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The Moral Culture of Drug Prohibition

by Ed D'Angelo

The most common explanation for why drugs are illegal is "to protect public health and safety." And yet we all acknowledge that there are many dangerous and unhealthy activities that *are not* and *should not* be prohibited by the government. What in addition to public health and safety are drug laws supposed to protect? I want to suggest that drug laws have been imposed to protect the moral culture of capitalism as it developed in Great Britain and the United States between the seventeenth century and World War II.

Why are drugs illegal? To begin with, drugs are "addictive": unlike other dangerous and unhealthy activities, people sometimes use drugs "against their will" and "lose control of their own desires." This is why they need someone else to control their desires for them; and because such control will be met with resistance from the "addict," the controlling agent must use coercive power.

In a developing capitalist country such as Singapore, which lacks a strong liberal tradition, coercive authority is not questioned. Vandals are flogged, drug users are hung, and even bubblegum is illegal. But in a self-avowedly liberal society such as ours, coercion is more problematic. We believe—or so we say—in the dignity of the individual person. No one is born with a collar around his or her neck. We are all born equal and must freely negotiate our relationships from this position of equality without the use of coercion or deception.¹ Only the government has the right to coerce us, by violent means if necessary. Anarchists take the argument one step further and argue that even the government has no right to use coercive force. Liberals², however, believe that the coercive power of government is necessary in order to ensure that private citizens do not coerce or deceive one another. In other words, allowing the government to use coercive power over us is the price we must pay for our relationships with one another to be as free (as "liberal") as possible. We must sacrifice some

freedom to gain much more. Similarly, the argument in favor of the

government's prohibition of drug use is that, by using coercive power against its citizens, the government actually increases their freedom by saving them from their own addictive and enslaving desires.

The use of coercive power by the government to control its citizens' desires is what I will call the *moral* purpose of a liberal government, to be distinguished from its *social* purpose. Whereas the primary and immediate social purpose of a liberal government is to regulate relationships *between* citizens, the primary and immediate moral purpose of a liberal government is to regulate and shape the *internal* character structure of individuals, such as (and most fundamentally) the relationship between the so-called rational will and desire. Neoconservatives argue that a liberal society depends upon a particular character structure—one in which the rational will exerts authority over desire—just as much as it depends upon the police to ensure that citizens do not coerce or deceive one another. By subverting the authority of the rational will over desire, drugs (like "romantic infatuation," "lust," and other desires that threaten good "family values") represent not merely or even primarily a *social* threat, let alone a *health* threat, but a *moral* threat to liberal society. It is therefore the right and duty of a liberal government to protect the society from such threats "by any means necessary."

The fact is that even the most dangerous drugs do not represent a sufficiently great health threat to society to justify the cost (in terms of dollars, lives, and loss of liberty) of the current war on drugs. Even in the case of crack cocaine—which in spite of prohibition is readily available in American cities, and which would probably not be used on as wide a scale today if the war on drugs had not driven the price of marijuana so high—the number of deaths nationwide is comparable to the number of deaths from aspirin (a few thousand). In the case of marijuana, there are no known deaths resulting from its use and, contrary to popular myths spread by disreputable and dishonest persons such as Dr. Gabriel Nahas (former member of the CIA's World War II prototype, the OSS, and a friend and ally of Lyndon La Rouché, founder of a far-right organization that seeks to restore medieval Christendom), as well as groups like the Partnership for a Drug Free America (producers of the famous frying-egg commercial), marijuana does not cause lung cancer or brain damage. Nor do drugs represent a sufficiently great *social* threat to society to justify the cost of the war on drugs. Indeed, it may be argued that the

1. In *A Theory of Justice*, Harvard Professor John Rawls offers the foremost philosophical defense of contemporary liberalism. He argues that no institution is just unless it can be shown that a community of rational agents in an initial position of absolute equality would freely choose to create it. Similarly, Jurgen Habermas, another liberal philosopher, argues that no institution is just unless it can be shown that a community of rational agents would reach a consensus to create it. Habermas seeks to determine the conditions for a fair consensus decision-making process.
2. In the following discussion, *liberalism* refers to the classic liberalism of the eighteenth-century Scottish Enlightenment, not to what is referred to as *liberalism* today. Classic liberalism is the inspiration behind what we now call *conservatism*, both in its libertarian/neoliberal and neoconservative variations. Contemporary liberalism preserves some principles of classic liberalism while adding to them a few socialist reforms.

war on drugs represents a greater social threat to society than do drugs themselves, by creating a huge underground economy and a fantastic escalation in the rate of crime and violence.

