

EXAMINING THE REPRESENTATION OF DRUG ADDICTS THROUGH A SOCIO-LEGAL LENS

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Abstract

For many decades we have been persuaded to believe that addiction is a blame-worthy attitude and that addicts deserve condemnation in civil society. This ethos of the drug addict created a pathos of disgust and intolerance and has made the government and public to accept the logos of repressive laws for control of drug addicts and addiction. In the light of agenda 2030, when the world aims at leaving no one behind, now it is important, more than ever, to rethink the viability of current narrative and facilitate the social inclusion of drug addicts. This paper aims at highlighting the stigmatisation of the drug addicts that takes place at the hands of the media, society, legal system and how the understanding of addiction as a psychological condition would help to reduce the stigma and pave the way for inclusion and equitable treatment for the drug addicts.

Keywords: People who use drugs (PWUDs), Substance use disorder (SUD), Stigma, Stigmatisation, marginalisation

Introduction

“Out beyond ideas of wrong doing and right doing, there is a field. I’ll meet you there”

(Rūmī, 1273)

Man being a social animal lives in a community but is driven by his own interests, desires, pleasures and pains. In order to reconcile these interests which can come in conflict with each other and maintain apparent order, the concepts of good-bad, right-wrong, acceptable-unacceptable evolved. Few could keep up well with these standards and few others couldn't cope up hence were declared bad, wrong etc. The poet through his soulful words rightly conveys that beyond this man made black and white lies a gray area where there is no judgement or any label and that we can live in solidarity and oneness with these virtues only.

Many people who face the problem of drug addiction could relate to these lines. Even in recent times, drug consumption has been considered as an immoral act hence, is looked down upon and carries stigma. Initial consumption can be for leisure however, some can develop dependence to drugs. Researchers have proved that peculiarly those who are psychologically vulnerable are more susceptible to develop dependence and may face difficulty in getting rid of it.

An ‘addict’ means a person who has dependence on any narcotic drug or psychotropic substance (Sec.2 (i), The NDPS Act, 1985). Drug addiction is considered as a brain disease. It is also known as substance use disorder (SUD), that affects a person's brain and behavior and results in an inability to control the use of legal and illegal drugs. Addiction manifests itself as an uncontrollable desire to use drugs, often while harming others. Every person who uses drugs is not likely to develop dependence. The effects of drugs can be different for different persons. Development of addiction to substances largely depends on every individual's tendency to find immediate relief from factors such as family background, childhood trauma, physical or mental abuse, low socio-economic status, academic or professional pressures, low

self-worth and so on. Research has shown that treatment can help drug addicts quit, avoid relapse and restore their lives.

The institutionalized Indian society holds a very conservative view when it comes to drug dependence. It is considered as a grave deviance and an unnatural behavior. The individuals and their family members feel shame due to this. The media from time to time has added fuel to the fire by sensationalizing drug use. Very recent dramatization of a Bollywood drug-probe case in the year 2020 has cemented the stigma. It brought a wave of moral panic in the society and painted a bizarre picture of distorted reality. The legal criminalization of this behavior further has negative impacts and prevents such persons from seeking appropriate help and care.

The Media, Society and Legal System are very closely knitted and are mirrors of each other. Media coverage can influence the formation of public opinion. Further public opinion finds its expression in laws of the country. This has created a vicious cycle of hurdles, stigmatization and marginalization of drug dependents. And there is a need to break this chain and bring reformation.

On the backdrop of increasing rates of dependence in youth, it is time to rethink the rhetoric of drug addicts and see beyond this veil of prejudice. In this paper it is contended that understanding of drug dependence as a psychological condition would help in reducing stigma around drug dependence. Inclusion is the most promising approach to deal with the issue of drug dependence and inclusion is possible only after mutual respect, acceptance and removing the label of an addict.

Ostracism of PWUDs by the Media

Media is considered to be the fourth pillar of democracy. Newspapers, news channels, print media, cinema, advertising, radio, digital media, social media platforms like Facebook, Instagram, Telegram etc. all come under the umbrella of media. All are channels of mass communication and play a role in keeping people informed, aware, connected about happenings in society and government. Media is very instrumental in shaping the attitude of the general public and public opinion.

Indian media has however been very reckless in portraying the image of the PWUDs which has led to their stigmatisation. The 2020 coverage of a so-called Bollywood drug probe is the best example of the same. News which started with covering the suicide of a leading Bollywood actor spread like a wildfire to bring many people from the cinema industry under the radar of the Narcotic Control Bureau and painted the picture of industry as a murky den of substance abuse (Producers Guild of India, 2020). Leading news media houses indulged in media trials and exaggerated news reporting, sensationalising the drug use which confused PWUDs with criminals (Mishra, 2021). This spectacle of news coverage and investigations did not lead to concrete conclusions however created a stir in the society and gained a lot of TRP for few channels. Caricature and public imagery created of the PWUDs was not arguably based on the 'factual' or 'realistic' or 'actual' position of drugs, drug users and drug crime (Taylor, 2008). Stigma relating to PWUDs was however deepened because of this dramatization.

