

# The Deliberate Confusion between the Legalisation and the De-criminalisation of Drugs\*

TAKIS FOTOPOULOS

The recent UN International Drugs Day led, once more, to a discussion on the drug problem which was, once again, largely dominated in Europe by the views of the reformist Left's supporters of liberalisation (Euro MPs, Green parties, reformist intelligentsia, as well as some 'libertarians', et. al.). The main thesis of the reformist Left on the matter is that it is the 'war' on drugs and the associated repressive policies which are to be blamed for the present explosion of drug abuse, rather than the other way round. Thus, in a complete reversal of historical experience and a blatant distortion of logic, what apparently led to the 'war' on drugs was not, as I attempted to show elsewhere<sup>[1]</sup>, a series of social and economic factors related to the present system of market economy and representative 'democracy', which led to the flourishing of drug culture in the '60s, (further intensifying with the rise of neoliberal globalisation in the '80s) and, in turn, leading to the 'war' on drugs. Instead, it was supposedly the 'war' itself which has led to the spread of drug culture! It is also worth noting that this traditional argument for the liberalisation of legislation is still repeated today, at the very moment when this war is on its last legs everywhere and the mass abuse of drugs is not only showing no signs of significant decline but, instead, is showing every sign of a further increase, particularly as far as some 'hard' drugs are concerned<sup>[2]</sup>.

However, what is even worse than the repetition of outdated studies and statistical data by the supporters of this stand, is the confusion that they create. This is due to the fact that, although they usually give the impression of just supporting the de-criminalisation of drug use (a stand widely adopted today by everybody ranging from the elites themselves to the entire Left, since very few, if any, in Europe still demand the imprisonment of users), in effect, they adopt a stand which leads to the legalisation of 'soft' drugs, if not all drugs in general. It is not, therefore, surprising that several of the supporters of this campaign do not hesitate to maintain that the drugs themselves are not dangerous, and that it is only after the chemical process conducted by dealers that they become dangerous!

Thus, according to Joep Oomen, who represents a pan-European network (ENCOD) of 140 NGOs from 27 countries, "the bureaucracies which make their living out of the banning of drugs, as well as the legal and police systems, have found in this oppressive regime of terrorism and drugs a new way to increase their budget, as well as to enhance their position".<sup>[3]</sup> All this is maintained despite the fact that the EU elites themselves, as well as the police system in countries like Britain, have taken a leading role in the struggle for the gradual phasing out of the 'war' on drugs and its replacement by a policy of 'limiting the damage'.<sup>[4]</sup>

At the same time, neoliberals, referring to their guru Milton Friedman, argue that, given the inelasticity of the demand for drugs, the only way to face the drug problem would be through a decrease in the demand, because the squeeze on supply imposed by the banning of drugs would only lead to a rise in the price of drugs. Alternatively, the same process could well lead to the forced use of dangerous variants of the substances because, according to Friedman's so-called "Iron Law of Prohibition", the harder the police crack down on a substance, the more concentrated the substance becomes. However, the evidence does not support any of these predictions.

As regards prices, despite the fact that the demand for drugs in the last thirty years or so has gone on increasing, world prices have been falling internationally<sup>[5]</sup>. This is partly the outcome of the invasion of Afghanistan by the transnational elite, which has led to a booming production of opiates with the encouragement of the occupying powers. Since the overthrow of the Taliban, land under cultivation for poppies has grown from 8,000 to 165,000 hectares, and today ninety per cent of the world's supply of opium originates from this country, which was "liberated" by the transnational elite.<sup>[6]</sup> But this has also been partly the result of the fact that the 'war' on drugs has never been truly effective in suppressing the supply of drugs—a fact that is hardly surprising if one notes that the entire economies of countries like Afghanistan and also Colombia, Bolivia and Peru effectively survive on the export of illegal drug crops.<sup>[7]</sup>

As far as the creation of new, even more dangerous variants is concerned, although it is true that variants like skunk, with its well-established association with mental disorder, are today dominant in the UK cannabis market, for instance, the process which has led to this outcome was not the one foreseen by Friedman. Friedman referred to situations like the Alcohol Prohibition Era of the 1920s, when dealers had an economic interest in producing and providing the stronger, more harmful drinks to create more dependence on their merchandise. But obviously, in cases like skunk, where the more powerful variant could be grown at home more cheaply, the argument is not valid. As a cannabis user said, describing the process of making skunk, "you can buy enhanced-strength cannabis seeds over the net. Simply type in AK-47 or Black Widow and you'll find yourself at a site which will instantly mail you enough seeds to start a small factory"<sup>[8]</sup>. It is, therefore, clear that British cannabis users today are not forced to take home-grown skunk as a result of the lack of cannabis on the market, or its high price, or from fear of criminalisation, but simply because it is more successful than normal cannabis in getting them high.