No, the social and health threats posed by drugs are a bogeyman thrown up by the authorities to scare the populace into acquiescence with their moral crusade. The real purpose of the war on drugs is not to preserve our health or our peace but, rather, to impose a set of old-fashioned Victorian moral principles which the drug warriors sometimes honestly believe are necessary for a liberal-capitalist society. Read what James Q. Wilson, professor of management and public policy at the University of California at Los Angeles, had to say in "Against the Legalization of Drugs" (*Commentary*, February 1990), during the winter that George Bush ordered American troops to invade Panama, killing thousands of people for the sake of capturing a drug "kingpin":

The real purpose of the war on drugs is to impose a set of "moral" values necessary to function in a capitalist exchange economy.

If we believe—as I do—that dependency on certain mind-altering drugs is a moral issue and that their illegality rests in part on their immorality, then legalizing them undercuts, if it does not eliminate altogether, the moral message.

That message is at the root of the distinction we now make between nicotine and cocaine. Both are highly addictive; both have harmful physical effects. But we treat the two drugs differently, not simply because nicotine is so widely used as to be beyond the reach of effective prohibition, but because its use does not destroy the user's essential humanity. Tobacco shortens one's life, cocaine debases it. Nicotine alters one's habits, cocaine alters one's soul. The heavy use of crack, unlike the heavy use of tobacco, corrodes those natural sentiments of sympathy and duty that constitute our human nature and make possible our social life. To say, as does Nadelman, that distinguishing morally between tobacco and cocaine is "little more than a transient prejudice" is close to saying that morality itself is but a prejudice.

How are drug users morally deficient? They lack such classic Puritan character traits as self-control, self-restraint, frugality, sobriety, equanimity, muted affect, and the ability to delay gratification. In short, they lack everything that is necessary to function in a developing capitalist exchange economy, where one must save and invest rather than consume, where one must remember to pay debts and fulfill contractual obligations. "Drug-dependent people have very short time horizons and a weak capacity for commitment," Wilson asserts. This

is why it is necessary to use "compulsion" to get drug users to stay in treatment programs (although Wilson neglects to mention that forced drug treatment rarely works).

Note carefully that Wilson condemns the use of cocaine not because, like nicotine, it damages the body but because it "corrodes" the soul and consequently makes our social life impossible. The historical source of his argument lies in a religious concern for the soul in its relation to God. Indeed, when our "drug-dependent" person reaches the drug-treatment center, he or she is likely to meet a thinly veiled religious program of salvation, such as the 12-step programs which bear such a striking resemblance to the conventional pattern of Protestant religious conversion,³ and a therapeutic ideology which reduces all human problems to "addiction" and "dependency."

In order to understand this moral attack on drugs, it's necessary to review the ideology of the New Left and of the countercultural youth of the 1960s, for much of the politics which has followed since then can be understood as a reaction against that movement. The New Left, and especially the counterculture, was not interested merely in changing the structure of our institutions. Theirs was not primarily a political or even a social revolution but also (and I believe more importantly) a moral and psychological revolution. Sociologists have long since documented the fact that most members of the 1960s counterculture and New Left were children of upper-middle-class white Anglo-Saxon Protestants, and that many of those who weren't were still educated in colleges and universities controlled by upper-middle-class WASPS: these were the "spiritual" children of Anglo-Saxon culture. What these youthful WASPs of the 1960s were protesting was what Max Weber and R. H. Tawney have both described as the Protestant work ethic—an ethic, however, which entailed far more than a simple obligation to work, for it demanded a severe control over one's body and desires in all domains of life. The ethic dates back to the bourgeoisie of seventeenth-century England but has been a recurring feature of Anglo-Saxon culture ever since.

