

Causes of violence (II): twenty benefits of the prohibition of certain drugs

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Summary: I have carried out an exploratory bibliographic search on material (as opposed to psychic) benefits of the illegalization of behaviors related to certain drugs, defining drug as any substance that has ever been banned in any country. I present and discuss a list of twenty benefits for which I have found support in the literature. Most benefits in this list do not require the punished behavior to be discouraged by the punishment.

Keywords: drugs, punishment, violence, law.

*Number 920. Mulatto from Virginia. He does not read the Scriptures. He does not want to repent. He claims to be a free man (he is probably crazy). He says, "Recommend that nonsense to another!" He is a very dangerous individual.*¹

Opium will never be nutritious, Mr. President, while alcohol has a high level of calories.

Charles Henry Brent²

Any user of illicit drugs is an accomplice to murder.

Nancy Reagan³

How to address it [the issue of drugs and drug policy], however, is often based on prejudices and moral convictions with little or no scientific evidence backing them. And until recently, any discussion about it contained "traps" because they failed to distinguish between the effects of drugs and the effects of the ban.

González Bustelo⁴

1 Introduction

In this essay I offer a list of material benefits (as opposed to psychic) that can result from criminalizing or outlawing⁵ drug-related behaviors such as sale, possession or use of drugs, defining drug as any substance that has ever been banned in any country. The list includes the effects of banning that are beneficial to some people even if, as usual, they are at the same time harmful to others. An explanation of the meaning

¹ Description of an incurable alcoholic, by a prison chaplain in Philadelphia, nineteenth century (as quoted by Escohotado, 1998b, p. 125).

² In a letter to T. Roosevelt, as quoted by Escohotado (1998b, p. 231).

³ Quoted by Szasz (1996, p. 32).

⁴ González Bustelo (2014, p. 13).

⁵ Criminalization and outlawing are not the same thing, but the effects they produce are similar. In this paper I will often use both words, and "ban" and "prohibition," interchangeably.

of “material benefits,” and an introduction to the series of three papers this paper is a part of, can be found in Cortizo Amaro (2016, section 1).

2 List of material benefits of outlawing drug-related behaviors

Benefits B1 to B6 require the punishment to discourage the outlawed behavior. B7 may or may not require the conduct to be discouraged. B8 to B20 do not require the conduct punished to be harmful for the interests of anyone or to be discouraged by the punishment: the conduct punished is neutral or even beneficial for those who punish it. Before discussing each benefit, here is the list:

- B1 Reducing some health damages caused by drug abuse
- B2 Reducing the damage caused by accidents
- B3 Increased participation in beneficial activities such as working and going to war
- B4 Increased economic benefits for legitimate traders of drugs and medicines
- B5 Improvement in the trade balance
- B6 Damage to the economy of political or military enemy groups
- B7 Reducing the number of certain crimes
- B8 Increased economic benefits for illegal traders
- B9 Damage to individual enemies
- B10 Harm to individuals of different race, nationality, social class, etc.
- B11 Improving social status by defending one’s reputation or harming others’ reputation
- B12 Damage to sexual or reproductive competitors
- B13 Facilitating military interventions abroad
- B14 Display of power
- B15 Diverting attention
- B16 Evading responsibilities
- B17 Obtaining money or property by means of punishment
- B18 Economic and other benefits for crime persecutors and collaborators
- B19 Economic and other benefits for rehabilitation therapists, researchers, jailers, etc.
- B20 Obtaining money through extortion

B1 Reducing some health damages caused by drug abuse

All legal or illegal substances, as well as all food and all behaviors, can be harmful if used or performed too much; i.e. all of them can be “abused.” Moreover, given human variability and the number of systems and subsystems making up a human being, the probability that certain behavior will not be harmful, to some extent, for some systems or subsystems of some individuals, and beneficial to others, is virtually zero. Therefore, the likelihood that consuming a certain substance does not cause any harm or any good to anyone is very low.

The criminalization of drugs can affect the health of their actual or potential, active or passive users, in several ways.

First, criminalization of drugs may reduce their use, both for fear of punishment and because it usually produces a rise in prices, thus reducing both the damage and benefits of consumption. However, according to various authors, criminalization may also produce an increase in consumption among the most rebellious segment of the population, through a process called “psychological reactance.” In my opinion, said

process relates to the desire to show power before the show of power implied by the prohibition (Cortizo Amaro, 2014, p. 85).

Which of these opposite (or other) effects dominates depends on several factors, thus criminalization can both increase and decrease consumption. For example, the American Volstead Act decreased alcohol consumption about 50% (the decrease was over 50% at the beginning, but later consumption raised again; Miron and Zwiebel, 1991). In contrast, there was not an increase in use after the decriminalization⁶ of other drugs in Portugal in 2001. In some cases, there was a decline, particularly in the most problematic types of use (Drug Policy Alliance, 2015; EMCDDA, 2014, pp. 6, 7 and 9).

