

EMANCIPATION OR INTOXICATION?

Regimes of Truth, Aztec Ontology, Sun Tzu, and the U.S. “War on Drugs”

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Introduction¹

Drugs have been a policy-concern in the United States since the late 1800s; this concern reached a crescendo when the Reagan administration articulated an unequivocal “War on Drugs” in 1982. Both how and why the American government has felt compelled to view drugs as a security issue are of utmost importance to understanding the “War on Drugs” and its numerous contradictions. In particular, the notions of security being employed to justify the “War on Drugs” are of extreme significance. Traditional definitions of security usually concern themselves with “the absence of military threat or the protection of the nation from external overthrow and attack”.² Such definitions fail to provide the necessary imperative to wage a “War on Drugs”, although the purported link between terrorist organizations and drug traffickers is often invoked in order to appeal to this outlook.³ Instead, American values, identity, ontology, and the ability to conduct foreign policy as it wishes are the soft spots on the underbelly of the United States which the “War on Drugs” seeks to protect not only from external, but also internal attack; however, this is rarely publicly articulated by American policy-makers. It is the health hazards, their ability to contribute to moral decay, and their association with crime and terrorism that have been identified by America’s drug warriors as the primary threats posed by illicit drugs to the United States. Moreover, Americans are led to believe that the dangers posed by these threats are so great, that “war”, the last recourse of political activity, is the only way to address the issues of drug production, trafficking, and consumption. Meanwhile, issues such as poverty, which have a more direct effect on many Americans and others around the world, are left on the backburner of policy discussions.

R.B.J. Walker has presented the argument that when the term security is being used, it is important to establish “whose security” is being discussed.⁴ Within the drugs issue, it is not those thought to be most directly affected by drugs (i.e. drug users and those who reside in areas of high profile drug consumption/trafficking) that the United States government is trying to protect through the implementation of its drug control regime. These are in fact the greatest victims of the “War on Drugs”;

¹This paper is a shortened version of the Major Research Paper requirement for my Master’s degree. I wish to thank my two supervisors, David Dewitt and David Mutimer for their help, guidance, and support during all of the stages of this project. I also wish to thank the Nathanson Centre for the Study of Organized Crime and Corruption for financial support while conducting further research on this paper and the York Centre for International and Security Studies for providing the opportunity to have this paper circulated. Any errors though are my own responsibility.

²Joshua S. Krasna, “Testing the Salience of Transnational Issues for International Security: The Case of Narcotics Production and Trafficking”, *Contemporary Security Policy* vol. 20 no. 1 (1999), p. 47.

³*Ibid.*, p. 50.

⁴R.B.J. Walker, “Security, Sovereignty, and the Challenge of World Politics”, *Alternatives* vol. 15, no. 1 (1990), p. 6.

it is people from disadvantaged groups (unfairly perceived as the cause of the drug problem) who are filling up American jails at unprecedented rates. Instead, domestically the “War on Drugs” is supposedly about protecting America from a problem which originates outside of the United States in countries of the South and festers within the inner cities of large urban centres where ethnic “others” dwell. There is a particular emphasis on keeping drugs away from “America’s children” because illegal drugs are supposedly harmful to the body, mind, and soul. Yet, it is white middle class youth who are the driving force behind the upsurge in American drug consumption. From an international perspective, the “War on Drugs” to a great extent has been about maintaining American economic and political hegemony by constructing an issue that not only warrants, but legitimizes interference in those states labelled drug producers. Therefore, the “War on Drugs” has supposedly been about stemming the production of illicit narcotics in part to protect democracies of the South from implosion as a result of the perceived morally corrupting influence of drugs and those criminal organizations who are involved in their production and distribution.

Much has already been written on the “War on Drugs”, but very little has been within the discipline of international relations from a critical perspective. A critical perspective is valuable when looking at the “War on Drugs” because mainstream international relations approaches (either reactionary or progressive) get one stuck within a particular discourse that does not ask how the drug prohibition and the “War on Drugs” came to be.

From a Foucauldian perspective it is clear that the “War on Drugs” is not about protecting the public from a potential security and health risk as policy-makers have argued, but that the “War on Drugs”, as David Campbell has argued, has more to do with the formation and maintenance of the American (and to a certain extent Western) national identity.⁵ Yet, the identity-based nature of the “War on Drugs” has been cloaked within the prevailing drugs discourse. To a large degree, this has been facilitated by a particular “regime of truth” which not only sets the acceptable parameters for legitimate discussion within the drugs discourse, but also operates to define what can be said to exist in the “War on Drugs” while advocating a particular epistemology which further legitimizes these ontological presuppositions. Inspired by Michael Shapiro’s treatment of the subject, the “War on Drugs” can best be understood as the transposition of an Aztec Flower War into the modern industrial age.⁶ It is clear that the United States has not taken heed of the ancient teachings of Sun Tzu on the “art of war” and his words of wisdom about the importance of self-knowledge and knowledge of the “other” in order to wage effective military campaigns. Due to the

⁵David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minneapolis: University of Minnesota Press, 1992).

⁶Michael J. Shapiro, *Violent Cartographies: Mapping Cultures of War* (Minneapolis: University of Minnesota Press, 1997).

fact that the United States knows neither itself nor its enemy (from several different perspectives), it is inevitable that it will lose its Flower War against drugs.

Writing Security and the U.S. “War on Drugs”

When one looks at many of the traditional approaches to drugs as a security issue and criticisms of the “War on Drugs”, it becomes apparent that the drugs discourse is conducted within very limited parameters.⁷ Drugs are assumed to be harmful in and of themselves, and potential catalysts for the creation of other security threats. The idea that drugs are harmful is not questioned or problematized, nor is their link to other security issues. Every nationality from Afghani to Nigerian is blamed for the drug problem. Not surprisingly, the United States is left out of drug discussions except in instances when it can contribute to notions of American hegemony. Furthermore, the fact that the drug prohibition is not examined in these texts severely limits the approaches to the “War and Drugs” that can be suggested.

In *Writing Security: United States Foreign Policy and the Politics of Identity*, David Campbell approaches the “War on Drugs” from a critical perspective. Campbell believes that the “War on Drugs”, in the absence of the communist threat, has formed a new discourse of danger to reproduce American identity. Due to the fact that the state has never been a stable ground to anchor national identity against ontological threats, foreign policy as a practice must both “reproduce and contain challenges to the political identity of nations such as the United States”.⁸ He argues that this becomes apparent when one looks at the “War on Drugs”. The rationales behind the “War on Drugs” (i.e. levels of drug consumption, deaths from drug consumption, and the crime-drug nexus) provide actual levels of danger far below what one would think necessary to surround the drug issue with an “evangelism of fear”.⁹ Therefore, according to Campbell, the “War on Drugs” must be about a different issue; that issue is keeping the American national identity at the status quo in the face of “foreign” challenges. He argues that to facilitate the identity status quo, the “War on Drugs” has borrowed many of the practices employed during the Cold War in the domestic battle against Communism, including language (normal versus the pathological), targets (e.g. minorities), methods of exposure (e.g. testing for deviance), and threat formulation/reaction (i.e. a policy of drug containment to prevent the occurrence of the “domino effect”) in order to maintain a “society of security” that defines an “increasingly narrow optimal mean in the tolerable bandwidth of

⁷For examples of this type of literature see Stephen E. Flynn, “World Wide Drug Scourge: The Expanding Trade in Illicit Drugs”, in Steven J. Spiegel and David J. Pervin (eds.), *At Issue: Politics in the World Arena* (New York: St. Martin’s Press, 1994), pp. 443-457; and Ivelaw L. Griffith, “From Cold War geopolitics to post-Cold War geonarcotics”, *International Journal*, vol. 49 (Winter 1993-94), pp. 1-36; and Mathea Falco, “U.S. Drug Policy: Addicted to Failure”, *Foreign Policy*, no. 102 (Spring 1996), pp. 120-133.

⁸Campbell, *op. cit.*, p. 196.

⁹*Ibid.*, p. 200.

normal behaviours”.¹⁰ By constructing a system of social discipline (rather than social control) a standard is created by which attitudes and behaviour can be authorized or proscribed as legitimate or illegitimate.¹¹

Campbell asserts that “the war on drugs bears all the hallmarks of a morality play designed to instantiate the ethical boundaries of identity” and demarcates the boundaries between “foreign” and “domestic”.¹² Therefore, within the United States, drug users are considered to be un-American and diseased. This is replicated at the international level where Campbell illustrates that “the discursive practices of the ‘War on Drugs’ which focus on the external element of the danger, serve to illustrate the frontiers of America” and sustain the notion of sovereignty through the creation of a “geography of evil” (i.e. drug producing and transit countries).¹³ Accordingly, Campbell feels that the “War on Drugs” replicates earlier narratives evident in American history which have constructed “sites of both domestic and foreign marginality, constituting American identity through the negation of un-American behaviour at home and abroad”.¹⁴

Campbell’s analysis of the U.S. “War on Drugs” provides an excellent starting point and guide to reexamining drugs as a security issue in the post-Cold War era. However, in order to fully appreciate the practice of the “War on Drugs”, one must move beyond his treatment of the subject. First, it is imperative to discover how a “regime of truth” has been established within the drugs discourse. By analysing the regime of truth and its tenants, it is clear that the United States is not just unwilling to rethink prohibition because of national identity issues, but that it is unable to even reconsider the drug issue. The ontological and epistemological foundations of the drug discourse regime of truth prevent questions from even being asked, let alone considered and answered.