In the culture of nineteenth-century Victorian Protestantism, the work ethic took two forms—one for the working class and another for the bourgeoisie—just as today the Victorian revival takes two forms: the evangelical New Right for the working class, and Puritan neoconservatism for the educated middle class. For the working class, as E. P. Thompson has shown, the ethic entailed mindless obedience to the authorities, the logic being that such people were incapable of controlling themselves and so must be controlled by others. Schools, prisons, military barracks, hospitals, and factories imposed the necessary discipline.⁴ For the bourgeoisie, however, an ethic

3. The pattern was already set in the 1790s, when the British Crown was reasserting its authority and the industrial revolution was getting off the ground. See "The Transforming Power of the Cross" in *The Making of the English Working Class*, where E. P. Thompson describes the conversion of a sailor, Joshua Marsden, to Methodism from "a sinful youth of swearing, gaming, drunkenness, idleness, sexual looseness, or merely 'desire of the flesh.'"

4. See Michel Foucault, *Discipline and Punish* (New York: Vintage Books, 1979). Disciplinary institutions appeared wherever modern industry did. But in the Anglo-American world, evangelical Christianity transformed the oppressive

of self-control was the order of the day. Taken to an extreme, this ethic produced proud individuals such as the early American individualist anarchists, who recognized no authority besides their own independent conscience. More commonly, it bred hysterical neurotics—just the sort of personality that responds well to Freudian analysis.

Freud, a bourgeois Austrian Jew, was not, of course, a Puritan. His psychoanalytical theories were sufficiently ambiguous, however, to lend themselves to easy appropriation by Anglo-American Protestant culture in the form of what came to be known as “ego psychology.” Freud’s theories underwent more than one significant change over the course of his life. At one point, he divided the psyche into *ego*, *superego*, and *id*. Under this cartography of the soul, the motto of psychoanalysis became “where id was, there shall ego be.” The id may be conceived as a potentially self-destructive reservoir of biological drives which seek satisfaction regardless of the constraints imposed by the physical and social environment. The superego consists of internalized moral authorities (initially, parents). The ego is the psychic apparatus that serves to adapt the individual to the external social and physical environment. Speech which emanates from the mouth is a function of the ego, serving to adapt the individual to the social environment; it develops at the same time during infancy as the ego itself. The ego operates according to the “reality principle” in the pursuit of self-preservation, whereas the id operates according to the “pleasure principle.” Left to its own devices, the id would seek pleasure regardless of the constraints imposed by “reality” or by “society,” ultimately being destroyed by either or both. In this sense the id has a “short time horizon,” as Wilson put it.

American ego psychologists interpret Freud’s motto “where id was, there shall ego be” to mean “where id was, there shall ego replace it.” Oral aggression has been a part of Western culture at least since the time of the lawyers of the ancient Greek merchant ports. But ego psychology escalates oral aggression to a new level by proposing that the purpose of psychoanalysis is for the ego to gobble up the entire psyche. The American ego is the happy burgher whose actions are based entirely upon a rational (verbally reasoned) calculation of self-interest. The ego, in other words, is the “rational will,” and say ego psychologists, it ought to control if not entirely replace the desires brooding within the id.

Although it may sometimes seem that Freud was advocating control of the id by the ego, he did not reach the same conclusions as the ego psychologists: the Freudian ego is not a happy, well-adjusted burgher but, rather, a fatalist who merely accepts the ordinary misery of everyday life in order to preserve civilization. Freud believed that modern civilization is based upon science and that science is a product of the ego, not of the id. Indeed, a plausible argument can be made (as Robert Merton has) that the ascetic discipline of the mind required by the scientific method as it is

misery of early industrial society into sado-masochistic pleasure. On this point, see “The Transforming Power of the Cross” in E. P. Thompson’s *The Making of the English Working Class*. According to Erich Fromm, Nazi Germany—another Protestant North Sea region—was also authoritarian and sado-masochistic; see his *Escape From Freedom* (New York: Holt, Rinehart, and Winston, 1941).

now practiced is consistent with the Protestant work ethic. But whether the Protestant work ethic is necessary for scientific (let alone other types of) inquiry, and whether empirical-mathematical science really does provide an adequate foundation for modern civilization (as the West has supposed since the seventeenth century) are questions which remain unanswered.

