A Constructivist Approach to the U. S. War on Drugs

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1. Introduction

For many observers and analysts, the war against illegal drugs has been, throughout history, one of the longest and most unsuccessful wars that U.S. foreign policy has ever fought. There are two main explanations for this failure that dominate the official and academic literature regarding this topic. The first explanation, used more frequently by officials in charge of the anti-drug strategy design and implementation, is that this war has not been won because of an endemic lack of cooperation of producer countries: “much of that pessimism reflects the failure of the United States to persuade the governments of the major cocaine and opium producers to attempt serious implementations of production controls. For both political and economic reasons, though mostly the former, these governments have been reluctant to take actions against an industry that has become regionally, and sometimes nationally, important. The (usually implicit) belief of program advocates is that, if the producer governments could be persuaded properly to implement control efforts, substantial reductions in the production of illegal drugs would result”(Reuter, 1994. P. 210).

The second explanation, popular in most of the academic approaches in this field, situates the central weakness in the U.S. design and implementation of the strategy. This strategy is composed, in general, by the following elements: emphasis on the supply-side countries, law enforcement and interdiction as results of the highly militarization and securitization of the problem, and a predominance of bilateral—instead of multilateral—understandings with producer countries that in most cases has lead to the perception of those countries as enemies (Walker III, 1994). Most of these analyses have concluded that internal contradictions in the strategy and the U.S. government’s lack of coherence and consistency in its implementation are the main sources of the defeat. In one way or another, these elements have comprised the parts of the hypothesis most commonly used in official and academic circles.

All the literature has been focused on explaining why the U.S. war against drugs has not been won. But what has not been formulated or answered, is the question of how or under which arguments, the government, agencies, and institutions in charge insist in keeping alive the current anti-drug policy, even though they know that its implementation will obviously fail. Consequently, the debate has dwelt on which strategies should and should not be part of the anti-drug struggle: the important and necessary discussion about its motives, incentives and justifications, has been totally ignored. The shape of the policy has been deeply analyzed and criticized but there is still much more to say about the content.

My question in this paper, in short, asks how the U.S. government legitimizes its strategy in the fight against drugs? In other words, why is the US still pursuing the war on illegal drugs, given the fact that this policy has demonstrated publicly to be unsuccessful?

In order to answer this question I first examine some significant contributions to the study of the U.S. drug policy and I point out what I consider is the most salient deficiency of those approaches: they explore the relationship between the drug problem and the formulation of a drug policy in a causal fashion assuming that the drug problem is the cause and the drug policy its consequence. As I will show, this statement is present in a tacit way in every study that I analyze here. I propose, alternatively, to study this relationship in a constitutive manner by arguing that not only does the drug consumption problem determine the formulation of a certain drug policy, but also that drug policies have a very important impact on the definition of the problem and the way it is perceived. As I will show, a policy based on prohibitionism—in one extreme—labels and frames the drug issue in a very different way that the way a policy based on a public health concern—in the other extreme of the continuum—does.

Once I expose the existence of this constitutive relationship the question that follows concerns which factors determine whether a policy is closer to the prohibitionist model or closer to the public health model. In order to answer this question, I use March and Olsen’s concepts of logic of appropriateness and logic of expected consequences (March and Olsen, 1998). I state that a
prohibitionist policy takes place when the logic of appropriateness predominates and a public health model determines the policy when the logic of expected consequences prevails. In other words, prohibitionism is the result of the predominance of rules, values and beliefs in the design of the policy. A public health based policy, on the other hand, is the result of the dominance of a cost-benefit evaluation. I will show, by using some empirical evidence, how this argument works. However, I can give a hint in terms of the question that this study poses: the constitutive argument helps to explain that the reason why a certain drug policy is predominant in spite of its evident failure, is the preponderance of a prohibitionist model and therefore, the prevalence of a logic of appropriateness with values, beliefs and rules seriously and deeply internalized in the U.S. presidential system (fight against evil, security, etc.). A prohibitionist policy defines drug consumption as a crime or as a threat and consequently, the moral obligation of combating that crime or threat is more relevant and urgent than any cost-benefit calculation. The battle must be fought independently of its possibilities of victory; it is a moral imperative and that is the main justification provided by decision-makers.

