

ANTI-DRUGS. PRO-REFORM?  
WHY IS THE UK RELUCTANT TO ADOPT CONSEQUENTIALIST APPROACHES TO  
POLICING DRUGS?

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### **Abstract**

'If you are anti-drugs, you should be pro-reform' – Nick Clegg (BBC, 2012).

In 2012 a Home Affairs Select Committee recommended a Royal Commission into UK drug policy to investigate whether Portugal's decriminalisation policy could be adopted (HASC, 2012). These calls were echoed in 2013 with the All-Party Parliamentary Group Report into Drug Policy Reform (APGRDR, 2013). Both were carried out by party-politicians and supported by academics, yet these calls were rejected by Prime Minister David Cameron who stated that current approaches were succeeding (BBC, 2013). Moreover, at the time of writing, Brighton council is considering the use of decriminalised drug-use rooms, attracting similar criticism (BBC, 2013c). Why is the case? Why is the UK reluctant to adopt such consequentialist approaches to policing drugs when other nations are seeing successes and endorsements from professionals? What is the cultural context behind this?

This thesis is a literary analysis that presents a cultural comparison of the UK and Portugal to establish cultural explanations as to why the UK is reluctant in adopting consequentialist drug approaches when compared to other nations. This writer concludes that the UK is an embodiment of Young's *Exclusive Society* and Garland's *Culture of Control* and it is this cultural context that creates a reluctance to pursue such a consequentialist strategy as CJS policy is a reflection of a nation's culture. The importance of understanding the influences cultural context possess regarding drug policy development is highlighted. Therefore if there are any desires to change policy, cultural change is recommended for acceptance. Thus, further cultural comparisons regarding drug policy between different nations are recommended with a focus on the BRIC nations to reflect drugs' glocal attributes and the changing nature of this world.

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**Acronyms**

**APGRDPR**- All-Party Parliamentary Group Report into Drug Policy Reform.

**APLD** – Associação para um Portugal Livre de Drogas (Association for a Drug-Free Portugal).

**BRIC** – Brazil, Russia, India and China.

**CDTs**- Comissões para a Dissuasão da Toxicoddependência (Commissions for the Dissuasion of Drug Addiction).

**CJS**- Criminal Justice System.

**DIP**- Drug Intervention Programme.

**EMCDDA**- European Monitoring Centre for Drugs and Drug Addiction

**HASC**- Home Affairs Select Committee.

**PDU**- Problematic Drug User.

**PIDE**- Polícia Internacional e de Defesa do Estado (International State Defence Police).

## **Chapter One: Introduction**

In this thesis *drugs* are defined as the illicit materials controlled by the Misuse of Drugs Act 1971 (Bean, 2008). Policing drugs is complex as it involves crime, health, society, economics and politics (HM Government, 2010). It has the potential to be more of a problem as, during austerity, communities are more at risk of involvements in drugs (EMCDDA, 2010). Importantly, many nations are involved; it is a glocal issue- a local issue with global connections and implications (Bowling and Sheptycki, 2012). Therefore, any nation's drug policy will be important due to the related issues individuals, communities and nations experience (UKDPC, 2012). This is why drug policing continues to be an important criminological issue (Hammersley, 2008). It is due to this glocal attribute this thesis presents a cultural comparison between the UK and Portugal, the methodological issues and justifications surrounding this are explored in Chapter Two.

The policing of drugs is a contemporary issue; policy is forever debated (ibid). For instance, there have been recent calls for a Royal Commission into UK drugs policy to investigate whether Portugal's approach of decriminalisation could be mirrored (APGDPR, 2013; HASC, 2012). This was widely reported and high-ranking politicians commented, with Deputy Prime Minister Nick Clegg accepting such calls and others, including Prime Minister David Cameron, rebuking them; arguing current approaches as successful (BBC, 2013a).

This highlights another aspect; there are many views regarding best practice (Bean, 2008). Chapter 3 will explore current UK approaches and debates surrounding policing drugs. This will include the prohibitive *war on drugs* mentality (ibid); the drug-crime link; calls for legalisation and commercialisation; and consequentialist, harm-reductive aspects. *Consequentialism* justifies policy by focusing on the repercussions with the utilitarian goal of positives outweighing the negative results (Cavadino and Dignan, 2007) such as treatment to rehabilitate PDUs in the drug policing context.

Chapter 4 will explore decriminalisation with a brief case study of Portugal's strategy and debates regarding effectiveness. It will be shown how two polar arguments- Portugal's approach as a success and as a failure- can be observed from the same data and how this can discredit professional opinion.

With such approaches evident in Portugal, and British approaches possessing elements of consequentialism as harm-reductive aims to rehabilitate PDUs - why is prohibition the dominant paradigm when research argues it exacerbates issues (Bean, 2008)? Chapter 5 will present how and why prohibition was established as the norm. The beginnings of the *war on drugs* and the growth of morality and populism within law and order will be scrutinised to provide explanation.

Importantly, it must be understood why and how certain approaches are adopted in some nations when rejected in others (May, 2011). Why is Portugal's approach rejected by UK politicians to the point where a Royal Commission is not even instigated? It will be debated this is the result of the UK being an *Exclusive Society* and *Culture of Control*- where politicians advertise state power and reassure the public's insecurity towards the new diverse, unstable world by pursuing morally expressive, populist CJS policies. (Garland, 2001; Young, 1999). Whereas, in other nations, such a culture does not exist; allowing more consequentialist movements away from prohibition, as with Portugal (Hughes and Stevens, 2010). This cultural context must be acknowledged when investigating drug policy development (ibid). Incidentally, with current drug policy outlined for both nations, along with contemporary debates and how prohibition became dominant, Chapter Six and Seven will then present a cultural comparison to establish this cultural context and interactions regarding late-modernity. Importantly, a cultural comparison between the UK and Portugal regarding drug policy development has not been executed before. This, along with Portugal's approach being underreported in English language academia (ibid), presents this as an area requiring investigation.

With cultural context considered, Chapter Eight will conclude this thesis by arguing the UK is reluctant to adopt consequentialist approaches to policing drugs because late-modern developments

changed UK society from one of stability and optimism to that of Young's and Garland's *Exclusive Society* and *Culture of Control*. This cultural context allows prohibitive, populist drug policies, with PDUs as a dangerous underclass requiring control, that furthers the insecure sentiment it attempts to address with less retributive policies perceived as weak on crime and therefore not politically viable (Garland, 2001; Simon, 2007). Rather than one of humane consequentialism; experienced in Portugal, where this writer will argue the culture changed due to late-modern influences from repression to one of cohesiveness and optimism (Hatton, 2011). Importantly, it will be concluded that late-modern developments do not determine retributive policies- it is the interaction of these developments that influence policy. Categorically, cultural context will be confirmed as an important influence on drug policy direction with policy serving as a reflection of the nation's cultural paradigm and evolution, as expected within a democracy (Garland, 2001), through a reinterpretation of Churchill's famous quote regarding law and order. Recommendations will be made advocating education to influence cultural change, if desires to change policy surface, whilst outlining such change can occur overtime without intervention (Barton, 2011). Finally, further cross-cultural research will be championed with recommendations to focus on the BRIC nations to reflect the changing nature of this world and drugs' glocal attributes.

Having structured this thesis, methodological justifications and issues will now be presented in Chapter Two.

## **Chapter Two: Methodology**

This thesis is a literary analysis with a cross-cultural comparison between the UK and Portugal. The understanding from this comparison will provide cultural context that will address why the UK is reluctant to adopt consequentialist drug policy. This method was undertaken because cultural comparisons between nations are required in order to contextualise and understand how different approaches developed and whether there are practical aspects in adopting different approaches (Pakes, 2010). In this increasingly globalised world such comparisons are important as nations are more interconnected with transnational and international influences (ibid). Importantly, as mentioned, drugs policing is a glocal issue (Bowling and Sheptycki, 2012). Consequently, it is pragmatic to analyse and compare nations rather than pursuing ethnocentric avenues of only domestic focuses (May, 2011).

