

The Australian

Prohibition still best way to beat drugs

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THAT drugs destroy lives hardly needs to be said. The question is how we should deal with them. In a recently released report, Australia21, a policy think tank, calls our prohibition-based approach an exercise in "failure and futility". Australia21's claims are exaggerated and in important respects incorrect. But that doesn't mean our policies should stay as they are.

What is uncontested is the harm illicit drugs do. Psychoactive substances alter perception, mood, awareness and action. They are attractive because their doses dwarf any naturally occurring counterparts in the nervous system and instantaneously provide experiences that cannot be replicated by non-drug options.

Yet those doses are toxic and destabilising, causing harms that are cumulative. High levels of use do not trigger satiation: rather, unlike most other goods, consumption reduces the value the user places on competing alternatives. Even worse, their use undermines reason, clouding far-off consequences and increasing desire for the most immediate stimuli.

Not that all users become junkies. Most people who experiment with drugs consume them for short periods and then entirely desist, typically by age 30. Even they may suffer long-term damage; but the greatest risks come from the substantial minority that escalate from initial to persistent use and become very difficult to treat.

By the time they reach the age at which others have quit, those users are in a lifestyle that rules out regular employment and is fraught with serious health risks, including HIV/AIDS, hepatitis and of course, overdoses.

Most suffer co-morbidities, exacerbated by substance abuse, that include severe psychiatric disorders. And for those prone to delinquency, heavy drug use is a powerful catalyst, markedly increasing criminality. The result is to deprive users of the futures they could have had, making them dangerous parents, bad neighbours and poor citizens.

Australia21 argues prohibition does little to prevent these harms while causing many others. Despite large resources devoted to law enforcement, it says, "drugs continue to be readily available", while our courts are "dominated by those involved in drug-related crime" and our prisons "crowded with people whose lives have been ruined by dependence on drugs". It would be better, it suggests, to legalise and regulate drugs.

These arguments overstate the present approach's costs and understate its achievements. Australia is not the US: we are far from having ghettos with rampant drug use, high rates of predatory crime and pervasive levels of drug-related imprisonment, often for mere possession.

Rather, drug-related offences account for 6 per cent of criminal cases and about 11 per cent of imprisonments. Moreover, virtually all the imprisonments involve serious trafficking, with possession being a factor only in conjunction with predatory offences or for persistent breaches of non-custodial sentences.

Nor are the claims about trends in use or availability much better founded. Current levels of use, be they on a lifetime basis or in the past year, are generally below those in the 1990s. Yes, the results of the 2011 Illicit Drug Reporting System find drugs "easily" or "very easily" available; but that is based on a survey of addicts, 80 per cent of whom are unemployed and who have the time and social networks to secure illegal drugs.

Prices for illicit substances are a more reliable indicator, and they are well above those in Europe and three times those in the US. With recent estimates suggesting demand for narcotics is relatively responsive to price, those high prices imply significantly reduced consumption and social harm.

It is therefore not apparent that the costs of the present approach outweigh its benefits. In addition, Australia21 does not articulate a clear alternative, much less systematically assess its consequences. What is clear is that legalisation,

whatever form it might take, would not be costless.

This is particularly so with opiates and the ever-expanding classes of synthetically derived stimulants, including amphetamines. Were these products freely available, their use would increase dramatically.

Consider heroin: Robert MacCoun and Peter Reuter, two of the world's leading drug policy researchers (and cautious supporters of reform), estimate legalisation would increase consumption by 100 to 1000 per cent, with the higher number more likely.

Given the harm such an increase would cause, proponents argue legalisation could be accompanied by strict regulation (for instance, forbidding sales to minors) and very high taxes, ensuring users faced the social costs of their use. But the efficacy and efficiency of that approach remain to be established.

For example, legalisation would probably reduce costs of production and distribution tenfold for opiates and by even more for synthetics. Merely restoring prices to current levels (which are well below the social costs the drugs impose) would require taxes greater than those on nicotine. It is implausible to claim this would not give rise to a vast black market, all the more with clandestine laboratories and distribution networks already in place.

That is why the economics Nobel laureate Gary Becker, an advocate of legalisation, has argued criminal penalties would actually have to be increased for those participating in illegal trafficking. But if so, how much of the costs of the present situation would really be avoided?

To all this, Australia21 gives no answer, other than suggesting that more should be spent on rehabilitating addicts. Perhaps, but countries such as Sweden that place great stress on rehabilitation rely heavily on the threat of imprisonment to induce participation. Even then, treatment efforts are only marginally effective, while the costs of scaling them up, post-liberalisation, to deal with a sea of new addicts would be prohibitive. As the eminent criminologist Mark Kleiman concludes, "we can no more treat our way out of drug problems than we can arrest and imprison our way out of them".

None of that means existing policies are perfect. There may be a case for further liberalisation of cannabis, though it too remains to be made out. But at least as matters now stand, this area seems to confirm the wisdom of crowds.

Those crowds, polls show, differ markedly from policy elites. The elites favour drug liberalisation and harsher treatment for tobacco and alcohol; the wider public is tolerant of tobacco and alcohol but adamantly oppose drugs. They know that as the late James Q. Wilson wrote, nicotine may shorten life, but heroin and cocaine debase it. It will take a lot more than well-meaning rhetoric to change that.

*Sources and supporting material at <http://blogs.theaustralian.news.com.au/henryergas/>
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