

Drugs: History, Law, Consequences

Robert Șerbănescu

*Member, Romanian Forensic Association, Bucharest, Romania
serbanescu.robert.2013@gmail.com*

ABSTRACT: The drug phenomenon represents a various and important subject in society nowadays, due to the fact that it is the cause for many studies, criminal activities, legal regulations, international co-operations and lives affected. In this manner, a good understanding of the relationship between humans and narcotics can be formed by researching its evolution throughout history. Since ancient times, people have manifested interest in these substances, either from a philosophical approach or simply by the curiosity of experimenting their effects. The perspective towards drugs suffered many variations, from a positive one, thanks to their medical properties, to a negative one, mainly caused by the severe consequences of overdose and the continuous growth of the underground network belonging to the producers, carriers and dealers. By becoming a threat to the social order, the states had to create and apply laws to counter this rapidly evolving trend. The legal norms brought into existence by the legislative powers covered different topics such as: rules in regards to the production, selling and acquiring, alongside consumption. Domains such as Psychology and Medicine joined forces, especially in the last century, to research and present the effects of long or short term consumption of narcotics.

KEYWORDS: history, narcotics, psychology, law, consequences

The oldest known drugs

The means of production for drugs had gone under constant development proportionally with the technological evolution. If in ancient times, the consumption was done mainly in their natural state (as a raw substance), today we are witnessing various types of finished products such as pills, powders, injectable liquids, patches and processed plants.

Some of the oldest drugs are represented by the cocaine, cannabis and opium. In regards to the first one, the insertion was done by simply chewing leaves of the plant. Proof of this practice has been discovered in the tribes belonging to the Aymara Indians, in South America. They were present in the area of the Andes Mountains long before the Incas arrived (Appelboom and Verth 1991, 487-496).

Around the year 1800, Western science became more interested in the effects of cocaine on ordinary human. In this way, Sigmund Freud published in the year 1884 a study with the main focus regarding the benefits provided by the usage of this drug (Appelboom and Verth, 1991).

Paolo Mantegazza, a medic, practiced his profession in Peru, a place where he could be provided with cocaine leaves, in order to conduct his experiments. The explanation he provided was that this drug consists in a very strong tonic for the central nervous system (Buzatu 2012, 37). The ancient Egyptians had large cultures of poppy which was used for the production of opium.

In the year 400 AD, the substance known as opium entered the Chinese territories via the Arabic merchants. In the following centuries, the practice of consuming this stupeficient expanded in India as well. At the end of the Medieval Ages, the Chinese authorities were struggling with restraining this phenomenon.

The USA imposed, during the 1890s, taxes on morphine and opium, a prime step towards the regularization of the narcotic market.

When referring to cannabis, in Ancient China it was used for purposes such as medicine, preparation of the soldiers before a battle, and even as normal food (Salmandgee 2003, 98).

During Medieval times, the plant of cannabis made its way to the Western World because of the invasions from the migratory populations. Therefore, due to the intercultural clashes, this behavior was soon to become something usual in Europe.

There were several attempts in the XIX century in order to implement the use of cannabis as a medical treatment, thus transforming it into an element for the pharmaceutical industry, as an extract.

Based on the above data, we can distinguish three stages in the relationship between humans and drugs, the first one being the notion that an individual can enhance their physical and mental capacities with the usage of drugs.

The second one consists in the research done by the incipient science with the main focus of figuring out the balance between advantages and disadvantages.

The third one is represented by the banning of narcotics by the modern states through special legal rules, limiting the access to them only for justified reasons, as a result of the negative impact suffered by society from them since their discovery.

The impact of technological progress on the production and consumption of drugs

As mentioned previously, a significant factor in regards of the spreading of drug consumption is the evolution path taken by Humanity in the area of science.

Even the simplest moment when fire was discovered, served as a building block to the future spreading of the analyzed subject. As proof we can take into account the servants of various divine entities who used narcotic substances in order to establish a communication path with their gods. Because the substance was burned, the smoke provided hallucinations to the audience, thus strengthening the trust of the religious leaders. This can be categorized as a means of mass manipulation (Marr 2012, 35).

