution. No present-day criminal can be unaware that undetected crime is rising while the number of convictions is falling. Deterrence is an increasingly empty threat, and nobody seriously believes that a spell in prison is capable of reforming or rehabilitating the criminal character. A criminal record only makes it harder to re-enter normal civilian life, turning a significant minority of people into career criminals and so making crime an even more intractable problem. The sensible way to tackle crime is to treat not the symptoms but the causes. One cause is the demoralised condition of young people in many inner cities today, and the lack of any culture of self-help and self-improvement in those parts of society where the majority of people are dependent on State hand-outs in both cash and kind.

Reversing welfare dependency and the accompanying sense of helplessness is the task of the various measures outlined in this concluding chapter. By their nature, they will take many years to come to fruition. But there is one cause of crime which can be tackled immediately: drugs. The international trade in illegal drugs is now thought to be worth \$500 billion a year. Policing a global industry of that magnitude, in which organised gangs are prepared to resort to violence to protect their markets, is a major problem in itself. But the craving of consumers for drugs has also created an epidemic of theft, burglary and muggings by addicts desperate to acquire the money they need to feed their habits. The costs - in terms of time and money wasted by the police and Customs and Excise and rising security and insurance expenditure by the private sector, to say nothing of the personal distress caused by theft and violence - are unquantifiable, but undoubtedly run into billions of pounds. Drug-related crime is a major problem in need of urgent solution before it gets completely out of control. Yet it is presently being tackled in exactly the wrong way.

The conventional solution to the problem of drugs is to reduce the supply. This is attempted through a variety of methods, including crop substitution, customs seizures, the imprisonment and fining of drug traffickers, measures to reduce money-laundering, the interdiction of drugs in transit and the seizure of assets earned in the drugs trade. In some countries, drug traffickers even face the death penalty. Since President Bush launched his ill-fated war on drugs five years ago, with the stated ambition of reducing the amount of cocaine reaching the United States by half within four years, American taxpayers have spent \$50 billion on fighting drugs. But the industry is still booming. The drugs war may even have encouraged the drug

barons to improve their business organisations. Repressive measures merely act as a tax on the trade, and so vastly increase the risks of involvement in it. To justify taking such risks, the rewards have to be correspondingly high. Legal supplies of pure heroin, for example, cost the National Health Service £6 a gram. But, on the streets, a gram of heroin of 40 per cent purity has a value of £40. That translates into a price of about £200 for a gram of pure heroin, or thirty-three times the price paid by the Health Service. Similar effects are observable in the markets for cocaine and crack cocaine. The price of a kilogram of pure cocaine rises two hundred-fold between the coca farm and the streets of North America and Europe. 'The most hazardous of all trades, that of the smuggler,' wrote Adam Smith, 'though when the adventure succeeds, it is likewise the most profitable.'¹⁵

On the supply side, the drugs trade is a high-risk, high-reward business dominated by criminals who have a substantial financial inducement to exclude competition. Their exclusion strategies routinely include corruption and violence, and occasionally demand assassination. In the United States, half of all murders are drug-related - and there are over 20,000 murders a year. In this country, the intimidation of witnesses already makes it extremely difficult to prosecute a drug trafficker successfully. The consumers of drugs, on the other hand, are addicted. This means their demand for drugs is not sensitive to the price. If it was, the exceptionally high price of drugs on the streets would already have reduced consumption to modest proportions. As Samuel Brittan has observed:

Given a high-risk, high-price market for products with an addictive quality, one would expect present worldwide restrictive legislation to encourage criminal activity. The addicts steal to pay for their drugs; and suppliers will stop at nothing to maintain an enormously lucrative trade.¹⁶

This is exactly what has happened. A vast international smuggling operation is in train, which the authorities in both Europe and North America are manifestly unable to contain. For suppliers, the rewards are so high that it is worth killing people to retain a franchise. For consumers, the costs are so high that it is necessary for many of them to steal and mug people to obtain the money to buy their supplies.

Efforts can be made to reduce demand by educating people about the dangers of taking drugs - predictably, lessons on the perils of drug addiction are now a part of the national curriculum - but a large part of the attraction of taking drugs is, paradoxically, their social unacceptability. The analysis of the economics of the drugs trade is too compelling to ignore. Logic suggests that the only completely effective way to ameliorate the problem, and especially the crime which results from it, is to bring the industry into the open by legalising the distribution and consumption of all dangerous drugs, or at the very least decriminalising their consumption. This is not the drastic or revolutionary step which many people believe it to be. The police have

long since ceased to prosecute casual users of cannabis, and increasingly prefer not to arrest heroin addicts but to encourage them to seek treatment.