This will be a ‘focused comparison’ (Pakes, 2010: 17), a comparison between two case studies; the socio-cultural history of the UK and Portugal. The justification for selecting these nations is because Portugal’s decriminalisation approach is a ‘prototypical case’ (ibid: 16), a leader of a new approach that may influence future policy in other nations. Whilst the UK is a ‘representative case’ (ibid: 16) - it is a typical example of a prohibitively dominant drug policing strategy. However, this is a ‘most-different’ (Pakes, 2010: 17) comparison, where a nation is alien to the researcher. This writer must be aware of ‘endogenous and exogenous factors’ (May, 2011: 252), cultural specific factors and factors which are not unique such as late-modern developments. How these factors interact and create consequences, this ‘mediation’ (ibid) must be analysed to address this thesis’ question. However, there are issues regarding cultural literacy (Pakes, 2010). This writer has no knowledge of Portuguese culture or language; this could lead to misinterpretations of cultural narratives and influences (ibid). Further issues regarding access and language will be highlighted later.

Rose states: ‘the first task of comparison is to observe the extent to which countries differ or are similar. The second task is to ask why. Under what circumstances do differences occur?’ (1991 cited in May, 2011: 251). This highlights this writer’s justification for a cross-cultural comparison. Comparative research assists in explaining the complex relationships between culture and policy (May, 2011). This qualitative approach is important as the central aim for this thesis is understanding the cultural context behind drug policy decision and development. Arguably, a school of thought regarding comparative research is the pursuit of general theories that can be identified and transferred cross-culturally (ibid). However, the goal of understanding is clear with this thesis. Positivist, grand theories attempting to determine and objectively measure social worlds are argued as inappropriate due to the idiosyncratic nature of this human experience (Shipman, 1997). The aim of social science is to understand and recommend (ibid). This writer subscribes to this. Through understanding why the UK is reluctant to adopt consequentialist drug policies it can be ascertained what is required for successful implementation if such policies were desired, such as cultural change through education. Importantly, cultural context must be acknowledged when investigating drug policy development (Hughes and Stevens, 2010). Possessing this focus will provide further knowledge into how cultural aspects influences drug policy development, an aspect this writer found as underreported in Criminology.

This research will be based on secondary data because of the research aim characteristics. For instance, qualitative insight collected through interviews, and other primary research methods, would result in small numbers of specific views (ibid). Views from small numbers of respondents would be difficult to use to represent and compare an entire cultural-history to another without secondary data (ibid). Therefore, wider approaches based on secondary data analysis are required with comparative studies.

Importantly, carrying out primary research in Portugal, although desirable along with secondary literature, would be impossible from this writer’s position regarding funding and time, due to logistical issues associated with access through arranging overseas contact (ibid). Furthermore, this writer has no knowledge of the Portuguese language, furthering issues regarding access and funding

for interpretation services (Pakes, 2010). If this was not an issue, cultural commentators and high-ranking politicians from both nations would be interviewed to gain qualitative insight that would be used alongside the literary analysis. Pragmatic, snowball sampling would have been utilised thereby allowing interviews with relevant, knowledgeable individuals (May, 2011). Rather than pursuing stratified or random sampling associated with quantitative research in an effort to achieve a representative sample, an aspect not required with this qualitative approach (Bryman, 2012). The interview technique would have been unstructured to allow unfettered development of interviewees' insight. This would allow the respondent to freely express their views, such freedom may reveal further information and cultural context and build rapport; leading to further insight, instead of performing a structured interview that may limit natural responses (May, 2011). Confidentiality would have been assured, though issues could persist as respondents' may still not wish to divulge regarding certain issues (ibid). Further issues would be interviewees' biases or agendas, nothing is objective with social science; this would have to be acknowledged, including with secondary sources (Bryman, 2012).

Due to aspects restricting primary research, this thesis is based on solely secondary data. Secondary data sources are defined as: 'sources of information that have been subject to interpretation by others, usually in the form of publications' (Walliman, 2011: 177). An advantage of secondary data is that it is simple to utilise when compared to primary research regarding time and resources as large amounts of credible research can be quickly accessed (Walliman, 2011). Importantly, the research would have been scrutinised to ensure credibility before publication (May, 2011). Crucially, it is the responsibility of this writer that credible sources are utilised (ibid). Therefore, journals, books, reports, documentaries, official internet sources and news websites are referenced in this thesis providing background and context to current drug policy, debates and culture. However, there are issues regarding access with secondary sources (Walliman, 2011). The most important issue lies in the previously mentioned fact that this is a 'most-different' (Pakes, 2010: 17) comparison. Language barriers could result in an inadvertent selectivity bias where native language academia is excluded; leading to rich, local insight being excluded (May, 2011). Due to these access issues little related academia regarding Portugal was found. The majority of sources utilised to highlight Portugal's socio-cultural context were historical literature, of which there were few. Consequently, this author endeavoured to use cultural texts, sources that reflect the cultural context of a period such as newspapers (Walliman, 2011) yet the associated access issues prevented this. The consequential small number of academia relevant to the Portuguese component of this cultural-comparison, when compared to other chapters, is recognised as an issue caused by practical access difficulties. Nevertheless, this presents that this thesis is investigating an underreported criminological aspect.

With methodological justifications for this thesis explored, current approaches and debates with drug policy will be highlighted in Chapter Three to provide context.



### **Chapter Three: Current Drug Policing Approaches and Debates.**

Further context will be shown in this chapter by exploring current approaches and the accompanying debates involving the drug-crime link and legalisation.

In the UK, current approaches are a combination of prohibition and harm-reduction (HM Government, 2010). Prohibition aims to address drug issues by reducing demand and supply through law enforcement, with criminal penalties to deter individuals from use, thereby reducing demand, whilst reducing supply through interventions locally and globally seizing and destroying drugs- a *war on drugs* (Hammersley, 2008). The goal is to make drug use and marketing un-economical with the attached stigma preventing the majority of the population from using drugs, consequently preventing increased number of health and societal issues (ibid). The UK prohibitive approach consists of global and local law-enforcement due to drugs' global attributes (Bowling and Sheptycki, 2012). Globally, supply reduction is attempted with collaborative efforts between nations; for example, Royal Naval and US Coast Guard interventions in the Caribbean (ibid). Locally, this is attempted through police actions involving stop-searching, executing drug warrants and arresting suppliers (Bean, 2008). However, there are issues: dealers and suppliers are displaced and only small amounts of the drugs market is targeted as the majority is unknown to authorities (ibid). Importantly, prohibition can jeopardise police-community relations due to sentiments of over-policing (Crowther-Dowey, 2007). Moreover, the argument that punishment deters use thereby reducing demand is disputed due to relatively high numbers of users (Bean, 2010). It is argued prohibitive approaches are exacerbating issues, with no significant results in reducing use or supply (Hammersley, 2008). However, the strongest critique stems from the role Prohibitive approaches plays in the drug-crime debate.

