

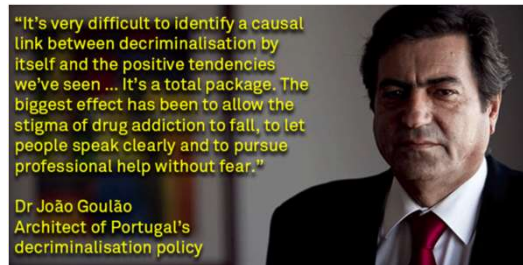
PSYC1022: The Psychology of Addiction

Topic 15: Prevention & Prohibition (II)

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Outline:

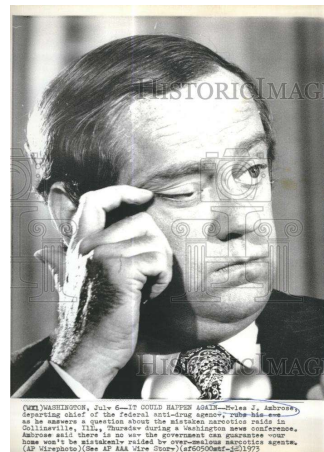
- Politics & tough drug policies
- Philosophical underpinning
- Deterrence theory
 - Effect of law on behaviour
 - Fear of legal risks
 - Price
 - Informal social controls
 - Symbolic threshold effect
 - Forbidden fruit effect
 - Stigmatisation



1

Political currency of being tough on drugs

"We were talking about it. And the question came up of treatment ... And Nixon was sitting there as usual in his kind of reflective quiet way. And he looked out the window of the helicopter, and he turned to Bud and me and whoever else was there, and he pointed – we were flying over Brooklyn then – and he said, 'You and I care about treatment. But those people down there, they want those criminals off the street'. And that was the way he said it. And it was probably 99.9% right" (Ambrose, 2000).



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Political currency of being tough on drugs

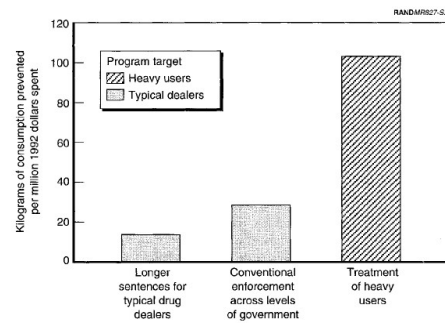
Public responds favourably to routine declarations from political leaders that drug prohibition enforcement will be increased with the objective of reducing drug use.

- these are questionable rhetorical statements because it is well established that changing enforcement policies tends to have negligible impact on actual behaviour.

Cost-effectiveness of enforcement in terms of its impact on drug use tends to be less favourable than other available strategies

- estimated cost-effectiveness of treatment is higher than that of enforcement or prevention.

Caulkins et al. (1997): estimated that an additional million US\$ spent on treatment would reduce cocaine consumption by 104 kg. If the same amount were spent on lengthening mandatory minimum sentences of dealers this would reduce cocaine consumption by 13kg. And, if the same amount of money was used to arrest, confiscate the assets, prosecute & incarcerate a *greater number* of dealers cocaine consumption would reduce by 27 kg.



3

Political currency of being tough on drugs

The intuitive appeal of harsher enforcement is belied by evidence for its inefficiency, partly because arrested dealers are simply replaced by others if demand remains.

- Break-up of big cartels often leads to the emergence of a larger number of smaller groups which compete by lowering prices, paradoxically resulting in higher consumption.
- For such reasons, supply side interventions aimed at dealers are less efficient than demand side interventions which change addicts demand for drugs.



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Philosophical underpinning of prohibition

Arguments regarding why the government should regulate drug use may be *consequentialist* (based upon empirical evidence concerning the harms of drug use), or may be *deontological* (following Kant's claim that behaviour should adhere to a lawful set of morals/duty).

