

THE DRUG WAR IS A FLAT CIRCLE: DRUG PROHIBITION AS A NEOLIBERAL  
PROJECT

by

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## **Abstract**

Despite mounting evidence of neoliberalism's failures in domains of society, economy, and ecology, neoliberal governance has grown more dominant and pervasive. Neoliberalism's failures are matched by its capacity, both material and ideological, to inhibit or eliminate alternatives. Instead of Schumpeterian creative destruction, neoliberalism offers governance through the destructive foreclosure of alternatives. The persistence of drug prohibition shares in the broader neoliberal pattern of governance through alternative-foreclosing policy disasters, and has been instrumental in the pattern's development. This connection is expressed in two especially prominent ways: (1) the creation and empowerment of organizations which bear material interest in continuing both the illicit drug trade and the policy of drug prohibition, and (2) the simultaneous obfuscation and reproduction of historical forms of oppression, including racial capitalism and Eurocoloniality. Consequently, attempts to challenge drug prohibition on the grounds of its failure to meet its declared objectives – improving public health and safety – fail in-part because they miss the ways drug prohibition serves broader neoliberal governance. Considering different proposals for drug policy reform, I demonstrate that effective drug policy reform necessitates contesting or uprooting the neoliberal foundations of drug prohibition.

## **Lay Summary**

Neoliberalism as a theory of governance has produced numerous social, political, economic, and ecological crises. Despite this, governments and political parties frequently implement more aggressive neoliberal policies in response, presenting them as the only solution. In this, Neoliberalism demonstrates an ability to reinforce itself over time, through the predictable production of crises. In similar fashion, drug prohibition has produced numerous crises of violence, corruption, and historically fatal public health crises. Even so, prohibitionists hold to the policy despite its failures, claiming there are no other options. This work identifies the self-entrenching aspects of neoliberalism, observes their presence in drug policy, and explores how analysis of neoliberalism can aid efforts to end drug prohibition.

## **Preface**

This research did not require ethics approval, was conducted as part of a collaboration, was not previously published in whole or in part, and was designed, carried out, and analyzed by me alone.

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## **Chapter 1: Introduction**

June 17, 2021, marked more than a century of drug prohibition policies in North America, and 50 years since then-president Richard Nixon explicitly declared the War on Drugs.<sup>i</sup> In that time, drug prohibition has failed to eliminate non-prescribed use of controlled substances, or their unregulated production and trade. More critically, drug prohibition has failed in its ultimate purpose – improving public health and safety. The failures of drug prohibition have been documented and discussed at the international level for several years, including support for reform for several former world leaders, but the policy has not been abandoned.<sup>ii</sup> From a critical perspective, this work considers this phenomenon, seeking both to understand why drug prohibition persists despite its failure, and how that persistence can be overcome. It is the contention of this work that drug prohibition functions contrary to its declared ends – these being, the reduction of harm related to drug use, the promotion of the safety of people who use drugs and communities in which drugs are present, and the eventual elimination of the non-prescribed use of controlled substances. Specifically, drug prohibition creates profitable illicit markets for drugs, yields organizations and agencies on both sides of the law which bear material interest in preserving both drug prohibition and the illicit drug industry, increases violence and mortality related to illicit drug use and the illicit drug trade, operates as a racialized control regime, increases the militarization of police forces, and facilitates hegemonic US interference in other countries, particularly in Latin America.

Drawing upon critical appraisals of 21<sup>st</sup>-century neoliberalism, the racialized and racializing nature of capitalism, and Eurocoloniality, this study applies similar lenses to the operation and impacts of drug prohibition and its enforcement. I highlight the self-entrenching capacities of neoliberal governance and demonstrate that the policy of drug prohibition is both a constitutive element of these capacities within neoliberal governance, and that it bears similar



capacities of its own. I argue further that both drug prohibition and neoliberal governmentality propagate principles and conditions engendered through racial capitalism and Eurocoloniality. Finally, I argue that the harms associated with drug prohibition are a consequence of the neoliberal rationality underpinning the policy. Turning toward drug policy reform, I argue that this underpinning rationality must be replaced with an alternative theory upon which to develop drug policy in better service of human needs. Finally, I consider drug policy reform proposals, in each case demonstrating how they contest neoliberal rationality.

The paper proceeds as follows. The next section, section II, offers a Marxist analysis of 21<sup>st</sup>-century neoliberalism, establishing the context within which this paper advances its own analysis. This section serves to specify the self-entrenching aspects of neoliberalism to later be used as a means of understanding drug prohibition. Section III clarifies the overriding context of racial capitalism in global political economy and demonstrates how neoliberalism is both a reproduction of racial capitalism and Eurocoloniality, and itself reproduces both in turn. Section IV focuses on enforcement of drug prohibition domestically (through carceral institutions) and internationally (through diplomatic and military institutions) revealing how both spheres of expression reveal drug prohibition to be a neoliberal project in service of capitalist enterprise and dedicated to the further entrenchment of the socioeconomic order established in the Eurocolonial era. This section focuses on the United States, considering its heavily racialized and racializing carceral regime and militarized law enforcement in the domestic sphere, and considering foreign policy related to drug prohibition in the international sphere – particularly in US intervention in countries throughout Latin America. Section V engages the notion of harm reduction as a logic outside of and opposed to neoliberalism, and in doing so demonstrates that reforming the failure of drug prohibition requires abandoning the motivating neoliberal logics underlying it.



## Chapter 2: A Marxist View of Neoliberalism

Marxist critique of neoliberalism engages the theory of governance on material grounds. While advocates of neoliberalism present and justify policies with idealist rhetoric – for example, reducing regulation and government intervention into economic relations under the banner of ‘increasing (economic) freedom’ – Marxist analysis of neoliberalism considers the material principles and implications of neoliberal policies, and from those draws observations with which to define the theory. Dardot and Laval argue that from the 1980s on, neoliberal governance came to constitute an all-encompassing social, economic, and political rationality which seeks to govern all aspects of social organization and human interaction.<sup>iii</sup> Specifically, they present neoliberalism as a type of ‘world reason’ which attempts to impose capital-referent market logics – or, ‘capitalist rationality’ – on all spheres of human life. These market logics are ‘capital-referent’ in that they operate specifically from the perspective of capital holders, and in service of their interests. Dardot and Laval view the neoliberal project as a continued campaign to forcefully impose these normative logics on jurisdictions and populations against their will, with the specific intent of protecting and strengthening the capital-owning class and established powerful interests, while aggressively curtailing liberal democracy.<sup>iv</sup> They go as far as describing this new neoliberalism as “a war against the population.”<sup>v</sup>

Underscoring the oligarchic gestures they highlight, Dardot and Laval argue that neoliberalism corrodes democracy, as political leaders channel and exploit deep-seeded resentments and partisan political hatred to garner support for the reduction of political agency among the populace.<sup>vi</sup> In doing so, they argue that political leaders intentionally reduce the power of the public – and, most specifically, “the mass of the poor” – as political actors, power which Dardot and Laval define as both mutually exclusive from and in direct and necessary opposition to the power of oligarchic elites.<sup>vii</sup> Thus, it is notable that neoliberalism maintains

both material and ideological dominance in the political realm, despite serving a fraction of the population.

