



DRUGS SHOULD NOT BE PROHIBITED



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This paper (originally entitled 'Should Drugs Be Prohibited?') is also available at the Liberalia website (www.liberalia.com), which is run by Christian Michel and which contains a variety of libertarian writings, by him and by others.

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**FOR LIFE,
LIBERTY
AND
PROPERTY**

DRUGS SHOULD NOT BE PROHIBITED

CHRISTIAN MICHEL

What follows is a translation from the French, adapted and annotated from the transcript of a recording of a conference paper, given in Toulouse in September 1996.

To begin this conference,¹ I would like to recount a true story. From January 1919, American Catholic priests were required to obtain authorisation from the Federal administration to buy Communion wine. Prohibition had begun. During twelve long years, the production, trade and consumption of alcoholic drinks was totally prohibited in the United States. Very soon, there mushroomed numerous, ostensibly Christian, sects for the purpose of celebrating, with administrative dispensation, the Holy Communion in both kinds. Observers noted the remarkable zeal which the faithful showed in taking consecrated wine.

The by-passing of the prohibition law was not limited to a few wily individuals. The mafia, used to operating illegally, seized this superb opportunity to diversify their income, traditionally linked to gambling and prostitution. Illegal distilleries proliferated throughout the country. Hastily produced, with no regard to hygiene, their products often drove the consumer to folly or blindness, but which left him with no recourse. Other gangs, targeting wealthy customers, smuggled quality spirits from Europe. Bootleg money corrupted the State to the very top. One remarkable example is that of Joseph Kennedy, founder of the dynasty which gave the country a president and several senators: After making a fortune in the fraudulent importation of alcohol, he got himself appointed head of the powerful and prestigious Stock Exchange Commission by those very politicians he had for so long kept in his pay.

The most tragic consequence of Prohibition was, of course, the spectacular increase in murder. As they could not go to court, the gangs sorted out their disagreements by street fighting and killings which still haunt the memories of cities like Chicago. It has been written that the violence generated by Prohibition caused more deaths during the twelve years it lasted than cirrhosis and alcohol-induced accidents.²

If everything I've said does not remind you of what's happening today with the prohibition of cocaine and other drugs, then you've been living for twenty years on a desert island with no newspaper and no radio.

Now, what happened in the United States when Prohibition was over? Multinationals as well as small producers put unadulterated wines and spirits up for sale. The only war that they waged against each other was through advertising and slashed prices. The mafia turned its back on this sector, and there were no more cases of corruption or "money laundering". And, oddly enough, alcohol and cigarette consumption drops in many countries where their sale is allowed.

Has the experience that I've just described to you of alcohol prohibition in the States nothing to teach us, or is it relevant to our analysis of the new prohibition that now targets amphetamines, cocaine, heroin, cannabis ..., what in fact are commonly called "drugs"? There is something that I find frightening in the toughness and the violence of the suppression of drug addicts. The vocabulary and the means used are really those pertaining to war.³ In our own country, which portrays itself as a model of the legally constituted state, police authorities and magistrates call for emergency legislation and exceptions to the law on the pretext that they will corner and punish dealers. As in the glorious days of Nazism and Stalinism, denunciation becomes obligatory.⁴ When, governments everywhere show such repressive unanimity, should not the asking of questions be the very least of our duty as citizens? Could it be, for example, that we are repeating the mistakes of alcohol prohibitionists whose remedies caused more deaths than the blight they wanted to fight? Could it be that repression suits the business of the mafia as much as that of the politicians? Everything that concerns drugs has a bearing on our subconscious, and it is precisely because the emotion which drugs generate provokes all manner of manipulations that we must ask ourselves such questions.

THE PERSECUTION OF DRUG ADDICTS

The most important manipulation is of course based on vocabulary. When magistrates and police authorities maintain that they wage a "war on drugs", they abuse words. "Persecution" is the correct word. Calling their crusade "persecution" would make the policemen's case less popular, but it would better describe the reality. You will note that in a war, there are two adversaries who struggle to impose themselves on each other. The addict, by comparison, threatens no one; he has certainly chosen the wrong path, but he compels no one to follow him; the addict forces no one to take drugs; it is us who want, by sheer force of arms, to impose on him our own way of living. I wonder, therefore, what are the reasons behind

this persecution. Why are drugs prohibited? For there cannot be — absolutely not — any rational justification to prohibit the manufacture, the commercialisation and the consumption of drugs. No moral reasons exist. No economic reasons exist. No social reasons exist. The persecution practised by our governments is not reasonable. Its absurdity is such that we must look for its roots in our fears, in the fear felt by our society when faced with attempts at modifying various states of consciousness. We don't like mystics, shamans, we ridicule clairvoyants, we lock up the mentally deranged even if they are not dangerous, we persecute drug addicts, as we once burnt witches. In our so-called secular civilisation, the persecution of addicts is tantamount to religious persecution. This is what I want to explain.