There is a link between drugs and crime (ibid). Thus, it is argued drugs are a significant *cause* of crime, this is based on numerous studies highlighting high numbers of arrestees testing positive for drugs and claiming to be offending to fund their habit (Bean, 2008). However, it is not this simple due to associated teleological issues: Did use come before or after offending? What of individuals who use recreationally or are dependent that do not offend? Importantly however, the two are associated and there are three underlying themes: Psychopharmacological; offending due to the effects of taking psychoactive drugs (ibid), Economic-compulsive; offending to generate income to buy drugs, and Systemic; crime linked with marketing illicit drugs (ibid). Systemic involves many aspects including organised crime, prostitution, gang disputes, and corruption (ibid). These criminal links provide strong moral and pragmatic justification for prohibition, which is represented in mass-media and political rhetoric (ibid). However, it is argued prohibition exacerbates this criminality rather than addressing it (ibid). For instance, by criminalising drugs, unregulated markets dominated by organised crime are created (Bertram et al, 1996). This places those involved, including users, in a criminal world (ibid). Further, it creates an attractive opportunity with quick profits (ibid). These profits strengthen crime groups and allow further ventures into organised criminality (ibid). For the criminalised users, they are placed within a dangerous environment where they use unregulated drugs with no support or treatment (Bean, 2008). Also, they may be pressured into undertaking risky behaviour, such as prostitution, to fund their habit- systemic and economic-compulsive crime (ibid). Arguably, these PDUs need treatment and support, not criminal punishment (ibid). With treatment, PDUs will be rehabilitated, leading to less related crime (Bean, 2010). Therefore, it is due to this consequentialist thinking that harm-reductive approaches are carried out in the UK.

Harm-reduction is a wide-ranging concept; such approaches aim to reduce the risks associated with use through health service support and treatment (Bean, 2010). These approaches are executed currently in the UK through the CJS by DIPs- where PDUs are identified at arrest, or voluntarily refer themselves, they are then interviewed and given corresponding treatment and support programmes to reduce risks and challenge their behaviour (Home Office, 2013). With arrestees, the police have the potential to issue a conditional caution where if the user were to partake in drug rehabilitation, prosecution would not be pursued (Home Office, 2008). It is UK government thinking that through successful drug treatment and intervention PDUs would be rehabilitated- they will no longer offend as

there would be no habit to fund thus they would be no longer be part of the criminalised world (Home Office, 2013). There are of course issues with this thinking, as shown previously relating to the drug-crime link; regardless it is certainly consequentialist thinking. Successes have been shown with certain cohorts showing a decline in offending by 79% after six months (ibid). Yet, the justification is crime reduction, not a more humane approach to support a vulnerable population (Bertram et al, 1996). Moreover, prohibition still exists along with the associated issues. Importantly, not only does the criminal label for users persist with this approach, but DIPs are only available for Class A users (UKDPC, 2012). Recreational users who are arrested for possession for other drugs are still criminalised and treatment, should they require it, would not be available. Arguably, resources are being wasted on detaining and prosecuting these casual users (ibid). Furthermore, with regards to the APGDPR recommendations, such criminalisation is morally wrong due to unintended consequences of stigmatisation (2013). Therefore, it can be debated that these issues remain with the British approach. Importantly, the justification for this consequentialism can be argued as being rooted in reducing crime rather than more empathetic attempts to support a vulnerable population (Bertram et al, 1996), so why is there reluctance for further consequentialism if there are successes? This thesis aims to understand why such reluctance exists.

Further along the consequentialist perspective are calls for legalisation and commercialisation- these have been argued to solve the issues prohibition exacerbates (Mckeganey, 2011). Through regulating and selling drugs legally, systemic crime issues will be addressed as power is removed from crime groups to legitimate bodies, stigmatisation will be removed and drugs will be regulated to ensure safety (Rolles, 2009). However, this is not only a dramatic paradigmatic shift but it raises more issues (Mckeganey, 2011). Why will criminal groups suddenly cease their marketing, they could still sell illicitly (ibid)? PDUs may still offend regardless of drugs legality; there may be an increase in PDUs as drugs become more mainstream with their new found legitimacy, costing more resources (ibid). To this writer's knowledge, there is no nation with such policy. There are relevant examples, with US states Washington and Colorado recently commercialising cannabis, so consequences remain to be seen (HASC, 2012). However, there are nations with the consequentialist policy of decriminalisation, which will be analysed in Chapter Four's study of Portugal. Crucially, this highlights the issue this thesis is addressing of how such different policies are found in different nations.

Here, current UK approaches, justifications and the surrounding debates have been presented- drugs have negative consequences on society so they must be controlled with any harms minimised (HM Government, 2010). But what are the cultural reasons behind this? Why are current consequentialist approaches justified by crime reduction rather than empathy? Why is the UK reluctant to adopt further consequentialist drug approaches such as decriminalisation if results are being achieved- is this a reflection of its *Exclusive Society* and *Culture of Control* paradigms? Especially with consideration that the UK is committed to learning from other nations (ibid). The cultural context needs to be comprehended. However, to address this, an example of such consequentialist policy will be presented in Chapter Four; Portugal.

#### **Chapter Four: A Case Study of the Portuguese Approach- Decriminalisation.**

After presenting current drug policing approaches and debates previously, Portugal's approach will now be evaluated to explore the concept of decriminalisation and to provide an example of such a working policy, along with a brief commentary regarding debates surrounding its effectiveness and associated biases attached to research.

Decriminalisation aims to assess and modify criminal sanctions for drugs (Bean, 2008). Drugs remain illegal but sanctions deemed inappropriate for the offence, usually possession of small amounts for personal use, are reduced or removed with other offences, such as supply, maintaining punishment (Bean 2010). This removes the criminalisation issue of prohibition whilst not presenting issues relating to legalisation, potentially making use more mainstream and widespread, as a stigma will persist (Mckeganey, 2011). However, decriminalisation does not change the marketing issues-criminal syndicates still control drugs marketing and systemic crime issues will persist (Bean, 2008). Moreover, use may increase thereby exposing more individuals to problems and increasing profits of syndicates (Mckeganey, 2011). However, with criminal sanctions removed the moral issue of criminalising casual users or PDUs is removed, they will no longer possess a *criminal* label stigmatising them (UKDPC, 2012). Therefore resources will not be expended on detaining or prosecuting causal users and PDUs will be less persecuted and able to access treatment more freely (ibid). These resources would be free to tackle the drug markets and supplies (ibid). In this writer's opinion, this approach is strongly consequentialist due to its balanced approach through its aims to address the harms experienced by the individual through removing criminal sanctions, and the harms to wider society by maintaining control of drugs and tackling organised criminality.

In 2001 Portugal adopted a policy of decriminalisation (Hughes and Stevens, 2010). This was due to the increasing perception that criminalisation was exacerbating issues (ibid). The policy was popular and based on 'humanistic and pragmatic principles' (Loo et al, 2002: 55); its goal was not a drug-free society but one benefitting all (ibid). The security of all individuals is paramount, not only to the public, but to users- hence this approach (Hughes and Stevens, 2010). With Portugal's policy, when found with small amounts of drugs for personal use, the substance is seized and individuals are referred to an interview with a CDT who decides whether the individual is a PDU (ibid). If so, treatment is offered, if not, civil sanctions are issued such as fines (ibid). The key is early intervention to prevent casual users and treatment for PDUs whilst removing the criminal label and relieving the burden on the CJS (ibid). Critically, prohibitive tactics involving reducing supply are still executed (Cunha, 2005).