Dardot and Laval argue that the new neoliberalism justifies its anti-democratic impulses by proclaiming that “security is the foremost freedom,” wherein ‘security’ veers from the concept of *sûreté* – identified by Montesquieu and Rousseau as relating to political liberty and the protection from abuses of state power – toward the concept of *sécurité*, a “securitarian” logic which concentrates political and economic power, reduces democratic activity, decreases the power of the public as political agents, promotes economic and social insecurity among the populace, and relies heavily upon disciplinary mechanisms and forces, including increased police powers, expanding imprisonment, and routinized mass surveillance.<sup>viii</sup>

Dardot and Laval argue that this *sécurité* conception of freedom has increasingly replaced the democratic character of ostensibly liberal-democratic political systems, in that “there is no longer anything in common between what the majority of people experience, feel and think and what the powerful in their ‘sensory isolation tank’ perceive and understand of the situation – not even the minimum that makes it possible to share experience.”<sup>ix</sup> Importantly, they define democracy through its etymology – *kratos*, meaning ‘power,’ or ‘victory in war,’ and *demos*, meaning ‘people’ – noting specifically that this ‘power of the people’ refers to the power of the poor and disenfranchised, asserted through collective action, and defined against the power of wealthy elites.<sup>x</sup> As argued above, neoliberal governmentality identifies freedom as its ideal, but presents a notion of freedom that is defined through ‘security,’ and advances anti-democratic measures under the auspices of preserving freedom by ensuring security. This notion of freedom ends up justifying precisely the sort of abuses of state power which the concept of *sûreté* (as discussed by Rousseau and Montesequieu) is intended to guard against. This makes neoliberalism resistant to immediate or first-order critique – arguing that said abuses of state

power violate principles of liberty and democracy can be deflected by asserting that those policies are necessary to preserve what liberty is left.

In Dardot and Laval's analysis, one of the definitive characteristics of modern neoliberalism is its functioning as a self-fulfilling prophecy. That is, the attributes of neoliberal governmentality inevitably generate social, economic, and ecological crises, but nonetheless will only look to further neoliberalism for solutions to these crises. Repeated over time, these mechanisms both reinforce neoliberalism and increasingly reduce the visibility of any alternative.<sup>xii</sup> Dardot and Laval cite the 2008 economic crisis as a prominent example of this phenomenon, wherein the crisis was borne out of capitalist rationality – idolatry of financial institutions, weak and co-opted regulatory mechanisms and agencies, and deference to profiteers as the emissaries of prosperity – but nonetheless did not yield any reorientation away from this system.<sup>xiii</sup> In fact, they posit that this phenomenon is both willful and essential to the operation of the new neoliberalism, arguing that “the dominant logic thrives on crisis and, in turn, is forever nurturing ‘morbid phenomena’, pitiless, terrifying ‘monsters’ that aim to subject society to ethno-identitarian principles.”<sup>xiii</sup> The 2008 crisis shows the specific ways in which this governing logic serves economic elites. Recalling the facts of the crisis, Dardot and Laval note that it increased unemployment, reduced overall wealth, and increased public debt.<sup>xiv</sup> By 2016, they note that the conditions had only worsened, with economic inequality, capital volatility, societal inequity, unemployment, xenophobia, the collapse of trade unions, fragmentation of bilateral and multilateral relationships, and the further degradation of social democracy all increasing in the intervening years.<sup>xv</sup> As they argue, crises generated by neoliberalism are used to justify aggressive policies based in the same capitalist rationality – policies which go on to generate further crises, creating a cycle of intensifying self-propagation.<sup>xvi</sup> In addition to the disciplinary mechanisms mentioned earlier – police, surveillance, and incarceration – this system also

imposes deprivation as discipline, including reductions in healthcare, education, and public services; i.e., ‘discipline by risk.’<sup>xvii</sup> Beyond a specific policy, or even a governing ideology, Dardot and Laval argue that neoliberalism becomes “social reality itself,” defining the terms and concepts of politicization such that even its political opponents are often forced to concede – willingly or unwillingly – to its logic and lexicon.<sup>xviii</sup>

I read the monsters Dardot and Laval speak of as fascistic nationalist movements, evidenced by their ethno-identitarian principles, and by the authors’ contrasting them with a “minority logic of the commons” which is ideologically adjacent to the ‘radical’ or ‘critical Left,’ has not yet found mass expression, and is directed toward “revolutionary configuration” – i.e., a socialist or communist logic.<sup>xix</sup> The creation and presentation of these monsters reinforces the self-entrenchment of the dominant logic and system, manufacturing threats while obfuscating actual alternatives – although, notably, Dardot and Laval characterize the critical Left as “flailing and sometimes in retreat.”<sup>xx</sup> Undergirding this is the co-optation and employment of the structures of law and legality to reinforce the dominance of neoliberal governmentality. Specifically, the authors argue that neoliberalism prioritizes and promotes deference to private law and criminal law – that is, the rules governing the preservation of private property and the rules governing the meting out of punishment.<sup>xxi</sup> They describe a process of ‘constitutionalization of private law,’ and the subjugation of the concept of law as legislation representative of popular will, to a concept of law is legislation affirming irrefutable market logics.<sup>xxii</sup>

Both these characteristics are useful in understanding drug prohibition as a neoliberal project. In the case of monsters, advocates of drug prohibition will regularly point to organizations which both use violence as a means for profit and for which the trade of controlled substances is a significant revenue source as evidence of the need for drug prohibition and its

aggressive, militarized enforcement. However, a structural analysis of the illicit drug trade as a commodity market demonstrates violence related to the trade as a predictable consequence of drug prohibition, imperiling that prohibitionist argument. Additionally, drug prohibition is an engine of incarceration, and more broadly introduces criminal penalties to millions of people's lives, therefore subjugating them to criminal law.

The focus on material expressions of neoliberal governmentality – for example, ‘discipline by risk’ as withdrawal of resources, and the notion of the democracy as defined by class analysis and dialectical materialism – is also useful in analyzing states’ behaviour internationally. Harvey’s characterization of the emergence of neoliberalism employs the same method of analysis in typifying the ideology. He cites the CIA-backed coup against Salvador Allende and the reformation of Chile under Augusto Pinochet as the first example of neoliberal governmentality made manifest.<sup>xxiii</sup> Harvey notes that the coup was promoted by Chilean capitalist elites who opposed Allende’s democratic election and his push toward socialism – i.e., opposed the *kratos* of the *demos*, as defined by Dardot and Laval.<sup>xxiv</sup> Pinochet’s regime violently repressed and dismantled social movements and all expressions or products of left politics, including trade union power and labour regulations.<sup>xxv</sup> It introduced the economic philosophy of Milton Friedman and the Chicago School, restructuring the Chilean economy in the vision and context of Cold War anti-communism; they reversed nationalizations, privatized public assets, permitted private and unregulated exploitation of natural resources (often against the claims of Indigenous inhabitants), and instituted further neoliberal state forms.

Harvey argues that this severely right-wing politics was the supposed “freedom” of neoliberalism that George W. Bush spoke of when advocating for the invasion of Iraq, evidenced by four orders enacted by the Coalition Provisional Authority (CPA) on 19 September 2003, including “the full privatization of public enterprises, full ownership rights by foreign firms of

Iraqi businesses, full repatriation of foreign profits...the opening of Iraq's banks to foreign control" and the repealing of nearly all trade barriers and all taxes or increased costs imposed upon foreign companies operating within Iraq.<sup>xxvi</sup> The orders applied to the entirety of the Iraqi economy, save the oil sector. The orders also restricted labour rights, prohibiting strikes in select sectors and withdrawing the right to unionize from most workers.<sup>xxvii</sup> Some argued the orders violated Geneva and Hague Conventions mandating that an occupying state protect – i.e., not sell – the assets of an occupied state. Indeed, even a member of the CPA decried the imposition of “free market fundamentalism” on Iraqi society, castigating the ideology as “a flawed logic that ignores history.”