Here, I would like to stop to point out a very interesting issue in terms of the use of both logics in the analysis of the drug problem. In spite of the fact that a cost-benefit evaluation has been almost an obvious, mandatory and desirable condition in the design and implementation of public policies in the modern era, the case of the drug policy suggests a different and contradictory conclusion. As I will show in the empirical evidence that I provide in this study, those who have understood that a total eradication of the drug problem is impossible and therefore, have thought that harm-reduction and not strict prohibition should be the main goal of a drug strategy, have been stigmatized as ‘soft’ and ‘tolerant’ towards drug consumption. In other words, the suggestion of a policy with reasonable and achievable goals and functional means has been branded as immoral and wrong. On the contrary, those who invoke high moral principles, use metaphors as ‘war’, propose a battle between goodness and evil, and promise a final triumph in which drugs will disappear off the face of the earth are seen as the ‘good’, the ‘moral’ and the ‘ethical’ ones. Words such as ‘hero’, are often invoked to define those who are highly compromised with the war on drugs. In the public debate on illegal drugs, those who defend a cost-benefit approach are seen as malleable and immoral while those who invoke the old struggle of good vs. evil are seen as brave and fearless. Again, this paradox is the result of the prohibitionist predominance that postulates the drug issue in terms of crime and threat, and by doing this, leaves no space and tolerance for less radical approaches. If drug consumption is a crime there are two options: you accept it and you are an accomplice of crime with all the implications, or you reject it and you are a moral and principled person. There is not and there could not be a gray area in between those two options.

Finally, one of the main components of the prohibitionist policy—if not the most important one—is related to the concept of security, and specifically in terms of threats to national security. As I will show in the last part of this study and based on Ole Wæver’s approach, one of the indicators of the existence of a logic of appropriateness in the U.S. government’s treatment of the drug issue is the idea, or better, the speech act that categorizes the problem as a threat to national security. This is what Wæver calls a securitization process. In the conclusion, I explore the conditions under which an issue like illegal drugs use is securitized and therefore, the conditions under which it could eventually be de-securitized and the advantages and disadvantages of both processes.

2. The Causal and Constitutive Elements of the Campaign Against Illegal Drugs Use

In this first section, I intend to analyze some contributions to the study of US anti-drug policies in order to detect the strengths and weaknesses of these approaches. In one way or another, these texts try to explain the origin and the maintenance of the anti-drug policy throughout history by defining the war on drugs as a means to the achievement of a broader and more relevant goal. Some
of the authors explain U.S. government’s war on drugs as a way to fight communism during the Cold War, others define it as a way that the US government found to combat crime, others see the fight against drugs as a hidden oppression over ethnic minorities, others see it as a way to dominate the Third World, etc. I expose these arguments and point out the reasons why I consider them insufficient to answer questions concerning the permanence of the drug policy in spite of its failure. Furthermore, I suggest that there is still a component that has not been taken into consideration in the study of the American war against drugs. As I will show, the hypotheses exposed in those texts can explain to a very important extent, specific junctures of policy implementation, but they cannot explain it as a whole, as a fight that has been an essential part of American politics for more than a century. They cannot explain its perseverance vis-à-vis the evidence of its failure. Likewise, they cannot explain its changes, its intensification or the existence of “soft” periods in its formulation and implementation, the transition from “public health” perspectives to “law enforcement” emphasis and vice versa, the shift from a “punishment” point of view to a “treatment and rehabilitation” perception and vice versa. I will try to explain these alterations at the end of the chapter by using a new theoretical approach in the study of the US war against drugs based on the concept of constitution as opposed to the concept of causation, and on the concepts of logic of expected consequences and logic of appropriateness.

I will start this brief and in many ways incomplete “state of the art” by analyzing some of the approaches that emphasize the history and evolution of the war against drugs. Baum’s, Musto’s and Andreas et al.’s contributions are essential to the analysis of this issue. Then, I will explore how Walker’s study tries to explain the translation of this domestic policy into the U.S.’s anti-drug foreign policy. At the end, I suggest that these approaches are ignoring a very central issue in the study of the American war against drugs that can only be explained by using the concept of constitution exposed by Alexander Wendt.

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In Smoke and Mirrors: The War on Drugs and the Politics of Failure, Dan Baum explores the evolution of the treatment of the drug problem during the last part of the 20th century. He puts forward as constants through history, different and key features of the American War on Drugs: the divorce between the government rhetoric and real statistics about the constant low level of consumption; the absence of clear and scientific treatment of illegal drugs resulting in a poor understanding of their different characteristics and their effects; the strong liaison between government and media in the formulation of the drug policy during different administrations; the two different approaches of the problem: as a social and health issue or as a criminal one, and as a threat to the national security; the effects of law enforcement and interdiction—the two main anti-drug strategies—on legal and civil rights and finally, the initiation of the failure of the anti-drug discourse and the consequent debate about legalization.

