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BOOK LAUNCH

TUESDAY 5 OCTOBER 1993

HEATHER & ORS

**PSYCHOACTIVE DRUGS & HARM REDUCTION:**  
**FROM FAITH TO SCIENCE**

Whurr, London, 1993 Preface v-x; Contents xi-xx; Text 1-330;  
Index 331-345; Soft Cover \$70.00

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**The Hon Justice M D Kirby AC CMG**

This book represents the latest contribution to the growing tide of opinion calling for a new approach to society's problems of drug use and drug addiction. The essential message is that we should move from a prohibitionist response directed at preventing the supply of drugs to one which accepts the inevitability of drug use and seeks to design policies aimed at reducing the harm which drugs cause.

To some extent such a strategy has already been adopted in Australia. After 1985, in response to the HIV/AIDS epidemic, the Federal authorities accepted the principle of harm reduction as the immediate strategy for the "war on drugs". No more vivid illustration of this fact could be found than in the adoption in every Australian jurisdiction except one (Tasmania) of the system of needle exchanges. The facility for the exchange of syringes used for intravenous drug administration, and their replacement by sterile packaged syringes available at multiple outlets, is the clearest possible evidence of the adoption of a harm reduction strategy. In many jurisdictions of Australia, possession of implements for the administration of illegal psychoactive drugs is itself a criminal offence.

Yet here we have a publicly funded, officially condoned system for providing implements which, it is known, will be utilised in activities which are strictly illegal and heavily punished. This ambivalence in public policy can be explained only by reference to the principle of harm reduction. Intravenous drug administration causes harm. But the use of unsterile equipment may become a vector for the spread of the HIV virus which causes AIDS. The harm to the individual and to society from the HIV/AIDS infection is deemed even more serious than the harm to the individual and society from the use of psychoactive drugs. Hence the adoption of the strategy which reduces the aggregate harm. Given the state of Australia's criminal laws, its obligations under international conventions on drugs; its political culture and law enforcement attitudes. The shift demonstrated in the needle exchange policy is truly remarkable.

The strategy of harm reduction has various other illustrations in Australia. They include the laws adopted in some jurisdictions, led by South Australia, for infringement notices for minor offences involving the possession of cannabis and the provision of methadone as an alternative to illegal psychoactive drugs. Those who demand a national criminal code for Australia should keep in mind the advantages of experimentation and law reform which the Federal system permits and which State criminal laws have seen in the area drug law enforcement.

The book is not a single minded tract written by persons of a uniform opinion. It contains chapters by commentators who acknowledge the problems of the strategy of harm minimisation. On the one hand, David Hawks points to the "loss of idealism" which the strategy involves. Once adopted, it signals the realistic acceptance that a totally drug-free environment is unattainable. Behind the prohibitionist's model which has gathered force, and has been reflected in the criminal law in Australia, since the 1920s lay an idealistic endeavour to save young people especially

from the devastating effects which drug dependence can have. Those effects are not glossed over in this book. In a number of chapters, there are vivid illustrations of the depression and paranoia which are caused by addictive dependence upon some drugs and especially where the source of supply is cut off. The heavy reliance of Australian society upon drugs of addiction of various kinds is demonstrated. By far the most damaging drug in regular use in Australia remains nicotine. Approximately 19,000 Australians die every year from diseases related to tobacco use. A chapter by the former Federal Minister, Mr Peter Staples, brings this point home vividly. The statistic represents about 350 dead each week, or a jumbo load of Australians. We would be horrified at the loss of a jumbo of Australians ever. Yet we grimly accept this tragic burden of suffering and pain. But even here the strategy of harm reduction has been adopted. Prohibition may be addressed to the sale of tobacco products to minors. But for adults the concentration of the social response has been upon education. This strategy appears to be having a powerful effect. Whereas in the early 1940s, 72% of Australian men were smokers, the figure is now about 30% - and falling. A target of 20% by the year 2000 appears optimistic. The success in the reduction of smoking shows what can be achieved by a concerted programme of public information.

The strategy of harm reduction is criticised in the book from another angle. Civil libertarians assert that the state has no warrant to interfere in informed decisions made by individuals which affect only themselves. The trouble with this argument is that drug use and especially drug dependence have significant social costs. Various libertarian arguments are advanced pointing out that those costs derive solely or mainly from the law's interference in the market supply of drugs. An interesting quotation from 1882, on the case of a stable addict to opium eating shows that, supplied with the drug, he was able to "*enjoy excellent*

*health ... do a good day's work (mental as well as physical) and is entirely free from a variety of minor troubles having a nervous origin which used to annoy him before he began the opium".*

According to this perspective, society has occasioned many of its drug problems by a well intentioned, but inevitably ineffective, endeavour to cut off supply. Dr Stephen Mugford urges the need to address candidly the importance of pleasure in drug use. There is no doubt that drugs of various kinds cause pleasurable sensations which invite attempts to secure more. Mugford urges that this potential of drugs should be taken into account in the equation in deciding, notwithstanding, to restrict their availability and prosecute their use.

Thus the book looks at the issues of psychoactive drugs from the conflicting viewpoints of the absolute libertarian and the determined prohibitionist. Somewhere in between lie most of the authors. The general strategy of harm reduction accepts a philosophy seeking out the point where the legal regime permits supply, but does not positively promote the use of drugs to the enlargement of their individual and social burden.

