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Critical Social Policy 2007; 27; 77
DOI: 10.1177/0261018307072208

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When two dark figures collide: Evidence and discourse on drug-related crime

Abstract
This paper explores the socio-political construction of drug-related crime; a concept that has dominated recent developments in UK drug policy. It has been assumed that the perceived overlap between known offenders and drug users is also present among the much larger groups of unknown offenders and drug users. This assumption has led to inflated claims of scale, precision and causality in political discussions of the drug–crime link. The discourse coalition approach is used to analyse how such methodologically suspect knowledge has been translated into policy since 1997. It is argued that the concept of drug-related crime has been influential because it is tactically and structurally useful to powerful groups in discursive struggle.

Key words: criminalization, policy, resistance

Introduction

Over the last decade, there has been a radical transformation in drug policy in Britain. In the early 1990s, British policies on illicit drug use were heavily influenced by the need to minimize the transmission of HIV through injecting drug use. As concern over HIV has diminished, the concept of drug-related crime has taken over as the main influence on drug policy. The Home Office won responsibility in this area from the Department of Health in 2001, and a string of coercive measures have been introduced since 1998 that are justified by their intended effect in reducing drug-related crime. In the creation of this concept, the most basic of criminological notions, the dark figure, has been ignored. Both crime and drug use are hidden. Nobody knows how many people are involved, or how frequently they participate. The dark figures of crime and drug use have collided

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SAGE PUBLICATIONS (London, Thousand Oaks, CA and New Delhi), 10.1177/0261018307072208

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and the proportion of crime that can be causally attributed to drug use has been seriously overestimated. This overestimate has been used to sell increasingly coercive drug policies.

Drug policy is not the only area of social policy to have been enlisted to the fight against crime. Several authors have noted what Blagg et al. called the 'criminalisation of the discourse of social policy' (Barton, 1999; Blagg et al., 1988: 206; Fitzpatrick, 2001; Garland, 2001), with the incorporation of agencies that were formerly concerned with individual welfare and public health into partnerships and projects that aim to reduce the crime rate. The Labour government from 1997 accelerated this process, and promised it would be based on research evidence, but its drug and crime policies have not lived up to this promise (Naughton, 2005; Tonry, 2004; Witton, 2003). It has exercised increased levels of social control through the criminal justice system in the absence of evidence that this would meet the aim of reducing crime. This article examines the creation of conceptual support for increased criminalization and coercion of drug users. First, it will demonstrate how the drug–crime link has been exaggerated. Then it will suggest an explanation of how and why this has been done. It explores the idea that some evidence finds its way into policy through discursive struggles. This involves an approach to the analysis of discourse which suggests how research evidence is used in supporting power.

The voodoo criminology of drug-related crime

The commonly used, three-word phrase 'drug-related crime' gives a useful framework to begin this discussion. We need to look at the crimes that are highlighted, the drugs that are linked to them, and the relationship that is suggested between them.

The British government and police increasingly make links between drugs and what they call 'volume' crime. These are the crimes that the police spend most of their time on: thefts from shops and cars, assaults, burglaries, robberies and minor frauds. Other common, serious crimes, which are reported less frequently to the police, such as domestic violence, sexual assaults and major frauds are not prioritized as volume crimes, and are generally not seen as having a link to drugs. And other activities, which have much closer links to the global trade in drugs, but happen far from Britain, are also excluded from the usual

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definition of drug-related crime. For example, the opium harvest of spring 2005 was supposed to be the last in Shan State in Burma (Myanmar). After this season, government and paramilitary forces were to destroy the opium farms. Mass displacement and hunger has already happened in Kokang, and two million people will lose their livelihood in Shan State (Jelsma and Kramer, 2005). Other harms that are related to the regulation of the drug trade include the extra-judicial killings of drug users, dealers and farmers in Thailand and Colombia (Pathan, 2005; Vargas, 2005), and the enslavement of rural workers to destroy marijuana crops in Brazil (Transnational Institute, 2004). These are never entered into the category of drug-related crime, which is usually taken to mean what crime has always meant to the police – the crimes that happen at street level, committed by 'deviant' members of the 'dangerous classes' (Lea, 1997).