Stigmatizing attitude is cultivated through developing a narrative around what topic is intended to grab the attention of the audience and what opinion should be generated. Research shows that narratives are framed in 3 ways to influence stigma (McGinty, Kennedy-Hendricks & Barry, 2019). Firstly, 'individual depiction' wherein the PWUDs are depicted with disgraceful characteristics or as criminals, moral failures, crackheads and so on.

Secondly, in 'causal framing', the cause of addiction is depicted as their own wrongful choice and that they deserve the suffering for the same. Lastly in the 'consequence framing', it is portrayed that drug use would end in destruction, violence or some sort of ill effects. This systematic portrayal leads people to believe that PWUDs are wretched and immoral beings.

Indian cinema writers and directors in some movies have sensibly portrayed the issue of drug use however, in many other films where drug dependence is not a central theme, the PWUDs depicted are carefree, irresponsible, hippie, violent, arrogant, hotheaded, emotionally unstable, villainous, disloyal, outcasts and so on. Public opinions regarding PWUDs thus, can be easily polluted by the media interventions. Further, research shows that this life-threatening depiction of drug use influences the drug policies and laws of the country and this approach directly conflicts with the idea of liberal drug policies (Singh, Bhatia & Sharma, 2021).

Sociological Dimensions of Exclusion of PWUDs

Man has a natural impulse of bonding from birth. People can satisfy their basic needs, grow and develop intellectually, culturally, socially, economically etc. with mutual interactions and relations. With a quest for a good life, peace, security, satisfaction, happiness and self preservation man chooses to live in closed bonds in a society. Society is an abstract concept which liberates as well as binds individuals. It operates through various behavioral standards, norms which would facilitate the fulfillment of everyone's idea of a good life and achieve the common goal of a peaceful society. Society is a set of individuals united by certain relations or modes of behavior which mark them off from others who do not enter into those relations or who differ from them in behavior (Hossain & Ali, 2014). According to Emilie Durkheim, the conscious collective of society which is reflected in the moral order, set of norms, generally acceptable value system, and ethical standards of behavior holds authority over individuals (Hamlin, 2008). Individuals while pursuing their passions and ambitions holding the societal values high, face harsh realities of social, economic inequalities and couldn't achieve their simplest goals. Disappointment crawls in, throwing them into a moral dilemma and confusion. Friction between individual desires and societal standards leads to a deviance from the conscious collective (Shaw, 2002). Merton's general theory of deviance also implies that deviation is a choice for those who experience strain from their failures as they strive for success (Shaw, 2002). This is also referred to as anomie when individual desires and expectations clash with means and ends and leave the individuals with feelings of meaninglessness and hopelessness and a sense of injustice (Thorlindsson & Bernburg, 2004). To cope with this lack of direction, disorientation, feeling of despair, failure, anxiety, stress and self-experience, individuals start resorting to substances. An escape way to normlessness is taken. These deviants are considered as weak-willed, loose-characters, crackheads, stoners and in order to express social unacceptance, are gradually marginalised and stigmatised. Goffman defines stigma as a social response to conditions that "normal" individuals, those conforming to socially approved standards of behavior or well-being, are presumed to devalue (Acker, 2012). Stigmatizing conditions spoil the social identity of an individual and cause hurdles in meaningful social interaction. Research has proved that people with substance use disorder can face discrimination in ten areas namely; employment, welfare, education, travel, housing, finance, driving, children, criminal justice, health (Newcombe, 2014). PWUDs tend to get fired from offices, expelled from educational institutions, houses are not rented to them, driving licences can be revoked, deprived from treatment, people do not make friendships.

Researchers have identified 3 levels of stigmatization which operationalize in the form of labeling, stereotyping, othering, status loss and discrimination. These levels are, micro-level

when an individual's imagery is polluted by associating with certain traits and characters, meso-level when the so-called normal population discredits PWUDs and macro-level national institutions and media indulge in negative portrayals. (Ezell, Walters, Friedman, Bolinski & Jenkins 2020).

Gaming, compulsive shopping, watching pornographic content, cigarette smoking, alcoholism, tobacco eating are some other forms of addiction. Indian society has chosen to maintain social distance from the PWUDs by harsh rejection to accept substance dependence. Other forms of addictions have received at least such a level of acceptance where concerns for health risks outweigh the disgust or stigma associated with the addicts. People from scheduled castes and tribes, patients of HIV, members of LGBTQ community are other sections of society which faced marginalisation in India. But, reformation is taking place by increasing inclusion and equitable treatment. PWUDs in comparison face larger prejudice. Rehabilitative measures taken seem scattered and unfruitful to remove social stigma.

Societal stigma has a grave impact on the minds of the PWUDs. Social rejection generates feelings of disgrace and ridicule. Labelling and isolation from mainstream society results in PWUDs losing their confidence and self-esteem (Buchanan, 2000). By self-blaming and self-discrimination they start believing the perceptions of the society about them are true and in turn stay away from social interaction further increasing use of substances.

