

“Stoned” in the *Open Society*

Drugs and Legalization in the West at the Dawn of the Third Millennium

Abstract

Pop and corporate media are keen on presenting the question of intoxication as a battle of worldviews, in which one is perforce summoned to take sides: either with the prohibitionist disciplinarians or with the anti-prohibitionist Liberals. It is here argued that this purported clash of philosophical postures is somewhat specious. Rather, the debate on drug prohibition reflects the confused cohabitation of the escapist desires of modern dropouts (the have-nots, the disconsolate bourgeois, and the dispossessed of the Third World) and the governments' wavering tolerance for a modicum of mind numbness. Students of this topic, however, will recognize the problem for what it is: namely, that prohibition is merely a dubious palliative against the chief ill responsible for the plague of addiction, namely the desperation arising from poverty. And it is on the erasure of poverty that all moral tension and attention should be directed. In no case –this being the plea of this piece—should reformers desist from denouncing the Libertarians' call to legalize drugs as a policy that is, in a practical sense, incongruous, and from the moral standpoint, perplexing.

Introductory

The rather vocal and well-organized advocacy of drug-legalization by an articulated network of think-tanks, social science departments and political outfits in the West is proof that the goodness of the State's action against the diffusion of narcotics is not as obvious as it would seem.

Siding with the anti-prohibitionists, one might come to believe that the roots of addiction are very ancient, and that, historically, man's pursuit of intoxication appears to be a psychological drift that transcends the urge to anesthetize the collective malaises of modern, western life. In other words, there were lotus-eaters on this earth tripping in solitude long before the prosaic highs indulged by the millions living in modern-day market-societies. Drugs, they say, are a natural component of man's life—that they may be consumed in excess is no rational ground for their banishment.

Evidence however, points to factors whose nature is overwhelmingly economic, for modern-day mass addiction is a plague that plays itself out almost exclusively within the confines of the industrial slums and the shanty-towns of the globalized world. It is first and foremost an effect of poverty. And it is on poverty, on the ever challenging fight against poverty that our inquisitive and analytical sights should be set. Indeed, as we are aware, mainstream economic literature, academic or otherwise, seems endlessly replete with a welter of arguments that invite the readers to assuage their fears by leaning back on patterns of thinking, which are conservative at a first remove, and quite possibly cynical in the last analysis.

As shall be argued hereafter, the so-called Liberal creed "interprets" all such economic manifestations of human misery as the result of "rational choice." This brings individuals of the Liberal persuasion to affirm, day in day out, that a portion of humanity is in fact born to choose, say, prostitution as its natural calling. Never are these issues canvassed by Liberals by putting themselves in the proverbial shoes of the suffering ones. Modern-day analysts of the mainstream seem to be eager to prescribe policies bent on turning forms of social tribulation (viz., addiction, prostitution, or war) into efficient service industries.

In the case of drugs, the libertarians chant the same prescriptive mantra, calling first of all for decriminalization, which, in their view, should eventually be handled in a business, corporate setting. Thus, they aver, drug-related mafia wars, mass arrests and overcrowded prisons, health bills, and public funds expended in the name of prevention would all become vestiges of the past. Though, in the interim, there might be serious merits in decriminalizing certain forms of drug possession, or at least extenuating significantly the punitive measures envisaged against them, it is with the overall libertarian approach to the problem that we find fault. This piece

hence proceeds to critique the anti-prohibitionist stance by exploring in brief the nature of the controversy on drugs respectively from the philosophical, historical, economic and sociological angle. Concluding the discussion is the two fold appeal to counter the call to legalize drugs 1) for the present by endorsing prohibition, whose deterrent (and often questionable) efficacy shall become progressively unneeded as 2) hopefully renewed efforts to abolish poverty and barriers to education and employment will have scored significant successes.

A fight for modernity...

Remember you are God! (...). Remember you are basically a primate.

Timothy Leary, *Turn on, Tune in, Drop out*.

He... We furnish upliftings and illuminations, experiences of release and unshackling, of liberty, security, facility, such states of power and triumph that our man trust not his senses –incorporating, moreover, a colossal admiration of his own achievement (...)— the self-glorious shudder, yea the precious horror of himself, in which he sees to himself a mouthpiece well graced, a divine monster. And commensurably deep, venerably deep, is likewise his descent at intervals –not only into emptiness and waste and rich sorrow, but also into pain and nauseas— companions, by the by, who were always there...

Thomas Mann, *Doctor Faustus*.

In the eighth book of the *Republic*, Plato recounts the transition from the oligarchic society –a world of rival clans vying for power— to the democratic society. Amongst the oligarchs, the dynamics of power revolves round the accumulation of money. Thus prisoners are made more craftily: by means of loans and the bondage of usury the newer generations are easily emasculated. Blackmailed by money and plagued by uncertainty youths grow up fickle and impressionable. In the ideal vacuum bred by a generation of bad fathers –oligarchs and misers—, corrupting sentiments begin to pulsate. Such sentiments are animated by disquieting individuals –presumably of an age standing midway between the generation of the fathers and that of the sons—who eagerly encourage the naïve youths to abandon themselves, to indulge completely in unnecessary pleasures. Plato likens such seducers to *drones*, for they are unpugnacious and blinded by honey—they are the ones leading the unassuming younglings to the land of the lotofagi. The call of the drones is enticing, for it promises a sensuous world devoid of any heaviness of the *self*, which is the polar

opposite of the paternal one: egocentric, arid, violent and prosaic. Thus there spreads, amongst the ranks of the “democratic generation,” once it has been initiated to the “mysteries” of the drones, a spirit of dissipation, initially very strong, which gradually attenuates as years go by: with maturity the *democratic man* recovers part of the paternal austerity, “not fully surrendering himself to the supervened desires.” “Then in his life henceforth he divides his expenditure of money, trouble, and time equally between necessary and unnecessary pleasures (...). He will establish a fashion of equality between pleasure and pleasure (...). He dishonors none, and encourages all alike (...). But he will not receive or suffer within the ramparts the true reasoning of any one who asserts that some pleasures derive from the desires that are good and noble, but others from those that are evil (...). To all such remarks he shakes his head, and says that all are alike and deserving of equal honor (...). Day after day, [such an individual] gratifies the pleasures as they come—now fluting down the primrose path of wine, now given over to teetotalism and banting—one day in hard training, the next slacking and idling, and the third playing the philosopher.”¹