Second, more attention must be paid to the disciplinary techniques utilized in the “War on Drugs”. Campbell is able to illustrate at the domestic level how disciplinary techniques like drug testing and surveillance have not only affected those considered to be targets (e.g. minority groups) but also “normal” Americans who fear that these techniques may be used against them. The creation of a society of security is therefore able to define legitimate behaviour within narrow boundaries. The important thing that Campbell fails to do in his discussion (which will be taken up in this paper) is to show at the international level how disciplinary techniques have been utilized and how these have affected America’s enemies/allies and reenforced notions of hegemony.

¹⁰*Ibid.*, pp. 207-209.

¹¹*Ibid.*, p. 209.

¹²*Ibid.*, p. 210.

¹³*Ibid.*, p. 210 and *Ibid.*, p. 214.

¹⁴*Ibid.*, p. 215.

Third (and related to the last point), while Campbell makes links to hegemony and other perceived threats to the United States in the post-Cold War era (e.g. Japanese economic power), he does not explicitly connect the “War on Drugs” to discussions of American hegemony.¹⁵ Hegemony plays a pivotal role in the pursuit of the “War on Drugs”. At the domestic level, the “War on Drugs” has been a tool used to silence alternate ontological visions within the United States. At the international level, the “War on Drugs” is an ideal arena for the United States to demonstrate its leadership and skills, much like Aztec city-states did during “Flower Wars”. Moreover, by formulating a low-level crisis in which it must take the lead role, the United States is able to reproduce itself and its hegemonic position in the absence of other significant threats through the utilization of disciplinary techniques (e.g. certification and invasion) which are given “justification” by pursuing a “War on Drugs”.

Finally, while Campbell sees the drug security issue as one of the keys to the reproduction of American identity in the post-Cold War era, he does not seek to find out if the “War on Drugs” is a war that the United States can win. When the myths produced by the regime of truth surrounding the drug discourse are compared to the available empirical evidence, it becomes clear that the “War on Drugs” is a war that the United States is doomed to lose.

Where did the “War on Drugs” Come From?¹⁶

Many analysts who look at the international drug trade and the “War on Drugs”, never examine why certain drugs are prohibited. Prohibition is uniformly taken as the starting point. In *The History of Sexuality*, Foucault argues that prohibition is a powerful discursive ruse for this very reason; prohibition becomes the basic and constituent element that one must work from when discussing topics such as drugs.¹⁷ This argument raises the question of how drugs became prohibited in the United States and how this process made a “War on Drugs” possible. The answers are fascinating and shocking. Despite the fact that the United States presents itself as a country where individual freedom is paramount often beyond levels some would consider to be practical (e.g. the right to bear arms), drug laws and the “War on Drugs” are of course, to a large extent, about power relations and controlling the individual body; however, they are also ontological in that they have been used to define the American national identity, often in combination with a racist ideology.

¹⁵*Ibid.*, p. 223-240.

¹⁶Unless otherwise noted, the bulk of the information in this section comes from Charles Whitebread, “The History of the Non-Medical Use of Drugs in the United States,” (A speech presented to the California Judges Association, 1995). Available at (<http://mir.drugtext.org/druglibrary/schaffer/history/whiteb1.htm>).

¹⁷Michel Foucault, *The History of Sexuality: An Introduction*, vol. 1, (New York: Random House, 1990), p. 12.

First, and perhaps the most surprising thing about the history of American drug laws is that they are relatively new (the earliest being around a hundred and thirty years old) and seem to have some sort of correlation with the massive levels of immigration into the United States in the late nineteenth and early twentieth centuries.

Second, American drug laws with the exception of the Food and Drug Administration Act of 1906, have not been about health issues but rather have focussed on targeting minority groups. This began with the Opium Laws in the late 1870s which sought to marginalize Chinese immigrants by restricting their ability to import and use opium. Laws against opium smoking were one of the methods used to legally target the Chinese population and as a way to distinguish them from Americans “proper”.

The first laws restricting the use of cocaine came in the wake of many newspaper reports in 1914 concerning the bizarre criminal behaviour of the “Cocaine Negroes” of the American south. Newspapers like the *New York Times* reported on the alleged crime sprees perpetrated by these individuals which included robberies, murders, and rapes.¹⁸ Tales of the incredible strength of African-Americans under the influence of cocaine and their ability to resist the pain from gunshot wounds caused so much panic that many police departments across the United States (not just southern states) upgraded their standard firearm from a .32 to a .38 calibre. Yet, the historical record shows that none of the crimes that did occur were against white victims. More importantly, this time period holds the historical notoriety of being the acme of lynchings of African Americans by white mobs in the South.¹⁹

Early marijuana laws were directed against Mexican migrant workers who at the turn of the century began to migrate to states of the American South West. When one looks at the legislative records of these states, it becomes clear that the prohibitions against marijuana had nothing to do with the drug per se, but were motivated by hostility towards the new Mexican communities.

Counter-cultures have also been the targets of American drug laws. Jazz musicians of the 1940s, the Hippies of the 1960s, and current day ravers have all found themselves victims of US drug laws. And much like the targeting of other minority groups, health has not been the primary concern. For example, it is debatable how much the scheduling of LSD in the most dangerous drug category during the height of the Vietnam War had to do with its chemical properties and how much it was motivated by a University of Southern California study that showed it was making graduate students more open-minded to other

¹⁸Edward Huntington Williams, “Negro Cocaine ‘Fiends’ New Southern Menace”, *New York Times*, February 8, 1914.

¹⁹Clifford A. Schaffer, “Basic Facts About the War on Drugs”. (Available at <http://mir.drugtext.org.druglibrary/schaffer/library/basicfax.htm>).

viewpoints and less materialistic.²⁰ Anything that might make Americans even more anti-Vietnam (like LSD) would have been seen as threatening by the U.S. government.

The third important point about the history of US drug laws is that until 1969, they were tax laws. One would be charged for not paying a flat tax of several thousand percent on a drug purchase or sale. Before the law was changed in 1969, it was not uncommon for an individual in the United States found guilty of possession of marijuana to face a twenty year minimum sentence with no chance of parole, even though this was technically a sentence for tax evasion.

The final important point is that the progression of American drug laws helped to create important myths that carry on to this day. The first is “reefer madness” which was fabricated by Commissioner Harry Anslinger of the Federal Bureau of Narcotics. He testified in 1937 before a Congressional Committee looking to pass a federal marijuana prohibition, that “marijuana is an addictive drug which produces in its users insanity, criminality, and death”. It is of little wonder that the bill called the Marijuana Tax Act passed.

Defence attorneys in several high profile cases in the late 1930s and early 1940s seized on Commissioner Anslinger’s testimony that marijuana produced insanity in order to defend their clients from murder charges. Each and every case that used the marijuana insanity defence was successful. Thus, the legend of reefer madness was born and marijuana grew in public perception as a scourge within American society.

The second important myth was created with the outbreak of the Korean War and the fear that America’s youth were being targeted with drugs by Communists. Commissioner Anslinger testified (on the basis of no evidence) that marijuana was “the certain first step to heroin addiction”. Known as the “gateway effect”, it is still a part of the gospel of the drugs discourse to this day.

The full fury of American opposition to drugs and drug use did not fully manifest itself until Ronald Reagan launched a “War on Drugs” in 1982 by securing an amendment to the Posse Comitatus Act, allowing for military involvement in civilian law enforcement for the first time in over one hundred

²⁰William H. McGlothlin, “Long Lasting Effects of LSD on Normals”(University of Southern California, 1967), p. 14. In another report prepared for the U.S. Justice Department’s Bureau of Narcotics and Dangerous Drugs in 1969, the authors state that “LSD has become a rallying point for some young adults, particularly those who denounce the dominant values of American society. See Louise G. Richards, Milton H. Joffe, and George Spratto, “LSD-25: A Factual Account”, (U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs, 1969), p. 27.

years.²¹ In his 1983 State of the Union address, Reagan proclaimed, “It is high time that we make our cities safe again. This administration hereby declares an all-out war on big time organized crime and the drug traffickers who are poisoning our young people.”²² The “War on Drugs” was unique because it involved a two-pronged approach to dealing with America’s drug problem.²³ The first prong was traditional in that it concentrated on the domestic level. Cocaine became the primary target as it began to flood the U.S. drug market due to increasing demand primarily from white middle and upper middle class citizens who saw it as fashionable. During the mid-1980s, media reports from urban ghettos on the growth of crack, a potent and cheaper derivative of cocaine, created a panic.²⁴ The perception of an increase in drug use was the motivation for increasing drug penalties for dealers and consumers. Harsher drug laws and sentences caused prison populations to skyrocket to the point where almost 5.7 million Americans are either currently on probation, in jail, in prison, or on parole (see Figure 1).²⁵ Sixty percent of federal prisoners are serving time for non-violent drug offenses (see Figure 2).²⁶ Furthermore, despite the fact that it was the demand of “white” America that fuelled the “Cocaine Boom” of the 1980s, minority group members have borne the brunt of the “War on Drugs”, particularly African-Americans (see Figures 3 &

²¹Eva Bertram, Morris Blachman, Kenneth Sharpe, and Peter Andreas, *Drug War Politics: The Price of Denial* (Berkeley: University of California Press, 1996), p. 112.

