In December 2000 a conference on ‘Building a Better Today’ was held at the University of Sydney and I was invited to speak on drugs and policy in Australia.

Some people have strange logic. We should act on evidence. That is, we should do things, then look at what happens, and then act on the results. This is what happens when we play bowls. If a bowl goes way off course, theoretically one adjusts the next delivery to correct for the error. Hopefully the next time we will do better. You might think we would do the same in public policy. But we seem not to do so.

Let us consider the example of our attitude to drugs. We might observe first that we are schizophrenic about drugs, accepting some and rejecting others. The ones we accept we say too little about. So we tend to under-report the ravages of alcohol and tobacco, in the process happening to expose coming generations to trouble they might otherwise avoid.

Actually, it is easier to worry about the ravages of any drugs than it is to address the circumstances behind drug use—for example, poverty, hopelessness, unemployment, physical or sexual abuse, and so on. And more than 90 per cent of all drug-related deaths and by far the largest amount of the misery and ill health that come from drugs are the result of legal drug use. Those drug-related problems are both medical and social—for example, all the way from emphysema and chronic bronchitis to domestic violence and motor vehicle crashes.
Yet the same people who are somewhat reluctant to get concerned about legal drugs get hysterical whenever the talk turns to illegal substances. There was a caricature cartoon that appeared 20 years ago. It showed two red-nosed gentlemen in the bar at a cricket ground, whiskey and cigars in hand, saying: ‘Isn’t it awful about Botham. He uses drugs.’ And people lie much of the time.

It appears that some tobacco companies knew that nicotine was addictive 70 years ago. And they kept that information to themselves and promoted their nicotine-containing products vigorously. It appears that they knew their products were dangerous to health 50 years ago. Certainly, the first paper linking health and smoking appeared in something like 1948. The tobacco companies kept that information to themselves and denied, wherever they could, the horrors that were being recorded, and measured, and presented. And they are still trying to sell ever more of their rotten products—now to third world nations. Death and disease for a handful of silver. Some sense of social responsibility there.

But this is not a talk about legal drugs; it is about illegal substances. And anyway, we need to get back to my belief that we are schizophrenic anyway—in different areas.

We have rules about illegal drugs. First, they are illegal. Now this is a matter of definition and changes from country to country and from decade to decade. What is legal, and what is illegal, at any instant is an accident of legislation and history. So what is illegal in one country at one time might be legal at another time or in another country. For example, did you know that opiate narcotics were not only legal, but were widely prescribed, both in this country and in the United States during most of the nineteenth century and that cannabis was a legal substance here until about halfway through the twentieth century? This is not intended to suggest that such widespread use was good or that the addiction to those substances was desirable. No addiction is desirable. The presentation of that history is only to bring home that the issues of legality and illegality change over time.

Second, the use of illegal substances is increasing. We have the unprincipled and aggressive marketing of narcotics and amphetamines in this country now. We have increasing numbers of deaths and of people with problems. We have the mass use of cannabis in our community.

Third, there are enormous profits being made. They are leading to corruption of our police and indeed of all the organs we establish to administer our law and social arrangements. The marketers of illegal drugs pay no tax and have a market which they expand all the time. A demand exists and markets will arise or have arisen to satisfy that demand. The marketers also have plenty of money to pay lawyers and to pay for the corruption for which they are responsible.
Which all leads me back to schizophrenia once again. The statistics seem to make clear that we are not winning in our attempts to control use of illegal drugs. You might be prepared to say, after hearing the evidence, that our arrangements are not working well enough, or indeed that they are not working at all.

The Americans, who are mad, think they are doing well—they are wrong. Their society will suffer because of their madness, just as they have managed to have 60 per cent of IV drug users in New York City HIV positive—a signal achievement and one result of the social arrangements there. But here we know we are not doing well.

We have more people importing illegal substances (although importation is illegal). We have more people producing illegal substances (although production is illegal). We have more people selling illegal substances (although sale is illegal). We have more people using illegal drugs (although use is illegal). We have personal and property crime occurring as a result of drug use. We have more deaths from illicit drug use and more overdoses from narcotics. We have more gang wars related to drug use.