A work of resistance, *The Republic*. Plato wrote it after the fire of the Peloponnesian War—thirty years of genocide that put an end to classic Greece—, attempting a last, all-out effort to dam the dangerous drift of modernity. He had hoped thereby to re-consign the idea of *justice* to a community fatally dilapidated by those fratricidal massacres that shed blood on the whole of Hellas.

After twenty-three centuries, Austrian philosopher Karl Raimund Popper, incensed by so negative a portrait of the Athenian democracy, which he saw as a formidable antecedent to modern market society, will accuse Plato in *The Open Society and its Enemies* of being a totalitarian and a most pernicious conservative – guilty of having rebelled, with his project of a stratified society under the rule of a philosopher-king (a perfect example of “closed society”), against the libertarian and individualist thrust that accompanied the mercantile revolution of Pericles’s Athens.

The “open society,” according to the definition of Popper, is that type of society wherein individuals are called upon to make personal decisions; it is a realm under pressure, under “the strain created by the effort which life...continually demands from us—by the endeavor to be rational, to forgo at least some of our emotional social needs, to look after ourselves and to accept responsibilities.”² The responsibilities, one may add, to compete, emerge and eventually fail in the commercial arena of the hypostasized *market*.

A student and follower of Popper, speculator and philanthropist George Soros has been actively contributing in the past decade to diffusing the ideal of the Open

¹ Plato. *The Republic* (Translated by A. D. Lindsay). 1992. New York: Everyman’s Library.

² Karl Raimund Popper. 1962. *The Open Society and Its Enemies, Volume I: The Spell of Plato*. Princeton, NJ: Princeton University Press, p. 176.

Society –the “society of responsibilities”—through the *Open Society Institute*, which he founded.

In 1994, Soros donated 10.5 million dollars to the *Drug Policy Foundation*, the most important anti-prohibitionist lobby of the United States.

Anti-prohibition, in fact, is fully compatible with the philosophy of “the responsibilities”; well known are, in this respect, the ideas of free-marketeer Milton Friedman and of his school in Chicago: it is of no use to interfere wherever there is trade in flux, that is, a market at work, Friedman preached. The presumption that one may tamper with market mechanisms leads to nothing but squandering and distortions. Legalize therefore. Soros: “The criminalization of drugs creates criminals and a whole law enforcement apparatus (...). I am sure that if you legalize drugs, (...) the savings this would produce could be used for treatment.”³

Thus, anti-prohibitionists recommend, as their main line of advocacy, to intervene on the demand side, by way of prevention. As for supply, constituencies should lay the foundations—that is, while drug addicts are taken into rehabilitation—of a regulated market for narcotics.

The proponents of anti-prohibition have lamented that the criminal prosecution of drugs has caused critical overcrowding in American prisons: 580.900 drug-related arrests in 1980, nearly 1.9 million in 2006.⁴ And they insist upon making an alternative, and thus more productive use of those 13 billion dollars requested by the Federal government in 2007.⁵ Moreover, they assert that the production of mind-altering substances has been steadily growing, and that traffickers are now capable with the help of ever more sophisticated technology of eluding any sort of control or security check-up. Distinguished exponents, such as Mathea Falco—Assistant Secretary of State for International Narcotics Matters from 1977 to 1981 and presently head of the non-profit institution *Drug Strategies*—deplore the uselessness of all repressive action aimed at pushers and narco-mafias, and urge to devolve funds earmarked for prohibition to the Department of Health.

³ Executive Intelligence Review. 1997. *Special Report*, April, p. 13.

⁴ FBI, Crime in the United States, 2006, http://www.fbi.gov/ucr/cius2006/data/table_29.html.

⁵ The ‘methodology’ adopted by the Department of Justice to account for the funds earmarked for drug control has been recently changed. Presently, “The FY 2004 National Drug Control Budget reflects a significant restructuring from prior years. The drug budget now reflects only those expenditures aimed at reducing drug use, rather than those associated with the consequences of drug use” (U.S. Department of Justice, Bureau of Justice Statistics, USDOJ. 2008. *Drug Control Budget*. <http://www.ojp.usdoj.gov/bjs/dcf/dcb.htm>). Which is to say, that the overall figure today should be in the neighborhood of \$20 billion, since total expenditure for drug control was \$17 billion in 1999.

Legalize the dope. How?