The drugs that are referred to in discussions of drug-related crime are also those that have come to be associated with deviance. Alcohol is not one of these drugs, despite much stronger evidence of an association with a variety of serious and violent crimes (e.g. Martin et al., 2004). Nicotine is also excluded, despite the money that is made by tobacco companies from illegal activities such as selling cigarettes to children (Gilpin et al., 2004; Greenbank et al., 2005). The drugs that are usually related to crime are also those whose production and use were transformed into crimes last century. Cannabis is sometimes included, but the focus is on heroin and cocaine as the drivers of criminal behaviour.

A rough indicator of the rise of the concept of drug-related crime is given by the frequency with which it is mentioned in the British press. During the 1990s, the annual number of articles that mentioned drugs in combination with crime increased by a factor of eight. This was much quicker than the rise in mentions of crime and drug abuse individually. A concomitant loss of interest in HIV/AIDS was suggested by the halving of the number of articles mentioning it (Hunt and Stevens, 2004). The level of concern about drug-related crime has now risen to the extent that commentators from all sides of the public debate on drug use are willing to blame drugs or drug policies for crime. In debate in the House of Commons, a Conservative Member of Parliament, Nicholas Hawkins declared, 'the greatest cause of crime, as all law-abiding people know, is drugs' (Commons Hansard Debates, 2004). In reply, the Labour minister neglected the opportunity to tell her opponent that he was talking criminological

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nonsense, preferring to hail the benefits of technology and increased coercive treatment in tackling drug-related crime. While prohibitionist politicians bicker over who can be tougher on drugs, those who favour more liberal arrangements for drug distribution also emphasize the linkage of drugs to crime. A report by a leading English drug policy reform group claimed that ending the prohibition of drugs would cut crime by half (Rolles et al., 2004), although this would come from the end of criminogenic facets of prohibition, rather than from changes in drug use. In political debates, this arbitrary figure of about a half seems to have been settled on as the proportion of crime that can be attributed to drugs (or their prohibition). Where does this figure come from?

Its sources can be found in government-published studies on both sides of the Atlantic. Researchers have consistently found a strong correlation between problematic drug use and criminal offending. This has been called 'one of the most reliable results obtainable in criminology' (Welte et al., 2001: 416), but the same authors go on to note the difficulty of establishing a causal connection. This difficulty has not prevented others from making the attempt. Perhaps the most reckless in this regard were the psychologists Deitch, Koutsenok and Ruiz (2000), who claimed in their review of 'what we have learned in recent decades' about drugs and crime, that 'statistics indicate that 60% to 80% of all crime is drug related' (p. 392). In their support, they cite a US Department of Justice survey of drug use amongst American prisoners (Mumola, 1999). Psychologists may not be aware that prisons hold an unrepresentative sample of offenders (including, especially in the United States, a large proportion of people whose major offence was a violation of drug laws and therefore bound to be 'drug-related'), but they should know to be more careful in their attributions of association from bald statistics. Mumola's study reported that 70–80 per cent of his sample of prisoners reported that they had used illicit drugs at some time in their lives. This figure fell to 50 per cent for reports of drug use in the month previous to their imprisonment, and to about 17 per cent for those prisoners who claimed that their crime was committed to buy drugs. Deitch and his colleagues do not go into detail about how they come to their figure, but it seems to involve the assumption that the simple use of an illicit drug sometime in the past is enough to relate their offending to drugs.

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English Home Office research has also contributed to the exaggeration of the drug–crime link. In the 1980s, some Home Office (1985) researchers emphasized the high levels of previous convictions among notified addicts, and their colleague Joy Mott (1986) responded with a warning on the misleading consequences of using such partial sources as conviction records and the register of addicts. In that period, Pearson (1991) noted a shortage of criminological research on the drug–crime link. This gap has since been filled, but often with research that has failed to apply the caution that Mott advised. For example, a team of economists (Godfrey et al., 2002) has estimated that problem drug users in England and Wales caused between £9 billion and £16 billion of social costs through their criminal activities in the year 2000. These amounts are arrived at by estimating the costs of recent crimes reported by drug users entering treatment in the National Treatment Outcome Research Study (NTORS) (Gossop et al., 1998a), and then multiplying them by the estimated number of problem drug users. The problem with this, as was shown in the earliest US treatment outcome studies (Anglin and McGlothlin, 1984), and has recently been reconfirmed with NTORS data (Gossop et al., 2006), is that the offending of drug users tends to peak in the months preceding their entry to treatment. So extrapolating from the relatively small numbers who entered NTORS (which recruited 1,075 people at entry to treatment) to the much wider population of problem drug users (which the government estimates to be around 280,000) is likely to substantially overestimate the amount of crime that can be attributed to drug users.[1]