In both cases, neoliberal logics are clearly visible; the curtailing of democracy, centralization of political and economic power, privatization of state assets, violent repression of left political movements, and all in service to capital-holders. In both circumstances, the neoliberal authority enacted the material and psychological elimination of political alternatives. In Chile, thousands of people were killed or disappeared, and tens of thousands were imprisoned and tortured. In Iraq, the CPA precluded the possibility of any alternatives, despite active dissent from Iraqi members. Finally, in both circumstances the neoliberal authority instituted conditions which would inevitably produce crises, both by installing and/or supporting untenable political and economic conditions and through the aggressive exploitation of natural resources to the benefit of external private interests.

It should be noted - though US imperial power was present in both the case of Chile in 1973 and Iraq in 2003, Harvey notes that neoliberal state formations occurred in the UK, China, and Sweden independent of US power.<sup>xxviii</sup> Thus, US imperial power fails as an explanation for the global proliferation of neoliberal state formations.



In his 1964 lecture ‘The Real World of Democracy’ Macpherson argues that, in western liberal democracies, the ‘liberal’ state preceded the ‘democratic’ state – that is, that the liberal state of choice, competition, and markets, preceded the state in which the mass of people held sanctioned political power, and in which politics were purported to serve the majority.<sup>xxix</sup> Macpherson offers an original meaning of democracy that fits flush against Dardot and Laval; he cites democracy as rule of the “plebians,” and the “hitherto oppressed classes.” Indeed, he argues that the welfare states which have been developed within liberal democratic states are a product of democratic claims, rather than liberal ones. However, he notes that liberal capitalist states would have had to develop means of addressed the needs met by existing welfare states, as the Great Depression lay bare the catastrophic vulnerability within the capitalist state formation.<sup>xxx</sup> Macpherson suggests that such assertions would ultimately lead to political enfranchisement. He describes this as “the liberal state fulfilling its own logic,” and “[opening] the competitive party system to all individuals created by the competitive market society.” Notably, Macpherson states that these concessions would not come from the beneficence of elites, but rather simply to avoid revolution.

From this perspective, the liberal state being democratized is a channeling of explicit class conflict into increasingly decontextualized political conflict. In this regard, it still serves to eliminate political alternatives – namely, revolution. Even the expressly neoliberal terms Macpherson uses to describe the process – presumably describing that process from the perspective of the liberal state – fall short of the long-term neoliberal project of eliminating class consciousness and class-based conflict. As Macpherson himself says, the process of democratization within a liberal state does not weaken the state, but rather strengthens both itself and the market system.<sup>xxxii</sup>

Harvey takes another position, suggesting that, though the neoliberal state may be theoretically viable, in practice it may instead be inherently self-contradicting.<sup>xxxii</sup> Harvey notes that neoliberal theorists admit that markets tend toward monopolies and oligopolies, but claim this is not a concern as long as there aren't significant barriers for competitors to enter the market.<sup>xxxiii</sup> Of so-called "natural monopolies" such as public utilities, Harvey raises that neoliberal theorists concede that profit-seeking competition is not a viable approach but argue nonetheless for deregulation of those industries, despite that deregulation grants space for profiteering and abuse. Even in addressing market failures in which firms systematically externalize their costs to the detriment of the public, neoliberalism's adherents argue that public interventions should be market based, such as through tax liabilities or publicly funded incentives. As Dardot and Laval find, so too does Harvey; regardless of the question, the answer is more neoliberalism. Further, what Macpherson describes as the democratization of the liberal state Harvey offers as a fundamental principle and tension of neoliberalism; the presumption that there are no meaningful asymmetries of power or information between people which would obstruct or decrease the capacity of individuals to make rational, utility-defining economic decisions in their own interests and based on their own preferences.<sup>xxxiv</sup> As Harvey notes, this condition is rarely, if ever, a reality.

Considering the material administration and impacts of neoliberal governance highlight essential characteristics of securitization, centralization, privatization, and the elimination of political alternatives. These characteristics contribute to neoliberalism governmentality's resistance to contesting notions of governance and society, and its capacity to intensify over time. These characteristics are useful in understanding drug prohibition, and how it can be reformed.

### Chapter 3: Drug Prohibition, Racial Capitalism and Eurocoloniality

Charles Mills describes the establishment of “global white supremacy” as a narrative element of European colonization, undergirding the world-wide political system of structuring power, rule, socioeconomic privilege, and norms regarding the global distribution of wealth, resources, and well-being.<sup>xxxv</sup> Both implicit and explicit in this system, in Mills’ account, is the assertion that only white people are human. The process of colonization reproduced the hierarchy constructed in these narratives through global material relationships and conditions. Mills notes that, while the world of mainstream (i.e., white) philosophy was occupied with questions of justice and ethics in the abstract, the political thought of the rest of the world – that is, the Global South, and all colonized and oppressed groups in the Global North – focused on “issues of conquest, imperialism, colonialism, white settlement, land rights, race and racism, slavery, Jim Crow, reparations, apartheid, cultural authenticity, national identity, *indigenismo*, Afrocentrism, etc.”<sup>xxxvi</sup> The all-encompassing nature Dardot and Laval attribute to neoliberalism, Mills employs to describe ‘the racial contract’ among white people which upholds the system he highlights. In Mills’ account, this racial contract is each moral, political, and epistemological, just as Dardot and Laval describe neoliberalism as ‘world reason’ and ‘social reality.’ Mills argues that the racial contract ascribes racialized norms to both people and spaces, and that it is necessarily enforced through violence and ideological conditioning. This, too, aligns with Dardot’s and Laval’s description of the increasingly militarized enforcement of neoliberal policy, and the elimination of ideological alternatives as an active neoliberal endeavour.<sup>xxxvii</sup>

In precisely the process of racialization within capitalism described by Robinson, racial capitalism illustrates another instance of human relationships structured through market logics.<sup>xxxviii</sup> Wolfe recites Barbara Fields’s characterization of racial convention in the United

States, noting that it allows for a white woman to give birth to a Black child but prohibits the reverse from being possible. As Wolfe continues, “Given the regime of slavery, it is only consistent that Black women should have augmented White men’s property by giving birth to additional slaves without regard to paternity.”<sup>xxxix</sup> He goes on to note that, along with Black men, Black women can exclusively have Black children in the racial regime of the United States (and Canada and Western Europe). As a consequence of the racialization process within the Eurocolonial enterprise of the trans-Atlantic slave trade, the category ‘Black’ – in the Eurocolonial conception – persisted beyond that category referring to subhuman capital, but nonetheless remained a category excluded from all other humanity.

