

Book Reviews

R BAYER AND G M OPPENHEIMER (eds), *Confronting Drug Policy: Illicit Drugs in a Free Society*, New York: Milbank Memorial Fund/CUP, 1993, i-vii, 1-357, plus index; RRP \$39.95, ISBN 052144 1153 & 052144 6627

This is a collection of essays drawn mainly from a leading US public health journal (the *Milbank Quarterly*). It is a challenging interdisciplinary collection addressing the US drug debate mainly from a domestic perspective: references to literature or models outside North America are sparse, except for Oppenheimer's paper which deals with the British and Netherlands' experience (p194). Given the recent dominance of American conceptualisations of the issues, and the powerful proselytizing influence of US policy in international forums, this is not the weakness it might otherwise appear.

The collection is notable for its measured and pragmatic approach; marking the coming of age of international drug policy debate. A similar transition took place in alcohol policy of course. In their essay on America's experience with alcohol prohibition, Levine and Reinerman provide graphic evidence of the tendency to attribute all of society's ills to a particular substance (p161). This history has its parallels in this country too (Carney, T, *Drug Users and the Law: From Crime Control to Welfare* (1987) ch1; Manderson, D, *From Mr Sin to Mr Big* (1993) p101 ff). The early simplifications and moral certitudes now cede ground to the real complexities of the social policy issues at stake.

In his introductory essay, Bayer suggests that the "crucial and most dramatic feature of the debate over decriminalisation in the late 1980s has been the extent to which it has not been shaped by reference to issues of liberty and the role of the state as the guarantor of social cohesion" (p17). Moore elaborates this point, contending that general philosophical principles are helpful but not decisive: "[i]t is simply too hard to make the principles do the work of dictating a differentiated, detailed policy. The principles are too loose, and their application depends on too many uncertain empirical judgments" (p237).

In similar vein, Goldstein and Kalant, in an otherwise fairly conservative essay, recognise that drug policy should accept that all drugs have some dangers, but that a case by case assessment should be made and that strategies short of prohibition need to be evaluated (p80). They therefore propose to preserve the legal controls over most aspects of the illicit drug trade, but to reduce penalties for possession for personal use in all cases (p97), and they also entertain proscribed medical use of opiates in treatment settings as a way of drawing addicts into treatment (p102): a modest form of the "heroin evaluation trial" currently under development in the ACT (McDonald, D, Stevens, A, Dance, P and Bammer, G, "Illicit Drug Use in the Australian Capital Territory: Implications for the Feasibility of a 'Heroin Trial' " (1993) 26 *ANZ J Crim* 127-145). Levine, while raising a number of disadvantages of medicalisation over simple legalisation, also finds a place for medical prescription to "pathologically users" within a controlled doctor-patient relationship (p332). These essays demonstrate the rising star of pragmatism in policy development.

A number of essays address the validity of the criminal model of drug laws. Moore puts a different slant on the argument that it overburdens the criminal justice system, suggesting

that the most significant implication is the unnecessary diversion of funds better spent on welfare and education (even though there have been some benefits — such as forcing developments such as a greater emphasis on community policing (pp250–11). Kornblum likewise explores the issue from a social perspective, contending that in the US minorities are attracted to drug use out of economic despair, and that the solution lies in a “community health perspective on drug control” (p117).

More contentious is the correlation of drug use with the concept of an “underclass” in the ghettos (p127), and the renewed interest in compulsory treatment (Gostin: p259). The first is problematic not on empirical grounds but because the concept is redolent of the discredited work on “culture of poverty”. The second is also problematic, although it is somewhat “culture specific” to the USA: it is partly borne of despair about finding any other *modus vivendi* between the liberal vision for reform espoused in the 1960s (decriminalisation), and the Reagan administration’s move to the right — the “zero tolerance” policy (p270). As with the focus on treatment or other interventions against pregnant addicts in order to protect the interests of the foetus (where King puts a case for greater compassion and a less “adversarial” approach than one pitting women’s interests against those of the foetus: (p314), these debates are less culturally relevant to our experience. But she rightly warns that “it is not only direct government control over reproductive choices that must be avoided. Social welfare policies and programs can also meaningfully restrict the reproductive options that individuals realistically can exercise” (p308). There are lessons here for Australian policy-makers.

One of the more telling essays is that by Warner, commenting on the contribution of the “dismal science” of economics, which he claims can offer insights into, but never resolve the “great unknowns” of the drug debate, such as the effect on demand and drug substitution (p338). Assiduously refusing to take sides, he exposes the poor methodology and the inherent limitations of most of the published cost-accounting exercises in swaying the drug debate. Too many of the contributions fall into the traps of limited scope: such as counting the revenue gain of legalisation in full, while ignoring the economic activity of the illicit markets; or of counting additional users under legalisation without discounting the decline in say alcohol or tobacco morbidity and related social problems (p346). And the analyses trade (wildly varying) assumptions rather than conduct the hard slog of detailed empirical assessments of such issues as the price elasticity or otherwise of drugs use (p345).

While such analysis cannot quantify moral implications (p344), it could in the future cast light on such “unknowns” as the tolerances on levels of drug substitution or increased usage, or look at the “off-sets” under legalisations reforms, such as enhanced usage (due to lower prices) weighed against removal of the “forbidden fruit” attraction of illicit use (p351). The essay bears this out with a compelling refutation of the myth that harder drug consumption is entirely price “inelastic” (pp348–53), demonstrating his point that while economists will never “captain the ship of drug policy, but they might help to chart the course”(p354).

It is rational analyses of the moral, social, political and other dimensions of drug policy of the type to be found in this collection that hold prospects of breaking the destructive grip of the ideologues of both the conservative “harsher penalties will fix it” and the radical “just repeal the laws” camps. Complex policy issues call for detailed study and carefully crafted solutions: this collection will contribute to moving debate in that direction.

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