²²Quoted in *Ibid.*, p. 113.

²³For a discussion of the approach of the “War on Drugs” see Bruce Bullington, “All About Eve: The Many Faces of US Drug Policy” in Frank Pearce and Michael Woodiwiss, (eds.), *Global Crime Connections* (Toronto: University of Toronto Press, 1993), pp. 38-53.

²⁴Despite the stereotype that the typical crack user is African American, statistics show that two thirds of crack users identify themselves as white or Hispanic; however, 84.5% of those who are convicted of possession of crack are African American. Moreover, sentencing guidelines for crack are far harsher than those for powder cocaine (5 grams of crack worth about \$200 is considered equivalent to 500 grams of powder cocaine worth about \$20,000). See the Sentencing Project at (<http://www.sentencingproject.org/>).

²⁵Approximately 1.6 million Americans are in jail or prison. No other “democracy” in the world (with the exception of Russia) approaches these levels of incarceration and surveillance. See U.S. Department of Justice, Sourcebook of Criminal Justice Statistics, 1998 at (<http://www.albany.edu/sourcebook/index.html>), and The Sentencing Project at (<http://www.sentencingproject.org/>).

²⁶Schaffer, at (<http://mir.drugtext.org/druglibrary/schaffer/library/basicfax.htm>.) 23% of those in state prisons are serving time for drug offences. See the Sentencing Project at (<http://www.sentencingproject.org/>).

4).²⁷ While incarceration rates for both whites and African Americans have skyrocketed since the beginning of the “War on Drugs”, the rate for African American males is 7.0 times that for whites.²⁸

Another important aspect of the domestic war on drugs (besides increasing levels of incarceration) was the introduction of asset forfeiture and seizure laws. Under the RICO statutes, law enforcement agencies were given the power to take away any financial assets or property at the time of arrest (not conviction) which appeared to be involved in, or a result of, criminal activity. The idea was to provide a financial discouragement for engaging in criminal activities, to limit the power and influence that drug dealers would be able to exert on the justice system through their personal wealth, and to redistribute resources to the various branches of law enforcement involved in the “War on Drugs”.²⁹ While the American government has considered asset seizure to have been an overwhelming success in part because it has helped to fund the “War on Drugs”, it has facilitated serious abuses of power by law enforcement agents.³⁰ For example, evidence has shown that less than 20% of those who have assets seized are ever convicted of a crime.³¹ Moreover, the majority of asset seizures are for under \$1000, a far cry from the impression that these laws target big-time criminal enterprises.³²

²⁷Although African Americans make up only about 12.4% of the population, they represented 38.4% of those charged with drug violations in 1998. In a broader context, while African Americans are arrested (for all violations) at 2.5 times their representation in the general population, they are imprisoned at 4.5 times their overall representation. In addition, African Americans and Hispanics are more likely to receive a court imposed mandatory minimum sentence for drug trafficking (35.2% and 37.8% respectively) than their white counterparts (25.1%). See U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* (U.S. Department of Justice, 1998) at (<http://www.albany.edu/sourcebook/index.html>); and Phil Coffin, “Drug Prohibition and the U.S. Prison System,” (Lindsmith Centre) at (http://www.lindsmith.org/cites_sources/brief13.html); and Vincent Schiraldi, Sue Kuyper and Sharon Hewitt, “Young African Americans and the Criminal Justice System in California: Five Years Later”, (Centre on Juvenile and Criminal Justice, 1996) at (<http://www.lindsmith.org/library/cjcj/schiraldi2.html>).

²⁸Schaffer, at (<http://mir.drugtext.org/druglibrary/schaffer/library/basicfax.htm>).

²⁹Bullington, *op. cit.*, pp. 53-61.

³⁰The sheer monetary value of these seizures is astounding. In 1997, asset seizures by the Drug Enforcement Administration (D.E.A.) alone accounted for \$551 million. For the time period of 1993-1997, the D.E.A. confiscated over \$3 billion in assets. See U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* at (<http://www.albany.edu/sourcebook/index.html>)

³¹Schaffer, at (<http://mir.drugtext.org/druglibrary/schaffer/library/graphs/22.htm>).

³²A&E Investigative Reports: *The Crystal Methamphetamine Epidemic*.

The second prong of the “War on Drugs” concentrated on reducing the supply of drugs from countries identified as drug producers and traffickers.³³ While interdiction efforts had always had a primary role in drug enforcement, the “War on Drugs” demanded that America take a more proactive role in reducing the supply of drugs available. The United States, through government organizations like the Drug Enforcement Administration (DEA), began operations within an assortment of countries identified as drug producers and traffickers in Latin America, the Caribbean and South East Asia. Military equipment was often donated to assist in efforts to eradicate the cultivation of illegal drugs and to fight powerful drug cartels who often had their own large, privately financed armies. Furthermore, the United States tried to pressure foreign governments to sign extradition treaties so that high-ranking members of drug cartels could receive a “fair” trial in the United States where they would be guaranteed to be found guilty and serve long prison terms. Needless to say, almost all of these American sponsored policies were vehemently opposed not only by the drug cartels, but the populations at large within these countries.³⁴ The policies began to be seen as issues of sovereignty and imperialism.³⁵ Opposition in Colombia to extradition was so fierce that a paramilitary force sponsored by the Medellin Cartel and led by guerilla activists attacked the Colombian Supreme Court killing all but one of the justices. There was less public outcry than one would expect, primarily due to the widespread support for the anti-extradition position.³⁶

As the “War on Drugs” continued, the process of militarization became more and more pronounced. What had begun under the guise of a law enforcement exercise began to turn into a military campaign. While countries of Latin America requested police equipment, intelligence gathering devices, and technical assistance in establishing judicial systems free of corruption, the United States sent them conventional arms.³⁷ The full scale militarization of the “War on Drugs” was best demonstrated by President Bush’s unilateral decision to invade Panama with American troops in order to capture President Manuel Noriega (a CIA informant) who had been implicated in drug smuggling and money laundering

³³In the 1970s, the United States had “assisted” Turkey in trying to combat opium cultivation and heroin smuggling.

³⁴For critical discussions of the foreign component of the U.S. “War on Drugs” see Guy Gugliotta and Jeff Leen, *Kings of Cocaine* (New York: Harper Row, 1990).; and Raphael F. Perl (ed.), *Drugs and Foreign Policy: A Critical Review* (Boulder: Westview Press, 1994). ; and William O. Walker, “The foreign narcotics policy of the United States since 1980: an end to the war on drugs?”, *International Journal* vol. 49 (Winter 1993-1994), pp. 37-65.

³⁵Many arguments were made that the United States should first deal with the issue of American demand rather than foreign supply.

³⁶For a firsthand account of the incident see Gugliotta and Leen, *op. cit.*, p. 402-418.

³⁷Bruce Bagley, “After San Antonio”, *Journal of Interamerican Studies and World Affairs* vol. 34 (Fall 1992), p. 5.

activities.³⁸ Militarization has continued to the present day with a gigantic aid package to Colombia which focuses on supplying arms rather than improving social, political, and economic institutions as the Colombians had requested.

Despite the militarization of the “War on Drugs”, it became obvious that eradication and interdiction efforts against foreign producers were not having a negative effect on the quantity of drugs available in the United States. Furthermore, estimated levels of drug use, that had dropped in the early years of the “War on Drugs” as many middle-class and upper-middle-class individuals found the potential costs of drug use (i.e. jail) outweighed the benefits, once again began to rise.³⁹ Confronted with evidence that the “War on Drugs” was “addicted to failure” the United States pointed to corruption and a lack of cooperation from producer countries, placed all of the blame on them, and utilized a new technique to try and ensure compliance with American drug control efforts.⁴⁰ Known as the “certification procedure”, this technique which began to be used in the late 1980s involved several processes. First was the creation of a yearly International Narcotics Control Strategy Report which identified all of the major drug producing and transit countries with the aid of gathered intelligence.⁴¹ Second was the creation of Section 490 of the Foreign Assistance Act which requires the President to certify on an annual basis, that each major country has cooperated fully or has taken adequate steps on its own to meet the standards of the 1988 United Nations Drug Convention. Governments that the President feels have not met the standard lose their eligibility for most forms of U.S. military and economic assistance. They also face an obligatory “no vote” by the United States government for loans in six multilateral development banks.⁴² Regardless of the certification process, the volume of drugs available and drug consumption have continued to flourish in the United States.⁴³

The failure of the “War on Drugs” is most often addressed as a technical issue. Experts lament that not enough money is being spent on reducing supply while others argue that more should be spent on reducing demand. Medical practitioners try to convince others of the relative merits of various

³⁸*Ibid.*, p. 5.

³⁹Bullington, *op. cit.*, pp. 64-65.

⁴⁰The term “addicted to failure” is borrowed from Mathea Falco. See Falco, *op. cit.*, pp.120-133.