The essential characteristics of neoliberalism described above propagate many of the harms of Eurocoloniality. Global political economy is still structured in an echo of the Eurocolonial era, supported by the imposition of market logics on human relationships. Reddy argues this point, attributing to “liberal positivism” the fact that race within “political modernity” is nearly synonymous with violence.<sup>xi</sup> Reddy argues that this has persisted through the neoliberal era, centralizing the state in the production and distribution of racial violence.<sup>xli</sup> Corva also finds these racial dimensions, describing drug prohibition as a mechanism of domestic and foreign imperialism that operates “along post-colonial lines.”<sup>xlii</sup>

The US is a vivid example of the neoliberal entrenchment of racial inequity. As noted by Byrd, et al., “the United States and the scope of its imperial formations are especially useful for addressing the specificities of how and why colonialism and racial capitalism have been historically co-constitutive and are of necessity together confronted by Indigenous peoples and the racially subordinated.”<sup>xliii</sup> In the US, more than six million people are prohibited from voting due to having a felony conviction on their record.<sup>xliv</sup> In 2016, this meant that one in every 13 Black adults throughout the US was prohibited from voting due to a felony conviction.<sup>xlv</sup> As

Alexander demonstrates, racial inequities are endemic to enforcement of drug prohibition. They are evident in the development and implementation of drug prohibition legislation (ex. the ten-times disparity in sentencing between crack cocaine and powder cocaine introduced in the 1980s), in the political mobilization related to drug prohibition (ex. the securing of racially resentful white voters in the south by Republican politicians with racializing rhetoric about ‘urban crime,’ despite that those voters were the least likely to be victims of crime of anyone in the country), the bipartisan nature of drug prohibition and ‘tough-on-crime’ politics in the neoliberal era (ex., Bill Clinton’s use of the execution of Ricky Ray Rector during his 1992 presidential campaign as a political maneuver, and the Clinton administration’s massive increase of the prison population in the US), and in the permanent subjugation that comes from the concentration of all these impacts in specific communities.<sup>xlvii</sup>

Alexander also notes the psychological violence of these processes, describing a national practice of moral condemnation of Black people that is used to reinforce and justify the structural violence of neoliberal governmentality. She cites public discourses of ‘missing Black fathers’ and a ‘lack of eligible Black bachelors’ that both mask the mass incarceration of Black men and simultaneously present it as a failing of Black men.<sup>xlviii</sup> Alexander is explicit in drawing historical parallels to the Jim Crow era, including legalized discrimination, political disenfranchisement, exclusion from judicial public service, exclusion from legal rights, racial segregation, and the “symbolic production of race” – that is, the definition of Blackness as criminality.<sup>xlviii</sup>

## Chapter 4: The War on Drugs as a Neoliberal Project

From the texts discussed above, we can identify aspects of neoliberalism which bear immediate relation to prohibitive drug policy. First, the crises created by neoliberalism are an essential mechanism to its operation as a governance structure. These crises are used to justify aggressive policies based in the same capitalist rationality – policies which go on to generate further crises, creating a cycle of intensifying self-propagation.<sup>xlix</sup> In addition to the disciplinary mechanisms mentioned earlier – police, surveillance, and incarceration – this system also imposes deprivation as discipline, including reductions in healthcare, education, and public services; i.e., ‘discipline by risk.’<sup>1</sup> Beyond a specific policy, or even a governing ideology, Dardot and Laval argue that advanced neoliberalism becomes “social reality itself,” defining the terms and concepts of politicization and setting the boundaries of debate such that even its ostensible political opponents concede – willingly or unwillingly – to its veneration of markets and capital, its valorization of competitiveness, and its operation in service of elite and moneyed classes and institutions, at the expense of the poor, the public, workers, and collective well-being.<sup>li</sup>

In similar fashion to neoliberalism, drug prohibition creates spiraling crises which are exploited by political elites and opportunists to pursue their various ends, one of those being furthering drug prohibition. Specifically, the harms associated with the illicit drug trade – overdoses, violence between sellers, and petty crime – are all predictable products of drug prohibition, but are nonetheless pointed to as illustration of why drug prohibition is necessary. As drug prohibition creates a profitable illicit – and thus, unregulated – market, it creates a highly profitable industry in which competing profit-seeking organizations have no licit means of settling disputes.

These disputes are distinct from market competition; in competition, profiteers can adjust prices, availability and ease of purchase, and other product attributes to entice purchasers. This

sort of market competition occurs ceaselessly in both regulated and unregulated markets, and indeed is argued as the essential benefit of capitalist markets by supporters of the system. However, when one profit-seeking organization violates an established set of rules and norms in a way that negatively impacts another profit-seeking organization, this interaction rises beyond the level of competition and becomes a dispute. In licit markets and industries, these disputes are adjudicated and settled in court. In illicit markets, these disputes are often settled through violence. The distinction is not perfectly categorical – violence may appear in illicit market competition, and profit-seeking organizations in licit industries may exploit the legal system in ways that violate rules and cause disputes. The definitive point, though, is that disputes in illicit markets are predictably settled through violence. Thus, drug prohibition predictably and systematically produces crises of violence related to the illicit drug trade. Political opportunists point to this violence as evidence of the essential depravity of drugs and the people who use or trade them, and argue for harsher enforcement of drug prohibition in response. Further, as prohibitionary efforts become more aggressive, drug trafficking organizations respond by both aggressively defending their business against law enforcement and competing more aggressively with other organizations for key trafficking routes and markets.<sup>lii</sup> This consequence was evident in the prohibition of alcohol, just as it is in the prohibition of drugs.<sup>lii</sup>

Alongside its systematic production of violence drug prohibition creates public health crises – namely, drug overdoses – through two primary mechanisms. First, the persistent demand for prohibited drugs means that the drugs trafficked, sold, and used come from an unregulated supply, and are consequently frequently toxic or used in unsafe circumstances which endanger those using them. Second, prohibitive drug policy has yielded what's known as the 'iron law of prohibition,' whereby increasingly more concentrated and potent forms of prohibited substances are introduced to illicit markets in response to prohibition.<sup>liv</sup> The increased potency means more

doses per shipment for traffickers and per sale for dealers, increasing the potential profits, while simultaneously increasing the risk of overdose for people who use drugs.

In both the case of violence and overdoses, the presence and proliferation of these crises are cited as further justification for drug prohibition, with prohibitionists arguing that decriminalization or legalization of drugs will increase their availability and use, and thus increase both potential profits (and aggressive competition between traffickers and dealers) and the incidence of overdoses. Research does not support the contention that this is a definite outcome of drug policy liberalization, and jurisdictions – such as Portugal – which have repealed drug prohibition have not seen these outcomes.<sup>lv</sup> Portugal’s regime of decriminalization is far from the only model debated – indeed, in Portugal possession of drugs remains an administrative violation for which civil penalties can be applied. Nonetheless, it is true that possessing drugs in Portugal is not a criminal offence, and the country has neither become a narco-state nor fallen prey to universal indolence.

Dardot and Laval highlight neoliberalism’s capacity to generate malefactors which serve to justify the dominance of capitalist rationality. These “monsters” aid the effort to eliminate political alternatives by being presented as the primary alternative, and so making political change too great a risk. They cite in particular a “nationalist rage” – a successor to ‘*rabies nationalis*’ described by Nietzsche – as the most prominent representation of the ‘monsters’ which rise in opposition to the new neoliberalism, and which those invested in neoliberalism raise up as the only alternative to the dominant system.<sup>lvi</sup>

Much the same, drug prohibition has led to the emergence of powerful drug trafficking organizations (DTOs) which prohibitionists point to as justification for prohibition. In thinking about DTOs, I contend that these organizations are not invested in drugs as such, so much as they are violent profiteers invested in illicit industries. Gambetta’s discussion of the Sicilian



Mafia is useful here. Gambetta distinguishes *violent entrepreneurs* from *entrepreneurs of violence*.<sup>lvii</sup> We can think of drug trafficking organizations as violent-entrepreneur organizations, in that violence is a fundamental part of their profit-seeking endeavours, but – for the most part – violence is not *itself* their profit-seeking endeavour.<sup>lviii</sup> Thus, through creating a profitable illicit market, drug prohibition produces threats – violent-entrepreneur organizations – which are highlighted by prohibitionists as the alternative to prohibitive drug policy, therefore serving the same function as the ethno-identitarians Dardot and Laval describe.