Millian liberalism (from John Stuart Mill) argues that the state has legitimacy to intervene in individual behaviour only where that behaviour harms others, but not if it harms the individual. Prohibition is justified from this position insofar as drug users may promote the behaviour in others.

Legal paternalism argues that the state should intervene in behaviours that cause harm to the individual. Prohibition is justified on this view because the harms of drug use are undeniable.

Legal moralism argues that the state should intervene to prohibit behaviour that society has collectively deemed to be immoral. Prohibition is justified on this view because intoxication degrades character & dignity, although the repugnance of drug use is generally an emotional reaction rather than articulated explicitly.



John Stuart Mill
1806-1873

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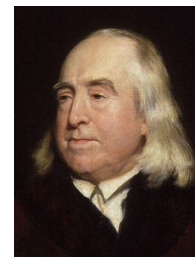
Deterrence theory

Deterrence theory viewed human behaviour as rational in the sense of pursuing desirable outcomes, offset against likely costs.

- Thus, the prospect of swift punishment should be an effective deterrent against prohibited activities.

Modern rational-choice theories have couched these ideas in terms of utility calculations. The utility of a crime is the expected reward multiplied by the expected probability of success, minus the disutility of the crime (expected costs/severity of the legal sanction) multiplied by the probability (certainty) of them being applied (being caught).

- A crime will be committed where the utility of the crime exceeds the utility of the most profitable alternative (Piliavin et al. 1986)



Jeremy Bentham
1748 - 1832



Cesare Beccaria
1738 - 1794

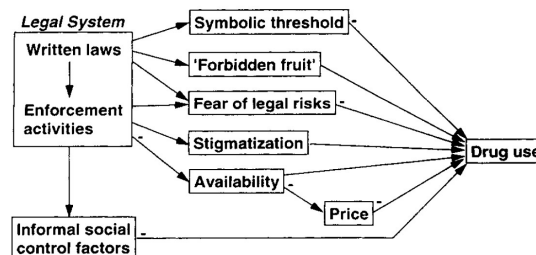
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Effect of law on behaviour

According to rational-choice models of legal compliance prohibition of drugs reduces drug use by: restricting drug availability (making it more effortful to obtain), increasing drug prices (disutility/costs), & deterrence produced by the risk of punishment (disutility).

MacCoun (1993): argued that research on these effects illustrates the need for a more realistic perspective that acknowledges the limitations of human rationality & the importance of moral reasoning & informal social control factors in legal compliance

- 7 mechanisms by which the law influences drug use, some of which are counterproductive.



Potential pathways of the legal system's influence on drug use. (Relationships are positive unless otherwise indicated.)

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Fear of legal risks

Table 2. Zero-order lagged correlations between the perceived certainty of punishment and subsequent self-reported behavior from published studies, 1982-1986.

Study	Measure of Association	Zero-Order Lagged Correlation Coefficient ($P_{t-1} \rightarrow B_t$) Between Perceived Certainty and				
		Crime Index	Petty Theft	Marijuana Use	Shoplifting	Other Offense
Bishop (1984a)	Pearson's r	-.29				
Meier et al. (1984)	Pearson's r			-.35 ^a		
	Pearson's r			-.38		
Minor and Harry (1982)	Gamma			-.21	-.20	-.37 ^b
	Pearson's r			-.10	-.13	-.14 ^b
Paternoster et al. (1982)	Gamma ^c	-.30	-.33			
	Pearson's r	-.04	-.11			
	Gamma	-.22	-.25			
	Pearson's r	.07	-.07			
Paternoster et al. (1983a)	Pearson's r	-.18	-.04	-.11		-.11 ^d
Paternoster et al. (1983b)	Gamma ^c	-.21	-.30	-.33		-.29 ^d
	Pearson's r	-.18	-.04	-.11		-.11 ^d
	Gamma	-.17	-.22	-.25		-.17 ^d
	Pearson's r	-.14	.07	-.07		-.09 ^d
Saltzman et al. (1982)	Gamma ^c	-.41	-.35			-.18 ^e
	Gamma	-.22	-.18			-.07 ^e
Thomas and Bishop (1984)	Pearson's r	-.29				
	\bar{X}	-.21	-.15	-.21	-.16	-.17
	s.d.	.06	.16	.11	.05	.10

The risk of legal sanction for drug sale or consumption is relatively low.