It was the highest figure in the economists' inflated range of estimates of the cost of drug-related crime that was repeated in the 2003 report from the Prime Minister's Strategy Unit (Strategy Unit, 2003). This report was to act as the basis for drug policy, but only entered the public domain through a combination of the use of the Freedom of Information Act and a good old-fashioned leak (Travis, 2005). It claims that 56 per cent of all crimes are 'drug-motivated', citing in support another Home Office study, the NEW-ADAM (arrestee drug abuse monitoring) programme. This has found that 65 per cent of sampled arrestees had traces of any drug in their urine, the most common drug being cannabis (the proportions testing positive were lower at 24 per cent for heroin and 15 per cent for cocaine) (Bennett et al., 2001). Ignoring debates over the representativeness of the sample, the accuracy of testing, and the specific properties of each

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drug in connection with crime (Stimson et al., 1998), the New-ADAM figures have led to the assumption that, because high proportions of people who are caught committing crimes also use drugs, then there is a causal relationship between drugs and crime.

This jump from correlation to causality ignores research that suggests that drug use, including use of heroin and crack, is not always followed by offending (Allen, 2005; Warburton et al., 2005). It is compounded by the collision of the dark figures, the unknown majorities of crime and drug use. Figures from the British Crime Survey suggest that less than 6 per cent of crimes against the person lead to identification of the offender (Barclay and Tavares, 1999). A different household survey, which asked about respondents' offending, also found that less than 6 per cent of self-reported, last-year offenders reported being arrested (Budd and Sharp, 2005). These figures again suggest the folly of using police records and information from treatment clients and arrestees to demonstrate the overall relationship between drugs and crime. Even if we accept that half of the crimes that end up with somebody being identified as the perpetrator are related to drugs, these crimes still only represent a tiny proportion of the estimated amount of all street level crime.

As Jock Young (2004) has argued, to extrapolate a fixed proportion from detected crime to all crime is an exercise in 'voodoo criminology'. Inference of this fixed proportion is especially chimeric when police practices are taken into account. Problematic drug users are highly likely to be over-represented in arrest and conviction figures, compared to the general population of offenders. According to the Social Science Citation Index, no research has been published that has tested this theoretical supposition. But plentiful evidence of the police focus on poor and visible offenders supports it. This includes Chambliss' (1973) classic study of the 'Roughnecks and Saints'. Arresting the working class Roughnecks instead of the middle class (but highly delinquent) Saints made sense for the police in their efforts to avoid what Chambliss calls strain, or the difficulties that are posed to the police when wealthy and well-connected offenders, or their parents, use their resources to resist scrutiny and punishment.

Visibility and strain lead to the differential amplification of offending by certain groups. The most commonly researched example is the over-representation of visible ethnic minorities (see Engen et al., 2002). Police impressions of young black men as being more likely to offend, combined with their relative lack of political and social

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capital with which to resist police attention, lead to their disproportionate presence in crime records, compared to their actual rate of offending (even if this is above average, as suggested by Smith, 1997). It is very likely that a similar process operates for problematic drug users. They are visible on the street, and are often known to the police. They are usually not well-connected to influential people or powerful lawyers. They are not likely to impose much organizational strain on the police. On the contrary, they can be seen as an easy way to boost arrest and detection rates.