Another effect of banning drugs is that, as a result of their price increase or for other reasons⁷, the use of pure and well-known drugs is somewhat replaced by the use of adulterated drugs, or more toxic substitutes such as crack and fentanyl (Escohotado 1998c, pp. 352-353) or drugs with poorly known effects such as the hundreds of synthetic drugs (Gross, 2013). Or they can also be injected to increase their effect. Drugs from the black market are more dangerous, even unadulterated, because they offer fewer guarantees regarding the concentration of the active ingredient (Hofmann, 2001, pp. 82-83). According to Gross (2013, p. R585): "Most of the dangers of street heroin arise from impurities, deliberate stretching, and non-sterile needles." Finally, drug prohibition has affected scientific research, hampering the development of therapies for diseases of the nervous system (Gross, 2013).

On the other hand, the amount of damage caused by drug abuse varies very much depending on the drug. For example, there are no recorded cases of fatal poisoning from cannabis, LSD or mushrooms containing psilocybin (all of them usually illegal), according to Mike Power (cited by Gross, 2013). Some authors have pointed out the low correlation between the prohibition of a specific drug and its potential health damages. E.g., according to the WHO, about 5 million deaths worldwide in 2004 among people 30 or over were attributed to tobacco. This is the equivalent to 12% of all deaths in that segment of the population (WHO, 2012, p. 14). Even considering that there are many more smokers and drinkers than regular users of criminalized drugs (UNODC, 2014), this may be an indication that the B1 benefit is not among the leading causes of the outlawing of drugs.

However, there is no doubt that criminalization does entail harm reduction for some real or potential, active or passive users, at least in some cases. For example, some estimates of the reduction of alcohol consumption during US Prohibition are based on

⁶ In this case, some drug use was decriminalized but not legalized.

⁷ Some health damage have not been a result of drug prohibition itself, but of other measures taken to try to enforce the prohibition. Those damages could have been avoided if there were no ban. An example of this was the addition of toxics to industrial ethanol during Prohibition in the US. Given the Government's success in suppressing the smuggling of alcohol from other countries, traffickers turned to manufacture liquor from stolen industrial ethanol. The Government responded to it by requiring ethanol manufacturers to add various toxic substances to it, the most damaging of which was found to be methanol, and by publicizing this fact. The advertisements did not prevent thousands of people from being poisoned and dying, and many other from suffering health damage such as blindness (Blum, 2010; Rothman, 2015).

the reduction in the number of cases of cirrhosis and alcoholic psychosis, both closely linked to alcoholism (Gusfield, 1986, p. 119; Miron and Zwiebel, 1991).

B2 Reducing the damage caused by accidents

According to Escohotado (1998b, p. 128), “the only sector that joined the campaign for alcohol prohibition for reasons other than electioneering or puritan morality was a segment of business owners that were bothered by accidents and work absenteeism caused by alcohol consumption.”

Several studies support the assertion that the use of certain drugs, especially alcohol, increases the risk of traffic accidents (as the use of certain prescribed drugs, such as benzodiazepines, does) (Engeland *et al.*, 2007; Gjerde *et al.*, 2011). Other drugs and medications, such as coffee (which has also been banned sometimes) may have the opposite effect, reducing the risk of drowsiness for drivers.

This does not mean that the illegalization of the former necessarily leads to fewer accidents. E.g., one of the effects of the outlawing of any product is that some consumers will travel further to buy them, and in doing so they may suffer more accidents. This is more likely to occur where different states or counties have different laws, as it is often the case in America. However, a WHO report cites some studies that support that the laws that reduce the availability of alcohol usually reduce their consumption, and that this reduction leads to a decrease in traffic accidents (Hawks *et al.*, 2002, p. 15).

B3 Increased participation in beneficial activities such as working and going to war

As stated in B2, a segment of American businessmen joined the cause in favor of the alcohol prohibition to try to reduce accidents and work absenteeism caused by alcohol consumption (Escohotado, 1998b, p. 128).

On the other hand, just as a reason to prohibit certain drugs may be that these make users more violent (see B7), another reason may be that some drugs make users less violent. Marijuana appears to reduce aggressiveness (Hoaken and Stewart, 2003; Resignato, 2000). Lacking aggressiveness can be a drawback, for example in case of war. According to Escohotado (1998c, p. 144), the outbreak of rebellion in the mid-1960s (which included the Hippie movement and opposition to the Vietnam War, with slogans such as “Make love, not war”) led to a higher repression of drug use. According to A. Hofmann (the discoverer of LSD; 2001, pp 88-89), researcher in psychedelic drugs Timothy Leary appealed to youth with the slogan “turn on - tune in - drop out.” “Drop out” meant abandoning bourgeois life, turning away from society, etc., which would understandably cause irritation to the political authorities, according to this author.