Two senior police officers - the secretary general of Interpol and the Chief Constable of West Yorkshire - have expressed in public their support for the decriminalisation of drugs, which they rightly see as a social, moral and health problem rather than a matter for the criminal law. Nor are drugs a particularly threatening health problem. Heroin kills about 200 people a year, solvent abuse another 150, ecstasy a handful, and LSD and cannabis nobody at all. Each of these deaths is an individual tragedy but, compared with the number of deaths associated with drinking, smoking or motor cars, the numbers are insignificant. In the case of alcohol, tobacco and motoring the case for dissuasion within the law is already broadly accepted, except by small minorities of fanatics.

Draconian laws against drug trafficking and consumption are anyway of relatively recent origin. Thomas de Quincey published his *Confessions of an English Opium Eater* in London in 1821, after consuming the drug for nearly twenty years without interference from the State. In the 1830s and again in the 1850s the Royal Navy effectively supported opium traders against the efforts of the Chinese authorities to stamp out an illicit trade in the drug. Gladstone's sister, Helen, was an opium addict, as were a fair number of otherwise respectable Victorians. George Orwell's father, Richard Blair, was for nearly forty years employed in the Opium Department of the Indian Civil Service. It supervised a state monopoly of opium production for export to China, a trade which at one time accounted for a sixth of the total government revenues of British India. There was no legislation against the consumption of the drug in England until the passage of the Dangerous Drugs Act in 1920. Legislation against the opium trade was not introduced in South East Asia until after the Second World War.

There is no reason to suppose that the number of consumers would increase if dangerous drugs were legalised. A sensible legalisation would retain strict official control over the distribution and quality of drugs, and perhaps include the establishment of a register of users of hard drugs. Evidence from Holland and the United States, where experiments in the decriminalisation of soft drugs are taking place, suggests consumption tends not to rise but drug-related crime does tend to fall. Almost everybody is sufficiently aware of the dangerous side-effects of narcotic abuse to avoid taking dangerous drugs for precisely that reason. But a minority will always prefer to take the risk, just as smokers continue to consume tobacco despite overwhelming evidence of the damaging effect it has on their health. Although the democratic State has a constant urge, as de Tocqueville forecast, to act as an 'immense, protective power which is alone responsible for securing their enjoyment and watching over their fate', it is perfectly respectable to believe that people are the best judge of their own interests, even if they choose to consume harmful drugs. Consumption of dangerous drugs might even fall if the thrill of the illicit was

removed. 'Stolen sweets are best,' as Colly Cibber put it. Those irredeemably addicted to nannying people could still take comfort from the fact that decriminalisation would at least save people from the worst consequences of their addiction. The high price of illegal heroin encourages injection, which is the most economical way to take the drug but also the most hazardous. Injection is not only intrinsically dangerous, but encourages addicts to share needles and so spread disease. Decriminalisation would solve that problem at least.

The only compelling obstacle to decriminalisation is that legalisation in one country would attract addicts from abroad. There is a case for multi-lateral action in this sphere, though it is hard to see how this could be agreed in advance. One country would have to pioneer the experiment and, if the results were gratifying, others would soon follow suit. The least convincing argument against legalisation is that it is a counsel of despair. It would be better if everybody could cope without needing dangerous drugs but, since some people will insist on using them whatever the law says, it is more sensible both for the addicts and their fellow-citizens if they can buy drugs of the requisite quality from legitimate and properly regulated suppliers at reasonable prices. It would put violent criminals out of business, reduce burglary, theft and other crimes, and generate a modest tax revenue which would enable addicts to be treated and supervised by qualified medical practitioners. For the truly inveterate addict, science might even be able to devise less dangerous methods of achieving the same effects.

Above all, legalisation would save the taxpayer the many millions of pounds the police and the Customs and Excise spend on a war which they not only cannot win but which they are now actually losing, and at considerable cost to the ordinary people caught in the crossfire. The collateral casualties, including policemen and customs officers themselves, are bound to increase. For those still unconvinced, there is one instructive historical parallel apart from the notorious example of Prohibition. In 1784 Pitt introduced his Commutation Act, which lowered the duty on tea from 112 per cent to 25 per cent. By doing so he finally admitted that an enormously expensive repressive apparatus - public executions, a massive increase in the number of Customs and Excise men, the occupation of coastal towns by Army units, coastal patrols by the Royal Navy and a series of pitched battles with smuggling gangs all over England - would never prevent smugglers supplying the needs of consumers so long as the tax system ensured that the trade remained hugely profitable. The eighteenth-century smugglers were defeated in the end by the price mechanism, not the machinery of State repression. The same fate awaits the drug barons and dope dealers, if the State has the courage to admit its own impotence.

15 Quoted in Frank McLynn, *Crime and Punishment in Eighteenth Century England*, OUP, 1991, page 186.

16 *Financial Times*, 7 April 1994