Portugal's approach can be argued as successful. For instance, in 2000-2005 estimated numbers of PDUs reduced from 7.6 to 6.8 per 1,000 population aged 15-64 years, although arguably not statistically significant, when compared regionally neighbouring nations experienced increases (Hughes and Stevens, 2010). Crucially, there was no significant increase in use (ibid). Here, it could be argued fears of decriminalisation increasing use and strengthening organised crime were not manifested (ibid). Moreover, there were large reductions of mortality regarding drug related diseases (ibid). In 2000 and 2008, the number of HIV cases reduced amongst PDUs from 907 to 267 and AIDS cases reduced from 506 to 108 (ibid). With this, Portugal's approach can be presented as successful in addressing PDUs and reducing the burden on the CJS (ibid). With the drug-crime link, this could arguably lead to less offending (ibid). Such evidence has led Portugal's approach being described as successful (Greenwad, 2009)

Vitaly, it needs to be acknowledged this is one argument. There must be awareness regarding researchers' agendas (Shipman, 1997), as mentioned in Chapter Two. This holds truth with drug policy commentaries due to the differing views and paradigms jostling for domination (Mckeganey, 2011). This is evidenced with Portugal's approach. As well as being argued a success, it has also been considered a failure (Pinto, 2010). Hughes and Stevens argue both Pinto's and Greenwald's arguments are biased (2012). Greenwald was funded and published by a US libertarian think-tank, the

Cato institute, so it is expected to support a libertarian, consequentialist approach (Hughes and Stevens, 2012). With Pinto, the research was funded and published by the APLD, so arguments of failure are expected (ibid). It can be concluded these organisations' agendas are furthered by their findings (ibid). Hughes and Stevens highlight both studies selectively used statistics, Greenwald showed HIV rates and users decreasing and Pinto showed these rates increasing through this selectivity bias (2012). This presents a danger to evidence based drug policy as any argument can be proved, prompting such professional advice to be ignored in favour of expressive, vote-winning policy (ibid). Consequently this could provide some explanation to the UK's reluctance- this will be highlighted in the comparison chapters.

Here, the Portuguese approach of decriminalisation has been briefly outlined and evaluated. Importantly, the issue is not whether it is successful or unsuccessful- there are debates with all policy (Bean, 2008). Further, this writer is not advocating transplanting this approach to the UK based on its successes. These successes can only be considered as evident in Portugal (Hughes and Stevens, 2010). The issue is *why* this consequentialist policy was able to be adopted; the reviewed literature does not address this. As mentioned, the APGRPR (2013) and a HASC (2012) argued for official consideration of Portugal's approach yet this was rejected (BBC, 2013a). Why? What are the cultural reasons behind this reluctance towards consequentialism? To provide context for this cultural exploration, how and why prohibition became dominant in the UK needs to be comprehended, which will be explored next.

### **Chapter Five: Morality and Fear- How did Prohibition become dominant?**

With Portugal's approach of decriminalisation outlined, it needs to be briefly explored how prohibition became the dominant paradigm in order to understand why the UK is reluctant to adopt such consequentialist policy.

The rise of drugs prohibition started in the US with echoes of moral justifications that stem from the prohibition movement regarding alcohol that began in the late 19th century which culminated in alcohol illegalisation in the US during the 1920s (Woodiwiss and Dick, 2009). This was eventually overturned later in the decade as the law was perceived as unenforceable with many flouting the drinking laws and the rise of organised crime (ibid)- justifications for calls of drug legalisation (Rolles, 2009). This international historical acknowledgement is important as there are parallels with the prohibition of drugs and it recognises drugs transnational attributes.

Early 20<sup>th</sup> century America was changing, mass immigration introduced cultural changes, liberal attitudes were surfacing, and though many states outlawed gambling and prostitution it was found the majority actually permitted and licensed these behaviours (Woodiwiss and Dick, 2009). The nation was perceived by lobbyists' as declining; alcohol was argued as corrupting the nation and its people (ibid). The immoral behaviour and inebriation accompanying alcohol was associated with the new immigrant groups, these were projected as folk devils- this xenophobia furthered the fear (Blackman, 2004). Moral panics regarding alcohol became common; consequently there were calls to reinstate morality back into America beginning with the outlawing of alcohol (Woodiwiss and Dick, 2009).

Importantly, at the time similar views were taken regarding drugs (Blackman, 2004). Opium, used widely for any medical ailments in the US and Great Britain at the time, began to be perceived differently (ibid). Use in Chinese immigrant opium dens were campaigned as corrupting the youth (Woodiwiss and Dick, 2009), again xenophobia created a fear of substance. Moral panics involving heroin overdoses with young female socialites were experienced (Blackman, 2004). With the growth of the medical profession, use became perceived as a disease and as this moral philanthropy influenced (Barton, 2011); users were perceived as sufferers and lacking responsibility (Blackman, 2004). This could be presented as the birth of the British system of dealing with drugs, where addicts would be prescribed a dose to control their habit (Berridge, 2005 in Strang and Gossop, 2005). Both World Wars furthered moral panics with reports of allied troops using drugs thereby having a detrimental impact on the war effort- hence they were controlled by the Dangerous Drug Acts (Barton, 2011). Drugs were now prohibited compared to their widespread legality in the 19<sup>th</sup> century (ibid). Yet, it was perceived as an easy issue to control with the British system due to low numbers of users (Berridge, 2005 in Strang and Gossop, 2005). However, times changed.

As with the historical parallel with alcohol's prohibition, in the US, morality was once again perceived as in decline (Woodiwiss and Dick, 2009). The post-war affluence combined with growing consumerist cultures allowed the younger generation to consume in ways their parents never had the opportunity to (Bertram et al, 1996). More individuals started to use recreational drugs (Barton, 2011). The counter-culture was rising; threatening core values and traditional authorities- there were sentiments of moral decline (Bertram et al, 1996). Moral panics in the media resurfaced surrounding drugs with users being projected as folk devils by being shown as part of the same unpatriotic groups that were against the Vietnam War (ibid). With this moral standpoint, as well as drug use, crime was rising, and with research surrounding the drug-crime link, drugs became viewed as more of a criminal issue (ibid). This change in perception created a new focus- there were public calls for tougher action (ibid). In 1971, Richard Nixon announced a war on drugs (ibid). Federal units were established to enforce drug laws and international military means were utilised (ibid). Through US influence in the UN and the cultural changes experienced throughout the western world, this approach was exported (Barton, 2011).

In the UK, these changes were mirrored (Bewley, 2005 in Strang and Gossop, 2005). The British system of prescription could no longer cope with increases in the amount of drugs, recreational use and their users (ibid). Moral panics and projection of folk devils were surfacing involving young black males corrupting British girls with cannabis (Woodiwiss and Dick, 2009). As a response, more prohibitive legislation was pursued culminating in the Misuse of Drugs Act 1971 (ibid). Drugs were perceived as an evil corrupting society which must be removed (Blackman, 2004). Sudden increases in illicit heroin imports from narco-states in the 1980s fuelled moral panics regarding a heroin epidemic, this led to tougher government action with reflections of US policy (Seddon et al, 2008) culminating in the Thatcher government adopting prohibitive strategies with military involvement as a response to these media outcries (Woodiwiss and Dick, 2009). Prohibition was dominant; drugs were an increasing evil requiring eradication from society (Blackman, 2004).

Importantly, this rise of prohibition was able to happen through cultural change (Woodiwiss and Dick, 2009). Fears of moral decline and neo-liberal approaches, along with the rise of recreational use and crime, justified this prohibitive approach to drug use as it was perceived as a threat (ibid). Crucially, it is the cultural paradigm that allowed this dominance as through prohibition politicians can be presented as a fighting a war against an evil; projecting them as righteous and reassuring their people (Garland, 2001). The late-modern developments experienced in the US and UK involving liberalisation and the associated perception of moral decline is the change of culture that allowed prohibition to take dominance (Seddon et al, 2008). The cultural context is crucial (May, 2011). This cultural change in the UK will be highlighted in the first component of the cultural comparison in Chapter Six. Through this it can begin to be understood why the UK is reluctant to adopt consequentialist drug policy.