THE REAL DANGERS OF DRUGS

At the outset, let me tell you that, like any father in the West I am confronted with the problem of drugs. For me drugs mean neither the intellectual stimulants taken by Einstein, Freud (or Sherlock Holmes), nor the catalyst of dreams and visions so loved by Baudelaire, Malraux, Cocteau, Michaux and many others. I am appalled that today drugs are what school children pass on to their friends, they are what were in the syringes thrown about in the public parks, they are what are consumed by junkies with their loose gums and their swollen toes so horribly jabbed because toes are less easily visible by the police than the arm.

However, I also have another experience of drugs. For ten years, I was president of a French company which produced cocaine — entirely legally as this alkaloid still has medical uses. The cocaine we produced under the supervision of the Ministry of Health and under police control was of the purest quality and was sold to pharmaceutical laboratories and hospitals. From time to time, customs officers sent us what they had seized, hoping that, after treatment, we would buy from them the retrieved cocaine. These products, confiscated from dealers, disconcerted our best chemists and were for me the revelation of a huge aberration in our repressive policy. Contraband cocaine was so adulterated, mixed with almost any white powder, washing powder, even plaster of Paris, there were so many impurities that eight times out of ten, it was irretrievable. But I realised that this was the mixture that young people sniffed or injected themselves with. The dangerous difference between the cocaine we produced in our laboratory and that sold in the streets was one of impurities. The paste that a dealer sells off is potentially lethal, not so much because of the cocaine it contains as the products mixed with it.

This is easily explained. As you have seen many times on television, cocaine is extracted from the leaves of a plant, the coca. Its extraction involves a chemical process which calls for simple but bulky equipment. The prohibition of cocaine production means that the laboratories where the extraction is carried out must remain hidden in farms, disused factories, shanty towns and that they must frequently be moved; the conditions of hygiene can in no way be satisfactory. The sale of organic solvents required for the extraction process is itself control-

led by the police. Underground chemists therefore use substitutes that they themselves prepare in their garage and in their cellars and you can imagine their quality. This adulterated paste must then cross frontiers and remain undetected by customs. Recently, I heard that an antique dealer was arrested in Geneva. He was importing paintings, far too many paintings according to customs officers. Cocaine was diluted in the varnish of the paintings. Somebody was going to inject himself with the varnish in which there was a little bit of powder.

THE EFFECTS OF OPERATING UNDERGROUND

The necessity of transporting the goods illegally encourages drug dealers to sell the hardest drugs, those which for a minimum volume are the most potent. The same phenomenon was noticed — and for the same reasons — during Prohibition: beer and cider had almost disappeared to the profit of gin and whisky. The rule is that a prohibited substance is rapidly replaced by a more noxious one. Then, when the drug reaches its destination the dealers cut it to increase their profits. This is, of course, a new pollution of the product, and an additional risk for the addict, as he doesn't know in which proportion the drug was cut, and therefore he cannot calculate the dose of active principle he is going to take. Suppose you take sleeping tablets, all looking alike, some of them containing one gram of active ingredients, the others ten grams or more. One day you won't wake up. This is how addicts die of an overdose.

The drug business, like any other human activity, is subject to economic coherence. Severe repression, which in certain countries goes as far as the death penalty, is the reason why supply is reduced while demand remains high. Prohibition, therefore, ensures high prices to drug dealers. Like any other entrepreneur, they want to reduce risks, in their case, that of being arrested; however their commercial margin is sufficiently large for them to bribe the authorities, and as a consequence, the risk tied to illegality remains, at least for the big dealers, more theoretical than real.

The high prices of drugs resulting from their prohibition, explain the delinquent or violent acts which threaten the whole population, even that section which keeps itself well away from drug trafficking. On the one hand, armed gangs fight over this lucrative business, indifferently killing rivals or passers-by. On the other hand, many consumers can only find the money for their doses by stealing. Even if you've never been a victim of the delinquency of addicts, you are made to bear the costs. Insurance companies pass them on to you in the premiums they charge.