There are 45 contributors to the 24 chapters. In essence, this is the book of the papers presented to the Third International Conference on the Reduction of Drug-Related Harm, which was held in Melbourne in 1992. The papers appear to have been rewritten for publication. There is relatively little overlap between them. Whilst most of the material published could probably be found elsewhere, the value of this work is the collection of so much data and of a variety of opinions aimed at stimulating an informed public debate towards a more coherent regime of laws and policies on psychoactive drugs. There seems little doubt that the book is timely, at least for an Australian audience. Leading judges, lawyers, doctors and other health care workers have lately come out

strongly in favour of new strategies. Even more recently, a group of politicians of all political persuasions has formed a body to lobby, within the legislatures of Australia, for a gradual process of drug law reform. In part, the impetus behind these moves may be libertarian. But primarily, they represent the initiatives of informed people who have seen the devastating impact of current laws and policies. Judges who have to impose or uphold very long sentences (even life imprisonment) for involvement in drug supply to feed the undoubted community demand. Law enforcement officials who see the potential of present laws to cause corruption and to undermine respect amongst citizens for the law. Medical practitioners see the pathetic results of driving drug users into an illegal underworld, so that some of them turn up regularly in the casualty wards of major hospitals. Health care workers who are involved in the struggle against the spread of HIV/AIDS. Ordinary citizens who have a family member dependent on drugs, or perhaps in prison or driven into the arms of criminal associates. Middle class people tired of their homes being burgled for the VCR, to be sold to feed a drug habit. Banks and convenience store owners regularly in peril of hold-ups. The escalation of violence in society which can be attributed to the prohibitionist approach.

The irony is that we can trace the prohibitionist model on drug use to its temperance origins in the State of Maine in the United States in the 1830s. That is where the Puritan strategy of cutting off supply and in earnest originated. It was targeted principally at alcohol. But it was soon addressed to other drugs. In the United States, it spread, particularly after the Civil War, in response to a national movement to cleanse the republic. Prohibition was finally adopted by Constitutional amendment. The brave experiment lasted more than a decade. It was abandoned nationally in the United States 60 years ago this year. The same national strategy has caught up the international community in a series of

conventions and treaties. Whereas Prohibition was accepted as a failure within the United States, it remains the American-led objective of the international community. The point is now being reached, akin to that which preceded the abandonment of Prohibition in the United States, where members of the international community are saying: "*enough is enough*".

This book contains lessons from other countries where new strategies of harm reduction, instead of prohibition, are being adopted. These include strategies in the Netherlands, where decriminalisation of cannabis (and its regular sale in coffee shops) has actually led to a reduction in cannabis use amongst Netherlands teenagers. Their use of the drug is considerably lower than that of equivalent young people in the United States where it is strictly prohibited and criminally sanctioned. There is an interesting analysis of the experiment in drug supply and control in Merseyside in England. Even in Australia, in the Australian Capital Territory, a pilot project has been adopted for the legal supply of heroin to addicted persons. The pursuit of this pilot, in a country with stern laws and international duties, shows just how far we have come in recent years.

A number of chapters deal with the impact of the current international strategy on the supply of different drugs produced in developing countries. The closing section of the book addresses the spread of HIV infection. It shows the comparative success which we have enjoyed in Australia following adoption of the harm reduction strategy, particularly in respect of intravenous drug users. Our success may be seen especially by contrast with the United States. In the major cities of that country IV drug use has become a major vector of HIV to disadvantaged communities, ethnic minorities, women and children.

Whereas this book collects lessons and articulates a philosophy for a country (like Australia) already partly converted, its greater use may lie in the United States. There, prohibition remains the dominant philosophy. The former Director of the WHO Global Programme on AIDS, Jonathan Mann, in a comment on the book, reproduced on its back cover, urges that it may be *"one of those very rare books which has the power to influence the course of history"*.

The day this book was launched it was reported that Australian Federal Police were searching for ten tonnes of cannabis worth an estimated \$300 million, in the wake of eight arrests made on both sides of Australia during the past month. The haul was said to be part of a 13 tonne shipment of compressed cannabis smuggled into Western Australia in May 1993. The question which most informed Australians ask when they hear of these repeated drug busts is: *"who are the ordinary fellow citizens, living in quiet domestic streets of our suburbs who are using this drug"*? Such a supply and such a market is obviously serving thousands, possibly millions, of Australian citizens - apparently law abiding. If this is so it is certainly plain that the present legal strategy is not working. At least, mindless pursuit of it should be questioned. The hypocrisy of persisting with prohibition, whilst accepting derogations not reflected in the law, is increasingly coming home to our political leaders, officials, and ordinary citizens. That is where this book comes in. It collects the alternative strategies being adopted elsewhere in the world. It even lists a few experiments which we have usefully tried in Australia. And it provides a foundation for a general approach to be put in the place of prohibition.

From ancient times, every recorded society has resorted to psychoactive drugs of some kind. Human beings seek them out and persist in using them. Efforts to stamp them out have variable success



and produce many problems. Perhaps the time has come to recognise these facts and to attempt a different approach in the laws of Australia. That is the challenge which this book throws out. It is a challenge which lawyers, health workers and other citizens cannot afford to ignore.