Reuter (1992): estimated that the annual risk of arrest was 2% for marijuana & 6% for cocaine.

- the law abiding publics' perception of legal risks tends to be higher than estimated by criminals themselves, which may be due to the former deriving estimates from fictional dramatizations (Parker & Grasmick 1979)

Perceived risks bear only a moderate relationship to actual behaviour.

Patternoster (1987): reviewed prospective studies which measured perceived risk of sanction & subsequent marijuana use.

- found that perceived risk of sanction exerted only a very small effect on reducing actual drug use behaviour.

Thus, for drug users, fear of legal risk appears to provide only a weak deterrent effect & this deterrent effect appears to reduce further with experience of drug use or sale without sanction.

- Addicts are less able to incorporate negative consequences into decision making so we would expect particularly weak fear of legal sanctions in this group.

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Price

Drug	Elasticity	Source
Tobacco	-0.4	Manning et al. 1991
Alcohol	-0.7	Manning et al. 1991
Heroin	-.02 to -0.3	Moore 1991 Becker et al. 1992
Marijuana	-1.0 to -1.5	Moore 1991; Becker et al. 1992
Cocaine	-0.7 to -2.0	Caulkins 1995; Grossman et al. 1995; Saffer & Chaloupka 1995
Opium	-1.0	Van Ours 1995

Exponents of drug prohibition aimed at manufacturers, suppliers & dealers argue that disrupting the supply chain increases street prices & if addicts' are rational, they should reduce their consumption levels accordingly.

- demand would cease if prices could be raised beyond a certain level, but this level has not been achievable with current interdiction strategies. At stake, therefore, is whether achievable price variations are likely to produce changes in consumption.

Demand curves can be used to calculate elasticity values, which reflects the % change in demand for a 1% increase in price.

- Studies exploring elasticity estimates have come up with a range of values (see table). These data do not clarify whether more dependence producing hard drugs have lower elasticities vs. whether problem users have higher elasticities because they are poorer so any price increase constitutes a greater proportion of their disposable income.
- The fact that drug consumption is elastic supports tax & prohibition initiatives that seek to raise drug prices.

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Price

Although consumption may be sensitive to price, it is not clear how effective prohibition policies are at raising illicit drug prices.

- A number of studies have shown that within the US, variations in police enforcement over time or place (DiNardo 1993) or adding military controls at the border (Reuter et al. 1988), have little impact on the street price of the drug.

Caulkins & Reuter (1998): estimated that prohibition accounted for about 35% of cocaine retail costs in the US (23.6% for prison risk & 11% for seizures), whereas the remainder of the retail costs (65%) were fairly flat in the sense of being independent of prohibition.

- variations in prohibition could only hope to modify 35% of cocaine retail price by some amount, which appears to be small.

Table 1: Estimates of Magnitude of Cost Components for Cocaine Sold at Retail, 1990

Wholesale Price in Colombia	1%
Importing of drug	12%
Retail labor	13%
Higher-level labor	~3%
Drug and asset seizures	8-11%
Money laundering fees	2-4%
Packaging, Processing, and Inventory Costs	~2%
Compensation for risk of prison	23.6%
Compensation for physical risk	33%
Total	~100%