This recourse to theft explains why high prices for the product do not curb consumption, as would be the case on a legal market. Since they are in any case forced into hiding, drug consumers have no qualms about stealing the money they don't earn, and this gives them a purchasing power which in theory is unlimited. True, to steal without being caught demands a certain aptitude but addicts have ready recourse to "snowball" sales. It is in the interest of an heroin addict to buy more of the product than he consumes and to build up a clientele to

whom he sells the surplus. Thus it is up to his clients to do the dirty job of stealing car radios or snatching hand bags.

Drug prohibition is a typical example of administrative intervention gone awry. The impression is given that dealers are being fought and some are, indeed, arrested, but, at the same time, exorbitant profits are ensured to many others. Again the impression is given that addicts are being protected against themselves, but prohibition encourages dealers to market only the most dangerous drugs. The impression is given that by eliminating a vice a moral stature is brought to society: yet violence and delinquency increase and society as a whole has to pay the moral and material costs.⁵

THE BENEFITS OF LEGALISATION

I start from the hypothesis that the real aim of the authorities is to protect addicts and to put an end to crime linked to drug trafficking. I am not convinced that this hypothesis is the right one, but let's assume for the moment that it is so. In such a case, would not the legalisation of drugs be the solution? I am not talking of decriminalising consumption: this half-measure adopted in the Netherlands and which could be viewed as a step in the right direction does not rule out the dangers inherent in illegal manufacturing. Legalisation simply means that drugs will be sold through the usual commercial outlets, like wine and cigarettes.

Recommending the sale of hashish and cocaine in grocery shops perhaps be considered by some of you as monstrous. However, the advantages of changing a shady and gory traffic into a transparent market are decisive. In every free market, suppliers are identifiable companies or private individuals responsible under civil law. The day suppliers market hashish, marijuana, cocaine, ecstasy, LSD ... under their name or their brand, every consumer will be certain he is buying a product which is not adulterated (and if it was, the consumer could sue the supplier and claim damages: this of course is impossible today, given the under-hand nature of the business).⁶

Competition amongst suppliers also brings the prospect of a decrease in the toxicity of products. Let's not forget that while we call the user of drugs an addict, he is not in fact aiming at poisoning himself, but at a sort of physical well-being. Yet, eliminating the toxicity is as much the objective of the supplier as the wish of the addict. Even if you think that businessmen have not an ounce of humanism, you have to recognise, however, that sane commercial logic considers killing customers not a viable strategy. The moment they will be free to market what will no longer be called drugs, but rather intellectual stimulants or dream inductors, industrialists will want to satisfy consumer demand by creating correctly measured products which have no side effects. Today, with or without the encouragement of the authorities, companies have in fact put on the market light cigarettes, sugar-free colas and chewing gums, decaffeinated coffee, cholesterol-free cooking oils ... By the same logic, drug manufacturers will compete to offer the least noxious products. In any event, the availability of products with almost

similar effects naturally suppresses the need for more toxic products. Why risk taking absinthe when pastis is available? Similarly, why would one risk taking crack when pure and cheap cocaine would be available on the market?

It is to be hoped that when laboratories will be allowed to carry out research on these products — which as you know is completely prohibited today — they will quickly find a way of reducing the phenomenon of addiction brought about by certain drugs. Contrary to what a superficial analysis can lead one to believe, addiction does not play in favour of the producer.⁷ Rather, the fear of addiction and the frightening sequels of withdrawal act as a constraint to any increase in consumption. Now, who is the producer who would not like to see the removal of constraints to the dissemination of his product?

Another welcome consequence of total legalisation would be the fall in price, which would free the addict from the necessity of recourse to delinquency for the purchase of his dose. Less toxic and less expensive products mean that the consumer will often be able to keep his job and that his salary will allow him to satisfy his needs. A commercial margin which does not include the cost of the illegality of the transaction will demotivate the mafia, who will then quickly turn their attention to more lucrative activities.⁸