The emergence and development of chemistry made it possible for certain drugs to obtain a much easier and compact form, more practical for transportation and administration, thus the launching on the black market was possible. The substances now had the form of pills in which the active material benefited with the same consistency as a raw dose (Blume 2011, 69).

At the current date, consumers have at their disposal different forms of administering stupefacients with the end goal of obtaining prolonged effects, as an example we can observe the psychedelic injectable substances and the patches applied directly on the skin (Macovei and Găleşescu, 2006 43).

The human brain and its role in our development

The human brain, in its current form, is the result of millions of years of constant evolution, during this time the human's rank being changed from a simple prey to the most advanced form of life on the planet.

Today, our species has explored almost the entire Earth's surface, an important amount of the oceans and has learned how to survive in the harshest environments. Also, it was able to overcome natural disasters, fatal diseases (the Bubonic Plague, the Spanish Flu) and plenty of other shortcomings.

However, the brain remains one of the most mysterious aspects of the human body, even with the research methods present in our times. From what we know up until now, in a generic manner, we can state that our minds are composed of a conscious part (the rational brain), and a subconscious part (the irrational brain).

The unconscious is that segment of the mind in which the memories, feelings and experiences of the individual are stored, remaining inactive until a cause makes them resurface. The limbic brain also serves as a place where automatic functions of the organism

are handled (heartbeat, breathing, blinking), as well as the home for the conditional reflexes formed through practice (Zlate 78, 2009).

The conscious represents a rational filter by which a person understands a certain perception, for example, the way we perceive the behavior of others. In addition, the rational compartment of the brain is the space where logical operation takes place, such as inductions, deductions, analysis and synthesis (Zlate 2009).

Our rational brain develops during our growth as an individual, thus children are more susceptible to unhealthy conditionings up until the age of 18th. In other words, our active brain, when fully developed can be compared to a guardian that helps us decide how we are going to approach a situation. The paths we take during the forming of our central operation system will determine our personalities when reaching adulthood. Following this line of thinking, by the term “personality” we understand one’s temper and character.

Consequences of drug consumption

From the available data, we can deduce that the narcotic substances have similar effects as the one used for the treatment of depression, this being the diminishing of the response to external factors, the creation of a euphoric state and the reduction of anxiety. It is mentioned that, even if there are no immediate severe repercussions, this is the main reason why someone, in order to benefit from the artificial states of wellbeing, will end up in the role of an addict (Zlate 2009, 292).

Psychedelic drugs or any other which causes hallucinations bring significant changes to the proper function of the mind, the user suffering from disoriented perceptions regarding reality (example: one can think he is having a meeting with a deceased person, or a contact with divine or evil entities, or the hearing of strange voices). To be more precise, LSDs activate in a chaotic manner the dormant feeling and emotions present in the subconscious mind (Zlate 2009, 292).

There are types of drugs which can have influence on the human body itself, an example is the substance known as “marijuana”.

Depending on the dosage, the previous mentioned drug can lead from a simple state of happiness to distortions at the level of the reproductive functions (lower testosterone levels), changes in the central nervous system (personality crisis, temper changes) and permanent damage to one’s rational capacities (memory loss, inability to assimilate information) (Zlate 2009, 293). It can be observed that the analyzed substances have a wide area of manifestation, from simple memory loss to chronic disturbances.

Ethnobotanicals – the drug of the 21st century

About a decade ago, on the drug market, a new type a product had appeared, with a new composition and unknown effects, this was represented by ethnobotanicals.

As an example, in Romania, these psycho-active mixtures were not framed from a law point of view, thus they spread amongst the young citizens at a fast rate.

Ethnobotanicals are a new subject for debate and study for the legal sciences (criminal law, forensic), as well as for other social sciences (psychology and sociology).

With the goal of providing a general definition, based on the current information, we can say that ethnobotanicals consist in a mixture made from herbs with various properties (medical or toxic), present in the form of powder or extracts, and small amounts of cocaine, heroin, amphetamine and so on (Buzatu 2015, 7).

For the effect of this new type of drug, they combine the psychotropic outcome of the herbs with the various followings present in the drug used for the mixture, depending on the nature of it.

The order of the law

From the information presented, it can be easily observed that the drug phenomenon represents an important problem for every country. The institutions of a state are required to work in such a manner that prevents its citizens to suffer from the consequences brought by the narcotics trend.