B4 Increased economic benefits for legitimate traders of drugs and medicines

According to Escohotado (1998b, p. 132), in 1916, following an agreement of the American Medical and Pharmaceutical Associations and the advocates of

Prohibition, whiskey and cognac dropped from the list of medicines. But after the ban was in force in 1920, both associations defended their right to use alcohol “for medical purposes,” and the 1920 *Pharmacopeia* included them once again, along with nine wines that were among the most appreciated by drinkers⁸. According to Escohotado (1998b, p. 268), in 1931 there were more than one hundred thousand therapists included in the special register that allowed them to prescribe or sell alcoholic beverages, “and this group is getting about \$ 200,000,000, equivalent to 100% of the taxes on alcohol forgone by the Treasury.”

B5 Improvement in the trade balance

According to Escohotado (1998b, p. 23), in China the Yuan Dynasty banned Western spirits, the Ming Dynasty banned tobacco, and the Manchu Dynasty banned opium, in order to protect the economy of the nation, preventing people from spending money on foreign “unnecessary” things. This was also one of the reasons why coffee was banned in Prussia in 1777: “Frederick the Great banned it in Prussia in 1777 for nationalistic and economic reasons; concerned about the price of import, he sought to force the public back to consuming beer. Lacking coffee-producing colonies, Prussia had to import all its coffee at a great cost” (“Coffee”, 2015).

According to Escohotado (1998b, p. 386), the US government took relatively mild and late measures against amphetamines for two reasons. The first was that amphetamines were synthetic substances that the US exported to poor countries instead of importing them from there (the other was that “users had a wide range of professions, rather than being linked to poor or marginal groups, which prevented the stigmatization related to racial and social prejudice”).

According to González Bustelo (2014, p. 47), one of the reasons for T. Roosevelt to convene the Shanghai Opium Commission in 1909 was to “facilitate business with China (with a calculation in mind: if the large number of Chinese opium consumers were freed from those expenditures because of the ban they could devote the money saved to the purchase of US products). The Commission did not reach any agreement because of opposition from the UK and the Netherlands, who had strong interests in the production and trade of opium and coca.”

B6 Damage to the economy of political or military enemy groups

According to Behr (1981, p. 102), T. Roosevelt wrote in 1906: “With these actions against the opium trade ... we weaken the economy of the colonial powers.”

According to González Bustelo (2014, p. 13), “the ‘war on drugs’ applied in conditions of armed conflict, such as Afghanistan and Colombia, is based on a cost-benefit calculation: if certain armed groups are involved in the economy of drugs and use the profits to support violence, stopping that illegal economy would be the first step to defeat them.”

⁸ In the song titled “En tierra extraña” (“In a foreign land”), which tells about something that allegedly happened in New York, it is said: “... and as there they do not drink, because of the “dry law,” / and only who is sick can buy wine, / I paid a fortune for a prescription / and bought Spanish wine in a drugstore. / Spanish wine! Spanish wine!”

This author adds: “This approach, in these two countries and others, has proved wrong, but it is still applied despite its consequences for peace, security and state legitimacy.” However, the fact that some Governments have agreed to collaborate in some cases of drug trafficking carried out by allied armed groups⁹ is an indication that drug trafficking can indeed strengthen an armed group. Thus, presumably, repressing traffic may weaken the group.

B7 Reducing the number of certain crimes

There are a number of reasons why criminalizing a substance can influence the rates and types of (other) crimes. If criminalization causes a reduction in consumption, which (as explained in B1) is not always the case, such a reduction may reduce crime at least in three ways.

First, consumption often makes consumers more vulnerable, and this increases the number of good chances for others to commit crimes (Markowitz, 2005). Second, some drugs make people more aggressive, which can lead to more violent crimes. This effect has been found for alcohol (Bushman and Cooper, 1990; Hoaken and Stewart, 2003). Other substances have a less clear effect, and marijuana appears to reduce aggressiveness (Hoaken and Stewart, 2003; Resignato, 2000). Third, the lower the consumption, the lesser the need to commit crimes to get money for drugs, *all else being equal*.

However, if, as usual, the ban causes a rise in the price of a drug, addicts may have more need to commit crimes to get enough money to buy it. The outlawing may also increase the crime rate because the substance trade necessarily becomes a criminal business. Criminals tend to commit more crimes than non-criminals, and cannot resort to Justice to solve conflicts (Resignato, 2000). The crime rate may also be increased by the fact that enforcing drug prohibition diverts resources that cannot be employed for prosecution of other crimes. In the long term, the existence of crimes without victims (or where it is not easy to see who the victims are) may also increase the crime rate because it can reduce respect for other laws and for the police¹⁰.

(Not all of these effects have to affect the same type of crimes or have the same influence on the banning. For example, someone may not care much about aggressions among drug traffickers.)