LEARNING TO DRINK, TO SMOKE, TO SNORT

The liberalisation of drugs will not mean a world of junkies any more than the end of Prohibition turned the United States into a country of drunkards. It is not police repression, but example and education which can ensure a limitation of drug consumption. There is pathological behaviour linked to what we consume (chain smokers, bulimics and alcoholics ...), but social norms, rites and customs act as moderators on each one of us. In the West, one does not smoke anywhere or at any time; one does not drink in the morning, or between meals before the evening ... For the Indians of Mexico, there are rites that have to be followed before chewing peyote. Parents teach these rules to their children. The socialisation of consumption ensures the handing down from one generation to another of lessons concerning the good and bad use of drugs. Yet, repression does not only hit the product, but it also affects its mode of use. In the closed secret world of addicts the wildest illusions and myths are entertained about substances which in fact, more than any other, need to be treated with sagacity and competence. Legalising drugs, rendering them commonplace, and, at the same time, diminishing the danger they represent, will ensure as a consequence that we can integrate them within our culture and exercise control on their use.⁹

A POOR EXCUSE FOR A PROHIBITIONIST POLICY

We are witnessing the failure of repression. I think you can agree that repression doesn't work: you just have to look around you. Fifty percent of criminal prosecutions in a country like France, fifty percent of imprisonment in the United States are linked to drugs. This figure is ap-

palling, and yet, the number of drug addicts does not fall. How far are we prepared to go? Should we put a policeman in each classroom, in each night-club? Against the background of this failure I have tried to describe the advantages that a total legalisation of drugs would bring. Why do we then insist on a course of repression and failure when there exists an alternative?

This stubbornness cannot be for economic reasons. Even from the point of view of the persecuting States, which are always semi-bankrupt, legalisation becomes a fiscal source : by the stroke of the abolitionist's pen, the whole of the drug business becomes taxable. On the other hand, illegality brings about consequential expenses without equivalent income. Look at the bottle-necks at the law courts, the maintenance of customs controls at the borders, the police networks across the country, the imprisonment of tens of thousands of drug dealers, to which must be added the cost of hospital treatment administered to drug addicts, the spread of AIDS, etc. From an economic point of view, legalisation cannot cost more than repression.

Repression can no longer be justified for social or public health reasons. The argument, here, would be that used by supporters of abortion. Since abortions cannot be effectively prohibited, let us at least ensure that the mother's life is not put at risk. We do not have to approve the choice of a life on drugs or the termination of a pregnancy, but when the choice is made we must ensure that we do not add a physical risk to the moral fault. It is astonishing that the same politicians who approved the termination of pregnancies on the basis of this argument, now refuse to take it into account when dealing with the problem of drugs. And since we are talking of public health, I wish to highlight certain facts: first, alcohol in France, kills a hundred times more than drugs, and drugs would kill even fewer if they were not prohibited ; second, just as drinking a glass of wine at every meal does not necessarily turn someone into an alcoholic, the progression from soft to hard drugs is not an automatic process. In the United States, there are 40 million people who have smoked pot, and only 700,000 heroin addicts, that is only 1.75% of soft drug users have gone for harder stuff. Contrary to a widespread idea, it is not the product that induces addiction, but rather *the psychology of the individual who seeks this addiction*. Very few of the thousands of American GIs who took heroin in Vietnam have known problems of addiction once back home.

Finally, it is not for moral reasons that we maintain repression. The distinction that must be made here lies between ethics and the law: it is not because a product or a behaviour are beneficial that the authorities must make them compulsory (at best, they can content themselves with giving advice); and it is not because other products or behaviour are dangerous for those who adopt them that the authorities have to prohibit them (they only have to issue warnings). The role of the authorities in a legally-constituted state is to protect citizens against attacks from others, not against themselves. "Freedom is to be able to do everything that does not harm others", states the Declaration of Human Rights. Wearing a veil or feathers on one's head, eating pork, drinking alcohol,

taking alkaloids or undergoing a medical treatment are choices which (eventually) can be prejudicial only to those who have made them, not to others. Each one of us should be able to paraphrase Voltaire: "I don't approve of what you snort, but I will fight to the very end so that you can do it."

Confusing vice and crime, morals and the law is the very essence of fundamentalism.¹⁰ Morally, fundamentalism is indefensible, morals can only exist when there is freedom. The paradox lies in the fact that the very leaders of Western democracies who proclaim themselves the champions of freedom are those who, at the same time, practise the most retrograde of fundamentalism as they lead the fight against drugs. This is an ideological position which is difficult to maintain: how can one explain that every adult has the right to elect the leaders of the City, to express opinions on taxation rates, on the death penalty, on school regulations, ... that is how can one explain that the citizen has enough judgement to decide how others should live, but would not have enough judgement to decide how he himself should live?

