

The War on Drugs as the Health of the State

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No one ever made a more important observation in seven words than Randolph Bourne once did: “War is the health of the state” (Resek 1964: 71). War has been the main motor for the extension of state power in Europe for a thousand years (Tilly 1992), and not only in Europe. War enlarges the state and increases its wealth and its powers. It promotes obedience and justifies the repression of dissent, redefined as disloyalty. It relieves social tensions by redirecting them outwards at an enemy state which is, of course, doing exactly the same thing with all the same consequences. From the state’s perspective, there is only one thing wrong with wars: they end.

That wars end is ultimately more important than whether they end in victory or defeat. Occasionally defeat spells destruction for states, as for the Ottoman and Austro-Hungarian Empires after World War I, but not usually, and even if it does, they give way to other states. The state-system not only endures, it prevails. Usually war is well worth the risk — not to the combatants or the suffering civilians, of course: but well worth the risk to the state.

Peace is something else again. The immediate consequence may be a recession or a depression, as after the American Revolution and World War I, whose hardships are all the more galling when they fall upon the population which “won” the war and naively supposes it will share in the fruits of a victory which belongs to its state, not to the people. The regime may artificially prolong the wartime climate of repression and sacrifice, as did the United States by working up the Red Scare after World War I, but soon the people crave what Warren Harding promised them, a return to normalcy. The vanquished, of course, rarely fare as well as occupied Japan and Germany did after World War II, but even then the Germans initially experienced famine.

There have been epochs in which certain states were almost always at war, such as Republican Rome, whose oligarchs, as Livy (1960) repeatedly demonstrates, were well aware of the way war was a safety-valve for dissipating class conflict. Colonial wars well serve the purpose since they are fought far from the home country and usually waged against antagonists who are, however gallant, greatly inferior militarily.

The British Empire in the eighteenth and nineteenth centuries is a good example. Engorged with the wealth of commercial capitalism (soon to be unimaginably enlarged by the Industrial Revolution), secure in its insularity, shielded by the world’s greatest navy, with a robust and ruthless ruling class wise to the ways of statecraft, the British State could afford a war anytime it needed one. The cannon fodder was easy to come by. There were outright mercenaries such as Hessians on the market. And yesterday’s enemies were today’s troops. The Irish, repeatedly crushed in the seventeenth century, were one source. Starting in 1746 the British annihilated the society and culture of the Scottish Highlanders, then recruited regiments from the survivors. They would repeat these cost-effective methods in India, in Africa, everywhere. And then there were the English sources of expendibles: the peasants forced off the land by enclosure of the commons, and the urban poor. They would not be missed, and there were always more where they came from.

But times have changed. Some states can possibly carry on in the old way for awhile — maybe Serbia, North Korea, Iraq — but the United States cannot, for at least two reasons: We are too squeamish, and we are too poor.

Too squeamish in the sense that, as Saddam Hussein crowed before the second Gulf War, America is a society which cannot tolerate 10,000 dead. He was right, although that did him no good, since he was unable to inflict 10,000 or even 1,000 deaths. Grenada and Panama were larks, but even such two-bit gang wars as Lebanon and Somalia were not, and nobody has any stomach

for war in Haiti or Bosnia. Americans are fast losing their taste for media wars, to say nothing of real wars.

And too poor for any war long enough to put a lasting blip in any President's ratings. The attack on Iraq was the turning-point. As adroitly handled as the manipulation of the mass mind was, Americans only went along with the war on the condition that the "Allies" pay for it. Even the most dim-witted are dimly aware that the lion's share of their Federal taxes goes to pay for war debts and military spending they never reaped any benefits from. The trade-off for lives in a high-tech, media-savvy, photogenic war is money. It costs more, immensely more, than war ever has. But America does not have more, immensely more wealth than it ever has. It has less, and less and less all the time.

Even with the massed forces of ABC, NBC, CBS, CNN and all the rest of the mainstream media behind him (Black 1992: ch. 9), and despite an overwhelming victory which owed as much to luck as skill, George Bush became the first President to win a war and then lose an election — to a pot-smoking, womanizing draft-dodger.