On the other hand, there is a very plausible hypothesis which supports the claim that the ban on trade or drug use, or perhaps any ban, arbitrary though it is, can lead to a reduction in crime, at least outside prisons. According to the hypothesis, there is a correlation between drugs and crime because both result from a common cause, such as

⁹ The Hmong tribes of Laos (who were enemies of the Vietcong) and the contras in Nicaragua were partially funded by drug trafficking, and in this case the traffic was supported by France and the USA, and the USA, respectively (Chomsky, 1992; González Bustelo, 2014, pp. 62, footnote 29, and 75-76). “In the American case, Air America (acting on behalf of the CIA) carried opium to Bangkok,” according to González Bustelo (2014, p. 62, footnote 29). According to Behr (1981, p 162) the CIA had three private airlines in Indochina, which “no later than 1960” “where nicknamed as Air Opium.”

¹⁰ “When substantial numbers of the community do not agree that the conduct in question should be criminal, the authority of the policeman is undermined, increasing his sense of alienation from the community he is supposed to serve” (Jennings, 1976, p. 1257).

a risk-taking personality or an environment that encourages both behaviors (Markowitz, 2005) or “a self-selection process where individuals willing to break the law in one way, i.e. drug using, are more willing to break it in others, i.e. robbery” (Resignato, 2000, p. 683). So, imprisoning those who violate the ban on the sale or use of drugs will predominantly affect criminals, who are then kept from committing crimes for a while. As Pinker (2012, p. 122) put it: “A regime that trawls for drug users or other petty delinquents will net a certain number of violent people as by catch, further thinning the ranks of the violent people who remain on the streets.”

Markowitz (2005) found that in US states where marijuana possession is decriminalized there is a 0.2% higher chance of being assaulted (but not sexually assaulted or robbed) than in those states where it is not. This difference is very small¹¹, but it is also true that, according to Bennett *et al.* (2008), the correlation between marijuana use and crime is positive but relatively small. The correlation between crime and use of cocaine, heroin and, especially, crack is higher, according to the results obtained by them. And the correlation between selling drugs and crime can also be higher.

If the outlawing leads to a reduction in crime for the latter cause, this benefit does not require the punishment to discourage drug use or trade.

B8 Increased economic benefits for illegal traders

Criminals are benefited by the criminalization of the drug trade, because only they are willing to take charge of an illegal trade. Although they confront risks, they counterbalance them with a rise in prices. According to Bertrand (1990, pp. 885-886): “One of the perverse effects of prohibition is the fact that it is directly responsible for the formation of groups of organized criminals who profit immeasurably from the secrecy in which prohibition places all their operations and from the absence of quality control and taxes (both income and sales).”

Might this benefit influence the maintenance of illegalization? This possibility cannot be ruled out: the big traffickers can be very powerful and have connections with authorities; indeed, they may even be the authorities. According to Escobedo (1998c, pp. 133-134), authorities in Persia (now Iran), a country with a long history as an opium producer, decided to modernize, applied the death penalty for illegal trafficking and shot 160 people “after summary trials between 1971 and 1973.” After these events took place, the price of opium increased tenfold and the Shah family trafficked with heroin (Behr, 1981, pp. 26, 188 and 189; Escobedo, 1998c, p. 134). A better-known case is that of General Noriega, former president of Panama (Chomsky, 1992; González Bustelo, 2014).

B9 Damage to individual enemies

In some cases, it appears that anti-drug laws in America have been employed against people with points of view relatively benign about drugs. It is the case of

¹¹ The difference is small but statistically significant, thanks to the large size of the sample employed in the study.

Jocelyn Elders, Surgeon General under Clinton's government. "Elders drew fire – and censure from the Clinton administration – when she suggested that legalizing drugs might help reduce crime and that the idea should be studied. On December 15, 1993, around one week after making these comments, charges were filed against her son Kevin, for selling cocaine in an incident involving undercover officers, four months prior. Elders believes the incident was a frame-up and the timing of the charges was designed to embarrass her and the president. Kevin Elders was convicted, and he was sentenced to 10 years in prison" ("Jocelyn Elders", 2015).

That was also the case of Timothy Leary: "On December 26, 1968, Leary was arrested again in Laguna Beach, California, this time for the possession of two marijuana "roaches." Leary alleged that they were planted by the arresting officer, but was convicted of the crime." He was also sentenced to 10 years in prison ("Timothy Leary", 2015).

"According to the explanations of some Persian exiles in 1978, the Savak, the secret police of the Shah [of Persia], put opium in the homes of the people they wanted to get rid of, for they could be arrested with the pretext that they were dealing in drugs," according to Behr (1981, p. 189).

On the other hand, General Noriega, former president of Panama, was convicted in the United States for drug trafficking, and his arrest required the invasion of his country in 1989. But his role in such traffic could not be the only cause of his detention, since the US government knew it since 1972, according to Chomsky (1992, p. 51).

Anti-drug laws facilitate aggression against any individual (or group) one has other motives to attack, for two reasons. The first applies to any law prohibiting any behavior, especially if it is frequent. To understand it, imagine an authority that wants to damage their enemies but not their friends, and confronts the problem of their having exactly the same behavior. If the authority attacks its enemies without being backed by any law it will receive much criticism. If there is, however, a law that the enemies (and friends) violate, the authority will punish them "in strict compliance with the law." Failing to also punish friends will be just an oversight. The authority will be likely to receive less criticism, for the well-known fact that most people disapprove of damage caused by action more than that caused by omission (i.e.: Cushman *et al.*, 2006).