OF WHAT CONTRABAND ARE WE TALKING?

The question, therefore, is why should we maintain repression if it does not respond to economic, social and moral requirements, if it can in no way overcome the evil it allegedly sets out to fight? I will suggest two answers. One: What if the ultimate aim was repression itself? If the fight against drugs was only an excuse? If the real goal was not the eradication of drugs but to find a means of imposing on freedom-loving populations laws that, in fact, destroy their most fundamental freedoms? The big clandestine operation brought about by drugs would be the surreptitious introduction of war-time police measures.

Files are no longer kept on "commies"; however, since spying on citizens still goes on, it is those who are suspected of having contacts with dealers on whom records are kept. Since citizens do not like the idea that their telephone conversations are tapped and since there is no longer a Cold War to justify it, the "war on drugs" is therefore used as an excuse.¹¹ It is because of this so-called "war" that governments try to prohibit the encryption of messages on the Internet. When it came to the removal of border controls within the European Union, customs officers avoided the threat of losing their employment by invoking the danger of drug smuggling. It is in the name of this convenient "war" against drug traffickers that arbitrary police custody is authorised while officers can confiscate goods and properties without recourse to law courts.¹²

Certainly, this is not a huge plot hatched against freedom by the governments of the world. Democracies do not operate in this way. In our countries, numerous vested interests must converge for a fundamental policy of this amplitude to be accepted. However, it is a fact that many professionals responsible for repression, while sincerely deploring the fate of addicts, would experience great difficulty in finding a job other than that of persecuting these same addicts. The law needs delinquents (whom, with reason, policemen term as their "clients"). This is

why drug repression serves many interests. It is not to be thought that servants of the State have no personal interests just because they seem less motivated than others by money. Of course they are career-minded, they attach a lot of importance to their public image and this is in the normal course of things. Obviously, they look for job-satisfaction but unfortunately they can only find it in the most pernicious of passions: namely, the exercise of power over others.

The farmer will try to sell his milk at a higher price, the bookseller will try to sell more books; to you this seems quite normal. The same logic of personal interest dictates that policemen permanently press for more severe repression since it inflates their social importance and their budget. For prosecutors, repression is the gateway to promotions and celebrity.¹³ Politicians boast on television that they defend the country's youth and moral health. Making the most of this opportunity, taxmen obtain the removal of bank confidentiality laws, while customs officers carry out searches without warrants. For these junior and top servants of the State the protection of their sinecures, the assertion of their power, the carrying out of a vast crusade with international press coverage are strong motivations. Meanwhile, addicts die and dealers thrive.

It is clear therefore, that the greatest virtue of repression is its uselessness. Because it will never achieve its aims, it ensures the permanence of the bureaucracies responsible for its exercise.

THE NEW INQUISITION

There is, however, another explanation. Such determination, the use of so many means cannot be the sole expression of vested interests. Few human beings are capable of repeated and systematic attacks on innocents with the sole purpose of promoting their careers. The persecutor needs to believe in something; his prosecutors, policemen and informers must have the assurance that they are serving a superior cause which removes all responsibility for the violence they use and justifies in advance every possible abuse.

In the case of drugs, I maintain that this justification is of a religious order. I believe it is not possible to explain the persecution of addicts if there is no reference to the notion of religious persecution.

Let me make myself clear. In every society, there are food restrictions: alcohol and pork for the Muslims, beef for the Hindus, innumerable products for the Jews, ... It is not because these products are dangerous to health that they are prohibited. The Greeks and Romans, living under the same climatic conditions as Israel, ate everything that the Jews went without. These restrictions have a symbolic significance. They confirm, amongst other things a sense of belonging to a society. Dietary taboos force the Muslim to assert in front of his hosts that he belongs to the people of the Koran who are not allowed to eat pork. Our people are a people of technology, of triumphant rationality and, we are not allowed to consume products which can impair our capacity to think rationally. Any drug which modifies our state of con-

sciousness represents a sacrilege towards the cult of Rationality.¹⁴

But here there is a paradox. Rationality and technical progress are the only values with which modern societies can oppose the culture of drugs. Technology has enabled us to multiply Nature's resources, to transform matter (for better or for worse); it has enabled us to modify the infectious, physiological and cellular developments that take place within the human body; it has also allowed us to modify the various states of consciousness.