## **Chapter Six: A Cultural Comparison- The 'United' Kingdom?**

With the rise of prohibition and its dominance scrutinised previously, the cultural context regarding late-modern developments leading to the embodiment of an *Exclusive Society* and a *Culture of Control*, arguably allowing this dominance, will be analysed in this first half of the cultural comparison to assist in establishing why the UK is reluctant to adopt consequentialist drug policy.

After the Second World War the UK was experiencing a sense of post-war optimism summarised by Harold Macmillan's words in 1957: 'most of our people have never had it so good' (BBC, 2013b). The UK was following a policy of top-down Keynesian economics and full involvement of the state and welfare (Ryan, 2003; Young, 1999). Britain at this time can be perceived as a society of cohesiveness and inclusivity (Young, 1999). This is evidenced within the CJS by the policy of penal welfarism that approached law and order with the view that deviants were individuals who were pre-determined to crime that required rehabilitation through treatment and support (Garland, 2001). This can be perceived as embodied in the previously mentioned British system of policing drugs (Berridge, 2005 in Strang and Gossop, 2005). The elites or 'Platonic Guardians' (Loader, 2006: 563), who were the academics and politicians that subscribed to this view, aimed at addressing crime through a civilised balance of liberty, order and effectiveness (ibid). Law and order was deliberately kept out of public discussion as it was deemed as too emotive (ibid). There was trust in the state and its policies from the population because it was perceived to be succeeding (Ryan, 2003). The economy was growing; there was full employment with a sense of sanguinity after the defeat of fascism (ibid). However, the growth of the mass-media and neo-liberal thinking coupled with rising crime and social issues threatened this stability.

The rise of the mass-media and television from the late 1950s resulted in emotive reporting styles in order to increase audiences (Curtis, 2007b; Gerbner et al, 2002 in Bryant and Zillman, 2002), this sensationalism lead to social issues, such as crime, being presented in expressive styles rather than factual (Reiner, 2007 in Maguire et al 2007). This highlighted crime as an everyday problem rather than a rare occurrence being dealt with successfully by the state (ibid). This resulted in feelings of insecurity within the population who felt at increased risk of victimisation as they began to believe the dangerous social world presented by the media and television- Gerbner et al's 'Cultivation processes' (2002 in Bryant and Zillman, 2002: 43).

As media power and confidence grew, investigative reporting rose to its pre-eminence; these reports revealed and uncovered failings within the elites that were allegedly dealing with crime and running the country effectively (Curtis, 2007b). Arguably, the media democratised society by unveiling fallings and highlighting unfairness within the elitist system (Garland, 2001). This resulted in not only further feelings of insecurity but anger towards these elites that were entrusted with running the country (ibid). Moreover, through its new emotive reporting styles, the media demonised and praised groups of society (Young, 1999). This led to new moral panics relating to crime such as the rise *mugging* (Ryan, 2003). Sensationalist reporting projected this as evidence the UK was entering an urban decay that was perceived in the US, this led to calls for tough action in the press (ibid). Criminals were demonised and innocents were presented as heroes, reporting styles endeavoured to fulfil the label of a criminal presenting offenders as not part of society- a member of an 'Outgroup' (Young, 1999: 20). These were excluded segments of society that were blamed and demonised; requiring control (ibid), which PDUs could be perceived as part of (Goode, 1999 in Inciardi, 1999). Society was fracturing.

Furthermore, not only did the media fuel societal divisions between the criminals and the innocent, the media divided the ordinary people and the elites (Pratt, 2007). The once trusted elites were presented as 'from another planet' (Hough, 1996:195 cited in Pratt, 2007: 13). Crime was rising due to the increasing opportunities for crime (Felson and Cohen, 1979), the increase in young males in the population and more individuals being at risk (Garland, 2000). This can be illustrated by the rates of crime per 100,000 of the population rising from 1,053 in 1950 to 5,420 in 1980 (Home Office, 2010).

This was regardless of the high levels of prosperity and the rehabilitative approaches, therefore state policies were perceived to be failing (Garland, 2001). Martinson's *nothing works* reports signified the failings of penal welfarism (1974). The media exacerbated this by presenting social issues as simple to solve, with harsher more deserving punishment (Ryan, 2003). As the elites stood by their rehabilitative ideals they were increasingly presented as out of touch with the public and permitting the decline of the nation (ibid). Consequently public anger and insecurities towards the state increased. This resulted in penal populist voices where elements of the population were disillusioned with the CJS and they were being ignored in favour of offenders (Pratt, 2007). Concurrently, trade union action, economic stagnation, and IRA militancy added to this fear (Ryan, 2003). The existing stability of optimism and collectiveness was being fractured through the growth of the mass media and rising crime and social issues- UK society was changing.

Simultaneously, the rise of neo-liberalism was driving the insecure and angry sentiment towards the state- furthering this change (Garland, 2001; Young, 1999). The younger generations were embracing the concepts of individualism and consumerism (ibid). The new affluence that was not as widely experienced with their parents' generations was warranting the new generation to participate in new individual freedoms (ibid). Individualism allowed them to freely identify themselves as whatever *they* chose and consume accordingly, sub-cultures were diversifying and legitimising themselves (ibid). This new diversity was shaking the old cohesiveness and stability and weakened traditional, conforming authority figures such as family, religion and the state (Garland, 2001). Moreover, the scepticism and distrust towards the state and its elites furthered this weakening (Young, 1999). This breakdown of informal and formal controls can be attributed to the rise of crime (Jones and Newburn, 2002), this increased insecurity and distrust towards the state (Garland, 2001). The once stable, optimistic culture was becoming unstable.

The rise of neo-liberalism thinking encouraged the decline of the rehabilitative ideal in the mid-1970s (ibid). Within Criminology, there were calls to reinstate the aspect of morality and just deserts with regards to punishment in the rising school of right realism (ibid). Leftist penal welfarism was perceived as unjust as the focus was on the offender's requirements regarding their rehabilitation at the expense of the victim, who was ignored and left feeling justice had not been carried out (ibid). Further, by accepting offenders were pre-determined to crime it was argued their culpability was removed and the aspect of morality and rational choice was ignored (Garland, 2000). It was argued a fairer, more just CJS would move away from penal welfarism and towards rational choice and just desert theory (ibid). Responsibility for crime was falling back to the individual (Young, 1999). This thinking was readily received by the populist voices in the public domain due to the failings of penal welfarism and the distrust and anger towards the elites (Pratt, 2007); this right realist movement, the *New Right*, was increasing in influence (Garland, 2001).

As a consequence UK society had fundamentally changed where there was a sense of optimism, cohesiveness and trust in the state there was now feelings of insecurity, division and anger towards the state. These feelings were seized by *New Right* opposition politicians, such as Margaret Thatcher, who presented themselves as listening to the people's fears; contrasting themselves with the current elitist, out of touch, arrogant state that was permitting the moral decline of the nation (Curtis, 2007a; James and Raine, 1998). Consequently, law and order was politicised (Loader, 2006). The *New Right* presented policies of right realism that addressed and reassured the people's feelings of insecurity and anger (Garland, 2001). They advocated retributive, expressive CJS policies with movements towards rational choice and morality (ibid). The old policies of rehabilitation attributed to the elites were ignored- CJS policy had moved from the professionals to the politicians (James and Raine, 1998). This was the 'sovereign state strategy' (Garland, 2001: 140), the goal was to reassure insecurities by showing the power of the state through controlling and managing risks (ibid). Those that were being controlled and managed were 'The Outgroup' (Young, 1999: 20). However, this fuelled the divisions in society (ibid), although, it could be presented as a new perception of cohesiveness with the collective fear and anger towards the excluded being a unifying force. Yet, these problem groups were no longer perceived as needing support and as members of society- they were now excluded, underclass groups that required controlling (Seddon et al, 2008).