The suggestion that they are over-represented in arrest figures is also supported by recent data from the *Offending, Crime and Justice Survey* (Budd and Sharp, 2005). Less than 2 per cent of those who reported committing a crime in the last year said they did so while under the influence of drugs or in order to get money for drugs. The largest group of respondents who were classified as 'serious and prolific offenders' from reports of their own behaviour were aged 10–17, which is below the median ages for first use reported by users of heroin and cocaine in the survey, and below the age that most problematic drug users report their first regular use of these drugs (Gossop et al., 1998b). Again, these findings suggest that figures from people who have been caught up in the criminal justice system should not be extrapolated to the much larger population of unknown offenders.

It is not claimed here that there is no link between drugs and crime. Much valuable research, including that of Burr (1987), Parker and his colleagues (Parker and Bakx, 1988; Parker and Newcombe, 1987) and the more recent journalism of Nick Davies (2003), has explored the close links between drug use and crime in the lives of many offenders, with varying conclusions on the direction or existence of causality between crime and drug use. In his reviews of such research, Seddon (2000, 2006) has emphasized that direct causality has not been established and that the links between crime and drugs are highly local, influenced by patterns of drug availability and the nature of the irregular economy. Importantly, he notes how existing discussions tend to underemphasize the role of poverty and social exclusion in mediating the drug–crime link.

This is a criticism that could not be levelled at the work of Parker, Burr and Davies. But more recent, government-sponsored research has ignored the role of social exclusion and has been used to back claims that exaggerate both the extent of the drug–crime link and the precision of our knowledge of it. One prominent example of this

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is a speech in 2001, in which Tony Blair blamed 100,000 people for half of all crime, claimed that two thirds of them were 'hard drug users' and used this to demonstrate the need for radical reform of the criminal justice system. Young (2004) has emphasized the importance, not only of exposing such misuse of evidence, but of explaining why it occurs. The remainder of this article will attempt to provide an explanation for the exaggeration of the link between drug use and crime. This explanation will rely on concepts of discourse.

Discourse and evidence

A prominent ethnographer in the drugs field has noted that Foucauldian discourse analysis 'often paralyzes political or even practical engagement' (Bourgois, 2000: 168) through its entanglement in theoretical relativism and its tendencies to criticize all attempts at the application of technical knowledge as an exercise in disciplinary power. This paper applies an approach to the use of power in discourse that offers a stronger possibility of resistance. Maarten Hajer developed this 'discourse coalition' approach in his work on the practices of urban planning and environmental protection (Hajer, 1989, 1993). Discourses operate alongside institutions and the strategies of actors in attempts to win consent for the exercise of power. Discourse plays a crucial role in the 'mobilization of bias' in which some conflicts are exploited in order to include certain interests and exclude others from hegemony. In his work on how evidence on acid rain was translated into policy, Hajer (1993) developed four concepts in his approach; 'discursive affinity', the 'discourse coalition', 'discourse structuration' and 'discourse institutionalization'. Starting from the position that problems are socially constructed through discourse, he describes discourses as systems of representation that rely on shared narratives and symbolic constructions. Discourses with common narratives and symbols can operate together through discursive affinity. Discourses are carried into power and practice through the operation of discourse coalitions, which bring together diverse groups around a common social construct. 'Discourse structuration . . . occurs when a discourse starts to dominate the way a society conceptualizes the world' (Hajer, 1993: 46). Discourse institutionalization refers to the process by which dominant conceptions of an issue solidify in rules and organizations. These four concepts can be used to examine how

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discourses are used in specific contexts, who is using them, to what ends and with what effects. The approach relies on a conflictual notion of discourse in which actors produce and use discourse as a way of gaining advantage in argumentative, political processes. It offers the possibility that close analysis of the use of discourse by certain groups with certain aims can challenge the use of inadequate discourses to support arbitrary power. It suggests that increasing the adequacy of accounts of social phenomena may help in efforts to combat illegitimate uses of knowledge, but only if knowledge producers are willing to enter into coalitions to support structuration and institutionalization of alternative discourses.

