

Drugs: More or Fewer Controls?

Decriminalization Without Larger Moral Purpose Would Fail

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ABSTRACT (ABSTRACT)

As numbers of thoughtful people despair of controlling drugs through criminal-law enforcement, decriminalization is increasingly proposed as an alternative. Would it be a good idea? It might, but we need to think through how decriminalization would play out if implemented; what the benefits and costs would be and to whom, and whether decriminalization can be reconciled with a positive moral message.

To prevail, decriminalization advocates will have to address these serious concerns. Some responses are possible. Those who fear a surge of inner-city drug use might be moved by a promise of a sharp reduction in crime and violence. Thus, decriminalization would heighten the safety of inner-city streets and involve fewer inner-city youngsters in crime and in the criminal-justice system as felons.

To be acceptable, decriminalization would need to be grounded in a larger moral purpose—to reduce crime, to enhance public health and safety, to invigorate a sense of community. Decriminalization would need to be part of a bigger package, including social programs for the truly disadvantaged, strict licensing of sellers, increased enforcement against those who sell to the young (even at the risk of losing some of decriminalization's benefits), major anti-drug education programs and adequate resources for rehabilitation of users. Proposals for decriminalization that fail to put drug use in context with other social problems and fail to advocate a powerful anti-poverty, anti-drug strategy will likely be rejected—and should be.

FULL TEXT

As numbers of thoughtful people despair of controlling drugs through criminal-law enforcement, decriminalization is increasingly proposed as an alternative. Would it be a good idea? It might, but we need to think through how decriminalization would play out if implemented; what the benefits and costs would be and to whom, and whether decriminalization can be reconciled with a positive moral message.

Let's consider two possibilities of how decriminalization would work. Under the least restrictive, the free-market, model, psychoactive drugs would be freely available. Such substances would be treated as we now treat aspirin and over-the-counter drugs. Supermarkets could sell, and anyone could purchase, unlimited supplies. Considerable benefits would flow: Since all drugs would be legal, we could reasonably speculate that nobody would be interested in buying street-corner drugs. With one stroke we could eradicate smuggling, organized drug gangs, street sales, street violence and, since drug prices presumably would be reduced, most crime undertaken to purchase drugs.

An alternative legalization example implies much more formal control. Drugs would be regulated as we currently supervise the content and sale of alcoholic beverages. Administrators might try to monitor purity, potency of product and age of buyers. The more controls, however, the more incentives for illegal markets. If we prohibited cocaine or crack sales to minors but made the drugs freely available to adults at low prices, we would stimulate an illegal cocaine-crack market for minors. Thus, regulation would predictably reduce some of the benefits of decriminalization.

Decriminalization advocates assume that benefits would outweigh costs. But how to measure costs and to whom? To be persuasive, decriminalization advocates will have to persuade skeptics that easier availability of drugs would neither trigger significantly more use nor stimulate more intensive use by current users.

We can only speculate about what would really happen. One theory holds that drugs are already so easily available that anyone who wants to use them does and would not be interested in using significantly larger amounts. That speculation probably holds best for the 1960s generation of affluent and educated drug users. There are of course plenty of them-but their drugs of choice are alcohol, cigarettes, marijuana and nasal cocaine. Crack, heroin and PCP are ghetto and barrio favorites. More important, affluent users rarely commit crimes to buy drugs, don't sell drugs on street corners and don't fire off Uzis in housing projects. On the whole, decriminalization would benefit affluent, recreational drug users.

The crime-violence-drug link is a problem of the inner city, the jobless, the poor. Those who speak on behalf of this constituency are concerned that decriminalization would generate a sharp rise in drug use among the truly disadvantaged, especially teen-agers who have tough lives and bleak futures. Since they are not saying "no" to expensive illegal drugs, why should they say "no" to less expensive legal ones?

So decriminalization may entail two heavy costs: an explosion of drug use, especially in the inner cities, and a long-run symbolic defeat, with decriminalization signaling a surrender to drugs.

To prevail, decriminalization advocates will have to address these serious concerns. Some responses are possible. Those who fear a surge of inner-city drug use might be moved by a promise of a sharp reduction in crime and violence. Thus, decriminalization would heighten the safety of inner-city streets and involve fewer inner-city youngsters in crime and in the criminal-justice system as felons.

What about the symbolic meaning of decriminalization? Legalization of "vice" is often equated with a third model-approval, even promotion, of the formerly forbidden activity. When governments have legalized gambling-lotteries, casinos and off-track betting-they have also condoned and shamelessly promoted it.

But decriminalization need not imply approval. When the British legalized casinos in 1968, their purpose was to control organized crime. They didn't permit casinos to advertise at all-not even with matchbooks or ads in the telephone book.

Similarly, if drugs are to be legalized, advocates must ensure that the purpose will not be to pump money into state treasuries, but rather to control a major social and public-health problem.

To be acceptable, decriminalization would need to be grounded in a larger moral purpose-to reduce crime, to enhance public health and safety, to invigorate a sense of community. Decriminalization would need to be part of a bigger package, including social programs for the truly disadvantaged, strict licensing of sellers, increased enforcement against those who sell to the young (even at the risk of losing some of decriminalization's benefits), major anti-drug education programs and adequate resources for rehabilitation of users. Proposals for decriminalization that fail to put drug use in context with other social problems and fail to advocate a powerful anti-poverty, anti-drug strategy will likely be rejected-and should be.

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