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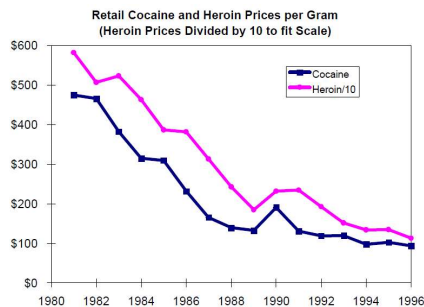
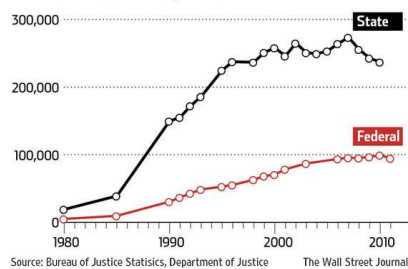
Price

Caulkins & Reuter (1998): despite a growing US prison population for drug offenses there was a steady decline in the average street price for cocaine & heroin.

- although prices would certainly be lower if prohibition was removed, together, the foregoing data suggest that variations in the current level of prohibition has a small if any impact on drug prices.

Inmates in Ever-Growing Numbers

Prisoners incarcerated for drug offenses



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Informal social controls

Rational-choice theory: suggests that people will only not commit crimes if swift & effective punishment follows. This ignores acquired moral codes with which people conduct themselves.

Kohlberg's theory of moral development (1971):

- Preconventional:** most susceptible to deterrence effects because they are most sensitive to prospective punishments.
- Conventional:** influenced by the symbolic status of the law as a governing set of principles, although this may be overridden by conformity to countercultural norms.
- Postconventional:** less concerned with sanctioning risks & the symbolic status of the law than with their own internalised beliefs regarding which actions are morally defensible.

Thus, fear of sanction should be limited to effects on the preconventional group, making the efficacy of the law even more uncertain.

LEVEL	STAGE/CHARACTERISTICS
Preconventional At this level individuals obey because authority figures tell them to obey. These people judge morality strictly on the basis of consequences (fear of being punished for bad actions, reward for good actions).	1. Punishment & Obedience Actions are evaluated in terms of possible punishment, not goodness or badness; obedience to power is emphasized. You behave in a way that avoids punishment. Right and wrong is determined by what is punished. Children obey because adults tell them to obey. People base their moral decisions on the fear of punishment. <i>Examples: I won't cheat because I will get caught; I won't speed because I will get a ticket.</i> 2. Personal Usefulness Moral thinking is based on rewards and self-interest. Children obey when it is in their best interest to obey. What is right is what feels good and what is rewarding. Concern for the needs of others is largely a matter of "You scratch my back, I will scratch yours," not out of loyalty, gratitude or justice. Right and wrong is determined by what is rewarded. <i>Examples: I will cheat because I will get a better score on the exam; I will tell mom you lied because it makes me look better.</i>
Conventional These individuals are most concerned about the opinions of their peers. They want to please and help others while developing their own internal idea of what it means to be a good person	3. Conforming to the will of the group Good behavior is that which pleases others in the immediate group or which brings approval. The person values trust, caring and loyalty to others as the basis of moral judgments. Children often adopt their parent's moral standards at this stage, seeking to being thought of as a "good girl" or "good boy" in front of those who are close to you. <i>Examples: I won't cheat on the test because my parents will be ashamed of me; I will steal because it will make me look cool in front of my friends.</i> 4. Law & Order Moral judgments are based on understanding and the social order, law, justice and duty. In this stage, the emphasis is on upholding law, order and authority, doing one's duty, and following social rules. One is obligated to follow society's rules. <i>Examples: I won't go speed because it is against the law. If everyone speeds, then our laws are meaningless; You must not shoplift because it is illegal.</i>
Postconventional Morality is judged in terms of abstract principles and not by existing rules that govern society. Moral and ethical choices rise above the laws of society, and individuals look within themselves for the answers rather than basing moral decisions on external sources of authority. Many people never enter into this level of moral development	5. Social Contract The person understands that values and laws are relative and that standards can vary from one person to another. The person recognizes that laws are important for society but knows that laws can be changed. The person believes that some values, such as freedom, are more important than the law. Support of laws and rules is based on rational analysis and mutual agreement, rules are recognized as open to question but are upheld for the good of the community and in the name of democratic values. <i>Examples: You should not steal because you would feel bad if someone took something from you; I ran a red light because it was 12 midnight, no one was around, and there was an emergency at home.</i> 6. Personal Conscience The person has developed moral judgments that are based on universal human rights. When faced with a dilemma between law and conscience, a personal, individual conscience is followed. Behavior is directed by self-chosen ethical principles that tend to be general, comprehensive, or universal; high value is placed on justice, dignity and equality. <i>Examples: Lying to the Nazis about the Jews in the basement is all right if it is going to save an innocent life; We need to provide financial assistance to the poor because they have not resources to assist themselves.</i>