Thus the regime is caught in what the Marxists used to call a "contradiction." It needs war, for war is the health of the state, but (with occasional ephemeral exceptions) it cannot afford either to win wars or lose them. But what kind of a war is it possible to wage, at not too intolerable a cost, which avoids these twin pitfalls — a war which cannot be won or lost?

The "War on Drugs." Which is not a real war, of course, but what the Germans call a *Sitzkrieg*, a phony war. Formerly they sold us the war to end all wars. Now they sell us an endless war. The March of Dimes is an instructive precedent. The March of Dimes raised lots of money which (what was left of it after most of it went for advertising and administration) financed research on a polio vaccine. Then came catastrophe: Jonas Salk found a polio vaccine. So, its purpose accomplished, the March of Dimes went out of business, right? (Just kidding.) No, the organization moved on to an amorphous quest, to conquer "birth defects," of which there are so many varieties that the March of Dimes can count on doing business for many years to come. Some people say "the ends justify the means," others say they don't. The March of Dimes has transcended the contradiction: The means justify the end.

Such is the utility, to the state, of the War on Drugs. It cannot be lost, for there is no enemy to lose it to. And for countless reasons it cannot be won. The government cannot indict more than a fraction of the cocaine, heroin, marijuana and other drugs which, by illegalizing them, the government has raised the price on to the point that they are well worth smuggling in. And some of the dope, such as marijuana and opium, is easily produced domestically. Many tens of millions of Americans have indulged in illegal drugs, including the President. Their kids see no reason not to try what their parents did, regardless what the parents are preaching now. Children tend not to heed their parents when they know they are lying. Besides, there is always alcohol.

And in the suburbs as in the ghetto, legalizing drugs has jacked up their prices so far that busting drug dealers has no "supply-side" effect. Taking a drug dealer off the street just opens up a vacancy for another entrepreneur. Indeed, it is standard practice for dealers to get their competitors busted to take that competitive edge. But it makes no more difference who is dealing the drugs than it makes who is running the state. Indeed, they may be the same people! The Drug War is the health of the state.

Because it is only a phony war, the War on Drugs is fiscally manageable. The government can spend as much or as little as it likes, since the result is always the same. Even the out-of-pocket costs are disguised, divided as they are among Federal, state and local governments and

confused with funding for law enforcement. The single greatest expense, prisons, is one which most people mistake for just about the best thing the government does for them. Underpinning this error is a misconception about what the product of the criminal justice system is. It is not crime control, for even if that could be measured with any accuracy, there is no evidence that law enforcement in general reduces crime (Jacob 1984). The product is crime rates (Black 1970), which are a function, not of the amount of crime, but of the amount of law enforcement. Thus the authorities can manufacture a “crime wave” if they want more money, or ease up on enforcement if they want to take credit for doing exactly the opposite – a reverse Catch-22, a no-lose situation. Aside from themselves and their higher-ups, the only beneficiaries of those 100,000 more police that President Clinton will put on the streets will be Dunkin’ Donut franchisees.

What’s more, to some extent the War on Drugs pays for itself. Just as armies used to subsist largely by “living off the land,” pillaging the districts they passed through, so the drug warriors cram their coffers with booty from forfeitures. And that’s just on the formal, legal level. Off the books, of course, the police have always seized a lot more drugs than ever found their way to the evidence room. The dealers and junkies are unlikely to complain. (The classic scenario: a cop makes an illegal search on the street. He finds something. He asks, courteously, “Is this yours?” The answer is always no.) Some dope the police sell on their own account. Some they use themselves. And some they use for “flaking” (planting drugs on suspected drug dealers) and “padding” (adding more dope to what was found to turn a misdemeanor into a felony) (Knapp Commission 1973: 103–104).