Further, just as Dardot and Laval describe within modern neoliberal governmentality, drug prohibition involves increasing police powers, expanding incarceration, mass surveillance, and the militarization of police forces. Two illustrative examples of this process are the 1208-turned-1033 program, and the explosion of mass incarceration in the US. Initially established in 1997's National Defense Authorization Act as the 1208 program, the 1033 program has facilitated the transfer of more than \$7.4 billion worth of military weapons, vehicles, and equipment from the US Department of Defense to more than 8,000 police departments and law enforcement agencies throughout the US.<sup>lix</sup> The program was expressly established to support counter-narcotics operations by law enforcement.<sup>lx</sup> As well, research published in 2016 found that, in the US, someone is arrested for simple drug possession every 25 seconds – a data point which does not include those arrested for possession with intent to sell, dealing, or other drug-related offences.<sup>lxi</sup>

In fact, Dardot and Laval themselves cite the War on Drugs as demonstration of the expanding police, carceral, and punitive powers that they describe, noting further that this phenomenon intensified during the 'war on terror.'<sup>lxii</sup> This, too, applies to the 1033 program, which was expanded following the attacks on the World Trade Center on September 11, 2001.<sup>lxiii</sup>

Neoliberal prioritization of security, and the militaristic terms in which it's understood, also align with drug prohibition and its enforcement. In declaring the War on Drugs on June 17, 1971, then-President Richard Nixon described "drug abuse" to be "public enemy number one," the defeat of which would require an "all-out offensive."<sup>lxiv</sup> Just over a decade later, on October 14, 1982, then-President Ronald Reagan declared illicit drugs to be a threat to US national security.<sup>lxv</sup> Reagan would go on to prosecute the War on Drugs throughout the entirety of the Americas, and in doing so, subordinates under his direction would ultimately (1) sell weapons to nations declared to be enemies of the US, in violation of US law, (2) transfer the funds from these deals to violent right-wing militias in Latin America which conducted murder, mutilation, and human rights violations on a mass scale, and (3) knowingly facilitate the trafficking of drugs into the US.<sup>lxvi</sup>

Finally, just as in the reviewed accounts of neoliberalism, drug prohibition also relies upon legal structures to entrench its application and enforcement. This at-first appears intuitive – while neoliberalism is world reason and social reality, drug prohibition legislation informs criminal law and mandates criminal sanctions, and thus naturally implicates legal structures. However, the appendages of drug prohibition realized and revealed through law go beyond what is required to establish prohibition itself. Consider the US police practice of civil asset forfeiture, whereby law enforcement seizes money and property from suspected criminals – primarily criminals suspected of being involved in the drug trade – before these suspects have been convicted of any crime.<sup>lxvii</sup>

These practices have been ruled constitutional in the US.<sup>lxviii</sup> Civil asset forfeiture is distinct from criminal forfeiture in that it does not require a criminal conviction.<sup>lxix</sup> Indeed, the seized money and property are considered, by law, to be active agents in the contravention of the law, and therefore bear guilt whether or not the suspected individual is ultimately convicted of a

crime.<sup>lxx</sup> Civil asset forfeiture has become a lucrative source of income for police departments and law enforcement agencies, representing their interest in preserving the practice – and so, drug prohibition – completely separate from the ostensible aim of improving public health and public safety.<sup>lxxi</sup> In fact, some police departments have come to rely upon civil asset forfeiture for essential operating funds.<sup>lxxii</sup> This is more frequently the case with municipal police departments and county sheriff’s agencies, but it is also prevalent at the federal level.<sup>lxxiii</sup> In 2014, the total monetary value of all funds and property seized by federal law enforcement agencies exceeded the total value of all money and property stolen in burglaries in the same year.<sup>lxxiv</sup>

## **Chapter 5: Violence as a Systematic Product of Drug Prohibition**

In this paper, I argue that violence associated with the illicit drug trade is systematically produced – i.e., that it is inexorably tied to systemic characteristics of the illicit drug trade, and thus is produced predictably and repeatedly. I argue, as well, that the War on Drugs is a fundamentally neoliberal project, making it necessarily a product and expression of both capitalist rationality and Eurocoloniality. This section further develops those claims.

This paper argues that, generally, illicit trade systematically produces violence when disputes arise. Specifically, I argue that this occurs because there is no governing authority through which a resolution can be found, or which can issue a ruling that the conflicting parties are forced to accept. In legal commerce, disputes are resolved in court, with the state naturally serving as the governing authority. By definition, the state does not govern unlawful commerce. There are, however, special cases of illicit governing authorities – established, respected, and (or) feared criminal organizations – which can either compel resolutions or issue rulings. These cases could be presented as evidence against my argument, a demonstration that illicit trade does not necessarily produce violence, and thus the law prohibiting the trade of a particular object or service cannot be blamed for any violence associated with its trade when unregulated. However, closer analysis of one such case demonstrates that the violence associated with drug prohibition specifically is indeed an inevitable consequence, precisely because of the nature of the would-be governing authorities present.

Writing on the origins of the Sicilian Mafia, Gambetta notes specific conditions which contributed to its emergence. These include; (1) demand for ‘protection’ as a service, and available supply, (2) the potential for systematic profit from supplying protection, (3) a deep-rooted distrust of those beyond one’s direct circle of kin and close friends, (4) economic conflict over land and resource appropriation and management, (5) mobile wealth and frequent

transactions, such as in urban markets, and (6) political conflict between regional factions, particularly related to institutional changes imposed by the Italian state in the late 19<sup>th</sup> century.<sup>lxxv</sup>

Gambetta also favours Italian political figure Leopoldo Franchetti's 1876 account of the Sicilian Mafia's emergence, which describes the process as a 'democratization of violence' in the post-feudal era, in which private power remained the main structuring force in society, but was no longer the exclusive privilege of elites, a yielding a cadre of distinct "villains" in Sicily "that is nothing less than a social institution...a class with an industry and interests of its own, a social force in its own right."<sup>lxxvi</sup> Franchetti's description of the "democratization of violence" falls directly in line with Dardot and Laval's class-based and oppositional description of democracy, in that in both cases the act of democratization is the shift through which a form of power which was once the exclusive privilege of elites is granted (at least ostensibly) to the common people. On the operations of Mafiosi, Gambetta argues that "the main market for mafia services is...in unstable transactions in which trust is scarce and fragile...[for example,] with illegal transactions in which no legitimate enforcement agency – in other words, the state – is available."<sup>lxxvii</sup> The industries Mafiosi are involved in are wide-ranging, but Gambetta highlights that their primary commodity is protection – against swindling, competition, robbery or thievery, or some other loss or unpleasant occurrence – as well as serving as guarantors of illicit transactions.<sup>lxxviii</sup>

Paired with Franchetti's description of a distinct and coherent system of social institutions, Gambetta's analysis of the Sicilian Mafia and its emergence is useful in demonstrating that illicit markets *can* have governing authorities which deter violence. At first reading, this seems to imperil the arguments made in this paper. However, there are two points of response which demonstrate that this case is not an informative comparison to the illicit drug trade. First, the conditions Gambetta describes are both specific to the region and fundamentally interwoven. It cannot easily be claimed that the organization which emerged in that environment

would be replicated elsewhere under inevitably different conditions. More important, however, is the distinction between the business of the Sicilian Mafia and the trade this paper discusses.

What distinguishes prominent international criminal organizations which trade in controlled substances from the Mafia in Gambetta's description is his distinction between violent entrepreneurs and entrepreneurs of violence. In Gambetta's argument, the Mafia are entrepreneurs of violence, and, having attained status and deference in illicit industries, they can act as a governing authority to the point that they can become adjudicators of how, when, and upon whom violence is enacted. By contrast, drug trafficking organizations as discussed in this paper operate as violent entrepreneurs, to whom violence is instrumental to their operations and interests, rather than fundamental to them as in the case of the Mafia. It's worth noting here that these are simplified, systemic analyses. Their use is not to claim that any particular organizations fits perfectly into one category or another, but rather to demonstrate that respective illicit markets and industries bear distinct characteristics.