From a democratic and legal point of view, the legislative, executive and judicial powers must cooperate and coordinate so that this threat is reduced and eventually stopped.

As a point of view, the current paper work will present shortly the main laws by which the Romanian administrative and legal systems operate when dealing with the drug issue.

For an initial approach, we can take into consideration the fundamental law of this country, which states that the right to possess a healthy mind and body are guaranteed and the state is obliged to take all the necessary measures in order to assure a proper public health (Romanian Constitution, Article 34). Regulations which handle the drug trafficking are present in the Criminal Code and other special laws.

Dispositions of the Code incriminate the trafficking of toxic products and substances, any operations of production, the simple possession, any action done in order to set these products into circulation, the activity of cropping the plants related to these final narcotics and the experimentation done with them, without the right given by the law. The person found guilty for such actions can be sentenced to prison from 2 to 7 years and can also suffer from the interdiction to exercise certain rights (Romanian Criminal Code, The Special Part, Article 359).

Incriminations can be also found in the Law established for the prevention and fight against drug trafficking and consumption. In this manner, we can find in its composition regulations which prohibits international drug trafficking, having drugs for personal use, encouraging the illegal consumption of drugs, the non-legal administration of high-risk drugs and so on (Law no. 143/2000, Articles 1-10).

Alongside these rules and regulations there are campaigns done by the Government or particular entities which have the end goal to inform the population about the danger of such an abusive behavior.

Conclusions

Drugs have been present in society since we can recall our first moments in history they came into existence in several parts of the world and spread on other territories, thanks to the interaction between different populations, social manifestations such as wars, invasions, diplomatic events or exploration.

The perspective about narcotics varied throughout time, depending on the level of knowledge or the danger brought upon the fundamental social values.

Even if technological progress served as a means to increase production, preparation and administration of these substances, it also permitted us to study them more efficiently and understand their outcome.

Our mind develops during the entire lifetime, but it is most susceptible to acquiring negative habits in our youngest years. The brain is composed of a rational and irrational part both of them can be damaged by the consumption of psycho-active substances.

Due to the advancements in different research domains, new types of drugs found their way into the black market, such is the case with ethnobotanicals. The law must always be adapted and innovated to better deal with this planetary threat.

Democratic states are obliged to protect the fundamental rights and liberties of their citizens, the same being available for the right to have a healthy existence.

In the end, it depends on each and every single one of us to understand and know how and why to reject this phenomenon.

References

- Appelboom, T., and Veth K. 1991. "Consumption of coca in history." *Acad. Geneesk. Belg.* 53(5):497-505.
- Blume, W.A. 2011. *The consumption and dependence of drugs. Practical guide for evaluation and treatment.* Bucharest: Polirom Publishing House.
- Buzatu, N.E. 2012. *The illegal consumption and drug trafficking. Multidisciplinary aspects.* Bucharest: Universul Juridic Publishing House.
- Buzatu, N.E. 2015. *The consumption phenomenon of new substances with psycho-active properties ("Ethnobotanicals").* Bucharest: Universul Juridic Publishing House.
- Law no. 143 on combating drug trafficking and illegal consumption, published in the Official Gazette of Romania no. 363 on the 3rd of August 2000, republished in 2014.
- Law no. 187 on the application of Law no. 286/2009 on the Criminal Code, published in the Official Gazette of Romania no. 757 on the 12th of November 2012.
- Law no. 429 on the revision of the Romanian Constitution, published in the Official Gazette of Romania no. 669 on the 22nd of September 2003.
- Macovei, R.A., and Găleşescu E-M. 2006. *Elements of drug toxicology. Medical, psychosocial and legal aspects.* Bucharest: Focus Publishing House.
- Marr, A. 2012. *The history of the world.* Bucharest: Nemira Publishing House.
- Salmandge, Y. 2003. *The drugs.* Paris: Eyrolles Publishing House.
- Zlate, M. 1996. *Introduction in psychology.* Bucharest: „ŞANSA” SRL Publishing House.
- Zlate, M. 2009. *The fundamentals of psychology.* Bucharest: Polirom Publishing House.