In still another way the War on Drugs offers one of the benefits of a real war without its costs and risks. Every real war is a civil liberties holocaust (Murphy 1973). Even on the formal, legal level, national security – a so-called compelling state interest – tends to trump fundamental rights, at least until the shooting stops. Meanwhile patriotic vigilantes carry out the castrations, the lynchings, the arsons – the dirty work too dirty for the state to do, even in a supposed wartime emergency, but not too dirty for the state to wink at afterwards. The United States during World War I and the Red Scare is one example; the Italy which the liberals let the Fascists take over, after letting them extralegally smash the socialists, communists and anarchists, is another.

But peace returns and the legal ground lost is mostly recovered, or even more ground is taken. Once the state has demolished the radical opposition irreparably, it may well restore constitutional rights to the impotent remnants and bask in its own announced glory, parading its tolerance once it doesn’t matter any more.

The phony war is much more effective. It cannot be conducted without massive invasions of liberty and property. The single most important right implicated, and endangered, by the War on Drugs is the Fourth Amendment, which forbids unreasonable searches and seizures. This body of law effectively began during Prohibition, and today it is, as Professor Fred Cohen says, “driven by drugs.” The rights of everyone are defined by the rights the judiciary grudgingly grants to drug offenders.

Other rights are reduced too. Under the forfeiture laws, private property is taken without due process or just compensation. Applied to Native Americans and others, drug laws interfere with freedom of religion; so does the common practice of forcing drunk drivers into “rehab” for indoctrination in the religious tenets of Alcoholics Anonymous. Even the campaign against gun ownership is an indirect consequence of the War on Drugs. Participants in the drug trade have to enforce their own contracts, since the state will not. And prohibition has made drugs very valuable commodities: in the inner cities, by far the most valuable commodities. Meanwhile,

drug addicts rob and steal to support their habits. The result is an arms race and the clamor for gun control. One prohibition leads to another.

For the criminal, the ultimate challenge is the perfect crime. For the state, it is the perfect law. Is it prohibition?

Maybe not. Drug prohibition is today much more popular than alcohol prohibition ever was, but within living memory, decriminalization was a serious possibility. It might become so again if the anti-drug hysteria continues to rise till it reaches a level impossible to sustain. And it probably will rise, because the drug war has been institutionalized. Various agencies and organizations have a vested interest in its unlimited extension, although its unlimited extension is not only impossible, it would deprive the state of the great advantage of drug war over real war: its predictability and manageability. As some organs of government grow and grow, there is less for others. Since victory, like defeat, is impossible, there will never be a “peace dividend” to divvy up. The state is probably already draining more wealth out of civil society than is consistent with the state’s own long-term interests. If it takes more and more, the parasite will kill the host — or the host will kill the parasite.

Eventually the state may succumb to its own success. The state is huge. And it is bureaucratic. That means that it is intricately subdivided by function (or by what was initially considered a division of labor by function: in fact, overlapping or competing jurisdiction is common and tends to increase over time). Even if the left hand knows what the right hand is doing, it may not be able to do anything about it. (Or else, in the words of the German proverb, “one hand washes the other.”) Inter-agency cooperation becomes more difficult as it becomes more frequent and more necessary. “The complexity of joint action” thwarts action, or its purpose (Pressman & Wildavsky 1984: ch. 5).

It is very hard, administratively, to reduce a bureau’s budget, but easy to increase it. Bureaus fiercely resist zero-based budgeting — that is, starting from scratch, the annual rejustification of every line of the budget request — as reinventing the wheel. And it is difficult for higher-level authority to identify areas for cost reduction, if it even wants to, since the very *raison d’être* of bureaucratic organization is deference to institutionalized expertise. The easy way is to take the previous budget as presumptively the next one; it is only departures from the status quo, not the status quo itself, which require justification. The bureau, staffed with supposed experts, is itself the usual source of justifications for departures, and the departures are always in the direction of more money and more power for the bureau. What goes for each bureau goes for all of them. Thus government grows.

Referring to the way competition between workers lowers wages for all of them, Fredy Perlman (1969: 17) observed: “The daily practice of all annuls the goals of each.” Inter-agency interactions tend to have the same effect. So does inter-agency competition for tax money.