⁴¹See the Appendix for the most recent list.

⁴²For an official discussion of the certification process see Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report 1998*, (U.S. Department of State, 1999) at (http://www.state.gov/www/global/narcotics_law/1998_narc_report/policy98.html).

⁴³“Drug Control: Long Standing Problems Hinder U.S. International Efforts”, (General Accounting Office, 1997) at (<http://mir.drugtext.org/druglibrary/schaffer/GovPubs/gao/gao29.htm>).

rehabilitation methods. Political activists, lawyers, and the legal establishment debate the effectiveness and purpose of current drug laws. Law enforcement agencies request more money, equipment, and manpower to fight the drug scourge. Free-thinking doctors find themselves in the midst of controversy over the medical benefits of prohibited drugs. Essentially the drug discourse is focused on issues surrounding the restriction and prohibition of drugs like marijuana, MDMA, cocaine, and opium. The “War on Drugs” is viewed as an equation, that in order to be balanced (i.e. successful), needs certain variables to be added, some to be subtracted, and others to be manipulated. In complete contrast, when one views the “War on Drugs” from a primarily Foucauldian perspective, technical issues are removed from the forefront and the conclusions that one reaches about the role of America’s drug war are disturbing.

America’s “War on Drugs” from a Foucauldian Perspective

American drug laws and the “War on Drugs” are an example of power relations as understood by Foucault. Those involved in the drug discourse have been able to create a power-knowledge-pleasure nexus and established a regime of truth which has centred all discussions around prohibition and the pursuit of a “War on Drugs”. Panopticism has been able to expand from the national to the international level supported by the double impetus of pleasure and power. The end goal of drug laws and the “War on Drugs” has been to target specific groups in order to produce what Foucault has dubbed as “docile bodies”. By targeting minorities and various American counter-cultures, drug laws and the “War on Drugs” are ontological in that they help to form the American identity by demonstrating what is not “American” and what activities are not pursued by “real” Americans.

For Foucault, “power is everywhere not because it embraces everything, but because it comes from everywhere”.⁴⁴ This is certainly true of the drug discourse which is an exercise of power itself. Foucault also asserted that power is only tolerable on the condition that it is able to mask a substantial part of itself.⁴⁵ This then begs that two key questions be answered. First, who is wielding the power? Second, how are they hiding it? For Foucault, this first question is of secondary importance because of his unique understanding of power. Foucault argued that power:

must be understood in the first instance as the multiplicity of force relations imminent in the sphere in which they operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them; as the support which these force relations find in one another, thus forming a chain or a system, or on the contrary, the disjunctions and contradictions, which isolate them from one another; and lastly,

⁴⁴Foucault, *op. cit.*, p. 93.

⁴⁵*Ibid.*, p. 86.

as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies.⁴⁶

It therefore becomes apparent that for Foucault, power is being exercised from innumerable points in the drug discourse; power can come from below, it is not defined by a strict case of ruler and ruled, and power relations depend on points of resistance.⁴⁷ From this perspective, the American government, law enforcement agencies, medical practitioners, drug users, drug producers, and “average” citizens are all involved in this set of power relations which has created a particular power-knowledge-pleasure nexus and a regime of truth. Power relations have been hidden through the manipulation of the drug discourse toward exclusive concern with issues of prohibition.

According to Foucault, power produces knowledge. For him, “...there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations”.⁴⁸ In *The History of Sexuality*, Foucault speaks of the power-knowledge-pleasure nexus which shapes who is allowed to speak, from what positions and viewpoints they may speak, the institutions that prompt people to speak, and the institutions that store and distribute what they have to say.⁴⁹ Not surprisingly, he feels that “truth is not outside of power or lacking in power...truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it

⁴⁶*Ibid.*, pp. 92-93.

⁴⁷*Ibid.*, pp. 94-95.

⁴⁸Michel Foucault, “The Body of the Condemned,” in Paul Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books, 1984), p. 175.

⁴⁹Foucault, *The History of Sexuality* vol. 1, p. 11.

The Regime of Truth Surrounding the Drug Discourse

- **Drug use is inherently bad as it is medically unsafe and morally corrupt**
- **Real Americans do not use drugs**
- **Foreigners and other deviants use, traffic, and produce drugs**
- **Prohibition is the natural condition for drugs**
- **Drugs are the major source of criminal activity**
- **Drugs are a major killer of Americans**
- **Drugs have the potential to destroy the current international system**
- **Science is the only measure which can determine the potential value of drugs**

Figure Five

induces regular effects

of power”.⁵⁰ Therefore, in order to be able to establish what is true, Foucault argues that:

each society has its regime of truth, its general politics of truth: that is the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.⁵¹

These have all been operationalized within the drug discourse (see Figure 5). Moreover, as Foucault has shown with sex, “facts are often servile with respect to the powers of order rather than being amenable to

⁵⁰Michel Foucault, “Truth and Power”, in Colin Gordon (ed.), *Power/Knowledge* (New York: Random House, 1977), p. 131.

⁵¹Foucault, “Truth and Power”, p. 131.

the requirements of truth”.⁵² This explains why most people are under the mistaken impression (facilitated by media reports and political rhetoric) that illegal drugs are a major killer in American society. It becomes clear from a Foucauldian perspective that the drug discourse has therefore created its own regime of truth based on a loose adherence to the scientific method as presented by doctors, research scientists, lawyers, law enforcement officials, and state bureaucrats.⁵³

Although those who disagree with the current drug laws and the “War on Drugs” are often allowed to speak in opposition, they must frame their arguments within the parameters dictated by the regime of truth that operates within the drug discourse.⁵⁴ For example, if one wants to argue that marijuana should be legalized because of its potential health benefits, one must present “scientific” evidence that demonstrates that it is helpful in curing cancer, glaucoma, or multiple sclerosis in order to be taken seriously. If one were to argue that marijuana provides the user with health benefits to the human spirit, they would not be taken seriously because no “scientific” evidence exists of the human spirit or the state of its health, which means that it cannot be “scientifically” measured.

The power relations manifested within the drug discourse also keep the majority of discussions on the use of drugs centred around those that have been made illegal. Our obsession with prohibitions on drugs like PCP and heroin encourages members of society to see drug use as being repressed. By emphasizing illegal drugs we tend to underestimate the extent to which we use (and abuse) legal drugs. In fact borrowing an argument from Foucault presented in *The History of Sexuality*, drugs (like sex) are all around us.⁵⁵ We speak of drugs and use drugs without realizing that we are doing so (e.g. caffeinated beverages like coffee and tea, over the counter medications like aspirin, tylenol, and codeine, and legal recreational drugs like alcohol and nicotine). Hundreds of drugs are advertised daily in the media. We encourage those with mental disorders to take certain drugs. We sedate our children who have been diagnosed with Attention Deficit Disorder with drugs. When we encounter health problems, we take drugs to treat the condition almost without thinking. When we cannot sleep we take drugs and when we cannot stay awake we take drugs. Far from being repressed, drug use is rampant in modern Western

⁵²Foucault, *The History of Sexuality* vol. 1, p. 54.

⁵³It is interesting to note that at first, the prohibition against certain drug activities was couched in terms of morality. As we saw earlier, to use certain drugs was to be like the Chinese, Mexicans or African-Americans, and to be devoid of morality and decency. Slowly, starting with the Marijuana Tax Act, officials had to begin to provide scientific evidence (however flawed) in order to justify prohibitions. This is not to say that the moral aspect of drug use has disappeared (one only need to look at how drug addicts are portrayed in the media to see that it is still framed as a moral issue), but that to a certain extent, prohibition has supposedly become more about using science to protect the human condition.

⁵⁴Usually, they must be a lawyer, judge, scientist, doctor, or law enforcement agent.

⁵⁵Foucault, *The History of Sexuality* vol. 1, p. 9.

societies like the United States, yet the repression and prohibition of certain drugs is still embedded in our thinking as the primary condition of existence. Furthermore, because repression and prohibition are our starting reference point when engaging in the drug discourse, the “War on Drugs” becomes an inevitability. Most people feel that at least some drugs must be completely prohibited thereby maintaining a role for the “War on Drugs”.⁵⁶ Very few (if any) involved in the drug discourse advocate the complete dismantling of the “War on Drugs”.⁵⁷ Positions critical of the “War on Drugs” usually focus on making technical improvements to the anti-drug machine (e.g. Falco).

From the Foucauldian perspective it also becomes clear that America’s drug laws and the “War on Drugs” have expanded the operation of American Panopticism at the national and international levels. Foucault outlines the major themes of the panopticon as follows: it is a system of surveillance and observation, security and knowledge, individualization and totalization, isolation and transparency.⁵⁸ Panopticism allows for “...the operation on the underside of the law, a machinery that is both immense and minute, which supports, reinforces, and multiplies the asymmetry of power and undermines the limits that are traced around the law”.⁵⁹

At the national level, drug laws and the “War on Drugs” have served as justifications for increasing levels of surveillance on American citizens, particularly those who are members of minority groups. At the most overt level, in the name of protecting society from the drug scourge, the privacy of individuals in the United States has been invaded through electronic listening equipment, video surveillance, phone taps, and police searches backed by “probable cause”. At a more covert level, America’s drug laws and the increasing rates of incarceration under the “War on Drugs” have created a whole class of people with permanent negative documentation. A criminal record for non-violent drug offenses brands an individual for life and makes it hard for them to find gainful employment. Probation and parole also operate as panoptic monitoring systems making a sizeable part of the American population aware that their

⁵⁶In stark contrast to reality, prohibition is seen as being the natural state of affairs when discussing drugs.