According to Baum, prohibitionism and in general, the securitization and criminalization of the drug issue began during the Nixon administration. He states that the anti-drug policy was for Nixon, one of the instruments he used to fight against left-wing politicians and in general, against a broader hippie culture opposed to the Vietnam War and the entire phenomenon that it represented. The emphasis of that administration on law and order also allowed the government to find a specific target: drugs could be a federal responsibility and law enforcement sounded, according to Baum, like a good way to appear tough in the face of crime (Baum, 1996. P. 15).

There was a change, though, at the beginning of Carter’s administration and according to Baum, it could be related to the appointment of Peter Bourne as drug czar. His profile was the one of a psychiatrist for whom the difference between marihuana, cocaine and heroine was fundamental, unlike what politicians and journalists thought. Bourne recognized that the total eradication of the drug problem was impossible and as a result, he proposed an achievable goal: ‘harm reduction’. One
of President Carter’s public declarations is a good example in this direction: “… if stiff pot-
possession on penalties do more harm than the drug itself, reduce them. If heavy street enforcement
makes dealers more violent and more inclined to adulterate their drugs with poison, back off (…) A
harm-reduction drug policy cannot, for example, also make a punitive moral statement about drug
abuse, because doing so might harm” (Baum, 1996. P. 95). The polemic resignation of Peter Bourne
from his job as ‘drug czar’, according to Baum, was also the end of the implementation of this type
of strategy.

The defeat of Bourne’s initiative led into a much harder and tougher perception of the drug
problem. It is precisely during the Reagan years that the proclamation of the National Security
Decision Directive (NSDD) No. 221 in which drug prohibition and trafficking were labeled as
threats to the security of U.S. took place (on April 8, 1986). From this moment, the role of military
power and security agencies in general, was to grow substantially as a result of a higher
criminalization and securitization of the drug issue. This trend, as Baum suggests, was to prevail
during Bush and Clinton’s administrations with no fundamental changes.

What is really attractive from Baum’s perspective though, is the fact that the American War
on Drugs and its transformations are basically conceived as a result of the domestic political process.
For instance, according to the author, the initiation of the War under Nixon’s presidency was the
outcome of a political calculation in which the fight against crime and its main source—drugs—were
the flag of a conservative government against a very specific sector of the population. As he states:
“Nixon couldn’t make it illegal to be young, poor or black, but he could crack down hard on the
illegal drug identified with the counterculture” (Baum, 1996. P. 21). Also, the war against drugs and
consumers and the criminalization of the problem has been, as Baum suggests, the easy way to
ignore deep and difficult domestic social problems: “drug use was the perfect crime on which to
focus. While stealing to feed one’s family might conceivably be excused, drug taking could be
framed as purely escapist and pleasure driven. In the War on Drugs, users would come to provide a
bottomless well of villains and scapegoats for administrations looking to unburden the electorate of
taxes, shed federal responsibilities, and divert attention from their own failures” (Baum, 1996. P. 6).

Baum’s approach makes an interesting attempt to find the domestic political causes of the
beginning and evolution of the war against drugs. However, his perspective assumes that the anti-
drug policy, first designed by Nixon and then substantially reformed by Carter, is in both examples,
the consequence of a criminal problem associated with drug consumption and trafficking. This
assumption is not wrong but it is incomplete. Nixon anti-drug policy accomplished another
important goal: the definition and description of the drug problem as a crime that must be combated;
Carter’s anti-drug policy achieved a classification of drug consumption not as a crime but as a
disease object of public concern. That way, in both examples, it was possible to observe that the
policy was not just the obvious outcome of a certain diagnosis of the problem, but it also played an
essential role providing two different kind of lenses through which the public and the decision-
makers could observe, describe and analyze the drug issue. Baum’s theory of the anti-drug policy as
a means to fight in a domestic, social and political struggle could be right. It does not explain,
though, how it is possible that an anti-drug policy like Ragan and Bush’s had the same characteristics
as Nixon’s policy in spite of the fact that the struggle against leftists and other social sectors lost
sense with the end of the Cold War. Furthermore, it does not explain how under almost the same
domestic, social and political juncture, the Carter administration decided to implement a drug policy
dramatically different from the one President Nixon designed. The central reason why Baum’s
argument does not account for these changes and constants is because his approach assumes a one-
way relationship between the drug problem and the anti-drug policy that does not contemplate for the
effect that this policy has in the way drug consumption and related activities are defined. Then, due
to that absence, it is impossible for him to disclose what is really behind the formulation of each
different policy.
David Musto in *The American Disease* tries a different hypothesis. For him, the American policy against drugs “oscillate(s) from periods of drug tolerance to drug intolerance. Equilibrium is a state in which drugs, including alcohol, have rarely been found in the United States” (Musto, 1999. P. x). He supports this statement by reviewing the long history of the US fight against drugs. For the purpose of this study, I will only review his contribution since the Nixon administration.