During periods like the Great Depression and World War II, it may have been easier to accept the necessity of frugality and self-denial, and even of repression. But the 1960s came at the crest of a period of unprecedented prosperity for the American middle class. Children coming of age in the 1960s had not known the hardships their parents had witnessed (if not experienced firsthand). Furthermore, they were the beneficiaries of a burgeoning consumer economy which encouraged freedom from restraint, immediate gratification, spending rather than saving, and an uninhibited pursuit of pleasure. In this context, the need for repression—and indeed, the entire Protestant work ethic—made little sense. And so one of the leading spokespersons for the New Left, Herbert Marcuse, combined the Freudian concept of repression with the Marxist concept of surplus labor to level the charge of *surplus repression* against the existing capitalist culture. Capitalism has progressed beyond the stage of “primitive accumulation” and so civilization no longer requires so much repression. We should be happier than we are, Marcuse claimed—and, indeed, we easily could be, if only we would abandon our outdated puritanical habits. Members of the counterculture discovered that if you needed a little help liberating your id, there was no more powerful key than psychedelics to unlock the “door” to the unconscious so one could “break on through to the other side.”⁵ And when it became increasingly difficult for legal reasons to use psychedelics, they resorted to an entire smorgasbord of nonverbal therapeutic techniques ranging from primal-scream therapy and deep-muscle massage to meditation—constituting an “Aquarian” culture which was

to evolve into the “New Age” of the 1980s.⁶

But the powerful

*Herbert Marcuse
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5. Use of the metaphor of a door, of course, is an allusion to both Aldous Huxley’s *The Doors of Perception* and Jim Morrison’s rock band, The Doors.

6. See, for instance, David Toolan, *Facing West From California’s Shores: A Jesuit’s Journey into New Age Consciousness* (New York: Crossroad, 1987). A less sympathetic analysis of the New Age move-

ment can be found in Walter Martin’s *The New Age Cult* (Minneapolis, MN: Bethany House Publishers, 1989). Walter Martin is an evangelical scholar known across America as syndicated radio’s “Bible Answer Man.” See also Elliot Miller, *A Crash Course on the New Age Movement* (Grand Rapids, MI: Baker Book House, 1989). Elliot Miller’s book contains an interesting appendix in which he describes his conversion to evangelical Christianity after a turbulent period in the late 1960s and early 1970s, when he wandered from one West Coast commune to another searching for truth and dropping acid (LSD). Miller, like Toolan, correctly points out that the New Age has its origin in the 1960s youth counterculture.

institutions of our society—the corporations, the universities and think tanks, the government, and the mass media—are still controlled by the old-generation Anglo-Saxon/North Sea culture. Indeed, because these institutions felt threatened by the uprisings and cultural turmoil of the 1960s and early 1970s and continue to feel threatened today, there has been a vicious backlash by the powers that be, creating in effect a “Victorian renaissance.” The backlash has been a many-pronged attack, one prong of which is the rise of neoconservatism.

Let’s take a look at an article written in 1970 by a “true, self-confessed—perhaps the only—neoconservative”: Irving Kristol. In his essay “Urban Civilization and Its Discontents,” Kristol explicitly argues that drugs are a *moral* threat to bourgeois society, not merely a health threat:

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The problem of drugs would be just as serious even if it were determined that marijuana, or amphetamines, or LSD were medically harmless. . . . what makes a drug a truly serious problem is less its medical aspect than its social purpose. . . . Today drug taking has become a mass habit—among our young masses especially—whose purpose is to secede from our society and our civilization; and such a declaration requires a moral answer, not a medical one. . . . [The real reasons to prohibit drugs] have to do with the importance of Republican morality . . . [and] why it is desirable to function as an autonomous and self-reliant citizen in our urban, democratic society, rather than to drift through life in a pleasant but enervating haze. . . .

