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Discussion Paper 21

**ILLICIT DRUG TAKING AND
PROHIBITION LAWS:**

**PUBLIC CONSEQUENCES AND THE REFORM OF
PUBLIC POLICY IN THE UNITED STATES**

by

LaMond Tullis

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Preface

Over the past few years, the production, trade and consumption of narcotic drugs have expanded to a point where tens of millions of persons are affected as producers, consumers or traffickers. Revenues from the sale of drugs have been estimated at several hundred billions of dollars. The activities of the various parties involved in the drug industry have far-reaching social, economic and political consequences. Many of these consequences derive from the fact that the operations of this industry are illegal in most countries of the world.

While there has been a considerable amount of discussion on the impact of the consumption of narcotic drugs and on the policy alternatives to deal with the problem in the industrialized countries, especially in the United States, very little is known about the impact of production, commerce and consumption of the drugs in the developing countries. Likewise, while policy discussions, proposals and actions have concentrated for the most part on methods to control the production and trade in drugs, much less attention has been given to efforts to influence the demand for them. It was because of these biases in the policy discussions and the relative paucity of information on the wide-ranging social and economic consequences of the production and consumption of illicit drugs in developing countries that UNRISD decided to launch research on this topic.

The first phase of the project comprised a review of the existing literature on the socio-economic and political impact of the production, trade and consumption of narcotic drugs covering both the producing and consuming countries. The intention was to prepare an annotated bibliography and a review monograph based on the literature survey. This phase has now been completed with the forthcoming publication of a book by LaMond Tullis, **Handbook of Research on the Illicit Drug Traffic: Socioeconomic and Political Consequences** (Greenwood Press, Westport). The next phase of the project, which is being carried out jointly with the United Nations University, comprises in-depth case studies of 10 developing countries with significant production facilities.

The author of this paper is the co-ordinator of the research project on drugs. He is also Associate Academic Vice President of Brigham Young University in the United States and is currently a Visiting Fellow, Center of International Studies, Princeton University. He has done research in Latin America and has published on food security, politics, social change and rural development in Third World countries.

The grave socio-economic and political consequences of widespread consumption of narcotic drugs in the industrialized

countries have spawned a vigorous debate on the policy alternatives to contain and reverse the addiction to drugs. In the United States, where the drugs issue has taken a higher political profile than elsewhere, while there is widespread dissatisfaction with the present policy régime, there is little agreement on alternative measures. In this paper, the author seeks to make a contribution to the search for an alternative policy mix to cope with the drug crisis.

The main thrust of the official policy to deal with the drug problem has consisted of efforts at supply suppression and trafficker immobilization. From the late 1980s there have been increasing attempts to reduce the demand for drugs. The current situation is characterized by "policy paralysis".

The paper first reviews the case for public intervention to control the abusive use of drugs. If the effects of drugs were confined to the consumer, there might be an arguable case for a policy of *laissez faire*. Given, however, the widespread incidence of externalities, there would appear to be a strong case for public action. The paper reviews the major user and external effects of intensive use of different narcotic drugs - cannabis, heroin and cocaine.

The "external" effects comprise impaired fetuses; disruption of family life; treatment, welfare and insurance costs; lower work productivity; impairment of mental functions resulting in more accidents and third party damage. Beyond these, there are broader effects associated with the current policy régime of illegalizing drug consumption such as organized gang and individual crime and violence, political and judicial corruption, societal militarization, civil rights abuses and the spread of AIDS. While there is disagreement on some of these effects, others are less subject to controversy.

The paper advocates a two-pronged approach involving a judicious relaxation of some of the existing laws against drug use and a more vigorous effort directed at demand reduction. A gradual partial decriminalization of drug use would enable the authorities to monitor their effects on consumption and if successful, could lay the basis for further action in this direction.

Currently the demand reduction policies rest primarily on the fear factor. At best these policies have yielded ambiguous results. The author argues in favour of greater reliance on policies based on self-interest rooted in concerns over health, family, friends, economic well-being and overall happiness. He also advocates a greater emphasis on education and on public and private efforts aimed at changing the values of the American people.