⁵⁷For example, in a survey of American opinion leaders, only 24% of respondents favoured the legalization of drugs. See Ole R. Holsti and James N. Rosenau, “Liberals, Populists, Libertarians, and Conservatives: The Link between Domestic and International Affairs”, *International Political Science Review* vol. 17, no.1 (1996), p. 36.

⁵⁸Michel Foucault, “Complete and Austere Institutions”, in Paul Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books, 1984), pp 217-218.

⁵⁹Michel Foucault, “Panopticism”, in Paul Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books, 1984), p. 212.

movements may be monitored.⁶⁰ With the shocking numbers of minority males being found guilty of drug offenses in the United States, the asymmetrical distribution of power between them and the “Anglo-American” establishment is able to further entrench itself within American society; in essence those with criminal records have become citizens with an official second-class standing. Moreover, drug laws and the “War on Drugs” are a method to get those who might have different values and norms into the American domestic disciplinary system, condition them accordingly, and thereby maintain a docile body politic where counter-hegemonic ideas can be easily repressed and delegitimated. It however, it is not just at sites of incarceration that docility is manufactured. As mentioned earlier, Campbell has argued that the drug prohibition and the “War on Drugs” have aided in the maintenance of an American “society of security” where behaviour is increasingly constrained within a shrinking tolerable bandwidth. For example, the use of peyote by Native Americans in religious ceremonies had been tolerated in the United States for most of this century and became legal for members of the Native American Church with the passage of the American Indian Religious Freedom Act in 1978. However, in 1990, this freedom became bounded as a result of a decision rendered by the Oregon Supreme Court and upheld by the U.S. Supreme Court which argued that “peyote’s sacramental character could carry no weight against ‘neutral’ laws passed by the state against ‘criminal’ activities”.⁶¹

Reflecting the society of security in a more subtle manner, many leaders of African American communities have found themselves in a bind. Holding the initial perception that their neighbourhoods were being ravaged by illegal drug use, many supported the “War on Drugs”. As time has passed, many now realize that the consequences of this effort have been extremely damaging. At the same time trapped within the regime of truth surrounding the drugs discourse, many are still not ready to accept the position that the drug prohibition must be re-examined.⁶² Atlanta mayor, Bill Campbell (an African-American Democrat) has argued “We must reject all proposals to legalize illicit drugs, because it is morally reprehensible to consider an action that would (a) erode our children’s anti-drug attitudes of risk and social disapproval and (b) make harmful and addictive drugs far more accessible”.⁶³ By having a “legitimate” legal inroad to target counter-hegemonic groups as well as having the social apparatus (i.e. the regime of truth) in place to constrain behaviour, great debates can be pre-empted and alternative voices silenced.

⁶⁰The infrastructure and equipment needed to administer the programs aimed at targeting criminals and monitoring their activities also serves to condition the behaviour of ordinary citizens towards societal “norms”, as they may feel that these surveillance techniques are also being directed against them.

⁶¹Omer C. Stewart, “Peyote and the Law”, in Christopher Vecsey (ed.), *Handbook of American Indian Religious Freedom* (New York: Crossroad, 1991), p. 58.

⁶²See Samuel G. Freedman, “Is the Drug War Racist?”, *Rolling Stone* May 14, 1998, pp. 35-37.

⁶³*Ibid.*, p. 37.

At the international level, the “War on Drugs” has facilitated the processes of Panopticism, although in a much cruder manner; unlike Foucault’s Panopticism which in its ideal form does not necessarily need an observer, countries know that they are being watched and who is doing the watching. Numerous countries identified as major drug producers and traffickers are monitored by the United States to see if they are complying with the American drug control regime.⁶⁴ Military surveillance equipment is used to track drugs as they move through their distribution network.⁶⁵ Intelligence is gathered on the levels of cultivation, trafficking, corruption, political will, domestic drug use, and the effectiveness of domestic law enforcement.⁶⁶

As mentioned earlier, the certification process is the primary technique of Panopticism used by the United States. This process has allowed the United States on the one hand to maintain its asymmetrical economic power relations with several regions by tying economic development aid to effective participation in the “War on Drugs”. On the other hand, certification has caused the United States to separate development from the “War on Drugs” by failing to recognize that engaging in drug production and trafficking is often the very result of regional economic underdevelopment.⁶⁷ Moreover, the “War on Drugs” has legitimated American interference (in the eyes of the American public) in the internal affairs of other states such as Colombia, Bolivia, Peru, and Panama. This of course has served to reinforce and remind both citizens of the United States and others of American hegemony.

The certification procedure has also had implications for developed countries of the Western world like Canada, and has produced a more nuanced form of Panopticism which has helped maintain the drug status quo. Well-aware that they are probably being monitored (although they may not be) by the United States for drug related activities and that an extensive record is being kept of their transgressions, countries like Canada are steered into turning drugs into a major domestic and international issue. For example, Canada has recently been threatened by the United States for not being proactive in the fight against marijuana cultivation. Hal Klepak has argued that “for the United States, the issue (i.e. drugs) has

⁶⁴The audacity of the world’s biggest illicit drug consumer and fellow producer state passing judgement on others almost needs no comment.

⁶⁵Yet, military surveillance has not led to any reduction in the estimated flow of illegal drugs into the United States. See Louis J. Rodriques, “Expanded Military Surveillance Not Justified by Measurable Goals or Results”, (General Accounting Office, 1993).

⁶⁶“Drug Control: Long Standing Problems Hinder U.S. International Efforts”, (General Accounting Office, 1997) at (<http://mir.drugtext.org/druglibrary/schaffer/GovPubs/gao/gao29.htm>).

⁶⁷United Nations analysts have concluded that “debt, falling commodity prices, poverty, and drug trafficking are interconnected and mutually reinforcing”. Quoted in Allison Jamieson, *Global Drug Trafficking* (UK: Research Institute for the Study of Conflict and Terrorism, 1990), p. 3.

even become something of a touchstone for testing the loyalty of other countries in the post-Cold War era” and many countries seem to agree with this assessment as they pursue policies similar or congruent with the “War on Drugs”.⁶⁸ With the exception of the Netherlands, few western countries administer a domestic drug control regime markedly different from the United States.⁶⁹

The expansion of Panopticism has been supported by what Foucault calls mechanisms with a double impetus; that is all those things with the objective of saying “no” (e.g. drug laws and the “War on Drugs”) provide both pleasure and power. Pleasure comes from two distinct areas. The first is the pleasure that one may derive from “exercising a power that questions, monitors, watches, spies, searches out, palpates, and brings to light”.⁷⁰ These are the kind of pleasures enjoyed by state officials, the media, law enforcement agents, and the military while waging a war on drugs. The second type of pleasure is that which “kindles at having to evade this power, flee from it, fool it, or travesty it”.⁷¹ Those opposed to drug prohibitions, drug users, drug producers, and drug traffickers would be those likely to be affected by this form of pleasure. At the same time, Foucault describes two distinct forms of power that come from saying “no”. The first is “the power that lets itself be invaded by the pleasure it is pursuing”.⁷² The second type is “power asserting itself in the pleasure of showing off, scandalizing, or resisting”.⁷³ From the double impetus perspective the “War on Drugs” can almost be viewed as a high stakes game of “hide and go seek”. However, perhaps the real shortcoming of the panopticon (depending on one’s position) is that it has done nothing to reduce the supply of or demand for illegal narcotics. In fact, even within society’s ultimate social panopticons (i.e. correctional facilities), illegal drugs are still easy to find.⁷⁴

⁶⁸Hal P. Klepak, “The Impact of the International Narcotics Trade on Canada’s Foreign and Security Policy”, *International Journal* vol. 49 (Winter 1993-1994), pp. 67.

⁶⁹Recently, the Netherlands has come under increasing fire from the United States and Great Britain (both of which are prime destination points for Dutch produced synthetic drugs) for its liberal drug control regime. See Larry Collins, “Holland’s Half-Baked Drug Experiment”, *Foreign Affairs* vol. 78 (July 1999), pp. 82-98.

⁷⁰Foucault, *The History of Sexuality* vol. 1, p. 45.

⁷¹*Ibid.*, p. 45.

⁷²*Ibid.*, p. 45.

⁷³*Ibid.*, p. 45. Beyond simple propaganda purposes, this provides an interesting explanation for why the “War on Drugs” has had such a strong media component in its arsenal. Every major “drug bust” is reported by the media. Television shows like *Cops*, *American Detective*, *World’s Scariest Police Chases*, *Battle Against Crime*, *America’s Most Wanted*, and *Real Tales of the Highway Patrol* present the message that all those involved in drugs will be caught because our policing organizations are effective. In essence, these shows provide the opportunity for law enforcement agents to “show-off” their skills to the public.