Naturally, neoliberals lament the huge black market turnover from drugs, as this represents lost business for the legal market controlled by transnational corporations, which will inevitably succeed the mafias in the supply of drugs in case of their legalisation in the present system of neoliberal globalisation. It is clearly inconceivable to neoliberals and their 'libertarian' allies in their campaign to legalise drugs (frequently under the disguise of decriminalising them), that there could be a 'third way' of dealing with the drug problem, beyond the legal and black markets. According to this third way, drugs would be under the collective direct control of citizens with the aim of restricting the spread of drug abuse—as far as this is possible within the present socio-economic system—rather than of 'limiting the damage' caused by the criminalisation of drugs, which is the aim of the elites as well as of neoliberals and some libertarians today.

Finally, some medical experts inform us that the proof that the ‘war’ on drugs has failed (which it has, indeed, for reasons connected with the causes of the drug explosion in the last 30-40 years, and not because of the ‘war’ itself!) is the very fact that, despite state terrorism and criminalisation, drug abuse is steadily growing.<sup>[9]</sup> However, this conclusion, which has nothing to do with medical research (reminding us of the well-known, spurious statistical correlation analyses in which the fall in the British GDP was found to correlate with the decline in rainfall in Scotland!), does not explain why today’s corresponding ban on smoking is leading to the decline of tobacco consumption<sup>[10]</sup>, for instance, or why the withdrawal of the Alcohol Prohibition laws, far from leading to a decrease in alcohol consumption, has led to an explosion of binge drinking today.<sup>[11]</sup> And of course, the “Dutch solution” usually invoked by supporters of legalisation has recently turned out to be more of a mirage than a miracle, with the age of regular and dependent cannabis users dropping sharply in recent years and schoolchildren as young as 12 being treated for addiction!<sup>[12]</sup> Furthermore, reference to the British Medical Journal, Lancet, to draw the conclusion that “the use of cannabis even on a long-term basis is not harmful to health”, betrays a basic ignorance of recent studies and their conclusions. Particularly so when this statement was purely expressing the personal opinion of Lancet’s editor and the results of recent medical research published recently in the same medical journal -- and others -- show exactly the opposite.<sup>[13]</sup>

But it is ironic, indeed, that many of the supporters of legalisation, referring again to Friedman, attempt to base their argument on the principle of self-determination and its violation by the present restrictive legislation. Thus, by this distorted logic, self-determination is identified with the classical liberal ‘negative’ conception of freedom which refers to the absence of restraint, that is, the individual’s freedom to do whatever s/he wants to do (‘freedom from’), and not with the ‘positive’ conception of freedom which refers to the freedom ‘to do things’, to engage in self-development or participate in the governing of one’s society (‘freedom to’). Not accidentally, negative freedom is perfectly compatible with the existence of passive citizens, as required by the present neoliberal globalisation. This is something that was aptly described by a user: “with drugs you don’t feel anymore the injustice around you; it acts like a protective armour against it”<sup>[14]</sup>. And yet, some ‘libertarian’ supporters of legalisation do not have any qualms about adopting the neoliberal argument, instead of developing a problematique on the imperative need to avert youngsters from drugs, on the basis of a wide-ranging programme of drug prevention that, as I have proposed elsewhere,<sup>[15]</sup> should be accompanied by society’s moral disapproval of drug abuse.

---

\* The above text is based on an article which was first published in the fortnightly column of Takis Fotopoulos in the mass circulation Athens daily, *Eleftherotypia*, on 7/7/2007

---

[1] See T. Fotopoulos, *Drugs: Beyond penalisation and the ‘progressive’ mythology of liberalisation* (in Greek) (Athens, 1999).

- [2] See the latest annual report of the UN Office on Drugs and Crime, Richard Norton-Taylor, *The Guardian* (27/6/2007).
- [3] see his interview with *Eleftherotypia*, in 'The Drug file' (26/6/2007).
- [4] see '[Limiting the Damage: the Elites' New Approach to the Drug Problem](#)' (in this issue)
- [5] see e.g. Staff and agencies, "Cost of illegal drugs plummets", *The Guardian* (27/5/2002); Jason Bennetto, "Street prices plummet as use reaches epidemic levels", *The Independent* (13/9/2006).
- [6] Dan McDougall, "Afghans killed by their own opium crop", *The Observer* (09/6/2007).
- [7] T. Fotopoulos, *Drugs*, chs. 1-2.
- [8] Rosie Boycott: "Today's skunk is far cheaper and more potent than my teenage joints," *The Independent* (18 March 2007).
- [9] G. Oikonomopoulos, in 'The Drug file', *Eleftherotypia* (26/6/2007).
- [10] see e.g. the results of a study by Curtin University in Western Australia in Bernard O'Riordan, *The Guardian* (30/7/2005).
- [11] John Carvel, "Alcohol deaths soaring, new figures show," *The Guardian* (1/7/2006).
- [12] Isabel Conway, "Dutch children of 12 'addicted to cannabis'", *The Independent* (21/3/2006).
- [13] see "Limiting the Damage: the Elites' New Approach to the Drug Problem."
- [14] 'The Drug file.'
- [15] "Limiting the Damage: the Elites' New Approach to the Drug Problem."