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Symbolic threshold effect

The notion of symbolic threshold is concerned with the perceived *legitimacy* of the state.

- States that demonstrate exemplary behaviour (not corrupt, brutal etc. but are nurturing & equitable) can take on the role of moral guardians, such that citizens will be more compliant with their prohibitions.
- It is the notion that although legal sanctions against criminal behaviour may play a role in determining people's action, the symbolic status of the law may also be internalized by citizens as a governing set of principles to the extent that the state is perceived as legitimate.

French & Ravens (1959): distinguished between **legitimate power**, where one accepts the legitimacy of state proscribed laws & **coercive power**, where one instrumentally seeks to avoid prospective punishment imposed by the state. Legitimate power is thought to be far more effective in influencing behaviour than coercive power.

- For those who accept the legitimacy of drug prohibition, the probabilistic threat of sanction is irrelevant because the symbolic status of the law is sufficient. Whereas for those who have rejected the legitimacy of drug law, the probabilistic risk of sanction remains relevant & the symbolic status of the law is irrelevant.

Political leaders try to utilise the symbolic status of the law in their policy decisions (e.g. in many countries marijuana is decriminalised de facto because police enforcement against users is largely absent. But formally, marijuana is still illegal).

- This condition arises because the state wishes to maintain the symbolic role of the drug's illegal status in guiding behaviour, but at the same time, not waste resources on ineffective coercive marijuana control policies.

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Forbidden fruit effect

May be thought of as the reverse of the symbolic threshold effect (i.e. the illegal status of drugs makes them more attractive).

Rigotti et al (1997): Evidence for forbidden fruit effects in the drug control arena. 2-yr study in which communities enforced restriction of tobacco sales to adolescents, whereas control communities did not.

- community enforcement increased legal compliance by retailers, but if anything smoking by adolescents increased faster in the intervention communities, suggesting increased enforcement may have been offset by the forbidden fruit effect.

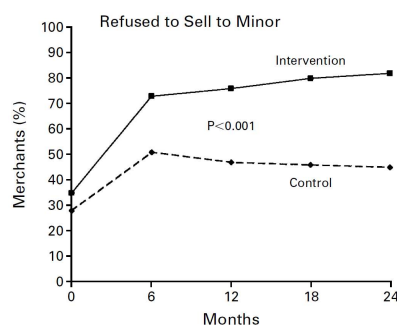


TABLE 4. TOBACCO USE AMONG ADOLESCENTS.*

MEASURE OF USE	STUDY GROUP	BASE LINE	YEAR 1	YEAR 2	P VALUE TREND WITHIN GROUP†	P VALUE COMPARISON BETWEEN GROUPS‡
% of respondents						
Use at any time	Control	64.5§	62.7§	62.7§	0.15	0.28
	Intervention	56.1	53.9	55.5	0.97	
Current use	Control	29.8§	30.1§	30.0§	0.93	0.05
	Intervention	22.5	23.5	25.3	0.01	
Daily use	Control	16.8§	16.0§	16.4§	0.57	0.08
	Intervention	10.7	11.4	13.2	0.14	

*Data are for the use of cigarettes or smokeless tobacco. Data on current use and daily use refer to the 30-day period preceding the completion of the survey questionnaire.