⁷⁴If prisons have not been able to accomplish effective prohibition, it leads one to wonder what kind of “surveillance society” would be required to completely eliminate the use of illegal drugs?

From a Foucauldian perspective, the ultimate goal of American's drug laws and the "War on Drugs" has been the production of docile bodies. Foucault has argued that the individual human body is an object of power. As such, docile bodies "are produced through discipline which seeks to increase the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience)".⁷⁵ Foucault has traced how seemingly disconnected institutions like industry, education, and the military have created systems and methods of body discipline from enforcing body postures to introducing the widespread measurement of time in order to produce "docile bodies" within modern industrial societies. America's drug laws and the "War on Drugs" have no doubt been involved within these processes.

At the domestic level, individuals involved with prohibited drugs are thrown into prison, perhaps the harshest form of discipline that society can deal out. Moreover, those found guilty of drug offences in U.S. District Courts tend to get longer sentences than those charged with crimes like rape, fraud, and civil rights violations.⁷⁶ Drug users and dealers are considered to be society's deviants. As Foucault has illustrated, medicine of the Victorian era wove an entire network of sexual causality to explain deviant behaviour; today it is prohibited drugs that have taken over the bulk of the responsibility for playing this role.⁷⁷ For example, look at the number of crimes reported in the media as "drug related". Yet the relationship between crime and illegal drugs is not as strong as these reports would suggest. Although 35.6% of inmates have reported using an illegal drug at the time of their offence, an average of 30.6% of those in the criminal justice system (i.e. probation, jail, prison) reported consuming alcohol at the time of their offence. Therefore the link between crime and illegal drugs is not as dominant as is suggested, especially if one considers that a significant percentage of the American prison population is in for drug possession charges (and would likely be using drugs around the time of their arrest). It is also difficult to ascertain what role, if any, these substances might have played in anti-social behaviour.⁷⁸

To facilitate processes of depoliticization, several states have laws that disenfranchise those who are convicted felons and are in prison or on parole.⁷⁹ It is no wonder then that minorities and members of

⁷⁵Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Alan Sheridan (ed.), (New York: Pantheon Books, 1977), p. 138.

⁷⁶The median sentence for rape is 50 months, for fraud is 14 months, for civil rights violations is 27 months, and for drug offences is 60 months. See U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* at (<http://www.albany.edu/sourcebook/index.html>).

⁷⁷Foucault, *The History of Sexuality* vol. 1, p. 65.

⁷⁸See U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* at (<http://www.albany.edu/sourcebook/index.html>).

⁷⁹The Sentencing Project, a prisoner advocacy group, estimates that 1 in 7 African American males in the United States are prevented from voting due to these laws. In seven states that deny the vote to ex-offenders,

counter-cultures are those that tend to be targeted by drug laws and the “War on Drugs”.⁸⁰ By having a legal inroad that facilitates throwing people in prison who may be politically active, engaging in counter-hegemonic social discourses, and presenting challenges to the prevalent notion of American identity, it is probably hoped that their spirits will be broken, their counter-hegemonic movements destroyed, and that they can be assimilated into what has been decided upon as the “American way of life”.

At the international level, the United States through the “War on Drugs” appears to be trying to produce “docile countries”. Arguments are made that eliminating the drug economy in regions like Latin America and South East Asia will make them economically efficient and more profitable as sites for American foreign investment.⁸¹ Yet neoliberal reforms tend to contribute to the economic, social, and political circumstances that encourage drug production.⁸² At the same time, manipulating these countries into pursuing the “War on Drugs” through processes like certification ensures political obedience and recognition of American hegemony. Essentially, these countries are co-opted to an extent into becoming “quasi-American”. This process though still creates enough difference within the international drug discourse to allow the American government and the American people to distinguish themselves from those that they have identified as the major drug nations. As mentioned earlier, the international aspect of the “War on Drugs” is also able to keep countries (e.g. Great Britain) that might not be as susceptible to American influence in line with American hegemonic aspirations by ensuring that they pursue particular drug policies.⁸³

one in four African American men is permanently disenfranchised. Given the current rates of incarceration, three in ten of the next generation of African American men can expect to be disenfranchised at some point in their lifetime. In states that disenfranchise ex-offenders, as many as 40% of the African American men may permanently lose their right to vote. See The Sentencing Project at (<http://www.sentencingproject.org/>).

⁸⁰More shocking is that it is not high level dealers within these groups that seem to be the targets. Instead, 75% of those arrested are for possession charges. Most possession arrests (36%) are for marijuana. See U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* at (<http://www.albany.edu/sourcebook/index.html>).

⁸¹Some of this persuasion might also argue that eliminating the production of drugs would stop flows of migrants into the United States from Latin America.

⁸²For a discussion of the contradictions between neoliberal structural adjustment and drug cultivation in Latin America, see Peter Andreas, “Free market reform and drug market prohibition: U.S. policies at cross-purposes in Latin America”, *Third World Quarterly* vol. 16 (March 1995), pp. 75-87.

⁸³For example, British moves to re-medicalise the drug issue in response to HIV in the mid-1980's were subverted by DEA officials who helped to create a “crack scare” in the United Kingdom by 1989. This led to the adoption of stricter drug laws and a reorganisation of drugs enforcement in a manner similar to that of the United States. See Nicholas Dorn and Nigel South, “After Mr. Bennett and Mr. Bush: U.S. Foreign Policy and the Prospects for Drug Control”, in Pearce and Woodiwiss (eds.), *op. cit.*, pp. 76-77.

I have demonstrated through the utilization of Foucauldian concepts, theories, and techniques, that America's drug laws and the "War on Drugs" are not about protecting the public safety and health of Americans. Rather all those elements that compose the American drug control regime should be seen as issues of ontology and American identity. Returning to Campbell from a much broader perspective, his argument that an important link exists between national identity and the practice of foreign policy is extremely significant.

Campbell believes that the practices of foreign policy help to hide the socially constructed character of identity within societies like the United States. Accordingly differences in conceptions of identity within societies must be "converted into an absolute difference *between* a domain of domestic society, understood as identity, and a domain of anarchy, understood as at once ambiguous, indeterminant, and dangerous" through foreign policy discourses and practices.⁸⁴ Moreover, this exclusion must be hidden, for if domestic society becomes problematized, the national identity becomes just one of many possible interpretations.⁸⁵ Therefore, the successful and effective practice of foreign policy requires that internal threats to identity be attributed to factors external to the state and that they are managed without creating the opportunity for the political contestation of national identity. It is of little wonder then, that America's drug problem is blamed on "other" nationalities and "other" countries.

From this non-traditional perspective of foreign policy, Campbell is able to distinguish between the two elements which constitute the practice. The first he calls foreign policy, which is "a particular set of representational practices which provides the resources from which are drawn the modes of interpretation employed to handle new instances of ambiguity or contingency".⁸⁶ In this respect, foreign policy can be thought of as a particular "world-view". The second element Campbell identifies is Foreign Policy in the more traditional sense of making policy, "which serves to reproduce the constitution of identity made possible by foreign policy and to contain challenges to the identity which results."⁸⁷ Campbell is able to demonstrate how these two elements in America's relations with the "other" from early colonial times, into the Cold War, and beyond, have shaped both the American national identity and the perception of the "enemy". As mentioned earlier, he illustrates that this link is most apparent in times of uncertainty at either the national or international levels.

⁸⁴Campbell, *op. cit.*, p. 71.

⁸⁵*Ibid.*, p. 71.

⁸⁶*Ibid.*, p. 76.

⁸⁷*Ibid.*, p. 76.

From Campbell's perspective, a new reading can be made into the progression of American drug laws (see Figure 6). First, there appears to be a correlation (with the exception of the Marijuana Tax Act) with increasing levels of immigration to the United States and the composition of "others" within these migrations.⁸⁸ Second, as Campbell would predict, there also appears to be a correlation in several cases between American drug laws and situations of flux and uncertainty. For example, the drug laws at turn of the century like the Harrison Act, were passed at a time when the United States was having to deal with the outbreak of World War One. Finally, it also does not appear to be a coincidence that drug laws were traditionally introduced into regions along the frontier. After all, these are the geographical locales in which the "national identity" would have been perceived as being the most vulnerable to the influences of the "other".⁸⁹

Campbell feels that the link between foreign policy practices and national identity is especially evident in the foreign policy history of the United States because it represents to a certain extent Benedict Anderson's "imagined community par excellence".⁹⁰ Therefore, American foreign policy practices like the "War on Drugs" are attempts to produce and reproduce the American national identity. From the brief genealogy of American drug laws presented earlier, it is quite apparent that from the beginning, these laws were about distinguishing Americans from those perceived to be inferior and morally corrupt.⁹¹

From a different angle at the domestic level, the American drug discourse must be framed within the parameters of a regime of truth which places an emphasis on scientific fact. Science in the Western world is equated with civilization and progress. Therefore, a scientific regime of truth which steers the drug discourse prohibits the introduction of arguments from other modes of rationality (e.g. issues of drugs,

⁸⁸For this analysis, "others" were defined as people who immigrated to the United States from Asia, Mexico, and the Caribbean. Although for most of the time periods the "other" represented only a small percentage of the total volume of immigrants, drastic increases in their numbers were perceived as threatening. For example, in a treatise that claimed to be sympathetic to Chinese immigration, Rev. O. Gibson used a pestilence metaphor when he referred to the Chinese as "...the vast population of heathen, now our near neighbours, and swarming on our shores...". See Rev. O. Gibson, *The Chinese in America* (Cincinnati: Hitchcock and Walden, 1877), p. 6.