Hajer does not specify the process by which discourse structuration occurs. More specifically, he does not show how coalitions are able to use research evidence to support the discourse that they wish to institutionalize. This gap can be filled by using an evolutionary analogy for the use of evidence in policy making (Stevens, forthcoming). This analogy rejects linear ideal-types of the translation of evidence that are currently prevalent in discussions of 'evidence-based policy' (Black, 2001; Marmot, 2004). These models suggest that evidence finds its way into policy either directly or, in the 'enlightenment' model (Weiss, 1977), through a process of gradual accumulation and influence. Other accounts of evidence-based policy do acknowledge the tactical/political manoeuvrings that accompany the use of evidence (Young et al., 2002), but fail to acknowledge the role of actors outside the state in influencing what evidence will be used in dominant discourses. The use of evidence in policy can better be understood as a case of the 'survival of the ideas that fit' (Stevens, forthcoming). According to this evolutionary analogy, a variety of evidence arises from numerous sources. Those ideas that fit powerful interest groups will be used in discourse coalitions that have the power to carry them into policy. Others will fall by the wayside. So the evidence that is structured and institutionalized through discourse is likely to be only that evidence that can attract the support of powerful groups and individuals in influential discourse coalitions

Competing discourses of drugs and crime

Using the discourse coalition approach, we can examine the translation of evidence into drug policy in England. As Barton (1999)

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and Bourgois (2000) have indicated, official discourse on drug policy has been structured by two narratives. One sees drug use as a problem of crime, with the repressive responses of law enforcement and punishment as the appropriate resolution. The other sees drug use as a problem of health, with crime as a symptomatic indicator of drug dependence, and with doctors and public health officials as the actors most likely to provide a happy ending. These narratives have often been seen as being in competition, but, as Pearson (1991) has argued, they have coexisted throughout the development of drug control in Britain. They can work together because they share a discursive affinity around the idea of drug use as deviation from the norm – as criminal, pathological, or often both. As Pearson (1987, 1991) has also noted, the British approach to drug use, by dealing with drugs through medicine and morality, has minimized the political nature of drug use and the links between drug addiction and poverty. The contest for discourse structuration between health and criminal discourses should be seen as a struggle between professional status groups *within* a wider discourse that excludes alternative approaches to drug use (Blackman, 2004).

For there is another, more politically challenging narrative, which is that drug use is, of itself, largely unproblematic – not deviant, but rather an ever-present feature of human life that people will continue. This account has been comprehensively excluded from official discourse and is still kept to the margins of political and academic debate.

The main struggle is within the discourse of drug use as deviance to see whether crime or health concerns are uppermost when it comes to creating policy. The discourse coalition around health obviously involves many doctors and public health officials, but also some politicians, some members of the Advisory Council on the Misuse of Drugs (which advises ministers on drug policy), many people who have had problems with drugs and the non-governmental organizations that were set up to help them. This coalition has had considerable influence in England. For example, following the Rolleston committee's finding that addiction was a disease and not 'a mere form of vicious indulgence' (Departmental Committee on Morphine and Heroin Addiction, 1926, cited in Berridge and Edwards, 1981: 288), heroin was made available to addicts through doctors in what came to be known as the British system. Struggles between the health coalition and the crime coalition for structuration and institutionalization have informed English policy ever since. The crime

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coalition involves more politicians, law enforcement agencies, recently influential prime ministerial advisers, and sections of the media. The struggles between these coalitions have been expressed in part in the oscillations in responsibility for drug policy between the Home Office and the Department of Health and have been based in class concerns since the beginnings of drug control policy. For example, Berridge (1984) noted how prison doctors giving evidence to the Rolleston committee took a harsher line to the addicts in their care than did their colleagues who were working with middle class drug users (they recommended abrupt withdrawal instead of prescription of heroin).

With the coming of AIDS, and increased mortality from transmission of HIV between injecting drug users (and, perhaps more crucially, to their sexual partners and from them to the wider population), the Department of Health's role was consolidated, as the health coalition had a more frightening story to tell. Its position may have initially been strengthened by the effectiveness of harm reduction policies, such as needle exchanges and opiate substitution treatment, in limiting the epidemic. But with this success and the reduced mortality achieved with anti-retroviral drugs, the health consequences of problematic drug use have lost some of their discursive impact. The new epidemic of Hepatitis C (see Judd et al., 2005), which is seen as affecting only the injectors, does not have such an influence on actors outside the health coalition.