Importantly, this 'politics of reaction' (Garland, 2001: 100) could be perceived as furthering feelings of insecurity which then are addressed through more populist, retributive policy- a self-fulfilling prophecy which does nothing to address the true issues surrounding deviance (Simon, 2007). Moreover, the *New Right's* neo-liberal economic policies furthered feelings of insecurity for some by moving away from the economics of full employment and Keynesian economics and towards laissez faire capitalism (Young, 1999). Flexibility of the workforce was a key policy and pursuits of rolling back the state increased unemployment resulting in widening economic inequality (ibid). Globalisation fuelled by neo-liberal policies weakened effectiveness of state interventions and advertisements of power as local problems became global (ibid). This was a contrast to the stability perceived previously. Again, *New Right* policy was perceived to encourage insecure sentiments which then provided justification for more expressive, retributive policies in attempt to reassure these feelings (Simon, 2007).

Ultimately, crime was now politicised. In order to be electable, politicians must be presented as tough on crime (Downes and Morgan, 2007 in Reiner et al, 2007). Unlike their elitist, penal welfaristic predecessors, they were open to public scrutiny (Garland, 2001). Rehabilitative policies were difficult to justify and perceived as weak, even if effective, without an element of retribution and desert attached to it (ibid). CJS policy now aims to 'denounce crime and reassure the public' (Garland, 2001:133); public opinion groups are adhered to at the expense of professionals (Garland, 2000). In this new diverse culture, many opinions can be evidenced (ibid); as shown regarding Portugal's drug strategy in Chapter 4. Therefore it is simpler for politicians to provide responses that adhere to populist views of voters than to address the variety of socio-economic conditions surrounding criminality (Garland, 2001; Young, 1999).

Regarding drug policy, the *war on drugs* seems fitting in an *Exclusive Society* and a *Culture of Control*. Drug use was increasing along with crime, strengthening calls surrounding the drug-crime link (Woodiwiss and Dick, 2009). Further, politicians could project themselves as righteous as they fight the evil of drugs (Garland, 2001), with PDUs presented as an excluded underclass requiring control and management rather than supportive inclusion (Seddon et al, 2008). This legacy can be perceived contemporarily with DIPs, a consequentialist approach, being dominated by the CJS with coercive measures to ensure conformity (Buchanan, 2010; Seddon et al, 2008). Since New Labour there were increases in funding for treatment but little else in way of change approaching drugs, it was grounded in populism and the 'tabloid press' (Buchanan, 2010: 259)- rehabilitative, consequentialist, approaches being toughened or slowed in order to be politically viable (Garland, 2001).

The UK is a clear example of Young and Garland's *Exclusive Society* and *Culture of Control*; where society is divided with an undercurrent of fear and insecurity that is addressed through expressive, retributive policies. Arguably, these policies then further insecure sentiments, providing further justification in a self-fulfilling prophecy (Simon, 2007). This offers the question: do late-modern developments determine retributive drug policies? With the UK it can be perceived this is the case. However, the Portuguese example is in contrast to this. Thus there must be other, in-depth cultural factors influencing drug policy direction. Importantly, regarding how endogenous factors react with new, exogenous factors – the mediation (May, 2011). With this, the former would be British stability and trust in the state and the latter would be late-modern developments. In this writer's opinion, the *interaction* of these factors resulted in the UK becoming an *Exclusive Society* and a *Culture of Control* and it is this cultural context of division and insecurity that results in the UK being reluctant to adopt consequential drug policies. Consequently, it can be understood why the UK is reluctant. Public fears cannot be ignored; this is a democracy (Loader, 2007 in Goold and Lazurus, 2007). Therefore, in this writer's opinion, CJS policy is a cultural reflection. This can be developed further with a reinterpretation of Churchill's quote regarding law and order: 'The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of civilisation of any country' (Lacey, 2008:1). Here, in this re-interpretation, the public's perception and attitude regarding responses to crime and criminals are a reflection of a country's *culture*. The UK's prohibitive approach reflects *Exclusive Society* and *Culture of Control* cultural paradigm, whereas

Portugal's inclusive decriminalisation is a reflection of its culture. Therefore, cultural context is important. With this understood, cultural change would be required to address this reluctance if consequentialist policy was desired. This could be achieved through state interventions, education surrounding media sensationalism and perceptions of 'The Outgroup' (Young, 1999: 20) to address public insecurities thereby providing transparency to issues. Importantly, culture can evolve overtime as perceptions change, as found with sex in society, and can be perceived with drugs regarding growing academic calls against prohibition (Barton, 2011).

To understand this further, Portugal's cultural context will be compared. Importantly, as Garland and Young have only related their literature to countries of the Anglo-sphere this would provide further understanding regarding late-modern influences in other cultures and will enlighten study relating to cultural contexts and how this is reflected in drug policy. Through understanding Portugal's cultural context compared to the UK's it can be further understood why the UK is reluctant to adopt more consequentialist drug policies.

## **Chapter Seven: A Cultural Comparison- Portugal, a Culture of Control?**

After exploring the UK cultural context in Chapter Six, where it was shown how society changed from one of optimism and cohesiveness to one of division and insecurity resulting in more expressive CJS policies, this thesis now moves to the final aspect of this cultural comparison where Portugal's cultural experience in relation to late-modern influences is scrutinised.

Unlike the UK, until the mid-1970s Portugal was not experiencing post-war optimism and trust in the state; it was a nationalistic, economically backward dictatorship (Robinson, 1979). From 1933 until 1974 the *New State* regime controlled Portugal (Birmingham, 2003). Portugal was, according to sociologist Barreto a 'shut-off nation' (cited in Hatton, 2011: 131) with authoritarianism, poor schooling, health, no welfare, high rates of infant mortality, and low life expectancy. Political opponents were suppressed through the use of the PIDE and concentration camps (Baiôa et al, 2003) and the regime aimed to control the population through the conforming aspects of 'God, Homeland, Family' (Hatton, 2011: 123). Traditional Portuguese agricultural lifestyles were encouraged with paternalism, hard work and religious devotion- with conscription enforcing armed service to the nation (ibid). Media censorship was rife along with education being deliberately limited and teachers under threat of being discredited if they were to criticise or teach outside the restrictive curriculum (Birmingham, 2003). This element of control can be presented as an embodiment of Foucault's disciplinary power where in more liberal societies at the time such elements of control were waning (Deleuze, 1990). Through this, control of a population is maintained as individuals move through disciplinary organisations such as schools, barracks, and churches (Foucault, 1995). The individual is under surveillance by authority figures as they pass through these organisations where any behaviour that does not conform with the accepted normality is challenged and conformity is praised- the 'normalising judgement' (Foucault, 1995: 177). As these conformed beliefs become normalised the individual starts to regulate their own behaviour and potentially those of others thus resulting in them being a functioning member of society the state desires (ibid). This normalisation is then transferred to non-state bodies such as the family, resulting in further surveillance and normalisation (ibid). Further, Marxist parallels can be perceived with the PIDE, for example, as part of the 'repressive state apparatus' that exists to actively repress dissident populations with violence to further the interest of the ruling classes (Althusser, 1970). Also, the conforming beliefs surrounding religion, family and nationalism and restrictive education can be perceived as a reflection of the 'ideological state apparatus' where state values are used to educate populations to ensure their conformity and submissiveness to the state (ibid). With these parallels, academia presents that Portuguese society from the 1930s to the mid-1970s can concisely be argued as repressed.

