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Going their own way

While the U. S. turns a blind eye, its 'partner' states are quietly decriminalizing illicit drugs

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Say, are we still having that debate over whether the United States constitutes an empire? I remember the idea seeming controversial a few years back. In 2009, the whole idea of disagreeing with it seems quaint. But maybe things will look different in a few more years. Empires do not rise and fall monotonically; they expand and contract, relax and relent. In an extraordinary turn of events, Caesar has temporarily turned a blind eye to the policing of morals in the provinces, allowing

startling drug reforms in two major "partner" states.

Late last week, the Mexican government, trying explicitly not to call too much attention to what it was doing, decriminalized the possession of very small amounts of illicit drugs. Not just marijuana, which is subject to a possession limit of five grams, but the whole kaboodle: cocaine, methamphetamine, LSD, even heroin. In general the U. S. media treated this as a counter-intuitive move made in the midst of a full-scale war between drug cartels and the Mexican state. But it is precisely the bloodiness of that war that has Mexico moving away from ideological prohibitionism.

The idea is to cut into demand by treating addicts as potential treatment clients rather than criminals, to fight corruption among the police by taking away one of their major tools for shaking down the poor and marginalized, and to concentrate resources on organized crime. This is, of course, a form of centralized social planning just as much as total prohibition is. Even a borderline-anarchist libertarian (like me) might well question whether it will accomplish the criteria of social peace and harm reduction by which it will be judged; Cato Institute fellow and Harvard economist Jeffrey Miron, for one, worries that decriminalization will get the blame if intensified supply-side enforcement leads to more violence.

But the Portuguese model on which the Mexican reform is based, which saw the adoption of Europe's most liberal drug laws in 2001, has been successful in all the ways that most of us would consider important, particularly in reducing the spread of HIV and exposure to drugs amongst teenagers. One feels that what's needed above all else right now, when it comes to drugs, is a little openness and sincerity. The single worst effect of criminalizing drug possession is to make it harder for everyone to talk about drugs. It has created a world (although things have changed a lot in the last 20 years) where most everyone has taken a bong hit at one time or another, but no one wants to admit it, whether it's to their kids or to co-workers or in the newspaper.

And that, in turn, has made it harder to make the core argument that it is none of the state's business what you put in your body. (Doing so inevitably comes off as sounding like a coded apology for past indiscretions.) But in some places it is being made anyway. On Tuesday the Supreme Court of Argentina reversed the conviction of a 19-year-old caught with two grams of pot and decriminalized the possession of drugs for personal consumption. The Kirchner government anticipated the ruling and says it is content to abide by it; meanwhile, other Latin states, including Brazil, are talking about following suit. Crucial to the logic of the court's decision was an article in the Argentine constitution that states, "The private actions of men which in no way offend public order or morality, nor injure a third party, are only reserved to God and are exempted from the authority of judges."

It's a sentiment one might have expected to hear coming from the U. S. A., at one time. President Obama has been a disappointment to the harm-reduction crowd when it comes to domestic drug reform, but the rapid pace of change in the Latin world shows that the State Department is no longer imposing its will there. Whether it's because Washington has more urgent priorities like saving the American economy from reverting to the Stone Age, or just because the Bush administration's cadre of drug warriors is gone, American satellites seem to find themselves free to go their own way, perhaps only for a brief moment.

Canadians who have argued that the adoption of a harm-reduction approach here would jeopardize our trade relationship with the United States can therefore pipe down for the foreseeable future. Unfortunately, we greet the occasion with a law-and-order he-man Conservative government in place -- one which, whatever its virtues when it comes to crimes that have victims, is full of people like Peter van Loan, Rob Nicholson and Tony Clement, and plenty of others who are about as likely to give birth to a muskox on the steps of Parliament as they are to support rational drug policy. From that standpoint, our timing sorta stinks.

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