⁸⁹The history of American drug laws also points to the fact that the discourses of foreign policy/Foreign Policy can be applied domestically.

⁹⁰Campbell, *op. cit.*, p. 11.

⁹¹While one might argue that American distrust of hedonistic activity can be traced back to its Puritan roots, historical evidence suggests that the Puritans had absolutely no inhibitions about getting drunk and that they treated alcoholics with compassion. See Harry G. Levine, "The Discovery of Addiction: Changing Conceptions of Habitual Drunkenness in America," *Journal of Studies on Alcohol* vol. 15 (1979), pp. 493-506. Available at (<http://www.lindesmith.org/library/tlclevin.html>).

religion, and the human spirit). This then makes all questions about the American drug control regime seem like technical issues and masks their true ontological and identity based roots.

From an international perspective, the “War on Drugs” has been about distinguishing the American system of governance and American society in general from “others”. Certain countries are identified as having the major drug problem which they have tried to export to the United States in order to weaken America and change its identity. These states are identified as having characteristics such as ineffective control over their territory, scarce national resources, weak economies, corrupt law officials, widespread crime, traditional cultivation and use of drugs, and a lack of political will.⁹² If the United States does not try to combat this situation, it is implied that Americans will soon live in a country with these sorts of problems too. The certification process solidifies American ontology and identity in two different ways. First, it serves to reinforce American hegemony by having the United States elect itself as the judge, jury, and executioner in the trials of those countries that it believes to be major drug states. Second, the process implies that the only way for these countries to join the ranks of the civilized world is to willingly participate in the “War on Drugs” and do exactly what the United States says they should do. For example, the International Narcotics Control Strategy Report, 1998 states that:

The United States will continue to provide necessary leadership and assistance to our partners in the global antidrug effort. As one of the countries most affected by illegal drugs, we cannot afford to give up any of the ground gained in the last decade. The success of this effort, however depends not one country but on the cooperation and commitment of our allies in the worldwide drug control effort.⁹³

The foundations of American hegemony (which play a major role in the ontology and identity of the United States) are therefore further strengthened through the “War on Drugs”.

Aztec Ontological Warfare: The “War on Drugs” as a Flower War

In *Violent Cartographies: Mapping Cultures of War*, Shapiro argues that throughout the ages, war and the conduct of warfare have had both ontological and strategic purposes. While wars are fought for reasons

⁹²An example of this type of text is the following: “.other significant, long standing obstacles also impede U.S. and drug producing and transit countries’ drug control efforts; in the drug producing and transit countries, counter-narcotics control efforts are constrained by competing economic and political policies, inadequate laws, limited resources and institutional abilities, and internal problems such as terrorism and civil unrest; moreover, drug traffickers are increasingly resourceful in corrupting the countries’ institutions”. See “Drug Control: Long Standing Problems Hinder U.S. International Efforts,” (General Accounting Office, 1997) at (<http://mir.drugtext.org/druglibrary/schaffer/GovPubs/gao/gao29.htm>). Yet, many of the same problems (e.g. terrorism, corruption, and civil unrest) are also inside the United States.

⁹³U.S. Department of State, *op. cit.*, p. 8.

such as territory, economic disparity, and geo-political calculations, Shapiro believes that all wars serve to shape the identity of those who have fought in them. Victory in war while providing certain spoils, also reinforces a state's ontological foundations and sense of identity. Defeat in war not only requires costly concessions, but also calls into question a state's ontology and national identity (e.g. the United States and Vietnam).⁹⁴

Shapiro singles out Aztec society as being quite unique in that the majority of wars were ontological rather than geostrategic in nature. In particular, the enemy provided an ontological service to Aztec society through "Flower Wars".⁹⁵ In contrast to regular wars over territory, the primary purpose of "Flower Wars" was to demonstrate martial skills and serve the resulting prestige structure.⁹⁶ While "Flower Wars" sometimes changed into wars of territorial conquest, they were primarily used to secure captives and to provide combat training to the warrior class.⁹⁷ The taking of captives was a means of upward social mobility and the total number of captives taken over a lifetime of combat was a determinant of status in Aztec society. Unfortunately, for the captives, they were almost always sacrificed. According to James Ingham, "the sacrificing of slaves and captives and the offering of their hearts and blood to the sun thus encoded the essential character of social hierarchy and imperial order and provided a suitable instrument for intimidating and punishing insubordination."⁹⁸ Therefore, Aztec warfare through the practice of "Flower Wars" should be seen as a method to strengthen Aztec identity, to secure ontological foundations, and demonstrate that a particular way of life was justified and good.⁹⁹

It is apparent that the "War on Drugs" is the perhaps the closest thing that modern industrial societies have to a "Flower War". The "War on Drugs" has been primarily about distinguishing the American national identity from "others" who by producing and using drugs engage in hedonistic, medically unsafe,

⁹⁴Shapiro, *op. cit.*

⁹⁵*Ibid.*, pp. 50-51.

⁹⁶Ross Hassig warns against over emphasizing the ontological nature of Flower Wars (a mistake that appears to be present in Shapiro). In many respects, he argues that they were also about exerting dominance over another city-state without having to engage in a full scale territorial battle. See Ross Hassig, *Aztec Warfare: Imperial Expansion and Political Control* (Norman: University of Oklahoma Press, 1988), pp. 128-130.

⁹⁷*Ibid.*, pp. 128-130. The combat on the battlefield was usually non-lethal. The types of weapons used in "Flower Wars" were designed to require a high level of skill in order to effectively injure opponents.

⁹⁸John Ingham, "Human Sacrifice at Tenochtitlan," *Comparative Studies in Sociology and History* vol. 26 (1984), p. 369.

⁹⁹In other words, victory in a Flower War provided "proof" that a particular city-state (and its way of life) were better than its opponent's.

and morally corrupt behaviour.¹⁰⁰ The “War on Drugs” has been in part about demonstrating martial skill whether it be by intercepting drug shipments at the American border, eradicating drug cultivation in foreign countries, arresting a local street dealer, or capturing the president of a sovereign state. By being able to show the public these accomplishments through the media, American ontological foundations are legitimated. However, despite the barrage of successes in the media, there is concern among both analysts and policy-makers that at best the “War on Drugs” is a stalemate.¹⁰¹ In my opinion, it is likely to be a war that the United States will ultimately lose. How is it then, that the United States finds itself engaged in a war that it probably cannot win and where the American national identity and ontology are at risk? For an answer, we must turn to the ancient teachings of the Chinese philosopher of war, Sun Tzu.

Sun Tzu and the “War on Drugs”

Sun Tzu was a military general and philosopher around 500 BC in the Kingdom of Wu. In *The Art of War*, he outlined what he believed to be the keys to military success. He advised that war be only a means of last resort; however there are further words of wisdom that are of utmost importance to the American “War on Drugs”. Sun Tzu stated that:

If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained, you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle.¹⁰²

The “War on Drugs” is a war that the United States cannot win because both its knowledge of the self and the “enemy” is lacking.

Within the drug discourse, the United States is suffering from denial. Because the use of drugs is not considered a part of the true American identity, its prevalence in American society is downplayed or ignored. “Others” (e.g. Latinos and African Americans) are the ones who are seen as using drugs and having the drug problem. Yet the fact remains that the United States is the world’s number one consumer of illegal drugs and also one of the biggest producers of illegal drugs. U.S. government statistics which have been cited by the DEA show that about 12.7 million Americans have used an illegal drug within the

¹⁰⁰The general idea here is that according to the American national identity, Americans do not use drugs.

¹⁰¹Gains made in one area are often balanced by set-backs in another. For example, the *International Narcotics Control Strategy Report 1998* indicates that while opium cultivation in the Western Hemisphere is on the decline, there is little that the United States can do to curb cultivation by the major Asian producers who account for 90% of the world’s supply. See Bureau for International Narcotics and Law Enforcement Affairs, *op.cit.* at (http://www.state.gov/www/global/narcotics_law/1998_narc_report/policy98.html).

¹⁰²Sun Tzu, *The Art of War* James Clavell (ed.), (New York: Dell Publishing, 1983) p. 18.

last month, between 30 to 40 million Americans have used an illegal drug within the past year, and that 70 to 90 million Americans have used an illegal drug during their lifetime.¹⁰³ These statistics are considered to be conservative estimates as they are the result of monthly telephone surveys; after all, how many people would willingly admit to an illegal act over the telephone to a stranger?¹⁰⁴ Moreover, as drug use in the United States continues to rise, it has been fuelled not by members of minority groups or the counter-culture, but by white, middle-class America.¹⁰⁵

In terms of production, marijuana continues to be the biggest cash crop in California, Kentucky, and Georgia forming a multi-billion dollar underground enterprise.¹⁰⁶ In 1998, close to 1700 illicit drug laboratories were seized in the United States.¹⁰⁷ Despite the overwhelming evidence that America is a “junkie”, the myths that drugs are a preoccupation of the “other”, that drugs have been pushed (rather than welcomed with open arms) on American society by the “other”, and that “real” Americans do not use or produce illegal drugs continue to shape American ontology and the national identity.