However, complications emerge when the free-marketeers are asked how they believe legalization should be implemented. Views are discordant. The more cautious ones confine themselves to saying that 1) the types of drugs to be liberalized, 2) the institutional ways to carry out the transition, 3) the determination of the age groups permitted to purchase the commodity in question, 4) the allowed dosages, 5) the distribution venues, etc. are all matters that ought to be gauged by the electorate, and the appointed authorities (State and Federal). The only interdictions on which there seems to be unanimous agreement apply 1) to the sale of narcotics to minors, and 2) to the driving of vehicles under the influence. More boisterous propagandists, such as former Princeton professor Ethan Nadelmann, head of Drug Policy Alliance,⁶ propose to treat marijuana and alcohol alike: “grass” should thus be sold only to non-minors in appropriate stores, properly packaged and bearing a label informing the purchaser of its THC content (tetrahydrocannabinol)—the substance responsible for rendering the consumer more or less “stoned”—, as well as of its harmful effects. For cocaine, the plan is different: Nadelmann’s idea is to have a State-fashioned vending of less potent granulations of “snow”; hence, though he’d still be snuffing, so goes the reasoning, the cocaine addict would be compelled to snort “more safely.”⁷

Whose lot is it to produce the dope in a regulated market for narcotics? That of cartels such as those operating in the tobacco industry or in pharmaceuticals? Anti-prohibitionists, seemingly, show a liking for neither option. Entrusting *the business enterprise* with the sale of drugs is perilous; it would imply aggressive marketing, pricing strategies and unscrupulous publicity. The young ones, easy targets for promotional bombardment, would find themselves dangerously exposed. Some invite the government to step in the venture. But how? Were the government to undertake the initiative, the aforementioned perplexities would hardly be dissipated: how would sub-contracts for the processing of primary resources be auctioned off? What managing criteria ought to be recommended? And if the government were to limit its task to monitoring the sale of drugs (not itself selling them), and thus taxing it, what sorts of imposts would be levied? What would be the moral implications of the arrangement? The *DEA (Drug Enforcement Administration)* asks whether this means that the Federal Government would have to subsidize marijuana producers (as is the case for the tobacco industry) —a measure whose cost would inevitably be borne by taxpayers. Would it thus be necessary to hammer out

⁶ *Drug Policy Alliance* is the result of the merger between the *Lindesmith Institute*—a filiation of the *Open Society Institute*— and another think-tank, founded in 1987, the *Drug Policy Foundation*.

⁷ Nadelmann, Ethan A. “How to legalize.” Interview with Emily Yoffe. *Mother Jones* Feb./Mar. 1990: 18-19. <http://www.lindesmith.org/library/tlchowto.html>, pp. 18-19.

import-export quotas and complex tariff tabulations in the rounds of international negotiation for imported raw materials, such as coca paste for instance?⁸

Moreover, the apologists of anti-prohibition lay great emphasis on the curative, *medicinal* aspect of drugs, especially marijuana. For heroin and other opiates, there is talk of going back to the so-called “English model,” which envisages the prescription of regular doses to drug users by their appointed doctor, who thereby has the opportunity of keeping his patient under constant observation and of studying possible treatment methods. On this front, prohibitionists have hastened to remark that in England such a program, which turned out to be a failure, was terminated in the mid-sixties; another attempt was made with methadone⁹ in 1983, yet the British department of health had to capitulate for the second time, the reason being always the same: an inordinate increase of drug abusers and an uncontrollable development of the black market, which is always a favored conduit of ever more potent and lethal substances.

The campaign championing “marijuana as medicine” shows a more successful record. *Proposition 215*, the so-called *Compassionate Use Act* voted in California in 1996, does not “decriminalize” the drug, but it contemplates the prescription thereof for medical purposes under particular instances. Similar initiatives are under scrutiny in other American States, and this platform, which reveals deep and interesting ramifications within medical professional associations and their connections with the pharmaceutical industry, seems apt to be played up as their trump by anti-prohibitionist lobbies.

In synthesis, anti-prohibition wishes to wrest away from organized crime the trading of what is purported to be an insuppressible exigency of the social individual: the irrepressible desire to *escape*, by way of altering his state of consciousness. There lingers in this vision the conviction that by incorporating in the institutional outfit of the global community a nondescript system of vendition of intoxicants, contemporary industrial societies could do away with their worst crimes and aberrations: street gang warfare, drug abuse and overdose –often due to the diffusion of “dope” of the vilest quality—, the squalor of ghettos, the proliferation of immoral pop characters (the gangsta rapper, Scarface, the coke-blowing yuppie of Wall Street...), etc. The most palpable symptom of the malaise, the most revealing economic indicator of this state of affairs is indeed the *price* of drugs. Highest. Precisely because of the highest barriers to entry erected by prohibition: in 2001 marijuana sold for 70 up to 1200 dollars a pound (a pound = 0.45 Kg). Certain strains of “weed” with a high content of THC, like *sinsemilla*, could fetch as high a price as 4000 dollars a pound, and generally never less than 1300 dollars); the price for powder cocaine ranged from

⁸ U.S. Department of Justice, Drug Enforcement Administration. 1999b. “Speaking out against Drug Legalization,” Claim IV. <http://www.usdoj.gov/dea/pubs/legaliz/claim04.htm>.

⁹ “A synthetic narcotic drug that blocks the effects of heroin and may be used as a heroin substitute in the treatment of heroin addiction,” *The Random House Dictionary*.

10.500 to 36.000 dollars per kilo; South American heroin from 50.000 to 250.000 dollars per kilo.¹⁰

What the adherents to the principle of free trade do not appear to suffer is the fact that the prohibitionist mentality has allowed the Mafia—a form of unproductive, crass, and sanguinary capitalism—not only to appropriate *in toto* the dealership of a “natural” human need (that of escaping), but also that organized crime was able to achieve this, pocketing gigantic profits. The Interpol speaks of a business worth approximately 800 billion dollars a year.

However, there is reason to surmise that such a hypothetical contraposition between a rational middle class, conscientious and entrepreneurial, and vulgar Mafioso-like traffickers—a contraposition that should eventuate in the discomfiture of the latter party if the “free market option” were to prevail—is little more than a caricature of the social tensions revolving round the issue of intoxication at the dawn of this third millennium. This is evident if one considers that the other target of the dope industry, besides the proletarian, is indeed that self-same “middle-class” imbibed with the dogmas of free trade and competition—a phenomenon that earned the appellation of “embourgeoisement” of marijuana addiction.¹¹ It is somewhat hard to suppress the impression that the parties involved in the debate have not been properly introduced or adequately defined, and that their interactions seem far more complex than what anti-prohibitionists would want us to believe.