In 1974 the regime was overthrown by a non-violent military coup with much public support and after a period of transition in 1976 a socialist-inspired government was elected (ibid). After, elements of consumerism and modernisation were embraced with a focus on fundamental freedoms and rights to fight the Portuguese 'legacy of fascism' (Robinson, 1979: 242). This is clearly a variance from the British socio-cultural evolution during the same period. What will be ascertained, that the Portuguese historical literature and parallels to Foucault and Althusser do not show, is how did Portugal's endogenous cultural factor of being an isolated, authoritative society relate and interact with exogenous factors of late-modern developments? Moreover, how does this cultural context influence future drug policy direction? Is it the different context of these cultural movements along with a near-fascist legacy that has permitted a more consequential approach of policing drugs in Portugal?

As alluded to above, Portugal was isolationist (Robinson, 1979). Such insular focus prevents policy influences from other nations, as domestic approaches are perceived as the most effective regardless of actual successes (Pakes, 2010). Simply, Portugal's consequentialist drug policy could be attributed to this; as such a nationalist focus would lead to resistance from the *war on drugs* approach being exported throughout the world by the US. Further, such a mirror of US policy would be easier in the UK due to the deep cultural connections (Jones and Newburn, 2002). Portugal did not possess this. Portuguese-American relations were grounded in assurances that Portugal permitted the use of the

Azores military bases (Hatton, 2011). With this, NATO powers promised not to intervene in Portuguese domestic affairs (ibid). However, although this is important, the reasons for their consequentialist drug policy are not that simple. In-depth cultural context is required.

With reference to the rise of the consumerist and sensationalist mass-media being experienced in the UK as part of the development into late-modernity (Garland, 2001; Young, 1999), in Portugal the media was heavily censored (Hatton, 2011). Any criticism of the regime and its policy directions were un-publishable (ibid). Consequently, the criticism of the elites' rehabilitative ideal and emotive reporting that lead to penal populism (Garland, 2001; Loader, 2006; Young, 1999) were not reflected in the same way in Portugal as in the UK- censorship prevented the flow of new approaches (Figueiredo, 1975). With censorship, any issues the regime faced were being successfully dealt with; any problems that were not being solved were of no fault of the regime (Birmingham, 2003). In this writer's opinion, there was no fuel for insecurity, doubt in state power and criticism regarding the elites overtly projected in the media because of censorship. Importantly, any sense of doubt and insecurity felt from the population was towards the regime itself for its repressive nature and the fact they were not experiencing the freedoms evident in other nations (Figueiredo, 1975), not towards the state for it's perceived lack of power in dealing with rising crime and social issues. Further, the public were isolated from political excise (Kohler, 1982). Even if there were feelings of insecurity regarding crime, the repression of political opponents restricted opportunity for oppositions to present populist, expressive policies to reassure. Here it can be perceived that Portugal's censored media and repressive government prevented the feelings of insecurity and criticism towards the state and elites that was experienced in the UK. The feelings of insecurity and criticism were against the regime itself and this was not part of mainstream culture because of the controlling nature of the state apparatus (Figueiredo, 1975). Importantly, there was no political freedom that permitted opposition groups to successfully address the fears. Consequently there was no rise of expressive, retributive law and order polices to reassure these insecurities as experienced in the UK as the regime did not have any external pressure or need to adopt them.

The simultaneous rise of consumerism and individualism experienced in the UK since the 1960s was limited in Portugal due to the isolationist, repressive regime preventing flow of new developments (Hatton, 2011). These neo-liberal developments that were shaking the traditional structure of the collective society by challenging and weakening the Foucauldian conforming strength of family, religion and the state were furthering feelings of insecurity in the UK (Garland, 2001; Young, 1999). In Portugal, this change was different. First, due to repression, this counter-culture was underground (Figueiredo, 1975). However, the growth of tourism to Portugal, encouraged by the regime for much needed revenue, overcame this isolationism by indirectly exposing the youth of the country to the individualist and consumerist pursuits they were being denied (Birmingham, 2003). As this continued, increasing numbers of the population desired this change (ibid). Further, the regime's isolated, rural economic policy was failing, therefore it started a process of monitored liberalisation (ibid). Foreign investment increased with censorship and political restrictions being relaxed (ibid). This exposed more to the benefits of consumerism and individualism; but society was still controlled, the liberalisation was limited (Pitcher, 1993). Portugal's authoritarianism and isolationism allowed a controlled, limited influence of the rise of individualism and consumerism (Hatton, 2011). Therefore, the consequential breakdown of traditional structures leading to feelings of insecurity did not occur, at least not to the extent as experienced in the UK. The new cultural pursuit and change was underground with youth groups due to repression (Robinson, 1979) - not mainstream as in the UK where it could be perceived as a threat by the general population, thereby fuelling senses of insecurity. Moreover, due to censorship, the media was unable to play the important role of advertising and sensationalising these cultural changes to increase feelings of insecurity. Crucially, the people did not have the same feelings towards the changes as experienced in the UK; the people wanted these changes (Birmingham, 2003). They were perceived as movements away from the norm (ibid). With the UK the normality under threat was stable and cohesive (Young, 1999), in Portugal this normality was repression (Hatton, 2011). It could be understood that the different reactions to these changes were due to the Portuguese people's economic situation, they wanted this change as they saw it for the better so they were angry towards the state for suppressing this change (ibid). Therefore, the limited

influence of liberalisation did fuel anger towards the state but in regards to the repressive treatment-not regarding failing penal policy or declining prestige and stability as with the British experience.

The feelings of insecurity in the UK that lead to the adoption of expressive criminal justice policies and the rise of penal populism (Garland, 2001; Young, 1999) can be presented as a contrast to Portugal from the late 1970s. After the popular revolution, and with a democratically elected government, there were feelings of optimism in Portugal and a desperation to move away from its repressive past (Royo, 2004). Democratic freedom was central to its new constitution and Thatcherist economic policies were pursued along with European Community membership (ibid). The Portuguese people were proud of their new liberty (ibid). Arguably, there were no elements of insecurity and criticism towards the state, not least in the same context experienced in the UK. Without this sentiment, there is less justification for expressive law and order polices; there is no fear requiring reassurance. With this, it can be perceived that Portugal did not evolve into an *Exclusive Society* or a *Culture of Control* due to its repressive past and subsequent revolution. The controls of Portuguese society restricted the cultural changes experienced in the UK and other western cultures. This is a concise presentation of how Portugal's endogenous cultural factors of repression interacted with the exogenous factors of the move into late-modernity. It can be seen how this interaction influenced a revolution leading to a new, optimistic democratic state. Portugal did experience a cultural change but instead of inspiring populist, expressive criminal justice policies, late-modern influences inspired a revolution. This resulted in a cultural change from repressive authoritarianism to one of new found liberty. This culture of optimism and sense of freedom has influenced policies with a focus on individual freedom and regional self-government stemming from the previous experience of repressive authoritarianism (Loo et al, 2002).

Arguably, it could be debated that this resulted in an element of cohesiveness in Portuguese society after the revolution thus providing stability. Whereas, the UK was experiencing a lack of cohesiveness caused by social changes, this fuelled insecurity which was addressed through expressive law and order polices (Garland, 2001; Young, 1999). Importantly, this essayist does not deny the existence of penal populism or desire for retributive criminal justice polices in Portugal. What is being considered is that these aspects had less influence due to Portugal's cultural context. Moreover, reflections of what can be perceived as the 'European Dream' (Young, 1999: 22), where inclusion and cohesiveness are encouraged for economic success and individual failings are perceived as a fault of society rather than the individual (ibid), can be interpreted within the new democratic Portuguese government. This collectiveness lessens the chances of the rise of 'The Outgroup' (Young, 1999: 20), which PDUs could be considered as part of (Goode, 1999 in Inciardi, 1999). Instead of being demonised those who otherwise would be part of these groups are supported (Young, 1999). This is evidenced by the political thinking behind Portuguese drug policy that aims to benefit all (Loo et al, 2002). This analysis of Portugal's social-cultural history presents how cultural context can have an extreme impact on policy direction. It may well have been Portugal's endogenous factor of repressiveness that attributed to a different societal reaction to late-modern influences, which were having similar results in the Anglo-sphere. This cultural aspect explains why decriminalisation was able to be adopted in Portugal. Arguably, Portugal's Decriminalisation policy is a reflection of its focus on liberty and aversion to authoritarianism (Loo et al, 2002). It can be argued that, in the UK, such non-retributive movements are slower due its *Exclusive Society* and *Culture of Control* paradigmatic attributes. Thus, if consequentialist policy is desired, cultural change will be required.