Despite being imperfect, this distinction nonetheless demonstrates a meaningful difference in how respective illicit organizations pursue their interests. Put directly, the Sicilian Mafia serves as an example of an organization which seeks to govern illicit trade generally – i.e., seeks to be a governing authority as its central aim – while organizations for whom the trade of controlled substances are a primary revenue source serve as examples of organizations which seek to dominate trade as a retailer, and for whom nearing or attaining the status of governing authority is either instrumental to or a consequence of this effort. Bunker's and Sullivan's appraisal of the evolution of such organizations supports this analysis, as each of the stages of 'drug cartel evolution' they describe are both defined and distinguished by the cartel's relationship to the state, the sanctioned governing authority.<sup>lxxix</sup> In the first stage they are a direct aggressor, in the second they begin usurpation, in the third phase they wholly supplant the state,

themselves then becoming the sanctioned governing authority. In their account, major drug trafficking organizations supplant the state in the final stage of progression, as a culmination of their efforts. In Gambetta's account, the first stage of the Mafia was the supplanting of the state, as being the governing authority is central to the organization's existence. I argue that the distinctions between the operations of major drug trafficking organizations and the Mafia are profound enough to refute the argument that the Mafia is evidence that illicit drug trade does not systematically produce violence.

Those distinctions established, it should also be noted that there are numerous ways in which the illicit drug trade behaves as any market would. This is especially notable to the matters concerning this paper, because drug prohibition is in-part tied to an attempt to monopolize drug markets. Prior to the introduction of drug prohibition, the raw ingredients to heroin and cocaine – that is, opium poppies and coca plants – had been used for centuries in Asian and South American cultures long before they were introduced to the US. However, once technological advancements throughout the 1800s led to the refinement of these drugs and proliferation of consumption methods – heroin, morphine, cocaine, chloral hydrate, hypodermic syringes, etc. – the prescription of drugs as methods of healing or pain alleviation became a symbol of the declared elite prestige of the medical profession, especially when contrasted against practices such as bloodletting, blistering, and mercury cures.<sup>lxxx</sup>

Following the founding of the American Medical Association (1847) and the American Pharmaceutical Association (1852), both organizations supported increased narcotic regulation for the purposes of defending their economic and existential interests as organizations, as well as those of their constituent members.<sup>lxxxii</sup> These 'rent-seeking' ambitions were shared by many other organizations, including the National Drug Wholesalers Association and the Association of Retail Druggists. These groups' lobbying efforts led to them being directly involved in

developing anti-narcotics legislation, leading to the Harrison Narcotics Act of 1914 – the first US federal regulation restricting the sale of drugs.<sup>lxxxii</sup>



## Chapter 6: Neoliberalism, Plan Mexico, and the Global Drug War

This paper has discussed how drug prohibition creates incentives for unlawful entrepreneurs, in that it leaves the lucrative recreational drug market almost wholly to illicit retailers, and how prohibition creates incentives for law enforcement agencies, which enjoy the funding and equipment granted them in service of so-called counter-narcotics operations. However, these are both *ex post facto* occurrences – i.e., these incentives are created and realized once drug prohibition has already been implemented. By contrast, Thornton’s appraisal of the professionalizing and rent-seeking interests of healthcare and pharmaceutical professionals in which compelled them to lobby for prohibition prior to its implementation.

Expanding this type of analysis to the international level, Paley presents an analysis of drug policy which depicts prohibition as inseparable from both the US military-industrial complex and the international private sector. Specifically, Paley offers an account of “drug war capitalism,” that falls directly in line with the perspective on neoliberalism taken in this paper. She defines drug war capitalism as the process by which “the drug war facilitates the continuation of a capitalist economic model predicated on security, in part by creating a public discourse that allows increased state militarization on the pretext of implementing security measures to protect civilians in the face of heinous acts carried out by criminal groups.”<sup>lxxxiii</sup> Here we see all the essential characteristics of neoliberal governmentality; the imposition of capitalist rationality intertwined with securitarian logics, the production of cyclical and self-justifying narratives, and the presentation of monsters to quell consideration of alternatives.

Mercille, too, argues that mainstream narratives regarding drug-related violence in Mexico are convenient covers through which the US launders its imperial interests.<sup>lxxxiv</sup> He argues this is evident in the US government agencies’ hypocritical seeding, endorsement, and reproduction of these narratives, despite that the US government has been instrumental in

increasing drug-related violence in Mexico through widespread public demand within the US for recreational drugs, liberal policies regarding access to guns, support for aggressive military actions against drug trafficking organizations by the Mexican government (and consequent profit from selling weapons and military equipment to Mexico), support for deregulating trade (increasing transnational shipping and traffic, creating more opportunities for drug trafficking), and persistent support for drug prohibition in Mexico despite supporting decriminalization or legalization elsewhere.<sup>lxxxv</sup> Mercille also notes that US government agencies and narratives wholly eschew political-economy analysis of the Mexico-US relationship, and specifically the US's imposition of neoliberal policies in Mexico, and decades-long endeavour to create an open and favourable investment environment in Mexico for US companies.<sup>lxxxvi</sup> Paley writes on this topic comprehensively, describing the drug war as a “neoliberal Trojan horse” which masks the true aim of granting US multinational corporations access to resource-rich regions in countries such as Colombia and Mexico. In Paley's account, Plan Colombia led to increased violence, agricultural eradication, and displacement, the privatization of one of Colombia's largest banks, increases in homicide rates to among the highest in South America, and immense profits for US arms dealers and the US government.<sup>lxxxvii</sup>

The relationship between Mexico and the US presents an exemplary case of these dynamics. Paley cites the Mérida Initiative, a US-spurred program which (ostensibly) sought to “dismantle criminal organizations; strengthen air, maritime, and border controls; reform the justice system; and diminish gang activity while decreasing demand for drugs.”<sup>lxxxviii</sup> With these four aims, the Mérida Initiative comprehensively expresses the principles of neoliberalism discussed in this paper. Further, Paley argues that, in addition to the surge in violence due to the Mérida Initiative – or ‘Plan Mexico,’ after Plan Colombia – the program also instituted a swath

of legislative and judicial reforms focused on “creating a more hospitable business environment as well as entrenching the US-backed rule of law framework.”<sup>lxxxix</sup>

Here, again, we see the neoliberal practices of imposing market logics on the breadth of society, the subversion of the legal system to the interests of capital, and the securitarian logic arguing freedom through militarization. Paley notes that a direct consequence of this militarization was the proliferation of paramilitary groups in the country. Paley describes this process as “the application of counterinsurgency within a formally democratic framework.”<sup>xc</sup> This echoes Dardot and Laval’s description of neoliberalism as a war against the population. Further, the more than \$2 billion appropriated by the US congress between 2008 and 2014 was spent purchasing equipment and services from US-based private contractors. And, despite that it was estimated Mexico spent \$13 for every \$1 the US spent on the Mérida Initiative, the US did not give the Mexican government any direct funding.<sup>xci</sup>

As shown through Plan Mexico, the US’s anti-drug efforts both directly and indirectly delegitimize political institutions in targeted countries. Mercille demonstrates that both anti-drug efforts and neoliberal economic policies pressured upon Mexico by the US have both increased poverty and unemployment in the country, and increased drug-related corruption by enriching major drug trafficking organizations.<sup>xcii</sup> The degrading of these institutions harms their efficacy and responsiveness, reducing their legitimacy in the eyes of the public and international institutions. Even worse, one counterintuitive consequence of this entrenched political corruption, is that competitive elections can yield bursts of violence, since they threaten the interests of those bribing or coercing public officials and law enforcement.<sup>xciii</sup> This encourages further disparagement; Mercille quotes a former US Drug Enforcement Agency (DEA) director’s remarks that the Mexican military was one of the country’s remaining “reliable” institutions, effectively delegitimizing democratic institutions while legitimizing unaccountable

military force.<sup>xciv</sup> Paley makes the same connection between the drug war and the corrupting of political institutions in Latin American countries, citing stories of local governments paying to have their political opponents' cars stolen, or houses robbed, hiring drug trafficking organizations to harass or intimidate people, and even paying to have grenades thrown at their own city hall – all to deter participation in the political process.<sup>xcv</sup> Though these are extreme expressions, Paley casting these anti-democratic efforts as fundamentally connected to drug prohibition further highlights neoliberal logics motivating the policy.