Isn't it already targeting minors?

It is only with straining difficulty that one may bring himself to think of legalizing drugs when faced with the awareness that thousands of laboratories are perennially at work—laboratories whose “cooks” synthesize LSD, MDMA (the ecstasy of rave parties) and methamphetamine, gravely polluting the environment, in order to sell them to clans of traffickers (a congeries of gangs ranging from the historical Los Angeles-based *Crips*, the ghost-peddlers of the Bay Area’s cult of *The Grateful Dead*, Manchester’s most brutal *Yardies*, to late disquieting Israeli and Mexican criminal factions), who, in turn, push them aggressively: in the United States, a “hit” (a unitary

¹⁰ “Southeast and Southwest Asian heroin wholesale prices ranged from \$35,000 to \$120,000 per kilogram, and Mexican heroin ranged from \$15,000 to \$65,000 per kilogram. Street-level heroin usually sells for \$10 per dose, although prices vary throughout the country” (Executive Office of the President of the United States, EOPUS, 2003, “America’s Drug Abuse Profile,” <http://www.whitehousedrugpolicy.gov/publications/factsht/drugdata/index.html>).

¹¹ Himmelstein, Jerome. 1983. *The Strange Career of Marihuana: Politics and Ideology of Drug Control in America*. Westport, CT: Greenwood Press, p. 20.

dose) of LSD can be sold at even less than 1 dollar, whereas a dose of ecstasy, sold retail, varies between 5 and 17 dollars. It is hard not to reason in repressive terms if we bear in mind that in the past ten years the production of cocaine, heroin and marijuana has grown at sustained levels, and that supply on average exceeds demand by a factor of ten, and that traffickers will exploit any means at their disposal to make the market absorb the surplus, at prices they should deem reasonable.

These past years, beginning with 1991, have witnessed a worrisome recrudescence of drug abuse, in particular amongst adolescents,¹² as well as a notable increment in the level of *potency* of the several drugs in circulation, and of their “creative” combinations. In this regard, experts attribute to the higher grade of THC the hike in prices observed in the past ten years for various kinds of marijuana. Even cocaine is far more “pure” today than it was in the past. To be counted amongst the usances recently in vogue is that of mixing MDMA with heroin—a blend known as “rolling” (American teenagers are also wont to ingest ecstasy pills with alcohol); smoking cigars (so-called “blunts,” or “space-bases”) filled with marijuana and, according to choice, crack, PCP or methamphetamine, is another emerging practice. This last is, among the intoxicants assumed today, one of the most powerful.¹³ It provokes states of euphoria and withdrawal similar to those of cocaine; the assumption takes place in the course of what is defined “binging”: three days of uninterrupted consumption, followed by a period of “come-down,” paranoia, and aggressiveness, termed “tweaking,” and concluded by a collapse that precedes the beginning of a new cycle. The infamous “speedballing” (a combination, often lethal, of heroin and cocaine), conceived with the double intent of using heroin as a means to magnify the euphoric effects of cocaine, and of extenuating its depressive vestiges (the feared “crash”), is still in fashion. Another potent cocktail, known as the “date rape drug” comprises alcohol, cocaine and Rohypnol—a drug prohibited in the United States, but legally manufactured in Mexico, Colombia and Switzerland, and sold at affordable prices (from 1 to three dollars per tablet). In the United States, the overall effects of this aggregate activity of production, trafficking, and consumption can be seen in the steep take-off of all emergency interventions prompted by drug abuse since 1978.¹⁴

Henceforth, the number of teenagers that perceive drugs—especially marijuana, crack or cocaine—as a noxious substance, is rapidly dwindling. The frequent consumption of amphetamines (at least once a month), although low, is rising (around 5.6% for 10th graders in 2001); the data reveal that the number of 12th graders that have tried heroin at least once has doubled in the decennium 1991-2001,

¹² For relevant data and figures, consult <http://monitoringthefuture.org>.

¹³ 12% of the laboratories identified by the *DEA* synthesize it with a particular chemical process, styled the *Nazi Method*.

¹⁴ DAWN (Drug Abuse Warning Network). 2001. Report on ED Visits, July. <http://www.samhsa.gov/OAS/majorDAWN.pdf>.

totaling 1.9% of all interviewees in 1996.¹⁵ “Nationwide, 2.4% of students had used heroin (also called “smack,” “junk,” or “China White”) one or more times during their life (i.e., lifetime heroin use).”¹⁶ Between 1991 and 2001, the percentage of high schools students between 12 and 17 years of age that made regular use of marijuana went from 3 to 11.6%.

Even the age threshold for the first “toke,” between 1987 and 1997, was lowered from 17.8 to 16.3 years. In the 1991-1996 lapse, the use of forbidden drugs among American 8th graders has increased by 150%. LSD and other “club drugs” – Ketamine, Quaaludes, Xanax—have gained an ever-wider accession to the teenage world. The consumption of ecstasy (“X”), the queen of such “club” or “feel good” drugs, has recorded a tremendous increment: since they were 168,000 in 1993, the ‘X-initiates’ have risen to 1.8 million in 2001.¹⁷ On the basis of several polls conducted by *The Monitoring the Future Study*, there is evidence that 8th graders can come by any type of drugs with great facility, even the most dangerous ones.¹⁸

Thus, minors loom as the favorite target of this epidemic. In this respect all parties favor a repressive maneuver of the phenomenon. There is reason to doubt, however, that anti-prohibitionists hold fast to the belief that the sale of these more potent chemical substances restricted to non-minors, will circumscribe the issue, and that it will by no means spill over to those least capable of defending themselves.