Since this innovation is possible, it will indeed take place and the guardians of morality will not be able to do anything against society's urge to experiment. They will not be able to stop people from going further in the exploration of human potential: the exploration of physical potential through sports and medicine; of creative potential through business, art and science ; and the exploration of our potential in terms of our consciousness through asceticism, trance and the use of drugs.

To put it simply, the persecution of addicts is carried out by those who are against progress. Obscurantism has changed sides. Official dogma and the ideology of power are no longer those of the Roman Curia,¹⁵ they belong to scientists. White overcoats now replace cassocks. Scientists thought they could explain mathematically the choices, the aspirations, the feelings of human beings and that they could plan life by planning the economy. The drug addict reminds us suddenly that there are other values that cannot be accounted for mathematically, other values than those of rationality, even if they are not the ones that you and I would want for ourselves.

The other paradox is that with these so-called champions of the rational, any rational debate on drugs is impossible. To paraphrase Timothy Leary, we can say that drugs are substances that induce irrational, delirious behaviour amongst those who never take them. Here, we stand firmly in the world of beliefs. We have here the proof that this persecution is of a religious order. Trying to explain to a prosecutor in Geneva or in New York that one can derive pleasure in smoking a joint is as useless (and as dangerous)¹⁶ as to speak highly of a vintage Bordeaux wine to an Ayatollah.¹⁷ Having said that, why not? I do not have any problems with this absence of dialogue. We do not need to discuss our religious convictions, we only need the right to practise them. We don't need to convince others as to the benefits derived from cocaine or from wine; suffice it that others allow us to consume them. What we need to start in our society is not a debate on drugs but on Rights. The only question that needs to be asked in relation to drugs is whether a human being — an adult, a citizen and an elector- has the right to ingest in all lucidity a substance which he believes brings him pleasure without his threatening anybody else.¹⁸

WITHDRAWAL SYMPTOMS

What this question of drugs reveals is the extent to which our society experiences withdrawal symptoms — withdrawal from freedom. Yet, I am sure that the full legalisation of drugs is as inevitable in the future as it is

difficult to imagine today. I maintain that in twenty years from now, our children will be astounded to learn that we persecuted addicts in the same manner that we, today, find it difficult to imagine that our parents imprisoned homosexuals and beer brewers and that our forefathers burnt heretics and witches.

To end, allow me to make a wish. I hope one day that our society will stop persecuting those who want to live differently, without forcing others to follow them. I hope it will stop persecuting those who explore new modes of life where we fear to tread. In other words, I wish that wars of religion are not inevitable.