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Dharam Ghai
Director

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For historical, sociological and, no doubt, other reasons, unrestricted trafficking in and consuming of certain psychotropic and addictive drugs is illegal in the United States.¹ The proscription includes cannabis, opiate, and coca derivatives and certain "designer drugs".

The principal efforts to discourage or control illegal consumption have focused on reducing market supplies (to create consumer disincentives through price increases or product scarcity). Two mechanisms are employed: supply suppression and trafficker immobilization. Thus, aside from law enforcement within the country, the United States sponsors multinational and international crop eradication and drug interdiction initiatives in Latin America, Asia and the Middle East where most of the drugs are produced.² Traffickers and smugglers are targeted not only with conventional police power but with complex anti-drug banking regulations and asset forfeiture laws.³

From the late 1980s, America's law enforcement has increasingly focused on drug consumers. The public's angry mood was expressed in Alaska's November 1990 vote to recriminalize the possession and consumption of marijuana.⁴ Illicit drug takers are progressively vulnerable to incarceration and forfeiture of their assets.

Supply suppression results have been quite unsatisfactory.⁵ Demand suppression results are still open. United States consumption has perhaps "peaked"⁶ but, if it has, what has caused it? Few people outside the United States government credit supply restriction. Have law enforcement pressures against illicit drug consumers begun to reduce their appetite? Perhaps, certainly among populations not inclined to run severe risks of entanglement with the police. But the impact on global consumption in the United States or the consequences deriving from it are uncertain. [Perhaps of significance are Western Europe's preparations to deal with aggravated drug problems. Crime syndicates dealing in cocaine and heroin have now turned their attention to the continent⁷ (including Eastern Europe and the European areas of the Soviet Union as quickly as national currencies have become even marginally convertible or hard currencies "disposable"). For whatever reason, illicit drug profits are higher there than in the United States.⁸ Western European drug consumption laws are generally more relaxed.⁹]

"Market transformations" notwithstanding, the socio-economic and political drug-related costs in the United States have been and continue to be staggering. These costs and the fear of more have fueled many Americans' passion for "eliminating drugs" from their society by enacting stringent anti-drug laws and vigorously enforcing them.¹⁰

What public costs and consequences derive from America's drug habit and legal efforts to paralyse it? Without considering, for the moment, "externalities" related to consumption, drug prohibition and its enforcement dynamics have clearly created a large part of the public's burden. Frequently mentioned are the financial costs of running the anti-drug law enforcement agencies themselves (sometimes consuming a substantial portion if not all of an agency's tax-allocated budget).¹¹ While notable, more important are law enforcement dynamics contributing to the development of the self-financing of organized crime from drug profits and the now linking drug producing and drug consuming nations worldwide;¹² of systemic drug-related crime against people and property (including indiscriminate and random murder);¹³ of drug gangs and turf wars (now affecting the hinterland of the United States, not just its large cities with their economic underclasses);¹⁴ of political and judicial corruption, currently penetrating some of the drug fighting agencies themselves;¹⁵ of societal militarization with all the attendant precursor events that have, in other times, fostered the development of incipient police states;¹⁶ of institutional/civil rights abuses;¹⁷ of drug transmission of AIDS (sufficient to nearly bankrupt the public health services of some cities in the United States);¹⁸ of untaxed underground economies worth billions of dollars;¹⁹ and of the growing political cynicism of the American public (based in part on government institutional hypocrisy in promoting tobacco and embracing liquor interests while almost always denying even medically supervised use of cannabis to assist in cancer chemotherapy).²⁰ All this has appeared to contribute to Americans' increasing disrespect for many of their laws.

These many consequences have heightened public discussions about whether the laws create more public ills than does the drug consumption they are designed to reduce if not eliminate - hence the current move toward "legalization". Legalization advocates offer an intellectual justification for the partial or complete removal of prohibition laws.²¹ Their position is not popular but ultimately may prevail. Here, I turn to an increasing intellectual if not public anxiety about drug consumption per se and whether that anxiety is justified no matter what happens to the laws. If it is, what prospects exist for reducing consumption independently of positive or negative effects of prohibition's laws?²²

Frequently asked is, "Should consumption even be a public concern in a free society?" Moral considerations aside, the concern is politically germane only if drug taking produces significant public costs independently of drug law dynamics. On this "public-cost" premise rests any justification for demand reduction public policies, coercive or benign. On an examination of the evidence of comparative public costs rests any validity of the premise and therefore the policy conclusions it drives. Some people want America's anti-drug laws partially or completely dismantled because of the public problems they create. Others want consumption, or at least its public costs, to decrease, voluntarily if possible, through more stringent laws and

economic disincentives if required. Considering public costs, which policy should be emphasized?