†Values represent the statistical significance of the trend over time in the group shown and are derived by multiple logistic regression with adjustment for age, sex, and ethnic group.

‡Values represent the statistical significance of the difference between the two study groups in the rates of change in a mixed-effects model with adjustment for age, sex, ethnic group, study group, and study year.

§P < 0.01 for the comparison with the intervention group by multiple logistic regression, with adjustment for age, sex, and ethnic group.

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Stigmatisation

When deciding whether to engage in drug use, users may consider not only the legal risks but also the shame, embarrassment, harm to their reputation, loss of relationships & loss of opportunities that can follow arrest & prosecution

- rather than reduce deviant behaviour, stigmatisation following arrest appears to reduce legitimate opportunities, making deviant behaviour *more* likely (Farrington 1977).

Petitsclerc et al. (2013): followed individuals 6-25 years of age. Compared adolescents who were arrested & sent to juvenile court to a group who were arrested but not sent to juvenile court.

- Exposure to juvenile court associated with doubling of the chance of being convicted in adulthood & a doubling of the average number of both violent & non-violent offences.
- This may be because juvenile court exposure reduces prosocial opportunities or has other labelling effects & may increase contact with deviant peers.

It is clear that legal sanctions can paradoxically produce increases in the very criminality they were designed to eliminate.

- It may be assumed that court action against drug users & dealers has a similar effect on increasing their drug use & dealing.

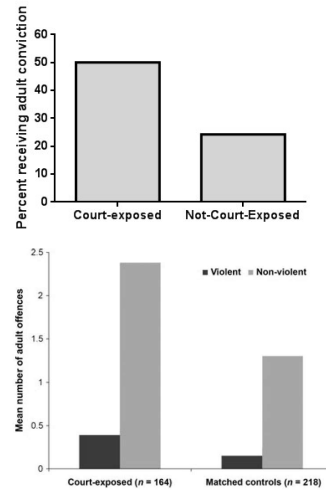


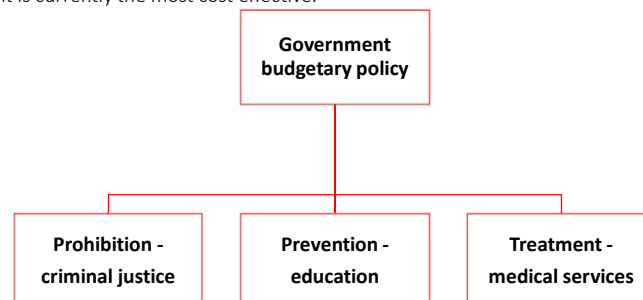
Figure 1 Mean number of violent and nonviolent adult offences, from ages 18-25 years, for individuals exposed to juvenile court and their matched counterparts

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Conclusion

Prohibition exerts only a limited impact on reducing drug use & sale by engendering fear of legal risks, increasing price, guiding informal social controls & setting symbolic thresholds to behaviour. Paradoxically, prohibition may unintentionally increase drug use & sale through forbidden fruit effects & stigmatization.

- Prohibition, prevention & treatment all influence drug use behaviour, but have limited efficacy
- Treatment is currently the most cost effective.



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Summary

Knowledge & understanding of:

- the background & characteristics of prevention campaigns: Just say no, ALERT, DARE & Keepin' it REAL. We also learned that these programs lack long-term efficacy & are not cost-effective.
- Tobler's meta analysis of prevention programs & learned that programs which focus on peer support are the most effective.
- Treatment is the most cost-effective method of reducing substance use.
- Politics behind tough drug policies & philosophical underpinnings of different views on drug prohibition.
- Rationales of deterrence & rational choice theories & their limitations.
- 7 mechanisms by which laws are posited to influence behavior in relation to drug use: fear of legal risks, price, informal social controls, symbolic thresholds, forbidden fruit effects & stigmatization.



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