Any examination of figures would tell us that all these things, which we do not like, are increasing. They are increasing in spite of arrangements we have had in place now for many decades to prevent them. The evidence screams out that we are not doing well, that our arrangements are not working, that we are failing. It is not a question of how much we detect, or how many people we arrest. In spite of those acts our figures are worsening.

Yet when did you last hear a mainstream leader say that things are not working well enough? They cannot even think such things. They tell us how effective our arrangements are and how well they work. The evidence seems to show that we are not winning, that, on the contrary, we are losing, that use of illegal substances is increasing, that corruption is increasing, that medical and social problems are increasing, that gang violence is increasing, that money is being lost to public revenue, and so on.

Making things stricter—Brian Watters and the prime minister notwithstanding—does not seem to work either. Malaysia has had the death penalty in place for certain offences—this does not stop people doing the bad things associated with addictive drugs. If people become sufficiently desperate, if they are addicted (say), and if the chance of detection is (say) 10 per cent, then people often will try to get away with things. This is the same as the line of thinking in elite sport as regards drug use and it is the line of thinking that drives some drug couriers too.
We should be prepared to say that the emperor has no clothes; that our policy approach is not delivering what we desire; that it is time to work out some alternative arrangements. But what does a zealot do in such circumstances? A former colleague, Don Chipp, used to quote Santayana and say that in such a circumstance a zealot says ‘Let us redouble our efforts’. This is what the Americans are saying now. They want us to become party to more and tougher international agreements, to have more interdiction, more punishment, harsher minimum sentences. There are millions in gaol in America at present. The Americans say that they are succeeding—figures seem thin and their assertions are self-justificatory rather than accurate.

We need now to work out what we might wish to achieve as a society. There are things we might want for society more than preventing other people using addictive drugs. It might be to limit corruption of our magistracy and our police, for example. Our present arrangements are not the best way to achieve this goal. We may wish to limit the social disruption which drug addiction brings—if so, we would support more methadone maintenance programs, which give social stability at the cost of methadone addiction. We might wish to limit the spread of blood-borne viruses, in which case we would support more needle exchanges. And so on.

What we should not be about is punishment. Not while we have such an unequal society, one in which the inequalities are getting worse and in which the rich are getting richer and the poor getting poorer. Not while there is deprivation, or hopelessness, or structural unemployment.

You may care to ask yourselves who would oppose any change in drug laws? First, there would be those who want to punish people. They would punish people who are different, and people who are deviant—that is, deviant from values they hold. Sadly, many of these people are religious—and their punitive views seem to an outsider to be inconsistent with the expressed views of great religious icons. Others who hold this view are a certain kind of politician who follows rather than leads or contributes to the formation of public opinion.

But second, there would be those who stand to do so well from present arrangements—you should expect that drug traffickers, drug manufacturers, drug distributors, drug sellers would be as opposed to change as the tobacco companies were—and for much the same reason.

Third, there would be those who really believe in the hard line, which has failed so spectacularly in Australia so far. You should be aware that the likelihood of an arrest for drugs is greater if one is young, if one is male, if one wears jeans, if one looks ‘alternative’—whatever that means.
We might do better to address some of the underlying social problems to which I referred earlier. But to address those problems is difficult and it is easier to focus attention on the drugs as if they are the problem—they are probably manifestations of deeper despair, alienation and deeper problems.

This is not a plea for a particular solution. It is a plea that we look at the evidence we have today, that we realise when things have not worked, and that we exhibit some wish to do better than we have. Drug use is dumb. Addictive drug use is dumb and tragic. It is not enough just to pick up the pieces efficiently—although such activity is necessary. In addition, let us work to make general conditions better so that fewer of our brothers and sisters will have to turn to drugs. Let us exhort, certainly, but let us realise that this is not sufficient. And let us do something different; otherwise it is certain that corruption and drug use will continue to spread and to destroy the society we are trying to preserve.
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