This weakening of the structuration of drug use as a health problem meant that there was an opportunity for a resurgence of the crime coalition. It is in this context that evidence that suggests a direct link between drugs and crime has found a ready audience. This audience is willing to ignore methodological caveats and present drugs as the major cause of crime. The crime coalition has been dominant in England since the late 1990s, and has institutionalized its discourse in the introduction of several coercive measures. These include mandatory drug testing in prisons, the drug treatment and testing order (since replaced by the drug rehabilitation requirement), drug testing on charge, the drug abstinence order, the drug abstinence requirement, restrictions on bail for those who test positive for heroin or cocaine, the drug interventions programme (formerly known as the criminal justice interventions programme) and several hastily legislated provisions of the Drugs Act 2005, which are being implemented through the 'Tough Choices' project. Lead responsibility for drug

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policy was given back to the Home Office in 2001. The Chief Executive of the National Treatment Agency for Substance Misuse, which is part of the National Health Service and manages drug treatment nationally, is a former probation officer (not a health professional) who has jocularly threatened drug treatment staff with redundancy if they do not want to work on criminal justice programmes (Hayes, 2005).

This threat provides an extreme example of one other reason for the institutionalization of the discourse of drug-related crime. Drug treatment agencies and others who advocate the provision of their services have tended to support the health coalition in drug policy. However, recent policy has emphasized expenditure on drug treatment as an investment in crime reduction. The findings from NTORS (Godfrey et al., 2004; Gossop et al., 1998a) of the apparent cost–benefit of drug treatment in reducing crime have been used repeatedly in justifying the rapid expansion of drug services. This has reduced the willingness of the drug treatment sector to argue that drug use is not the cause of most crime. It has concentrated on using the welcome downpour of funding for the benefit of its clients. Central government spending on drug treatment is planned to rise by 337 per cent, from £142 million in 2001/2 to £478.4 million in 2007/8 (National Treatment Agency, 2006). The majority of this money is being channelled through programmes that are explicitly targeted at drug-related offenders. Increased funding has been justified by concerns over drug-related crime. It has played a role in strengthening the structuration of drug policy discourse around crime concerns, as health agencies have also been able to gain from its institutionalization.

An alternative discourse coalition is, however, emerging. This involves members of drug user organizations, such as The Alliance, campaigning and advocacy agencies such as Release and Transform, as well as drug treatment organizations and professionals who wish to emphasize the human rights of their clients. They meet in networks such as the UK Harm Reduction Alliance. The discourse around which this coalition is forming is nowhere near structuration, but it is used in defending what remains of the previously institutionalized discourse (i.e. that problematic drug use should be treated as a health problem), and in seeking to reinvigorate it with a concern for the right of drug users to make informed decisions about their own consumption (e.g. Hunt, 2004).

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Drug politics

These discourse coalitions do not operate independently of other fields of power. The evolutionary analogy introduced above suggests that evidence is most likely to inform the discourse of powerful coalitions if it is of use in advancing the tactical and structural interests of powerful groups. Illicit drug use and crime both pose similar threats to these interests. They are seen as threatening wealth accumulation by undermining the work ethic and by diverting consumption from the officially sanctioned market. They both threaten the legitimacy of those who enjoy power by making visible their failure to guarantee safety and security to all.

If problematic drug use and crime both present similar threats to the interests of powerful groups, they also offer similar opportunities. As Christie (2000) has noted, the material interests of the powerful can be enhanced if the general public can be persuaded that public money should be spent on the expansion of security agencies to control drug-related crime. This money can be used to recruit employees who will support powerful groups. Private corporations (such as those in the blossoming drug testing business) can channel the money that the taxpayer spends on drugs and crime into the pockets of managers and shareholders, and back from there into the campaign funds of lobby groups and politicians. Drug users are sufficiently frightening to justify these expenditures when presented in the figure of the addicted, persistent offender. This figure also presents another opportunity to enhance the structural position of powerful groups. He (the male of the species being seen as more likely to cause harm to others) can be identified as the reason why all the good intentions of politicians and their allies cannot deliver crime-free communities. It is he who bears the blame for the high levels of crime in neglected areas. This rules out questions on the role of the powerful in driving the economic transformations that have concentrated crime in socially excluded communities (Taylor, 1999).