Paying homage to the most elementary canons of the market economy and of those individual preferences by which it is governed, Ethan Nadelmann avers that it would be senseless to legalize a certain forbidden drug (heroin, PCP, or methamphetamine) in a metropolis where such a drug would not be in demand. That is to say that, since “rolling” was born in Miami, it should come as a just decision to legalize the sale of MDMA in Florida, but not in another state, that shows no record of any MDMA consumer.¹⁹ This being the clear sign, according to the market philosophy, that the residents of this other state choose their mind-altering substances on the basis of a well-established “set of preferences,” given a priori, *different* from that current in Miami (a “set of preferences,” by the bye, whose sociological origin, on account of its reputed insignificance, traditional economics relegates outside its compass).²⁰

¹⁵ DAWN, 2001, tables 1, 2 and 3.

¹⁶ CDC, Center for Disease Control and Prevention, *Youth Risk Behavior Surveillance United States, 2005*, <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5505a1.htm>.

¹⁷ EOPUS, op. cit.

¹⁸ DAWN, 2001, Table 12.

¹⁹ Nadelmann, op. cit.

²⁰ It is worth noting that M.I.T economic historian Peter Temin, in the ambit of a general outline of the world economy at the time of the Opium Wars (mid-XIXth century), ascribes (in his book *The Jacksonian Economy*. 1969. W.W. Norton & Company) the massive surge of opium consumption by the Chinese population to a sudden, and unexplained, *shift in the set of preferences* of the average Chinese consumer away from more traditional staple goods to this novel product (opium).

One may no less legitimately wonder how LSD was taken to America from that remote Swiss laboratory, in which it was synthesized in 1938. What is methamphetamine, this compost previously studied by Nazi chemists, doing on American campuses? Or Cocaine in Oklahoma? Before the sixties almost nobody smoke grass in the occidental world. Now marijuana is part and parcel of the mores of the average quadratic westerner. Thus trafficking would not play any role? Ecstasy is being shipped primarily from Holland and Belgium, but even from Poland and Czechoslovakia, whose exporters wish to carve out for themselves, ruthlessly if need be, a significant share of the business; it is the Israelis that are mostly responsible for distributing it.²¹ How can one venture to speak of *preferences* and *the market*, when what is observable instead is an intricate cooperative of chemists, expeditors, and financiers bent on pushing drugs spanning the whole gamut everywhere and onto everybody?

Beatnik and infernal junkie, William Burroughs admonished that wherever there is “total need” (of junk, opium and derivatives)—the consumer is willing to do anything to get his fix (and defying the reader, he asks: “wouldn’t you?”²² By uprooting “total need,” so runs the reasoning, the drug problem would cease to exist. Of course. It is not exclusively Colombia’s fault if the world consumes cocaine, nor are the Israelis and Mexicans alone responsible for the diffusion of ecstasy; similarly, if Bob Marley cannot reasonably carry the whole blame for plugging marijuana, neither can tripping out on acid be imputed solely to the exhortations of *Grateful Dead* Jerry Garcia.

Total need. Libertarians have a point: if there were no demand, if there weren’t this desire to escape, the drug industry with its 800 billion-dollar income would not exist. Only with derision, say the anti-prohibitionists, can one look upon anti-narcotics commandos celebrating triumphantly the interception of a shipload of drugs –a drop in the ocean, the seizure of which generally cost the taxpayers an enormous amount of resources. Indeed. Yet, on the other hand, how can one deprecate an officer earnestly bent on stopping the flow of LSD, cocaine, MDMA or amphetamine? And how can one not side with prohibitionists, who fear to see schools and society as a whole flooded with all sorts of powerful intoxicants?

²¹ DEA. *MDMA-ECSTASY*. Drug Intelligence Brief, June 1999.

²² Burroughs, William. 1992. *The Portable Beat Reader* (Edited by Ann Masters). New York: Penguin Books, p. 138.

A 'preference' for poison in times of decadence

What we are breathing today had been described many a century ago, with poignant imagery, by Plato himself, allegedly the worst enemy of the open society.

The end of the oligarchy and of the great usury that led to WWII, with its holocausts, its 55 million dead and its two nuclear bombs was heralded by the democratic triumph of the Anglo-American Empire over the Nazi-fascist hordes in the spring of 1945. It is within the combs of the open society—the new society of the liberties and consumerism—that breed the first drones. Progressively, American folk tales take on the color of the ephemeral dalliances, the over-swollen sentimentalism and the hallucinated horror of the *Beats*. Kerouac, Burroughs, Ginsberg, Kesey, Ferlinghetti, etc. History is repeating herself; this is not a revolutionary phenomenon. Opium had already festered the generation of Edgar Allan Poe; morphine, administered to the wounded, had struck deep roots in America during the Civil War—the greatest massacre of Americans in history (620.000 dead). The drug lies in the soil, it only awaits plucking. Burroughs knew this: “The face of ‘evil’ is the face of total need...America is not a young land: it is old and dirty before the settlers, before the Indians. The evil is there waiting.”²³ Thus is launched the “On the Road” democratic myth –mud-spattered jalopies, fugacious trysts, warm cerveza, giant marijuana bombers, naked jazz, dawn saluted by hot coffee in Frisco, and no certainty whatever as to what shall come. Then, drugs get heavier, but the “spacing” is experienced without candor; disgust and resignation prevail –yet the urge is felt to communicate these sensations at any cost and with vehemence. The first American drones point their finger, in accusation, at the “state-monster,” the institutions. The state is Moloch, the arid, falsely benign, devil of centralized power that wins wars by dropping atom bombs. He is a Leviathan of technique, norms, and iciness. One must escape, elude his clench. In his rebellious *Howl*, Ginsberg portrays bedeviled America:

Moloch whose love is endless oil and stone! Moloch whose soul is electricity
and banks! Moloch whose poverty is the specter of genius! Moloch whose fate
is a cloud of sexless hydrogen! Moloch whose name is the Mind!²⁴

In another famous poem, *America*, the abhorrence for the institutions becomes an inner battle against one's sobriety:

²³ Burroughs, op. cit, pp. 134, 138.