Kristol is partly right: a few enlightened hippies *did* do drugs (more specifically, psychedelics) to secede from bourgeois society and its repressive morality. A few hippies *did* give moral priority to “desire” (the voice of the unconscious) over the ego’s “rational will,” as one can detect in their slogan, “If it feels good, do it.” But for most people, drugs were not consumed with any self-conscious moral or social purpose.⁷

Kristol is also wrong to believe—as was Freud—that civilization would collapse if society were to undergo the moral and psychological revolution advocated by some hippies. On the contrary, all that would have happened is that the old-generation Anglo-Saxon/North Sea culture would have taken

a much-needed step forward into the future. Instead, we stand motionless in the 1990s, listening to the same Puritan shit⁸ (warmed over and molded into different forms) we’ve been hearing for over 300 years, such as the latest from former “drug czar” William Bennett, self-righteously pontificating author of the bestselling *Book of Virtues*; former Vice-President Dan Quayle, who blamed the Los Angeles riots on a lack of “family values” and condemned a TV character for having a baby out of wedlock; and influential welfare-reform fascist Charles Murray, who advocates institutionalizing the children of the poor and inflicting a “just measure of pain” on unwed mothers.

Bennett, Quayle, and Murray are not just laughable quacks or dangerous fools; they speak to a venerable conservative tradition which fears that the children of the upper middle class—such as Murphy Brown, a successful young professional—might adopt the life-styles and values of the working classes, and especially of the black ghettos, ranging from the blues and rock ‘n’ roll to jazz and marijuana to single-parent households. From a conservative perspective, both the working class (including the poor and unemployed) and the progressive children of the middle class are afflicted with the same problem: they have failed to adopt such traditional Puritan values as self-control, self-reliance, and the ability to delay gratification, and so are ill-equipped to serve as full-fledged citizens in a liberal-capitalist society. An old conservative tradition (one which dates back to Plato and Aristotle) holds that the working class will always be enslaved by its desires, and for that reason its members can justifiably be controlled by those better than they. But when the Murphy Browns of society start letting their desires run wild, a veritable panic sets into the bowels of bourgeois society and—*splchhhh!!!*—out comes the shit.⁹

Probably the classic statement of this fear is *The Cultural Contradictions of Capitalism* by Harvard sociologist Daniel Bell. Published in 1976, Bell’s thesis is that the affluence brought about by the success of our capitalist society undermines the Protestant ethic which made that success and affluence possible in the first place.¹⁰ His thesis is consistent with the finding that the countercultural hippies who challenged the Protestant ethic were children of the affluent middle class. In effect, Bell is claiming that the hippies were spoiled children; their parents—collectively, the upper middle class—were too generous and lenient toward them. Never having experienced an unfulfilled desire, they no longer knew how to restrain themselves. The obvious remedy for this “contradiction” is austerity, both political and economic. And so one must wonder if the constriction of the economy, the loss of civil liberties, and the

8. My use of the word *shit* is intentional. Working-class people (at least the “bad” ones who don’t go to church) routinely use “four-letter words” to express emotion. The prohibition against the use of four-letter words in academic discourse is to some extent a product of Puritanism and class bias. Even more fundamental than the Puritan and class bias against four-letter words, however, is the separation of emotion from intellect in Platonic-Christian metaphysics.

9. Puritans have always enjoyed the feeling of a pure, clean bowel.

10. Daniel Bell, *The Cultural Contradictions of Capitalism* (New York: Basic Books, 1976). This part of Bell’s thesis was already expressed in Joseph Schumpeter’s 1942 book *Capitalism, Socialism, and Democracy* (New York: Harper and Brothers, 1942).