With the Portuguese cultural context and the implications on drug policy development explored, the cultural comparison is complete. The question as to why the UK is reluctant to adopt consequentialist drug policy can be concluded in Chapter Eight.



## **Chapter Eight: Conclusion**

With the cultural comparison complete, it will now be concluded that the UK is reluctant to adopt consequentialist drug policy due to its cultural context of possessing the attributes of an *Exclusive Society* and a *Culture of Control*. The importance of cultural context and how these paradigms reflect on drug policy will be highlighted with recommendations to influence cultural change through education if consequentialist policy is desired. Further research will be recommended to widen this comprehension, possessing particular focus on rising powers to reflect the changing nature of this increasingly globalised world.

This writer has highlighted the current approaches and debates surrounding UK drug policy, presenting argued criticisms of the UK's prohibitive approach surrounding the drugs and crime link and the limitations and justifications for the UK's consequentialist aspects of harm-reduction. Portugal's approach of decriminalisation was explored with scrutiny regarding academic arguments relating to its apparent success. What was presented was the importance of understanding how and why these different policies were adopted and that this understanding stems from the nation's cultural developments. This was supported in Chapter 5 through analysing the development of prohibition's dominance and how that was entwined within cultural context. This provided sound justification for the cultural comparison as this would present understanding how a nation's culture influences its policy, which has been argued throughout as an important criminological area (Pakes, 2010).

This thesis' cultural comparison considered how British and Portuguese culture developed as a result of its endogenous culture reacting with exogenous late-modern developments. The UK was presented as an embodiment of Young and Garland's *Exclusive Society* and *Culture of Control* with retributive and populist policy advertising state power to reassure the public's insecurities (Garland, 2001; Young, 1999). Importantly, regarding drug policing, this allowed a prohibition dominated policy with PDUs perceived as a dangerous underclass class requiring control and politicians presenting themselves as fighting a war against a social evil with any consequentialism toughened and justified by crime reduction (Garland, 2001; Seddon et al, 2008). This is in contrast to Portugal where this writer argues late-modern developments resulted in the overthrowing of the repressive regime and a democratic revolution. It is argued this resulted in a culture of optimism and inclusivity with influence on policy through focuses on freedom and an aversion to its authoritarian legacy (Loo et al, 2002). Consequently, this writer presents it is this cultural context that permitted the adoption of the consequentialist drug policy of decriminalisation which, as highlighted, was not even considered for a Royal Commission. Importantly, late-modernity did not determine this reluctance, as shown with Portugal's experience of late-modern developments; it was the cultural mediations that allowed this.

Therefore, this thesis argues the UK is reluctant to adopt consequentialist drug policy because of its cultural context; it is an embodiment of an *Exclusive Society* and *Culture of Control* stemming from its cultural reactions to late-modernity. Due to this, any desire for such a non-retributive, consequentialist policy of decriminalisation would not have been politically viable, it would not have been welcomed in the press- such a policy would not address the public's fears and insecurities towards the PDUs considered as part of 'The Outgroup' (Young, 1999: 20). Penal populist voices of such a culture would argue the government as elitist (Pratt, 2007). It is simpler for governments to pursue populist policy than policy under conflicting debate from academics that may require radical socio-economic intervention (Garland, 2001; Young, 1999). Importantly, the dominant perception with British culture is that PDUs are a dangerous group requiring control, of which recreational users are part of through association, rather than support (Seddon et al, 2008). So, it can be understood, a movement away from this dominant paradigm by government would not be popular one. Whereas, with Portugal, the cultural paradigm is one of optimism and inclusiveness; Young's 'European Dream' (1999: 22), therefore its drug policy is a clear reflection of its culture; as is the UK's approach is a reflection of its culture.

This argument can be developed further with a reinterpretation of Churchill's Law and Order quote. In this writer's interpretation, public perceptions and attitudes regarding responses to criminality and criminals are a reflection of a country's *culture*. This could be considered as democracy in action; CJS policy should address and reflect a population's needs (Garland, 2001). The UK's prohibitive approach to drugs is a reflection of its *Exclusive Society* and *Culture of Control* cultural paradigms. Whereas Portugal's inclusive decriminalisation is a reflection of its focus on liberty and aversion to repressive legacy (Loo et al, 2002). Therefore, it is clear cultural context is the key focus when understanding drug policy development and this cultural context changes and evolves through the mediation of endogenous and exogenous cultural factors (May, 2011).

Crucially, if there is a desire to tackle this reluctance it is recommended that a cultural change is required because as long as electoral competition exists, populist policies will influence (Lacey, 2008). The public are involved and always will be; their fears and concerns cannot be ignored (Loader, 2007 in Goold and Lazurus, 2007). Importantly, expressive policies attempting to address these fears can create further fear, thereby justifying more expressive policy in a self-fulfilling prophecy resulting in heightened insecurity that does not address the underlying issues (Simon, 2007). Therefore, the fears that fuel expressive policy can be addressed through education providing informed debate surrounding societal issues, highlighting media sensationalism and a different perception of 'The Outgroup' (Young, 1999: 20). Alternatively, a strong-willed government could risk media backlashes and public outcries by pursuing policy changes regardless (Lacey, 2008), which could affect a cultural change from state intervention. Though this could be unlikely in this austere political climate, especially with regards to the declining influence of the nation-state (Pakes, 2010)

Importantly, changes could occur through paradigm shifts as cultures evolve overtime, as experienced with sexuality and pornography; overtime perceptions of these became more liberal with cultural change (Barton, 2011). This could be experienced with drugs as movements away from prohibition become more vocal; more progressive attitudes could become the norm (ibid). At the time of writing, there are already further consequentialist drug approaches surfacing with decriminalised 'drug-use' rooms being considered in Brighton (BBC, 2013c). Arguably, this could be part of a larger cultural evolution which would require scrutiny.

Therefore, further research is recommended. It has been concluded the UK is reluctant to adopt consequentialist approaches to policing drugs because its cultural context is not compatible- it is an embodiment of an *Exclusive Society* and a *Culture of Control*. However, this is one piece of research focusing on two nations. This writer advocates more cultural comparisons with primary research approaches to develop further qualitative understanding surrounding cultural contexts and reflections on drug policing policy. There are many other cultures with different policies requiring scrutiny; for instance, Washington and Colorado State's recent commercialisation of cannabis (HASC, 2012). Moreover, this world is continually changing with shifts in global influence, this must be reflected (Pakes, 2010). Consequently, this writer advocates that future research should possess focuses on the BRIC nations as these powers and their cultures may dominate in the future.

Drugs are a complex glocal issue (Bowling and Sheptycki, 2012) and, as concluded, culture is a key influence regarding drug policing policy. Therefore, nations must be continually scrutinised and culturally compared. With this, not only can best practice and global paradigm shifts be identified, but through understanding relationships between culture and policy, it can be grasped what cultural adaptations are required for policies to be successfully culturally transferred (Pakes, 2010).

Vitaly, in this writer's opinion, enthusiasm for cultural comparisons will further advertise the idiosyncrasies and varied social richness that exists in our world- much can be learnt and shared in relation to any aspect, not just drug policing.





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