²⁴ Ginsberg, Allen.1992. “Howl,” in *The Portable Beat Reader* (Edited by Ann Masters). New York: Penguin Books, p. 68.

I can't stand my own mind
America when will we end the human war?
Go fuck yourself with your atom bomb
I don't feel good don't bother me...
...I smoke marijuana every chance I get²⁵

The American drones come of intellectual age in the days of Hiroshima; now, they thought, anything goes; there is no truth, morality or justice. If the great democracy of the liberties is allowed to affirm its strength through nuclear genocide, they reason, the time has come to open “the door on the wall,” and to forsake what Timothy Leary, a Harvard psychology professor turned LSD guru, defined “the fake prop TV studio stage set that is American reality.” The stage belongs to Caesar. “Obey Caesar’s TV studio rules when you are in his studio...Highways, property, status, power, money, weapons, all things...belong to him...Avoid any participation in his dramas....Quit school, quit your job, don’t vote, avoid all politics.”²⁶ This was the familiar sequence: *Drop out, Turn on, Tune in*. We are now well into the ‘sixties, and the psychedelic bible, *The Doors of Perception* ²⁷ written by another drone, the able British novelist Aldous Huxley, is the rage. Turning on its head the humanism of his fellow countryman, poet John Donne, who had sentenced in his *Seventeenth Meditation*: “No man is an island, entire of itself; every man is a piece of the continent, a part of the main...,” Huxley writes that sensations, sentiments and intuitions are private and incommunicable, that the spiritual realm of the contemporary individual is, indeed, an island. To wade the waters encircling it, hence reach the shortcut that dissolves the self and perceive the eternal flowing of this organic reality, mistreated by prosaic prepossessions, Huxley advises to ingest mescaline –the drug of the American Indios that lurks in cacti. Colors and objects come alive, the “I” is annihilated, time and space melt, judgments and utilitarian considerations are annulled. Flyin’ high. The promise of the acid is benevolent and spiritual, and the behaviors associated therewith highly pacific. The decision to prepare for tripping is always born out of cynical and disillusioned reflections upon the ineluctable evils of modern symbiosis–incarnated by the institutions—, which were shared by the Beats, and which recur still to this day in the manifestos of anti-prohibitionists. One cannot, argues Huxley, clip the wings of man’s ever pressing yearning for self-transcendence by slamming “the door on the wall.” The need to take some time off to go on a chemical holiday away from “intolerable selfhood” and a repugnant day-to-day reality is indispensable. Even Christianity, which was accused

²⁵ Ginsberg, “America” in *The Portable Beat Reader*, p. 74.

²⁶ Leary, Timothy. 1999. *Turn On, Tune In, Drop Out*. Berkeley: Ronin Publishing, Inc. [1965], pp. 6, 13.

²⁷ After which Jim Morrison named his band; he, too, revolting against the martial fanaticism of his father – a zealous admiral of the American Navy.

of having lost any residue of joy and sensuality, seems to have reconquered a new form of redemption in the cult of peyote: in citing the example of the *Native American Church*, which celebrated the Eucharist with the sacrament of the mescaline, Huxley contemplated with fascination the potentialities of this rediscovered compatibility between drugs and religion.²⁸

Yet the plentiful honey of swarming posses of most imaginative drones does not suffice to effect the transformation of drugs into a mass culture; even conspiracy theorists are willing to admit that without the Vietnam War, consumption of marijuana and heroin in North America (brought home by the GIs), would not have experienced such an extraordinary growth. Once again, drugs are used when one is unable to fulfill himself, and the need to escape from a reality that has become unbearable, such as war, is evident. With the withdrawal of American troops from Saigon in 1975, the heroin market collapsed; the “high priests” of LSD, such as Leary, went out of vogue, and the system gradually approached the democratic stage proper in the Platonic sense –the one alluded to in the opening, in which, the individual, after he’s sown his wild oats, repossesses part of his father’s avarice, and swims from one pleasure to the next, without any veracious criterion of discernment. He is never completely lucid, nor is he ever fully intoxicated. In the morning he dabbles in the stock market, he converses in earnest about liberty and progress in the afternoon, and smokes pot in the evening (or topes till bedtime). This is the citizen-type of the tripartite democracy according to Plato: a society composed of 1) drones, 2) of their foragers (*parvenus* enriched by speculation), and 3) of the populace (“which is not keen on frequently attending assemblies, unless it is given a share of the honey”).

Who is it that wants you “stoned”?

When broaching the debate on inebriation and freedom, the Liberals cannot forbear from commencing the disquisition by quoting one of their patriarchs: J. S. Mill – “the aristocratic Liberal with a good heart,” as the adage goes. In fact, *The Economist*, the leading organ of right-wing libertarianism, and the vast majority of academic publications dealing with the drugs issue from the same slant, regularly pay homage to Mill, by citing, unfailingly, the famous passage from the Introductory of his classic *On Liberty*:

²⁸ Huxley, Aldous. 1963. *The Doors of Perception, Heaven and Hell*. New York: Harper Colophon Books [1954], pp. 12, 14, 36, 43, 64, 69.

The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot be rightfully compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise. Over himself, over his own body, the individual is sovereign.²⁹

Liberalism has not moved beyond this position, and, its advocates have tenaciously clung to the argument despite questions if its ethical character. These lines were written when the Second Opium War was raging, and

In the name of the liberty of the Chinese opium smoker, [Mill] defended the opium trade between British India and China, which was under constant attack by reformers (...). He opposed most legal controls on alcohol, including penalties for drunkenness and taxes to keep consumption down.³⁰

That Mill was also on the payroll of the British East India Company –the mother of all modern corporations, and chief pusher of opium during the wars— as a legal “consultant,” is not an altogether superfluous piece of information in this ambit.