At this point it becomes important to understand that from the viewpoint of the society, drug dependence is considered as deviant behavior and an attribute of that person which deserves disapprobation because it is against the accepted moral standards. These standards of behavior are dynamic and change with time, place, culture, geography, religion etc. Anomie perspective however, enables us to empathise with PWUDs and understand SUD as a social phenomena, an outcome of dysfunctional human relations, agony, failure and suffering. Greater embrace of this stigmatization would lead to even greater harms and steps backward in the social practices, laws, and public health methods surrounding addiction.

Response of the legal and political system

'Duty of the State to raise the level of nutrition and the standard of living and to improve public health and that State shall endeavor to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health'. (Article. 47)

In the light of the above constitutional directive, India has resorted to a prohibitive approach in dealing with the issue of drug use. American President Nixon's narrative of 'War on Drugs' disseminated quickly throughout the world including India. 'Say no to drugs' is another story told by the leading political leaders. Recently, Prime Minister of India in his Mann Ki Baat programme on radio in December 2014, termed the addiction menace as "devastating", saying the money spent by the youth on drugs could be funding terrorism. (DNA, 2017)

Dubiety is caused due to this political stance as it actually misses the essence of this struggle. Firstly, when we refer to war on drugs, then those who use drugs seem to engage with the enemy and thus the obvious response is to incarcerate them. Secondly, 'no to drugs' is also not a very viable approach as it is not an effective deterrent. It results in stigmatizing SUD and further dichotomising it from health. Stigma can prove a detriment in seeking treatment. Lastly, the argument of funding to terrorist groups leads to vicious circularity in contemporary policies. Buying drugs provides funding for organised criminal groups as they control the drug market, they control because law has criminalised possession of drugs, there

are criminal laws because using drugs is morally wrong (Holland, 2020). Moreover, research findings (Ambekar et al., 2019) represent that these political endeavours have failed to control the rising rate of addiction and illicit drug trafficking but led to propagation of stigma around the PWUDs.

The Narcotic Drugs and Psychotropic Substances Act is the chief legislation dealing with illicit drug use in India. It came into force on 14 November 1985. The Prohibitionist approach of Article 47 is manifested in this legislation. Under the NDPS Act, 1985, personal drug consumption is criminalised (Sec.27 The NDPS Act, 1985), position regarding what level of consumption would amount to addiction is not clear, addiction is not considered as a medical or psychological condition, only those who are prosecuted for offences relating to small quantity of drugs are directed to treatment, there are no specific provisions for evidence-based treatment and harm-reduction programmes, it says that Central or State Government can establish centres for treatment but no provision is made for maintaining records and effectivity.

The criminalisation of drug use and possession of drug paraphernalia creates a significant barrier in seeking harm reduction services. Prohibition also reinforces social stigma and constrains state expenditure on narcotic substance abuse treatment services. This would be an impediment in achieving Sustainable Development Goal (SDG) Target 3.5. (*Drug Policy and the Sustainable Development Goals*, 2015) SDG 16 is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. 'Leave no one behind' is the central idea of SDGs. Punitive drug laws result in marginalising the PWUDs. Hence the drug policies must be reformed to be more inclusive. Efforts must be taken to consider the developmental and health needs of this vulnerable group.

A way forward

Agenda 2030 has been unanimously adopted by the UN member states with a common aim of social inclusion. This gives us an opportunity as well as responsibility to evaluate the effectiveness of the societal stance regarding the PWUDs, role of the media and Drug Control Policies. From the above discussion we can infer that PWUDs are one community which has been misunderstood, misperceived and thus consistently marginalised. Hence there is a need to look beyond the conservative rhetoric of PWUDs, in the gray area, without any labels and stigmas and strive for their inclusion.

Social inclusion means to promote social solidarity. It is a process of taking collective action at all stratas and removing discriminatory attitudes. It aims at improving the participation of the marginalised people in the society and protecting their rights.

Drug users and even those taking treatment face judgements in the society. After the treatment is completed, constructive social interaction and community support can help to avoid a relapse. The research findings suggest that the inclusion of the PWUDs is possible only when drug use will be considered as a psychological phenomena, a mental disorder which needs treatment and not a crime which deserves incarceration.

Media must resort to ethical standards while portraying the PWUDs. This issue must be handled sensitively and with awareness. We suggest that proper guidelines must be set for the media houses like avoiding exaggeration, covering news on well established facts, inviting experts in the said field, treating this issue as a mental disorder, flashing helpline number etc. Media should be strictly restricted from conducting media-trials and character assassinations. Media portrayal should facilitate the change in social perspective.

Anomie perspective would help in understanding the sociological aspect of SUD. Social Stigma can be removed only through governmental intervention by devising social strategies to increase social, economic, cultural participation. This would also help in empowering PWUDs and increase productivity.

Further, law is a tool for social change. Legal policies have to be understood in the context of their social effectiveness. The 'war on drugs' narrative has failed and thus there is a need for reformation in punitive drug policies and laws. The NDPS Act, 1985 calls for amendments to include above discussed psychological and sociological aspects. The institutions and the politicians need to inculcate sensitivity towards the PWUDs.

Thus, understanding the problem of drug use as a psychological disorder would be helpful in changing the rhetoric in the media, legal system and society, ultimately expediting the process of inclusion, equal treatment and sustainable development.

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