Similarly, the exclusion of the non-deviant discourse on drug use can partly be explained by its irrelevance to the hegemonic project of winning consent for the creation of social inequality. The deviance of drugs has a number of uses in this project. It turns drug users into useful scapegoats, who can be blamed for social ills. Identifying a deviant group can justify the creation of repressive measures, which

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can then be applied to wider groups, as has been done with stop-and-search procedures. And it plays a part in the 'othering' of the poor, who must be seen as deviant rather than unfortunate or oppressed if they are to be punished for their poverty (Wacquant, 2001). Denying the deviance of drug use and the criminality of drug users has none of these advantages, and has been resisted by powerful social groups who have an interest in maintaining current social arrangements.

This is not to imply that the misuse of evidence on drugs and crime is simply a function of inequality, or a conspiracy of the rich. We must look, not to the needs of systems, but to the choices of the people who live in them (Giddens, 1979). It is not inevitable that drug-related crime is used to shore up inequality, and there is no elite inner cabal that has decided to do so. The evolutionary analogy described above offers a model of how people actively use evidence to support inequality without explicit coordination. A new knowledge claim (that a large proportion of crime is directly related to drug use) has arisen from technical developments, such as methods to test for drug use and the widespread use of social surveys with offenders. The coincidence of these innovations with threats to hegemony that arise from increasing inequality and insecurity, and with existing discourses around crime and illicit drugs, mean that evidence relating drugs to crime is more likely to be picked up by groups who have the power to translate it into policy than is evidence that disputes this link.

New Labour's bifurcation on drugs

It is perhaps surprising that the structuration of the crime discourse on drugs has coincided with a Labour government. Given this government's well-publicized commitment to combating social exclusion and ending child poverty, one might have expected it to support the health coalition, to take a more liberal approach to drug use and to reinforce welfare policies that reduce the problems associated with drug use. There has been evidence of such tendencies in the increased spending on drug treatment, the reclassification of cannabis and policies that have at least arrested the growth of inequality. But the emphasis in drug policy has been strongly in favour of an increased role for the criminal justice system.

The apparent contradiction in Labour's approach to drug use can be seen as an exercise in bifurcation (Cohen, 1985) by a government that

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has seen social control as a necessary condition of social justice. Drug users who harm only themselves can be dealt with more softly, through treatment and lowered penalties for possession, but dealers and users who refuse to be treated will face increased coercion. The discourse of drug-related crime helps to justify this separation of the harmless wheat from the predatory chaff, and fits with tactical and structural explanations of the failure of Labour to live up to social democratic ideals.

Tactically, opponents of left-of-spectrum parties use law and order as a weapon to diminish their credibility amongst their natural supporters, i.e. members of the working class, who are the most vulnerable to criminal victimization (see Estrada, 2004). To defend New Labour's credibility on this issue, Tony Blair famously promised to be tough on crime and its causes. Social exclusion was included as one of these causes, but in a form that emphasized the personal failings of the excluded, including their drug use, rather than the structural causes, including the increasing inequality and limited social mobility that have come with the restructuring of the British economy (Byrne, 1999; Young, 2003). This need to present a strong image may have led to crackdowns on drugs and crime even if crime had not fallen. But falling crime rates have encouraged the idea that a recalcitrant hard core of offenders can be blamed for the crime that persists. By narrowing attention on to the two thirds drug-addicted, 100,000 persistent offenders who are supposed to commit half of all crime, the government can demonstrate its willingness to tread on the few if it means protecting the many. It can also pretend that a solution to the high levels of crime that continue to affect socially excluded areas is within its grasp.