Secondly, because possessing a very small amount of drug is often a crime, it is very easy to plant false incriminatory evidence ("Corruption", 2014; Comisión de Derechos Humanos del Distrito Federal, 1994; Vibes, 2015).

B10 Harm to individuals of different race, nationality, social class, etc.

In 1939, the FDA (US Federal Drug Administration) proposed the ban of saccharin, unaware that President F. D. Roosevelt consumed it regularly. "'Anybody who says saccharin is injurious to health is an idiot,' declared the commander in chief of the therapeutic state; and saccharin was safe" (Szasz, 1996, p. 55). It can be inferred that a reason *not* to outlaw a substance is that powerful people use it. As, additionally, there are universal or nearly universal reasons for punishing (damage to competitors and demonstration of power: Cortizo Amaro, 2014) it follows that a cause of banning is that users are *not* powerful.

When a social group is seen as a rival or enemy, behaviors usually associated with that group tend to be seen as bad. Escohotado (1998a, p 225) applies this to the case of drugs: “despising a minority leads to despising the curative and recreational means most employed by its members, who are endowed with the perversity or inconvenience typical of the group.” This explanation refers to a psychological mechanism. More relevantly in this paper, if there is a correlation between drug use, or a certain drug use, and being a member of a rival group, punishing drug use will produce the benefit of predominantly damaging that group.

Rivalry seems clear in one of the first drug prohibitions in the US: that of opium, mainly consumed by the Chinese immigrant minority. This minority came to work primarily in the construction of railways. Later it ended up being an efficient workforce, too competitive for local labor, which tried to discredit the Chinese and therefore their associated drug, opium (Escohotado 1998b, pp. 170-171; González Bustelo, 2014, p. 47).

These same authors point out that later, in the United States, marijuana was associated with Hispanic immigrants, especially Mexicans, and this association influenced its banning. According to Musto (1972), C. M. Goethe, a prominent member of the *American Coalition*, whose goal was to “Keep America American,” stated: “Marijuana, perhaps now the most insidious of our narcotics, is a direct by-product of unrestricted Mexican immigration. ... Mexican peddlers have been caught distributing sample marijuana cigarets to school children. ... Our nation has more than enough laborers.”¹²

The group associated with a drug can be a social class. According to Behr (1981, p. 63) in India and Persia opium was a drug typical of rich people. But in 19th-century Britain it was a drug associated to the poor, who bought it because it was cheaper than alcohol. This helped discredit opium, according to Escohotado (1998b, p. 167), and led some physicians to begin to investigate the effects of this drug habit, according to Behr (1981, p. 59).

Something similar happened with crack: in the 1970s “the US market was opened for Andean cocaine, a drug seen as softer, more expensive and associated with the white middle and upper class population. The authorities did not pay much attention to it, until cheaper and more dangerous varieties appeared, such as crack, associated with black and poor communities, especially in de-industrialized cities” (González Bustelo, 2014, p. 60). According to Szasz (1996, p. 119), the anti-crack law in force in Minnesota in January 1991 called “for a jail term for first-time offenders convicted of possessing three grams of crack, but only probation for defendants convicted of possessing the same amount of powdered cocaine.” (Legislators argued that they wanted to punish the cheapest variety more harshly to particularly discourage drug consumption by children.)

¹² In a letter dated 1936, a newspaper editor from Alamosa (Colorado) called for help to the United States Treasury Department arguing: “I wish I could show you what a small marihuana cigarette can do to one of our degenerate Spanish speaking residents. That’s why our problem is so great; the greatest percentage of our population is composed of Spanish speaking persons, most of whom are low mentally, because of social and racial conditions” (as quoted by Musto, 1972).

The group associated with a drug can also be a religious group, or one of the two sexes. Gusfield (1986, p. 28) cites an example of the first type: “The Lollardists of sixteenth-century England prohibited drinking, gambling, and sports – the prized leisure-time pursuits of the upper-class Catholics against whom they rebelled.” According to the same author: “Since drinking had been largely a male activity, the concern of the women for Temperance was itself an act of controlling the relations between the sexes” (Gusfield, 1986, p. 89).

A group may be specially damaged by a drug prohibition even if it is not more associated with the drug than the other groups. According to Gusfield (1986, pp. 52-53) in 1838 “the Massachusetts legislature passed the first major Temperance bill, the Fifteen-Gallon law, which prohibited purchase of liquor in quantities of less than 15 gallons. Since cash was scar[c]est among the poorer sections of the state, the law restricted drinking more among the poor than among the rich.”

Some health damages resulting from the criminalization of drugs, discussed in B1, also affect the poor more than the rich. For example, it has been noted that poisonings due to methanol mixed with ethanol, during Prohibition in the United States, affected mainly the poorest, who could not afford high-quality drinks (Blum, 2010).