The long-term implications for the War on Drugs are, for the state, ominous. The more the state extends its control over society, the less control it has over itself. The more the state absorbs society, the weaker the state as an entity responsive to a common will becomes. It disintegrates into an authoritarian pluralism reminiscent of feudalism, but lacking its romantic charm. Some agencies fatten off the War on Drugs, most do not. The ones that do are the first to go their own way. Attorney General Janet Reno had no control over the Bureau of Alcohol, Tobacco and Firearms when it exterminated the Branch Davidians to win what amounted to nothing more than a gang war: but she took responsibility. The Drug Enforcement Administration is likewise as independent as Hoover’s FBI or anybody’s CIA.

For the state, another inevitable adverse consequence of the Drug War is corruption (Sisk 1982). Not that corruption is necessarily a bad thing for the state. Up to a point, police shakedowns of drug dealers, bookies, pimps and other extralegal entrepreneurs benefit the state in more than one way. The more the cops collect in payoffs and confiscations, the less they have to be paid in salaries. Cops whose supervisors know they are on the take (as they do, since they are on the take too) (Chambliss 1988) look the other way unless and until for some reason they need to get rid of a particular cop. Corruption is thus a management tool.

But some cops get too greedy and go too far. Most are “grass-eaters” (bribe-takers) who take what comes their way, but some are “meat-eaters” (extortionists) – proactively corrupt – who actively seek out or set up corruption opportunities, like the Special Investigative Unit detectives depicted in the movie *Serpico* (Daley 1978; Knapp Commission 1973). The grass-eaters cover for the meat-eaters (the “blue code of silence”) since they all have something to hide. Until recently, police administrators and their academic allies thought that they could keep corruption under control through various institutional reforms most of which were initially proposed by the Knapp Commission (Sherman 1978). Maybe the reforms would have worked, except for one thing: the War on Drugs. Corruption is making a comeback, even in the Knapp-reformed NYPD (Dombrink 1988). Because penalties are much harsher and the profits of drug trafficking much higher, the protection the police sell commands a much higher price (Sisk 1982). Drug-driven corruption is the growth sector of police misconduct (Carter 1990).

For the state, the problem with runaway corruption is that it cannot be confined to where its benefits exceed its costs. The state needs the police for a modicum of selective law enforcement and, much more important, for social control – as the occasion calls for, to break strikes, evict squatters, suppress riots, repress dissidents and keep traffic moving. Even in our sophisticated times, when manipulation is the hippest of control strategies, there is often no substitute for the gun and the billy-club.

But a pervasively corrupt police force cannot be counted on when push comes to shove. Meat-eaters cannot spare the time to enforce the law. Officers on the nod are ineffective knights of the club. Police who are enforcing drug laws are unavailable to enforce others. There’s been a tremendous expansion in undercover police work in recent years (Marx 1988), inevitably accompanied by more corruption (Girodo 1991). Police, as workers, are notoriously difficult to manage because they are usually out by themselves, unsupervised. Detectives especially are in a position to be secretive about their activities (Skolnick 1975; Daley 1978), and more drug enforcement means more detective/undercover work. These cops are pursuing their own agendas. Why do dogs lick their balls? Because they can.

Corruption scandals demoralise the police and delegitimize the state. Most people obey the law most of the time, not because they fear punishment if they don’t, but because they believe in the system. As they cease to believe, they will cease to obey – not only the laws that don’t matter (like “don’t use drugs”) but also the ones that do (like “pay your taxes”). And, ironically, crackdowns on corruption impair police effectiveness for other purposes (Kornblum 1976).

The state has overbuilt itself so heavily that the weight begins to crack the foundations. It is not the sort of elephantiasis that can be eased by privatization. It doesn’t matter who collects the garbage. What matters is who has the guns. Not “social pork” but the essence of sovereignty – the means to enforce order – is tumorous. Thus the cancer is inoperable. The state may die, fittingly, of an overdose.

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