7. See Jay Stevens, *Storming Heaven: LSD and the American Dream* (New York: The Atlantic Monthly Press, 1987). Stevens charts the course of the 1960s psychedelic drug culture, particularly in Haight-Ashbury, from introspection and cosmic consciousness to cheap thrills, police repression, and media hysteria.

narrow range of intellectual expression we've experienced since the early 1970s is mere coincidence or if it has been largely orchestrated by the ruling class to put a stop to the feared revolution of desire. Certainly the Trilateral Commission's 1975 report *The Crisis of Democracy* suggests as much.¹¹ Written by a Japanese, a European, and an American scholar—including another neoconservative Harvard sociology professor, one Samuel P. Huntington—the report argued that in order to save liberal democracy from itself, there must be less liberty, less democracy, and (most of all) more respect for authority.

This is the true story behind the war on drugs. Its real purpose is not to preserve the public health but to preserve the moral culture of capitalism as it developed over 300 years

11. Michel Crozier, Samuel P. Huntington, and Joji Watanuki, *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission* (New York: New York University Press, 1975). The Trilateral Commission was founded in 1973 by David Rockefeller and other multinational corporate executives to address issues of concern to the major capitalist powers of Western Europe, Japan, and North America. It is one of the most influential policy-planning organizations in the United States. Both Jimmy Carter and George Bush have served on the commission.

ago in the North Sea region of Western Europe. Will the strategy work? Judging from the current state of the union, the answer is a resounding "no!" All that two decades' worth of austerity programs have accomplished is to produce more poverty, more despair, and more violence—and if the powers that be don't watch out, they may find themselves with more than a revolution of desire on their hands. Indeed, they already have more than a revolution of desire on their hands. The army unit that George Bush sent to Los Angeles to control the "riots" was a special counterinsurgency unit trained for guerrilla warfare. Was Los Angeles a riot, an insurrection, or an unsuccessful revolution? The government seems to have feared a revolution. R

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The 1994 annual Humanist Weekend will mark the first time that the North American Committee for Humanism will meet as an "organization of individuals." The conference will also feature a special celebration of the tenth anniversary of the Humanist Institute, which held its first class in March 1994. The role of the Humanist Institute is to provide training for tomorrow's leaders and continuing education for today's. Many of the institute's 50 graduates have gone on to assume leadership positions in humanist communities, congregations, chapters, and organizations. The institute's continued success will be reflected in the graduation of its fifth class during this weekend.

This year's conference will be hosted by the New York Society for Ethical Culture. Registration will begin at 1:00 PM on Friday, November 18. The NACH annual meeting, including its board of directors election, begins at 2:00 PM. All NACH members in good standing will be eligible to vote. Following dinner, our featured speaker will be Peter Neufeld, cochair of the National Association of Criminal Defense Lawyers DNA Task Force and a member of Governor Cuomo's Advisory Board on Forensic DNA. He will address the humanist and

ethical aspects of DNA testing. A wine and cheese reception after his talk will allow time for discussion and socializing.

Saturday's events include morning and afternoon workshops. The evening will feature the graduation ceremony for the fifth class of the Humanist Institute. Dr. Robert Tapp is class mentor, assisted by Pat Hoertdoerfer. There will be a dinner and special guest speaker for this momentous occasion.

Registration for members of NACH and the New York Society for Ethical Culture is \$60 per person; all others, \$70 per person. Meals will be extra. Full details are forthcoming.

Accommodations will be available at the Excelsior Hotel, 45 West 81st Street (17 blocks from the conference site). You must FAX your reservation to (212) 721-2994. Mention "Humanist Weekend" to obtain the special rates of \$65 single and \$75 double per day. Rooms are also available at the Radisson Empire Hotel, 47 West 63rd Street, New York, NY 10023 (two blocks from the conference site). The rates are \$130 per night (single or double) and \$155 per night (single or double) for a deluxe room. Call (212) 265-7400 or FAX to (212) 765-4913 and mention the "Humanist Weekend."

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