Certain groups and the poor can also be prevailingly harmed by a law because they are more defenseless before the justice system. According to the US National Institute on Drug Abuse, cited by Szasz (1996, p. 116): “Although only about 12% of those using illegal drugs are blacks, 44% of those who are arrested for simple possession... are black.” The same applies to England and Wales, according to Eastwood *et al.* (2013, p. 11): “Enforcement of drug laws is unfairly focused on Black and Asian communities, despite their rates of drug use being lower than the white majority.” This disparity can be explained, according to Eastwood *et al.* (2013) and Szasz (1996, p. 120) by the fact that arresting blacks and members of poor minorities in those countries is easier and less risky than arresting rich people or members of the white majority.

According to Blumenson and Nilsen (2002), some US laws and policies related to the war on drugs create, directly or indirectly, reduced educational opportunities for people convicted of drug trafficking or drug use who cannot afford private education; thus, the war on drugs, in addition to prevailingly punish the poorest, favors the conservation of an underclass with little chance of upward mobility.

B11 Improving social status by defending one’s reputation or harming others’ reputation

The harm to groups associated with certain behaviors can be of various types. It may consist of fines or imprisonment, for example, but it may also consist of a damaged reputation, whose material consequences are more indirect. Reputation is an element of social status, or a way of achieving it. Social status may be raised by improving one’s reputation or by damaging that of others, or both simultaneously. Increased status normally leads to possession of more rights (Cortizo Amaro, 2014, ch. 6), and the final effect can be more important than the direct material damage discussed in B10. Unlike

B10, this benefit requires the banning or immoralization of the behavior, but does not require punishment, except to the extent that this lends credibility to the former.

Although the criminalization of a substance or behavior often harms its users in different ways simultaneously, the long struggle that led to the Volstead (or Prohibition) Act in the US was primarily a struggle for moral reputation, according to Gusfield (1986). The leading actor of this fight was, according to Gusfield, the mainly rural, Protestant, native and traditional American middle class, which was in decline and was reluctant to lose power. Alcohol was an important element in this resistance, as a result of its consumption being concentrated on the social groups over which the middle class was trying to prevail. For example, according to Gusfield (1986, pp. 51-52), “[t]he significance of abstinence as a symbol of respectability was enhanced when large numbers of Irish and German immigrants entered the United States and made up the unskilled labor forces of the growing urban centers during the 1840’s and the 1850’s. In the culture of the Irish and the Germans, use of whiskey or beer was customary and often a staple part of the diet. Both groups were at the bottom of the class and status structure in American society.”

After many years trying, with little success, to make the drinking classes (mainly the lower class) to peacefully accept that abstinence was morally superior to drinking, the pro-abstinence activists became more aggressive and fought for a law prohibiting the alcohol and clearly establishing that superiority:

“The coercive response came to dominate the Temperance movement during the first 30 years of this [twentieth] century. In Prohibition and its enforcement, hostility, hatred, and anger toward the enemy were the major feelings which nurtured the movement. Armed with the response of indignation at their declining social position, the adherents of Temperance sought a symbolic victory through legislation which, even if it failed to regulate drinking, did indicate whose morality was publicly dominant” (Gusfield, 1986, p. 111).

“Coercive reform became the dominant theme of Temperance. It culminated in the drive for national Prohibition. The Eighteenth Amendment¹³ was the high point of the struggle to assert the public dominance of old middle-class values. It established the victory of Protestant over Catholic, rural over urban, tradition over modernity, the middle class over both the lower and the upper strata” (Gusfield, 1986, p. 7).

B12 Damage to sexual or reproductive competitors

It has sometimes been said that some drugs, such as marijuana and LSD, can be beneficial in cases of impotence or have aphrodisiac properties. Whether this is true or not, some people have associated drugs to sexual immorality. E.g., American Doctor H. Wright said that “their direct connection with the rape of white women by black men in the South and white slave traffic has been established” (Escohotado, 1998b, p. 239). And according to Mato Reboredo (cited by Escohotado, 1998c, p. 122), “eroticism,

¹³ The passing of the Volstead Act required this amendment.

pornography and violence, often disguised under the cloak of the hypocritical pacifism of certain long-haired guys, are coupled with drugs.”

Although these statements are rather anecdotal, some studies have found a correlation between the consumption of alcohol or the use of other drugs and unrestricted reproductive strategy, itself linked to promiscuity (Weeden and Sabini, 2007; Whitaker et al, 2000). The unrestricted reproductive strategy is adopted (not necessarily consciously) by people who invest heavily in engendering many children, even at the cost of caring less for them, as opposed to those that invest heavily in each of their children, even at the expense of engendering less. This strategy is called “restricted.” Where this correlation exists, the harm to drug users will prevailingly entail harm to the former, who pose a danger to the fidelity of the partners of the latter.