There is near universal accord that under certain conditions all psychotropic drugs can cause user self harm. Self harm is small justification for proscribing psychotropic drugs if little or no social harm accompanies their use. What of the reverse - self harms producing social harms? Qualifiers abound. What if the public harm is both significant and extensive? Would public policy initiatives be justified? If so, what kinds? More laws and better enforcement? Fewer laws? Libertarian non-restraints? Positive and negative sanctions applied to users? Efforts to change drug taking values? All are advanced.²³ A comparative analysis of the public cost premise remains largely unexplored.

To verify or refute the public cost premise and thereafter explore the public policy implications the analysis may drive, we must examine whether illicit drug consumption contributes to America's public burdens independently of the laws that proscribe it. Following this vein, we need to identify some of the **personal** consequences of drug taking- what drugs do to the user - independently of illegalizing laws and their enforcement. Then we can try to determine if those consequences have public costs of socio-economic or political significance and, if so, what policy initiatives appear to be logically connected.

Whatever consequences the literature does address are most evident when use is chronic (for example, several times a week at whatever dosage) or is high enough to produce intoxication even if used only rarely. The occasional drinking of a moderate amount of alcohol or smoking a like amount of cannabis may produce self harm but little social harm. Sufficient consumption of either to produce intoxication may lead to disasters for others as well as self. With "harder" drugs - heroin, cocaine, crack cocaine - the public implications are potentially more severe but not necessarily so. One person snorting a line of cocaine will hardly lead to the kinds of public burdens that 5, 10 or 20 per cent of a country's chronically using population could produce. By the same token, large numbers of people might use a small amount of psychotropic drug infrequently and produce little social harm, whereas a small number of people **abusing** the same drug could create socio-economic and political harms totally unacceptable to modern society. Thus, while public policy necessarily faces "continua", discussions dealing with the extremes of each help to clarify relationships while also acknowledging their "softness". Table I illustrates several common sense notions. Externalities, as shown, are thought to be highest in cell 1 where many people abuse drugs, lowest in cell 9 where a few people are no more than casual users. Cells 2, 4, 6 and 8 represent numerous possible conditions between the continua's hypothetical polar extremes.

Here I discuss public consequences stemming from dosage rates or usage frequency high enough to be "acute" or "chronic" - in

Table I
Common-sense Categories of Drug Use and Abuse
that Impose Socio-economic and Political Externalities on Society

		AMOUNT OF USE		
N U M B E R	M a j o r	Chronic, Intoxicating (Abuse)	Continua	Use (But not Abuse)
		Large socio-economic and political externalities, probably nationwide 1	↔ 2	Some public costs, no doubt, but the matter is open to dispute as to how extensive 3
	C o n t i n u a	↑ 4		↑ 6
	O f F e w	Public externalities may be significant in local areas but probably not nationwide 7	↔ 8	Few externalized costs 9

other words, **abuse**. This does not, of course, necessarily rule out similar if not attenuated consequences deriving from occasional use. The manifestations, in so far as they exist, are simply more obvious and less disputable when discussed in light of chronic or acute use.

Much of the literature, particularly before about 1980, concluded that "deleterious effects of personal drug use" were highly exaggerated if not mostly untrue, certainly

so at a "recreational user" level.²⁴ Since about 1985, increasing numbers of scientific and technical papers, particularly in the physical and mental health professions, have presented alarming conclusions about potential and real personal consequences of drug taking, particularly if ingestion is chronic or sufficient to intoxicate the user.²⁵ One ought to keep in mind that a given dosage is sufficient to produce intoxication (quite variable for specific individuals who in turn may experience variance as the "setting" of drug taking changes),²⁶ whether one is ingesting cocaine, heroin or cannabis. Of the three, cannabis is, of course, relatively but not absolutely benign.²⁷ With these matters in mind, we turn to a consideration of

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