NOTES

1. On second thoughts, I should have started this conference by pointing out that there is no objective definition of "drugs". My reference, the *Encyclopedia Universalis*, defines a drug as "a natural or synthetic substance, which appears on a list appended to an international convention and which is subject to regulation". In other words, a drug is whatever a government decides is a drug. Thus the President of the United States has just decreed that tobacco is a drug; but tobacco is not a drug for the rest of the world. For centuries Indians of the Andes have been chewing coca leaves; most governments have declared coca leaf-chewing a crime. Legislation in Muslim countries classifies wine as a drug and punishes its consumption; that of European countries encourages wine consumption, subsidises production and protects brands. Metanone and DHEA are praised as being "miracle" molecules and are freely available in every drugstore in the United States but are on the list of prohibited substances in France.
2. Mark Thornton, *The Economics of Drug Prohibition*, University of Utah Press, 1991.
3. "War on drugs" has been a slogan taken up by every American President since Nixon. *Le Monde Diplomatique* of April 1994 has estimated that an international army of half a million agents devotes itself exclusively to the fight against drugs, with an annual budget of some 50 billion francs.
4. In Switzerland, a proposed financial services law would make provision for a banker receiving money he suspects to be of criminal origin to immediately open an account in the client's name before blocking it and informing the police.
5. As the saying goes, the road to hell is paved with good intentions. We have already experienced such a failure of the Administration's good intentions with the prohibition of alcohol. A more recent example: in 1989, the French government proclaiming its concern at the fate of drug addicts, prohibited the sale of syringes. As a direct consequence of this solicitude, France, a few years later had the highest number of AIDS cases in all Europe, and the sale of syringes had again to be authorised.
6. It is not because he sells drugs that a dealer is to be condemned; rather, it is when he deceives the buyer as to the quality of his product.
7. In an excellent article in the magazine *Autre Chose*, Olivier Mirresse writes: "If it was proven that heroin was not addictive (and not toxic), if it was proven that taking the drug did not artificially push you to take more, you will admit that you would already have tried it. You are therefore like everybody else: you are dying to try it. Anyway, that is better than to die of it."
8. It is to be highly wished that when drugs are legalised, the medical profession, educators, journalists and numerous associations will carry out vigorous information campaigns on the dangers inherent in all these products. A product does not become harmless because it has been legalised and cautioning users is a duty. Likewise, it is to be hoped that as private initiatives, retailers will refrain from selling drugs to minors, employers will not recruit drug addicts if their output runs the risk of being lowered, transport companies will not take on board people who obviously are under the influence of some substance (they already refuse people under the influence of alcohol), organisers of sports events will keep lists of products athletes should refrain from if they want to participate ... Of course, other retailers, employers and organisers will have different attitudes towards drug addicts. This multiplicity of reactions shows the difference between a free society and a system based on persecution.
9. It is not commonly known that until the 1920s, opium, morphine, cocaine were available over the chemist's counter. Coca Cola got its name from the fact that it really contained cocaine. According to Roch Côté in his book, *Drogue, La Guerre Chimérique*, Les Belles Lettres, 1996, Coca Mariani, a Bordeaux wine mixed with coca leaves, of which each glass contained the equivalent of a line of pure cocaine was appreciated everywhere in Europe for its revitalising properties. Pope Leon XIII, the sovereigns of Britain, Russia, Sweden and Norway, the young Dumas, Jules Verne, Edmond Rostand, Emile Zola, Anatole France were amongst the celebrities who expressed their gratitude to the Corsican chemist Angelo Mariani and his wonderful elixir. (This is a historical fact that also figures in the *Atlas Mondial des Drogues*, a publication of the Observatoire Géopolitique des Drogues, Paris, PUF, 1996.)
10. "Vices are acts by which a man harms his own person or his possessions. Crimes are acts by which a man harms somebody else or damages that person's possessions. As long as a clear distinction between vices and crimes is not made and recognised by law, there will never be individual rights, freedom or property in our world ...", *Nos vices ne sont pas des crimes*, a stimulating essay, published in 1875, by the American anarchist Lysander Spooner, French edition, Bibliothèques 10/18, 1996.
11. In 1917, the poet Randolph Bourne wrote his now classic observation: "War is the health of the State. It automatically sets in motion throughout society those irresistible forces for uniformity, for passionate co-operation with the Government in coercing into obedience the minority groups and individuals which lack the larger herd sense." R. Bourne, *The Radical Will: Selected Writings 1911-1918*, New York, Urizen Books, 1977.
12. When the law is broken, that is when someone is victim of an attack on himself or on his property, he has every reason to denounce his aggressor and to claim compensation. But when an arbitrary law is broken, that is when there is no victim, or when the victim cannot come forward since he would immediately be found guilty — which is the case of buyers of adulterated drugs — nobody lodges a complaint; the policeman can only hear of the alleged offence through his informers, through denunciations, by the tapping of mail and telephone, by blackmail. By relinquishing his vocation of protector in order to find out the culprits no one complains about, every policeman turns into a despicable spy who controls our lives.
13. This does not come from me. A French Minister publicly deplored the marriage between the judiciary and the media ("couple médiatico-judiciaire").
14. Doctors prescribe certain substances which impair our states of consciousness (tranquillisers, sleeping tablets); however the taboo against drugs is so powerful that it applies also to these symbols of science who are not allowed for instance to prescribe marijuana although it is known to bring relief to certain cancer patients.
15. The Church condemned Galileo: this oft-quoted example represents a recurrent phenomenon throughout History. Let us not forget the more recent opposition of certain biologists to Lysenko. As Ayn Rand wrote, the man who invented fire was probably condemned to be burnt alive by his tribal chiefs.
16. The Penal Code condemns those who make an apology for the use of drugs. I wish to state that the present text in no way justifies the use of drugs.
17. The Commissioner for Social Affairs of the City of New-York recently asserted that even if he were presented with every imaginable proof that the free sale of syringes reduces the propagation of AIDS, he would never revisit his decision to prohibit their sale. On this subject, see James Ostrovsky's excellent article, *War on Drugs, War on Progress*, published in the September 1992 edition of Liberty.
18. As I have written elsewhere, there are two dangers against which the State cannot protect us: ourselves and the State itself. It is when the State wants to protect us against ourselves that the second danger becomes more potent.