US foreign anti-drug efforts have consequences beyond even violence and political corruption. In discussing the War on Drugs in Colombia's forests, Rincón-Ruiz and Kallis find that Colombia's aerial fumigation of areas used for coca cultivation has failed to eradicate production of the crop – rather, merely relocated it. These fumigation campaign has, however, displaced coca production to forested areas of “great environmental significance,” negatively impacting the health of local communities and increasing human displacement, with each of these negative impacts being disproportionately experienced by Indigenous and Afro-Colombian communities.<sup>xcvi</sup> Underscoring the failure of drug prohibition and militarized enforcement, coca cultivators have in some cases returned to growing in areas that have previously been fumigated.<sup>xcvii</sup> While her analysis discussed in this work pays close attention to Colombia, Mexico, Guatemala, and Honduras, Paley also cites Afghanistan, Burma, and Africa as new theatres in the drug war.<sup>xcviii</sup>

## Chapter 7: Drug Policy Outside Neoliberalism

Advocates of drug policy reform point to harm reduction, decriminalization, depenalization, and legalization as policies with which to replace prohibition. This section considers how each of these proposals contests the neoliberal characteristics present within drug prohibition, demonstrating both their centrality in drug prohibition and the necessity that they be addressed for successful drug policy reform to take place.

Harm reduction, as defined by the International Harm Reduction Association, “refers to policies, programs and practices that aim primarily to reduce the adverse health, social and economic consequences of the use of legal and illegal psychoactive drugs without necessarily reducing drug consumption.”<sup>xcix</sup> Harm reduction advocates argue that the health and well-being of people, families, and communities should be the ultimate aim of drug policy. Of course, neoliberal prohibitionists would argue that they believe the same, but merely have a different opinion about how to serve that end. Importantly, harm reduction advocates also argue that these same goals should be what drug policy is measured against. A rubric of that nature would preclude the interminable cycle of increasing harm and increasingly aggressive enforcement created by drug prohibition, in that assessing the impacts of drug prohibition on the health and well-being of people, families, and communities would necessitate prohibition be repealed. Notably, harm reduction approaches to substance use eschew the ‘disease’ model of understanding addiction, which typically necessitates that recovery include abstinence from drugs. In this, harm reduction contrasts with the reduction in political power that is characteristic of neoliberal governance. Whereas neoliberal prohibition seeks to reduce the political power and agency of people who use drugs while advancing securitarian measures, harm reduction respects the human rights of people who use drugs and works to protect their health and well-being without demanding changes in their behaviour or imposing civil or criminal penalties. Harm

reduction in practice includes a suite of publicly funded services which seek to support safety and stability in the recipient's life. Both safety and stability significantly increase the likelihood that someone will be involved in the formal political process. In this regard, harm reduction supports the political agency of people who use drugs, in direct contrast with core tenets of neoliberalism.

Decriminalization refers to the repeal of criminal offences related to drugs and is often used to refer specifically to the removal of criminal penalties for drug possession.<sup>c</sup>

Decriminalization conflicts with the principles of neoliberalism in the same way that harm reduction does, removing the reduction in agency and political power imposed by criminalization from prohibition. However, in removing criminal penalties decriminalization also removes the impetus for securitarian aspects of neoliberal governance, as the justification for militarized anti-drug operations would evaporate. This would impact both the equipment and weaponry available to law enforcement agencies, and the tactics they employ, such as 'no-knock' raids and civil asset forfeiture. This reality is evident in the ostensible decriminalization proposals discussed by the governments of Vancouver, British Columbia, and Canada. In each case, the proposal for decriminalization sets a quantity limit, at which point the individual in question is committing the crime of possession of a controlled substance. I argue that such limits serve a neoliberal function. Setting quantity limits for decriminalization of drug possession seeks to separate people who use drugs from 'criminal drug dealers' against whom aggressive enforcement of prohibition is still justified, if not required. Thus, it would preserve the impetus for increasing militarization of law enforcement, and so fails to sufficiently displace neoliberalism. Depenalization, goes a step beyond decriminalization, removing all criminal and civil penalties for drug possession. Depenalization emboldens the ways the decriminalization

undercuts neoliberal governance, but the notion of depenalization does not necessarily prohibit quantity limits, and therefore bears the same vulnerability.

There is, however, a drug policy reform proposal which comprehensively rejects neoliberalism. Legalization and regulation refer to proposals to legalize presently controlled substances and regulate their production and sale, much like alcohol and tobacco. While these proposals are often considered the most radical break from prohibition, drug legalization presents an intriguing case in my study, in that it could be argued to represent an explicit imposition of market logics on drug policy. It would, after all, bring the illicit drug trade into a market recognized and regulated by the neoliberal state. However, I argue that legalization would definitively undercut neoliberal governance in drug policy if it is paired with reparations for the War on Drugs. In such a policy, a legal international market for presently controlled substances would be developed in such a way so as to ensure rightful and equitable distribution of the revenues produced by the trade, and consideration of the millions of workers in the illicit industry. Drug war reparations would also include addressing political conditions facilitated by prohibition, such as neoliberal state formations, corruption, and economic restructuring in states deemed by the US to be major theatres of the War on Drugs. This would involve sustained, long-term economic and industrial transfers from the US and US-based multinational corporations to multiple countries, including Mexico, Colombia, Nicaragua, Chile, and Peru. Finally, legalization and regulation would remove the associated revenue streams from the violent-entrepreneur organizations which law enforcement agencies point to as the reason for their increased militarization, eliminating that justification more definitively than decriminalization and legalization. If paired with comprehensive reparations, drug legalization wouldn't be an imposition of neoliberal logics on drug policy, but rather, the imposition of harm-reduction and justice-seeking logics on a sector of trade.

## Chapter 8: Conclusion

This study has sought to apply Marxist analysis of neoliberalism and its development to the case of drug prohibition, with the aim of understanding the persistence of drug prohibition despite its failures. Through this review, I've argued that the capacities of neoliberal governmentality which make it resistant to reform despite its own failures are not only present within the policy of drug prohibition and its enforcement, but that drug prohibition is both a constitutive element and reproduction of neoliberalism. Finally, I reviewed prominent alternatives to prohibition, considering how they relate to the tenets and characteristics of neoliberalism. That appraisal suggests that legalization and regulation of presently controlled substances most comprehensively rejects the tenets of neoliberalism present in drug prohibition, and that pursuing global reparations for the War on Drugs can be a system of redress for the neoliberal initiatives facilitated by the War on Drugs, such as neoliberal state formations in countries deemed by the US to be major theatres for anti-drug operations. It remains, then, to consider how this policy change could be implemented.