Certain critiques, philosophical, economic and social, arise from Mill’s claim.

First, it is a simple truth that the individual can never claim any sovereignty over his body, for he never acquired it, or crafted it. He received it; he is only bound to it by a duty of stewardship. He is the custodian of the body that he shall have to retribute at death.

Second, libertarian scholars reason from a highly impersonalized view in which the “question of choice” is the determining factor in drug usage. This privileged standpoint entails by default a disinterest in society’s lower levels where drug addiction is rife, especially amongst teenagers. The issue is not so much “choice” as one’s initial position on the social ladder: obviously, the farther down the ladder, the greater the probability of encountering drug abuse and the accompanying evils of crime and prostitution. The suburban middle-class,³¹ which possesses the means wherewith to distance itself (and its offspring) from the squalor of the ghettos and

²⁹ John Stewart Mill. 1988. *On Liberty*, New York: Penguin Books [1859], p. 68.

³⁰ James B. Bakalar, and Lester Grinspoon,. 1984. *Drug Control in a Free Society*. Cambridge: Cambridge University Press, p. 1, emphasis added.

³¹ Whose European counterparts are known as “Socialist bourgeois” –individuals, who, according to Bakunin, always sought “to reconcile the irreconcilable” (Michael Bakunin. 1970. *God and the State*. New York: Dover [1882], p. 18).

red-light districts, can afford to dismiss the problem as an affliction befalling “someone else’s kids.” If somehow the wall is breached, the privileged classes nonetheless have the ability to send their wayward children to comfortable rehab centers.

Third, *alcohol*, and other legalized intoxicants, used as foils in the dialectic. If noxious drugs, such as alcohol and nicotine, libertarians reason, are legal, then why not pass an umbrella legislation that treats all psychoactive substances alike: legal and better left to the tempered judgment of the sovereign individual? Indeed, some have even advanced that obesity and love sickness represent two additional forms of addictive deviance, no less injurious than dope, which no sane mind would ever consider to outlaw.³² To discriminate amongst man’s excesses, Liberals say, is to err. Anything goes; these are all manifestation of the same all too human, insubordinate drive to swallow a little too much of this earth –all addictions should be treated alike: condoned, even indulged.

But alcohol is the anti-prohibitionist’s foil of choice: it is reviled with vehemence and elected as the touchstone of addictive poisoning; nothing could be worse, so to speak, and if it is so, the reasoning proceeds, why not tolerate the “milder” psychotropic cohorts?

Moreover, as difficult as it may be for some to contemplate, even if legalization produced substantial increase in juvenile experimentation with marijuana, heroin, or cocaine, the juvenile themselves, and the rest of society, might still be better off. Tobacco and alcohol are especially harmful to children’s bodies; *a reduction in the use of these drugs by juveniles would be a great advance, even if achieved by some increase in the use of other drugs.*³³

Why caffeine and nicotine fixes are allowed, if not encouraged, in modern systems is no mystery: the stimulating and tranquilizing ebb and flow of coffee and smoke come in as regular maintenance drills performed on the body to attend to the anxiety of ordinary business, be it the robotized shuffle of a desk job, or the operation of machinery. Then, of course, there is the abuse of alcohol: that is reserved to the dram-shops for the after hours. Yet experience has sadly shown in the past two hundred years that an individual’s blue- and white-collar industrial performance is in no fashion seriously compromised by 40-50 years of the standard “nine-to-five/evening-boozing/morning-hangover” sequence. But if a mere glass of red wine a day allegedly preserves with its antioxidants–so, legalizers ask, why not keep likewise an ounce of marijuana in the cupboard, and put off the serious high till night in a Dutch-style coffee shop?

³² Ibid, pp. 147, 151.

³³ Ibid, p. 248, emphasis added.

To answer: likely, a puff from a joint preserves nothing, and to stoners is not even worth the rolling; it takes a number of deep tokes to achieve a full-fledged high, then the haze of synchronized solo giggle-twitter descends upon the circle of smokers. They are gone.

The truth is that the present chaos surrounding the legislation of narcotics originates in the profound division that tears the Establishment on this count. Despite a growing number of defections, it seems that segments of the governing class hold the belief that regular cannabis usage is, in the long-run, incapacitating (as it effects a temporary erasure of memory) and liable to slur permanently the physiological mechanisms requisite for machine operation and business-related clerical drudgery. Similar apprehensions must be entertained by the stewards of the elites with regard to cocaine's screaming binges, opiate sleepiness, and hallucinogenic trekking: too risky; these are fuels that melt the engine, as such they're no good for the productive armies of business enterprise –thus the State had better prohibit the wholesale distribution of them. Of these more devastating intoxicants, only pockets of consumption appear to be allowed: the hard drugs are for written off drop-outs that are *de facto* given a slow death sentence therewith; they are for the high-strung mercenaries of fast-paced biz, and for waging geopolitical battles “on the cheap.”

Since addiction has become epidemic, the State has declared “war” on drugs: the crusades launched from the West's Ministries of Justice appear to be little more than stopgap measures. Rather than allow a chronic cycle of drug abuse, punishment, and decriminalization, it would seem far more sensible to understand and address the reasons behind the observable dynamics. One would thus discern that the debate opposing legalization and prohibition is mainly a confrontation taking place within the ranks of the establishment: in brief, what distinguishes the anti-prohibitionists from their colleagues at the forefront of the administration is that the former are willing to take the gamble all the way. In other words, the self-styled pro-market libertarians (the Friedmanites, etc.) are confident that the working mass will withstand the shock of legalized dope, whereas the anti-drug hawks are not willing to take that risk yet, and prefer to keep the society in the present equilibrium.