As they impose the structural changes of late modernity, powerful groups have supported retrenchment of welfare states and expansion of penal responses to a wide range of social problems (Bauman, 2000). As Tony Fitzpatrick (2001: 220) has written,

> The contemporary state consists of a series of punitive responses to the chaos it has facilitated . . . No longer able to meet *basic needs* it can address basic *fears* – often by operating as the simultaneous origin and resolution of these fears. (emphasis in original)

Drug-related crime is just such a fear. The British state has been a willing sponsor of currently dominant criminologies, which have

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provided the concept of drug-related crime. These approaches to crime tend to separate it from the social context in which it occurs, to deny the role of inequality in generating and concentrating crime, and to place the blame squarely on the individual for any offences he or she commits (Garland, 2001). The alternative criminological vision of the link between drugs and crime involves attributing this link to underlying social factors, including inequality and deprivation, which produce both problematic drug use and crime (Baron, 1999; Buchanan and Young, 2000; Edmunds et al., 1998; McBride and McCoy, 1993). Problematic drug use and crime can both be seen as 'afflictions of inequality' (Wilkinson, 1996). Emphasizing a causal relationship between drugs and crime over the links of both to inequality suits the interests of powerful groups within and around the British state. And it has employed criminologists and other researchers who have produced evidence that fits with these interests. As predicted by the evolutionary analogy described above, this evidence has been carried into policy by the groups and individuals who have the power to do so.

Conclusion

This paper has attempted to show that current political discussions on drug policy in England are overly influenced by causal claims on drug-related crime that are exaggerated in their scale and precision. The dark figures, the unknown majorities of crime and drug use, have been merged by assuming that the overlap that is perceived between known offenders and drug users persists for the much larger populations of unarrested offenders and anonymous drug users. This overlap has not been demonstrated, and evidence exists from national household surveys that casts doubt on the claims that have been made for the scale of drug-related crime.

Maarten Hajer's discourse coalition approach, which fuses the interpretation of discourse with an awareness of both political tactics and structural conflicts, can help to explain the use of evidence on drugs and crime. The ways in which this evidence is used could be seen as irrational if the focus were on methodology, but are instrumentally rational for the powerful groups who have an interest in developing the discursive linkage of currently illicit drugs to crime. Powerful groups within the discourse that identifies drug use as deviant have

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made selective use of evidence to shape the development of British drug control policy. These powerful groups have formed discourse coalitions around the idea of drug use being either a medical or a criminal problem. The medical coalition has advocated public health policies, including successful attempts to limit the spread of HIV among injecting drug users. In recent years, the crime coalition has become more influential, and has institutionalized its discourse in measures that seek to extend penal control of drug users. The drug policies adopted by the British government since 1997 reveal the continuing tensions between health and crime coalitions, but the emphasis on crime is the most visible and influential. This can be seen as continuing the bifurcatory approach to drug users, through which New Labour has used 'high harm causing users' (Strategy Unit, 2003) as useful scapegoats for wider problems of crime and structural dislocation.

This increased criminalization of drug policy has been supported by government-funded research, which has collided the dark figures of crime and drug use. It is likely to have damaging effects for the people who consequently lose out on health and welfare services (see Barton, 1999; Hunt and Stevens, 2004), who fall into the widening net of coercion and who continue to be marked as criminals for their decision to consume certain substances. Parker (2004) has also noted the potential unintended consequences of the emphasis on the drug–crime link, and the way that evidence has been misused to support it. Researchers should expose the misuse of evidence and the effects of the policies that are consequently misguided. We should also develop theoretical approaches that enable resistance. And resistance is growing to the criminalization of drug policy. Recent conferences, including the UK and International Harm Reduction Conferences in London (September 2004) and Belfast (March 2005) and the International Drug Policy Reform Conference in Long Beach, California (November 2005) have seen increasing calls for a joining up of the harm reduction and legalization movements, and for coordinated action to influence the next review of international drug policy in 2008.

Organizations such as Transform, Release and the Beckley Foundation are drawing attention to the failures of existing drug policies to attain their goals. Internationally, mobilization through the International Harm Reduction Alliance, using strong research evidence, has contributed to the successful rejection of US pressure to exclude

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harm reduction and needle exchange from United Nations policy on AIDS (Trace et al., 2005). Members of the alternative, non-deviant discourse coalition are gathering around the idea that current responses to drug users increase the harms of drug use. This coalition resists the criminalization of both drug policy and drug users and should reject the collision of the dark figures of crime and drug use.

Note

1. *Monkey*, a drug user newsletter, noted the NTORS estimate that each addict commits 421 offences in a year and asked 'when do we get the time to take drugs?' (Anonymous, 2000).

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