Kurzban *et al.* (2010) and Quintelier *et al.* (2013) found substantial correlations between the opposition to drug use (including their moral condemnation) and restricted sexual attitudes. This supports the hypothesis that the correlation is one of the causes of condemning drugs, at least in the countries studied.

B13 Facilitating military interventions abroad

The “war on drugs” has provided justification for military interventions abroad. A well-known example was the invasion of Panama in 1989. In addition to the arrest of Noriega, a former CIA collaborator who had become an enemy, the invasion had other political effects beneficial for the invaders (Chomsky, 1992, pp. 50-56).

González Bustelo (2014) cites some other cases. According to this author, for example:

“The *Plan Colombia* was designed and presented as a joint strategy between Colombia and the US to put an end to organized crime and drug trafficking. However, after 2002 they reoriented its objectives and strengthened its counter insurgency component, especially aimed to weaken or defeat the FARC under the approach of “narco-terrorism.” This was a clever move because by presenting it as part of the war on drugs, the US Congress did not object to it (it would have probably objected to it, had the interference of this policy in Colombia’s internal conflict been clearer)” (González Bustelo, 2014, p. 161).

B14 Display of power

After members of the Mexican cartel of Guadalajara participated in the torture and murder of undercover DEA (US Drug Enforcement Administration) agent Enrique Camarena in 1985, the DEA “threatened to make public evidence of connections between the DFS [the Mexican Federal Security Directorate] and drug groups, in order to force the Mexican government to act” (González Bustelo, 2014, p. 130).

Every act of aggression can be, among other things, a display of power. This display of power, in turn, serves to deter others from attacking and to preserve one’s rights. There are indications that deterrence is especially important after being attacked, and that this is an important reason for vengeance and displaced aggression (Barash and Lipton, 2011). So it may be conjectured that a benefit from increased punishment of

Mexican drug traffickers following the murder of Camarena was discouraging them from attacking DEA agents.

Power can also be displayed by showing that all wars undertaken are won. This may delay the acceptance that the balance of benefits and harms caused by the “war on drugs” is far worse than expected, as even some UN agencies begin to acknowledge (González Bustelo, 2014, pp. 173-174).

B15 Diverting attention

According to Szasz (1996, p. 72) the State exposes us to dreadful risks that we cannot choose, such as radioactive waste from the manufacture of nuclear weapons. “But the War on Drugs misdirects our attention from what we should fear and what we should do about it.”

Chomsky (1992, pp. 82-83) also believes that the ‘war on drugs’ has to do with distracting the population, and cites data in support of this claim:

“In early September 1989, a major government-media blitz was launched by the President...

The effect on public opinion was immediate. When Bush won the 1988 election, people said the budget deficit was the biggest problem facing the country. Only about 3% named drugs. After the media blitz, concern over the budget was way down and drugs had soared to about 40% or 45%, which is highly unusual for an open question (where no specific answers are suggested).”

According to jurist A. Beristain (as quoted by Escotado, 1998c, p. 126):

“Nowadays, the powers often use the media to exaggerate the danger of the supreme enemy, thus getting three results: a) Restore social solidarity, which was weakening; b) Divert public attention from the real issues and draw it to the problems “created” by propaganda; c) Build admiration and gratitude towards people and institutions that fight against the enemies of the common good.”

B16 Evading responsibilities

In many cases the use of alcohol or drugs is argued successfully as diminished responsibility; so much so that some offenders drink alcohol or use drugs as a tactic to reduce the penalties in case they are caught and convicted, according to Markowitz (2005, p. 23).

On the other hand, according to Behr (1981, pp. 218 and 220) parents of drug addicts are often accused of having failed in the education of their offspring, and this may be one of the reasons why associations of families of drug addicts demand greater punishment for traffickers. Parents and educators may have an interest in arguing that they correctly fulfilled their obligations but could do nothing against the power of traffickers, which induce drug use to increase their sales.

B17 Obtaining money or property by means of punishment

The bodies prosecuting and investigating cases of drug use can obtain goods from the defendants, who lose them as part of the punishment.

According to Escohotado (1998c, 375 p.): “In 1988, thanks to new legislation allowing the seizure of aircraft, ships and other vehicles where drugs or even “traces” of drugs have been found, the US Customs Service earned \$ US 1,000,000,000 , a pittance compared with the spoils of the DEA, but more than twice its annual budget.”

According to a report of the General Accounting Office cited by Szasz (1996, p. 25), by December 31, 1990, the Federal Marshalls Service was “mismanaging more than \$1.4 billion in commercial property seized from drug dealers.”

B18 Economic and other benefits for crime persecutors and collaborators

The bodies prosecuting and investigating cases of drug use and their collaborators can be rewarded for their services in various ways (by those who obtain other material or psychological benefits).

Today, about 40 or 45 billion dollars are spent annually in the US in drug policies, including the cost of the prison system (González Bustelo, 2014; “Los lobbies prohibicionistas”, 2013). Many thousands of people would lose their jobs if drugs were legalized, according to Jeffrey Miron (“Los lobbies prohibicionistas”, 2013).