While the United States suffers from the denial of its prohibited drug problem, it at the same time (as mentioned earlier) does not recognize its rampant use of products which are drugs. Because the word drug is commonly associated in the United States with illicit substance abuse, many Americans are unaware of the number and variety of drugs that they are pumping into their bodies on a daily basis.¹⁰⁸

¹⁰³Schaffer, at (<http://mir.drugtext.org/druglibrary/schaffer/library/basicfax.htm>); and U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* at (<http://www.albany.edu/sourcebook/index.html>). For some perspective, the number of Americans who have used an illegal drug in the past year is greater than the total population of Colombia!

¹⁰⁴From a Foucauldian viewpoint, these numbers might be artificially inflated due to the pleasure that certain individuals might get from making scandalous claims to the authorities. These numbers might also be inflated as a result of certain individuals seeking to rewrite their personal histories into something less ordinary and dull.

¹⁰⁵For example, according to the *Sourcebook of Criminal Justice Statistics 1998*, 40.5% of white high school students have tried marijuana and 24.6% currently use the drug. See U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics 1998* at (<http://www.albany.edu/sourcebook/index.html>).

¹⁰⁶Peter Jennings, *Special Report: Pot of Gold*, aired on ABC April 18, 1998. Estimates of the total value of America’s marijuana crop range from \$4 billion to \$24 billion. In contrast, the value of the largest legal cash crop (i.e. corn) in 1993 was \$16 billion. See Eric Schlosser, “Reefer Madness,” *Atlantic Monthly* August, 1994.

¹⁰⁷Bureau for International Narcotics and Law Enforcement Affairs, *op. cit.* at (http://www.state.gov/www/global/narcotics_law/1998_narc_report/policy98.html).

¹⁰⁸John Parascandola, “The Drug Habit: The Association of the Word “Drug” With Abuse in American History”, Roy Porter and Mikulas Teich (eds.), *Drugs and Narcotics in History*, (Cambridge: Cambridge University Press, 1995), pp. 156-167.

Many of these substances including nicotine, alcohol, and caffeine are considered as medically dangerous as those drugs that have been prohibited (and in some cases more dangerous).¹⁰⁹ Because Americans do not perceive these products to be drugs, the non-drug user aspect of the American national identity remains intact.¹¹⁰

Knowledge of the enemy in the “War on Drugs” is also lacking. This is compounded by the fact that the “War on Drugs” seems to be fighting several different enemies at once: drugs themselves, the “other” represented by drug users in the United States, and the “other” represented by major drug states in the international system. In terms of drugs, what is considered to be knowledge is part myth and part “bad science” in many cases. What is desperately needed in terms of public health and safety (and not necessarily to make the “War on Drugs” winnable) is research into drugs, their uses, and potential long-term liabilities. This research does not have to be confined to the natural sciences. Other fields including anthropology, sociology, economics, political science, and security studies should re-examine drugs and its discourse, free from the yoke of prohibition as a starting point.

In terms of knowledge of the “other” represented by drug users in the United States, America has to understand that it is the “other”. The use of prohibited drugs is not an activity confined to minority populations or counter-cultures; currently in the United States, members of the white middle-class establishment have used or are using prohibited drugs.¹¹¹ Richard Lawrence Miller has argued that “drugs do not threaten the American way of life; they are a part of it”.¹¹² Therefore, the non-drug component of the American national identity is false; it is a myth that was formed by a racist ideology at the turn of the century. Charles Whitebread has speculated that as increasing numbers of white middle-class Americans are arrested for violations of drug laws (particularly marijuana), prohibitions might fall. After all, “no

¹⁰⁹In terms of the potential for dependence (i.e. the difficulty in quitting or staying off the drug and the number of users who eventually become dependent), nicotine has been ranked number one by several research studies. In terms of withdrawal effects (i.e. the severity of withdrawal symptoms produced by stopping the use of the drug), alcohol has been ranked number one (even higher than heroin). In several categories including withdrawal, tolerance (i.e. the user’s need to have ever increasing doses to get the same effect), and dependence, caffeine ranks higher than marijuana. See Schaffer, at (<http://mir.drugtext.org/druglibrary/schaffer/library/basicfax.htm>).

¹¹⁰Borrowing from Campbell’s argument that even technical language contains formulations of identity, it is interesting to note that drug users are labelled addicts but that addiction is not used to describe the high consumption levels of certain products (e.g. non-renewable resources) by the United States (e.g. imagine “oil addicts”).

¹¹¹The majority of drug violaters who are caught and charged in the United States are white (60.4%).

¹¹²Richard Lawrence Miller, *The Case for Legalizing Drugs* (New York: Praeger, 1994), p. 154.

prohibition will stand, ever, when it comes back and penalizes our children, the children of the U.S. who enacted it”.¹¹³

At the international level, the United States suffers from a lack of knowledge of the “other” represented by those it has deemed to be major drug producing states. Few involved in the “War on Drugs” examine how these countries got to the point where producing and trafficking drugs became a viable and often essential economic activity. Instead, these countries are seen as evil drug pushers contaminating American society with their seditious wares. William O. Walker has argued that “supply-side policy makers in the United States have historically assumed that narco-traffickers were national actors”.¹¹⁴ Therefore, drug production and trafficking are viewed as conscious attempts by these states to destroy the American “way of life”. If America’s drug warriors began to ask “how” certain states reached the point where large-scale drug cultivation was a viable option, I believe that a different enemy would become the target of the “War on Drugs”. As has been argued within the United Nations’ literature, drug production, drug trafficking, poverty, and economic underdevelopment are connected and mutually reinforcing. If the United States wants to stop drug production in these countries, they must address issues of poverty and international economic inequality. However, this places the United States in a “Catch-22 situation”. If the major drug producing countries are able to develop economically and their populations are able to enjoy a higher standard of living, much of the basis for America’s ontological outlook will be lost.¹¹⁵ In essence, the United States needs these countries to be economically underdeveloped and involved in the drug trade in order to maintain its hegemony, keep its national identity intact and maintain faith in its chosen “way of life”, which perceives no legitimate role for drugs.

Conclusions: Emancipation or Intoxication?

From a brief examination of the development of American drug law and how it became possible to wage a “War on Drugs”, it becomes clear that these exercises have been more about establishing an American national identity and maintaining the American ontological outlook than issues of public health and security. Composition of the “other” as hedonistic, medically unsafe, and morally corrupt has its antecedents in the racist ideology present in the United States around the turn of the century. Being able

¹¹³Whitebread, *op. cit.*

¹¹⁴W.O. Walker, *op. cit.*, p. 40.

¹¹⁵It is of little wonder then that the *Narcotics Control Strategy Report 1998* has argued that “...our partners themselves must lay the political and economic groundwork for development programs to provide legitimate alternatives to farmers now raising illegal crops.” See Bureau for International Narcotics and Law Enforcement Affairs, *op. cit.* at (http://www.state.gov/www/global/narcotics_law/1998_narc_report/policy98.html).

to distinguish real “Americans” from those identified as drug users (e.g. minority groups and counter-cultures) has been one of the primary motivations behind American drug law and the “War on Drugs”.

From a Foucauldian perspective, important aspects of the American drug discourse that are missed by conventional accounts become evident. It has its own set of power relations which has formed a power-knowledge-pleasure nexus and regime of truth which makes the prohibition of drugs and the “War on Drugs” appear to be both natural and inevitable. Drug laws and the “War on Drugs”, by establishing a double impetus, have also increased Panopticism nationally and internationally which has furthered the asymmetrical distribution of power within both levels. Furthermore, the American drug control regime and the resulting society of security have aided in the production of docile bodies both within the United States through incarceration, and within countries identified as major drug producers (and possible producers) through the process of certification.

Because the “War on Drugs” is primarily about American national identity and its ontological outlook, it is perhaps best viewed as the modern day equivalent of an Aztec Flower War. Yet, despite the high stakes at risk, the “War on Drugs” does not look like a Flower War that the United States can win. If one turns to the teachings of Sun Tzu it becomes clear why defeat is almost inevitable. Unless the United States is prepared to acknowledge that it has a drug problem and is both a drug user and producer while pursuing a greater understanding of drugs, the “other” represented by domestic drug users, and the “other” represented by those it has declared to be major drug producing states, the “War on Drugs” will end in eventual defeat. The potential consequences of ending or suffering total defeat in the “War on Drugs” on American national identity and its ontological outlook, is an area that demands further research and study.

Although the effects of ending the “War on Drugs” are still uncertain in terms of American ontology and the danger exists that repealing prohibition might just lead to more forms of intoxication rather than “emancipation”, the United States must seriously reconsider its drug control strategy and then try to come to terms with its drug problem. Given the constructed nature of the global drug problem, maintaining the status quo or becoming even more punitive in an attempt to “scare people straight” should no longer be seen as legitimate policy options. Instead, it is imperative to move beyond the “War on Drugs” and abandon its supporting discourse.