Dardot and Laval argue that the “entrepreneurial imaginary” can only be replaced by an “alternative imaginary” which offers a more desirable existence.<sup>ci</sup> Additionally, Harvey's notes that “ruling classes rarely, if ever, give up any of their power voluntarily, and I see no reason to believe they'll do so this time.”<sup>cii</sup> Taken together, these observations suggest that neoliberalism must be displaced from its central position in framing drug policy for the push for drastic drug policy reform to advance. This would require neoliberalism being defeated politically. While this defeat could theoretically be restricted to the realm of drug policy, given how drug prohibition has functioned in the broader neoliberal project, it is possible, if not plausible that interests invested in neoliberalism and connected to drug prohibition – law enforcement agencies, military contractors, the multinational corporations referenced above – would seek to protect their



interests by supporting the aspects of prohibition which serve those interests. Therefore, I argue that it should be presumed neoliberalism must be supplanted from its dominant position in global politics for drug policy reform of the kind discussed in this study to be achieved.

This should not be taken as trivializing the notion of defeating neoliberalism in the sphere of world politics. To the contrary, this should be taken as emphasizing the gravity and necessity of pursuing radical drug policy reform. As argued in this study, drug prohibition and the US-led War on Drugs are both a production and propagation of Eurocolonial structures. Abolishing them is imperative, as is taking every step possible to repair the harms they've caused.

## Endnotes

- <sup>i</sup> Barber
- <sup>ii</sup> GCDP (2018)
- <sup>iii</sup> Dardot and Laval, pg. xii-xiii, 3
- <sup>iv</sup> Dardot and Laval, pg. xviii-xxii
- <sup>v</sup> Dardot and Laval, pg. xix
- <sup>vi</sup> Dardot and Laval, pg. xxiii,
- <sup>vii</sup> Dardot and Laval, pg. 10-14
- <sup>viii</sup> Dardot and Laval, pg. 2-3, 6
- <sup>ix</sup> Dardot and Laval, pg. 5
- <sup>x</sup> Dardot and Laval, pg. 10-13
- <sup>xi</sup> Dardot and Laval, pg. xiii, 4
- <sup>xii</sup> Dardot and Laval, pg. 4-6, 15-17
- <sup>xiii</sup> Dardot and Laval, pg. 7
- <sup>xiv</sup> Dardot and Laval, pg. 15-16
- <sup>xv</sup> Dardot and Laval, pg; 16
- <sup>xvi</sup> Dardot and Laval, pg. 18-19
- <sup>xvii</sup> Dardot and Laval, pg. 23
- <sup>xviii</sup> Dardot and Laval, pg. 24-27
- <sup>xix</sup> Dardot and Laval, pg. 7
- <sup>xx</sup> Dardot and Laval, pg. 7
- <sup>xxi</sup> Dardot and Laval, pg. 34-35
- <sup>xxii</sup> Dardot and Laval, pg. 36-47
- <sup>xxiii</sup> Harvey, pg. 7

<sup>xxiv</sup> Harvey, pg. 7

<sup>xxv</sup> Harvey, pg. 8

<sup>xxvi</sup> Harvey, pg. 6

<sup>xxvii</sup> Harvey, pg. 6

<sup>xxviii</sup> Harvey, pg. 9

<sup>xxix</sup> Macpherson

<sup>xxx</sup> Macpherson

<sup>xxxi</sup> Macpherson

<sup>xxxii</sup> Harvey, pg. 64-67. It must be noted that Macpherson discusses “the liberal state,” while Harvey discusses “the neoliberal state.” However, I argue that, given their accounts of the respective states’ base principles and primary mechanisms align, their respective conceptions can justifiably be compared.

<sup>xxxiii</sup> Harvey, pg. 68-70

<sup>xxxiv</sup> Macpherson; Harvey, pg. 68

<sup>xxxv</sup> Mills, pg. 3

<sup>xxxvi</sup> Mills, pg. 4

<sup>xxxvii</sup> Mills, pg. 41-90

<sup>xxxviii</sup> Byrd, Goldstein & Melamed, pg. 5-7

<sup>xxxix</sup> Wolfe, pg. 61

<sup>xl</sup> Reddy, pg. 146

<sup>xli</sup> Reddy, pg. 147

<sup>xlii</sup> Corva, pg. 178

<sup>xliii</sup> Byrd, et al., pg. 1

<sup>xliv</sup> Chung

<sup>xlv</sup> Chung

<sup>xlvi</sup> Alexander, pg. 49-58

<sup>xlvii</sup> Alexander, pg. 177-187

<sup>xlviii</sup> Alexander, pg. 190-197

<sup>xlix</sup> Dardot and Laval, pg. 18-19

<sup>l</sup> Dardot and Laval, pg. 23

<sup>li</sup> Dardot and Laval, pg. 24-27

<sup>lii</sup> Nougier, et al., pg. i, 7-12, 26-33; Benavie, pg. 18, 36-37

<sup>liii</sup> Miron, pg. 840

<sup>liv</sup> Thornton, pg. 5

<sup>lv</sup> Murkin

<sup>lvi</sup> Dardot and Laval, pg. 7-8

<sup>lvii</sup> Gambetta, pg. 77

<sup>lviii</sup> As will be discussed later, there are countless exploited, threatened, and coerced people and workers who are involved in the illicit drug trade. The characterizations of drug traffickers as violent entrepreneurs excludes these people, and instead refers specifically to those who hold power within drug trafficking organizations, who direct operations, and who use that power to abuse and exploit others.

<sup>lix</sup> Barrett

<sup>lx</sup> Visram

<sup>lxi</sup> ACLU/HRW

<sup>lxii</sup> Dardot and Laval, pg. xxii

<sup>lxiii</sup> Visram

<sup>lxiv</sup> Nixon

<sup>lxv</sup> Glass

<sup>lxvi</sup> Blum

lxvii Worrall, pg. 171  
lxviii Worrall, pg. 171  
lxix Worrall, pg. 173  
lxx Worrall, pg. 173-174  
lxxi Worrall, pg. 172-174  
lxxii Worrall, pg. 176  
lxxiii Worrall, pg. 182  
lxxiv Ingraham  
lxxv Gambetta, pg. 77-83  
lxxvi Gambetta, pg. 79  
lxxvii Gambetta, pg. 17  
lxxviii Gambetta, pg. 15-22  
lxxix Bunker and Sullivan, pg. 31-32  
lxxx Thornton, pg. 57  
lxxxi Thornton, pg. 59  
lxxxii Thornton, pg. 60  
lxxxiii Paley, pg. 38  
lxxxiv Mercille, pg. 1637  
lxxxv Mercille, pg. 1638-1640  
lxxxvi Mercille, pg. 1639-1640  
lxxxvii Paley, pg. 113  
lxxxviii Paley, pg. 84  
lxxxix Paley, pg. 84  
xc Paley, pg. 85

- <sup>xc</sup>i Paley, pg. 87
- <sup>xc</sup>ii Mercille, pg. 1643-1647
- <sup>xc</sup>iii Dube, Dube, and Garci-Ponce
- <sup>xc</sup>iv Mercille, pg. 1640
- <sup>xc</sup>v Paley, pg. 83
- <sup>xc</sup>vi Rincón-Rui and Kallis, pg. 61
- <sup>xc</sup>vii Rincón-Rui and Kallis, pg. 67
- <sup>xc</sup>viii Paley, pg. 38
- <sup>xc</sup>ix Boyd, Carter and Macpherson, pg. 102-104
- <sup>c</sup> GCPD (2016)
- <sup>ci</sup> Dardot and Laval, pg. 65
- <sup>cii</sup> Harvey, pg. 153

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