The persecution of drug-related behaviors by the police can be encouraged. According to Windle (2015, p. 5), during the “war on drugs” beginning in 2003 in Thailand, “[t]he police and military were given quotas for the number of users, traffickers, and dealers to arrest. Rewards were provided for those who arrested above their quotas.”

According to Eastwood *et al.* (2013), one of the causes of the persecution of marijuana users is that it is an easy way for police officers to reach their quotas of sanctioned detections, which is important for their promotion prospects. For example, a case of shoplifting may take them 16 hours of work, while a case of marijuana may require thirty minutes to an hour: “Finding cannabis is easy, most police officers will know where people, especially young people, are smoking” (Eastwood *et al.*, 2013, p. 44).

Collaborators, such as informers, can also be rewarded. “In Anderson County, South Carolina, the sheriff put up billboards that read: ‘Need cash? Turn in a drug dealer.’ Informers were promised 25 percent of the assets seized from any dealer they helped arrest,” according to Szasz (1996, p. 83). According to Windle (2015, p. 5), during the war on drugs in Thailand in 2003, “Community leaders were ordered to compile lists of drug users and dealers to pass onto the police. Villages were rewarded if they achieved drug free status.”

Rulers and legislators may also be paid with votes. In fact, there has been a Prohibition Party (“prohibition” referring to alcohol prohibition) in several countries. Some authors believe that electioneering remains today a source of support for drug prohibition. For example, according to González Bustelo (2014, 173 p.), “the so-called global ‘consensus’ on drugs made this issue a taboo, especially in political circles where

there is a fear to be called ‘soft’ and to lose votes if alternatives are expressed or promoted.”

B19 Economic and other benefits for rehabilitation therapists, researchers, jailers, etc.

In 1991, the federal government was expected to spend more than \$1 billion on drug treatment research (Szasz, 1996, p. 21). Shortly before that, a clinic run by blacks with treatments that were supposedly adapted for black addicts “was handling 300 patients at \$13,000 a head per month,” according to Szasz (1996, p. 120). According to Szasz (1996, p. 91):

“In a 1991 interview in *Psychiatric Times*, Yale professor of psychiatry Herbert D. Kleber, M.D., deputy director of the Office of National Drug Control Policy, was asked what he considered to be the major accomplishments of the federal government drug’s program. He answered, ‘When President Bush took office, the federal budget [for drug control] was \$5.5 billion; it is now in excess of \$11 billion. ... The federal treatment budget, for example, has been increased from \$850 million to more than \$1.6 billion over the past three years.’ The reporter for *Psychiatric Times* then inquired if the treatment—‘inpatient drug abuse treatment in particular’—is effective. Kebler’s response: ‘... When we have met with the people who operate these facilities I have told them that it’s difficult to come out in support of their programs because they have not documented their efficacy.’”

In Spain, the confiscated money and the money obtained from the auction of confiscated goods in cases of drug trafficking and related crimes is administered by the Confiscated Assets Fund, for distribution among various institutions with a role in the “war on drugs.” Some of the beneficiary institutions pursue crimes related to drugs (B18). Other beneficiaries are penal institutions, research institutes, NGOs doing rehabilitation work or campaigning against drugs, etc. (Calle, 2014; “Fondo de Bienes Decomisados”, 2015).

B20 Obtaining money through extortion

Any prohibition can be exploited to extort, whether the prohibited conduct has indeed occurred or not. The latter case is particularly frequent in prohibitions of substances, since possession of small amounts of them can lead to very serious penalties, including death penalty, and it is relatively easy to plant false evidence. This mode of extortion has been documented in Mexico DF (Comisión de Derechos Humanos del Distrito Federal, 1994, 2003), and may presumably exist in other countries. In Thailand, Chatchaya “Yuyee” Cuesta Ramos was sentenced in 2014 to 15 years in prison after being convicted of trafficking 251 milligrams of cocaine (Wongsamuth, 2015). According to her ex-husband, nature documentaries presenter Francisco Cuesta Ramos (also known as “Frank Cuesta”), the conviction was a result of his ex-wife and him refusing to pay a €10,000 reparation that they were required to pay,

after they helped rescue a leopard owned by a senior police officer, who lost his investment in the leopard (“Frank Cuesta,” 2015; Wongsamuth, 2015).¹⁴

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¹⁴ We cannot know if this account is true, but it is plausible: “In February 2003, the Thai government, under then Prime Minister Thaksin Shinawatra, launched a ‘war on drugs’, purportedly aimed at the suppression of drug trafficking and the prevention of drug use. In fact, a major outcome of this policy was arbitrary killings. In the first three months of the campaign there were some 2800 extrajudicial killings. In 2007, an official investigation found that more than half of those killed had no connection whatsoever to drugs” (International Harm Reduction Association and Human Rights Watch, 2008)

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