

A NEITHER PROFOUND NOR ORIGINAL ARTICLE ON WHY THE SALE AND USE OF RECREATIONAL DRUGS OUGHT NOT TO BE ILLEGAL

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I notice I have not written about drugs for several years. There is nothing in the news that prompts me to write about them now. I simply feel inclined to see how well I can express what has become a huge argument in a small number of words. And so here are my thoughts on why the sale and use of recreational drugs ought not to be illegal.

NO ONE ELSE HAS THE AUTOMATIC RIGHT TO INTERFERE WITH MY CHOICES

Let us begin with the libertarian argument. People should be regarded as having the right to do with themselves as they please. This necessarily includes the right to do things that others think stupid or distasteful or immoral. If I want to, I have the right to join an odd religious group, and give it all my wealth; to have tattoos put all over my body, and to have parts of my body pierced in artistic ways; to devote myself to the poor in Africa; to be hung up on hooks and be flogged within an inch of my life by someone wearing a leather mask; and of course, to consume whatever mood-altering substances take my fancy.

No one else automatically has the right to interfere with my choices. If you think I am doing wrong, you can persuade me. You can get down on your knees and beseech me to better behaviour. You can threaten me with

exclusion from your company and that of your friends. Beyond that, you have no right to go any further, unless you can prove that what I am doing involves the use of force or fraud against another person, or that it is the sort of act — like selling defence plans to an enemy in arms — that threatens the dissolution of the entire community.

Taking one's own drugs in consenting company is not an act of the first kind — it causes no one else the sort of harm against which they can legitimately demand protection. Nor is it an act of the second kind. We are told endlessly that drugs are a danger to social stability — that they lead to crime and degradation and so forth. There is no evidence for this claim.

NO SOCIAL COLLAPSE

The British past provides a compelling example. Until 1920, drug use was uncontrolled. Between 1827 and 1859, British opium consumption rose from 17,000lb to 61,000lb. Workmen mixed it in their beer. Gladstone took it in his coffee before speaking. Scott wrote *The Bride of Lammermoor* under its influence. Dickens and Wilkie Collins were both heavy users. Cannabis and heroin were openly on sale. There was no social collapse. There were few deaths from taking drugs. Most deaths involving opium were individual accidents, and even these were negligible — excluding suicides, 104 in 1868

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FOR LIFE, LIBERTY AND PROPERTY

and thereafter to 1901 an annual average of 95. Hardly anyone even recognised that a problem might exist.

IT IS THE CRIMINALISATION OF DRUGS THAT IS BAD

The claim that drugs are bad for a society is a lie. The truth is the opposite. It is the criminalisation of drugs that is bad. All the ills that are now blamed on the availability of drugs are more accurately to be blamed on the illegality of drugs.

When drugs are illegal, only criminals will supply them. And when criminals are allowed to dominate an entire market, they will be able — indeed required — to form extended, permanent structures of criminality that could never otherwise exist. They will then make drugs both expensive and dirty.

They will be expensive because bribes, transport inefficiencies, rewards of special risk, and so forth, all raise the costs of bringing drugs to market. Therefore much of the begging, prostitution and street crime that inconvenience Western cities. As many as two-thirds of American muggings may be to finance drug-use.

They will be dirty because illegal markets lack the usual safeguards of quality. When a can of beer is stamped “8 per cent alcohol by volume”, this does not mean anything between 0.5 and 30 per cent. Nor will caustic soda be used to make it fizzy. Brewers have too much to lose by poisoning or defrauding customers. Drug dealers can afford to be less particular.

Therefore frequent overdosing. Therefore poisonous additives. Therefore, the frequent transmission of aids even today by the sharing of dirty needles.

THE COSTS OF ENFORCEMENT

Moving from the costs of the crime resulting from illegality, we come to the costs of enforcement. These also are massive.

In the first place, the Police need to become a virtual Gestapo if they are to try enforcing laws that create no victim willing to complain and help in any investigation. They need powers to stop and search people and to search private homes that would never be necessary to stop things like burglary and murder. They need to get involved in entrapment schemes. They are exposed to offers of bribes frequently too large to be turned away. In one way or another, the War on Drugs leads to the corruption of every enforcement agency sent into battle.

And that War cannot be won. The British Customs and Excise have no land border to worry about. They can track every boat and aeroplane that enters British territory. They have far wider powers of investigation than the regular Police. Even so, they themselves estimate that they stop less than three per cent of the drugs that are smuggled into the United Kingdom every year.

In the second place, we have the war on money laundering. Since it is impossible to stop the import and sale of the drugs, attention has switched in recent years to stopping the profits of the trade from being enjoyed. The

idea now is to confiscate these profits and use them for further investigations. However, before the money can be taken, it must be found. This requires a tight surveillance and control over all financial transactions. Because any one of us might be a drug dealer trying to launder dirty money, we must all provide endless documentation when we open bank accounts. We are not allowed to pay in large amounts of cash — presently more than £20,000 — without facing an inquisition from the bank clerks. Our banking details are open to official inspection virtually on demand.

THE WORLD TO WHICH THE WAR ON MONEY LAUNDERING IS TAKING US

Just as with drugs, the war on money laundering is also a war on freedom. In this case, it frees the authorities from the requirements of due process. The confiscations of alleged drug money are increasingly made without any pretence of a trial. In America, civil asset forfeiture, has become legalised theft of the plainest kind. In Britain, we are moving slowly towards a similar breach of Common Law rights.

Moreover, the fact that our financial transactions can now be monitored gives the authorities an entirely new power over us. Its means of exercise are not yet in place. But we are moving fast into a world where all our purchases can be stored in a database. All of this knowledge is collected for commercial reasons — loyalty cards, for example, to let a supermarket know whether to offer us a discount on a certain brand of dog food. It can also be commandeered by the State and added to our police or medical records. We can try to avoid this surveillance by using cash. But there are experiments in both Britain and America to see how anonymous cash can be replaced by cards that leave a record of every transaction.

Already, known smokers are unable to adopt children in certain areas. They have also been denied treatment under the National Health Service in a number of famous cases. Just think of a world where the authorities know exactly how many cream cakes or condoms we buy, and what magazines we read. And that is the sort of world to which the war on money laundering is taking us.

A WAR THAT BENEFITS ONLY CRIMINALS

Therefore, on the grounds both of individual freedom and of social utility, there is no argument whatever for continuing with the present War on Drugs. It is a War that benefits only criminals and a few drug enforcement agencies, and that harms every one of the rest of us, whether or not we take drugs.

Of course, the special interests have so far prevailed; and they may within the next few years get the publication of articles like this made into the criminal offence of “sending out the wrong sort of message to young people”, or whatever. But even with our controlled media, the lies cannot be kept up very much longer. This is neither a profound nor an original article. But I send it out, hoping that it will be another tiny nail in the coffin of drug prohibition.