Liberals cannot yet reach a definitive formulation of the drug question. For history has proven that the market and its institutional appendage have been prone to a most perverse, yet extraordinarily efficient management of drugs at the expense of the community's welfare, and have thereby wrought a lasting violation of peace and communal cohesiveness. *The Economist* thus crowned its latest, comprehensive survey of illegal drugs with the following remarkable statement, which is a telling sample of its peculiar brand of thinking.

Trade in drugs may be immoral or irresponsible, but it should no longer be illegal.³⁴

Conclusions

Doubtless, there is something uncanny to Plato's portrayal of ancient Greece's democratic man: his model serves just as fittingly to characterize the individual of late modernity. Such prodigious prescience is proof enough that if the spirits of the ages succeed one another along a mysterious trajectory, they do so according to similar cyclical patterns. Therefore, intoxication appears to be nearly as old as civilization itself. Yet the rise of mass inebriation accompanying the emergence of industrial society, with its progressive mechanization of all functions of collective life and its global hordes of malcontents is one of the identifying marks of our age. This is merely a confirmation of something that is sufficiently known, and the present debate on the war on drugs is ultimately a clash of managerial views as to how mass intoxication is to be best organized and administered. There is no systematic plan to eradicate it at its source. At the helm, most leaders clearly have no fear of alcohol's tried-and-true slow-burning of the toiling masses. What they disagree on, as reflected by the fabulous dissipation of legislative, financial and repressive energy, is the degree of permissiveness that marijuana and the harder drugs should be allowed. According to our thesis, the criterion loosely guiding such decisions at the top is the conjectural impairment suffered by the professional performance of the average employee as a result of drug use. Although there are signs that a number of European countries are interested in exploring avenues similar to the Dutch model,³⁵ most political lobbies in the West—with the blustery exception of the Libertarians—are still not comfortable with the idea of allowing the unrestricted consumption of marijuana, let alone of the harder drugs. From the current hegemonic standpoint, the effects might be too disruptive.

³⁴ *The Economist*, "Big Business," Survey on Illegal Drugs, July 26th 2001, p. 76. Lately, it appears that the Libertarian stalwarts of *The Economist* have been engaged in a little bit of rethinking of their anti-prohibitionist faith. They are not so confident anymore: "This newspaper first argued for legalization 20 years ago. Reviewing the evidence again [...], prohibition seems even more harmful, especially for the weak and the poor of the world. Legalization would not drive gangsters completely out of drugs; as with alcohol and cigarettes, there would be taxes to avoid and rules to subvert [...]. Our solution is a messy one; but a century of manifest failure argues for trying it." "How to Stop the Drug Wars. Prohibition has failed; legalization is the least bad solution," March 7th 2009, p. 13.

³⁵ The Netherlands have this awkward arrangement whereby state-approved consumption of marijuana in coffee-shops is accompanied by the prohibition 1) to advertise it, 2) to sell it to minors, and 3) to cultivate it on the national soil, which leads providers to buy it from "criminal" wholesalers on the "black" market.

Moreover, the complementary engagement of the “radical Left,” the “Greens,” or “Lifestyle anarchism” to boost the case of anti-prohibitionism represents a not insignificant instance of synergy in this modern adventure. The haggard and decimated heirs to the Beats and to whatever is left of the counter-culture, especially those presently forming a compact “radical” movement within the ranks of American academia, are indeed instrumental to the conservative agenda under a number of very important counts.³⁶ Not least of which is, indeed, the oft-inadvertent support they lend to this project of controlled numbness by favoring legalization (especially marijuana’s). True, most of these “radicals” are simply striking a contrarian pose, in defiance of the system’s prohibitive rhetoric, yet for all that such a posture does not help them transcend the moral difficulties inherent in the politics of legalization.

Nor does it help the informal movement uniting across national and ideological divides all those individuals, who are no less committed to peace and social justice than the “radicals,” yet who also believe that without continuous reference to a higher principle of social justice no positive legislation or political endeavor is ultimately possible. As said, while the scourge of addiction is one of poverty’s most preoccupying symptoms, it is also very much a symptom of modern life’s alienating rhythm. And more than anything such a scourge strikes at the very heart of our persevering failure, as social creatures, to erase the presence of indigence, which is directly tied to the economically barbarous exigency to marshal at all times a populous class of slave-workers, and its attendant fringe of dropouts. All things being equal, the more dismal the conditions under which these underdogs live and toil, the greater the addiction, of course. It is mostly in these economic terms that the consumption of drugs ought to be considered. To say it is a problem of no easy remedy is a wild understatement: alas, not even in Utopia could Thomas More do without slaves; we have yet to conceive—let alone realize—a workable set of institutions by which all men and women could live as free individuals.

In terms of social reform such is the task before us: unceasingly, to think of creative ways to eradicate poverty. That we have not yet been able to pass this hurdle yet is no valid excuse for falling back, upon the status quo that some of us were born to rule and others to toil. Liberals and Libertarians in principle would agree upon this point, but their policy recommendations speak differently: the indifferent acceptance of market-driven “creative destruction,” the steady call for deregulating the labor market, and the push for globalization and outsourcing all belong to the production of a class of individuals that appears unconcerned with the living and spiritual conditions of the poor, working, unemployed or otherwise.

³⁶ The divisive role that this “radical Left” inherently plays within what ought to be a diffuse movement of pacific dissent is discussed at length in my *The Ideology of Tyranny: Bataille, Foucault and the Postmodern Corruption of Political Dissent*, 2007. New York, London: Palgrave Macmillan.