Musto admits that the 60s were a turning point for the perception of drugs in the United States. The public perceived anti-drugs laws as a manifestation of power and force that did not answer to the problem of high rates of drug consumption, because these policies ignored medical and sociological research that is important for addicts’ treatment. The link among drug addiction, crime and ethnic subgroups also started to be publicly questioned and a transition towards a different perception of the problem began to take place: “the notion of addiction as a simple punishable vice increasingly shifted to a conviction that those who profited from addiction—corrupt police, the Mafia—were the criminals” (Musto, 1999. P. 237). In what Musto would describe as a “drug tolerant environment”, Nixon came to office in 1968.

Musto’s perception of the Nixon administration is not substantially different from Baum’s. For the former, the transition from Nixon to Ford’s strategy is the transition from a radical antagonism towards drug abuse to a more relaxed attitude towards recreational drug users. For Ford, “total elimination of drug abuse is unlikely, but governmental actions can contain the problem and limit its adverse effects. (…) All drugs are not equally dangerous, and all drug use is not equally destructive” (Musto, 1999. P. 258). The Carter administration also adopted a similar position concerning anti-drug policy. Finally, as Baum and Musto suggest, the Reagan and Bush administrations went back to the non-tolerance framework implemented by Nixon, while Clinton’s years were more ambiguous in terms of the definition of the drug policy.

Musto’s argument about the oscillation between “drug tolerance” and “drug intolerance” captures an important component of the history of U.S. anti-drug policy: it has not been a constant, monolithic and coherent policy. On the contrary, the dynamics of change can be clearly observed in the historical review written by Baum and Musto. However, assuming these changes in terms of “tolerance” or “intolerance” is misleading. In spite of these changes, Musto himself notes that the predominant view is that “drugs are dangerous, do a great deal of damage, and cannot be taken without risk addiction. Thus, it is thought, the government should set standards and actively work to reduce the supply as well as the demand of drugs” (Musto, 1999. P. 291). It would be very difficult to find a public position that refutes either the danger of drugs or the necessary government commitment in fighting against them. The word “tolerance” implies sympathy or indulgence towards drugs, implies the act of allowing drug use or abuse and this attitude has not been part of the US governmental policy against drugs at all.

I consider Musto’s use of the term “tolerance” to be unfortunate. What he really is implying is a change in the perception of the drug problem and how to fight against it. He is very clear at the end of his book when he states how views of the problem can vary and the implications in terms of policy-making of this variation: “If an addict is seen as a ‘sick person’ policy will tend to emphasize treatment and perhaps even maintenance. If the addict is seen as a ‘delinquent’ or as engaged in a ‘vicious’ habit’, policy will emphasize law enforcement” (Musto, 1999. P. 291). What Musto does not mention is the fact that if the addict is seen as a sick person or as a criminal, that is not an event that takes place before the design and implementation of the anti-drug policy. Again, as in the case of Baum’s analysis, the power of formulating the policy is being dangerously underestimated. The addict exists objectively and previous to the existence of the policy, but it is the policy itself which serves as the mechanism used by decision-makers to make an essential and fully political decision: whether the addict is a criminal or a sick person. Musto cannot explain why the attitude towards drugs oscillates from ‘tolerance’ to ‘intolerance’ precisely because he does not take into account the political function that the policy has on the characterization of the illegal drug problem.
This idea of change in US drug policy is also approached by Andreas et.al. in their book Drug War Politics. The Price of Denial. For them, the transformations of this policy can be explained as the political struggle among three paradigms: the punitive paradigm, the legalization paradigm and the public-health paradigm. For the authors, the dominant paradigm is the punitive one. They argue that “it informs the conventional wisdom about drugs. It tells a causal story that provides a particular definition of the drug problem (how to stop all use of illicit drugs), posits the source of the problem (drugs are too cheap and easily available), and suggests the appropriate solution (coercion and punishment)” (Andreas et. al., 1996. P. 57). According to them, this paradigm has prevailed over the other two “not simply because of America’s cultural traditions” but also because of struggles among powerful actors, well-organized groups, a drug-control bureaucracy established to carry out the government strategy, and elected officials (Andreas et al. 1996. P. 59).

The authors state that the punitive paradigm is the predominant one because its defendants are politically stronger than the advocates of the public health or the legalization paradigms. They are stronger in terms of organization, bureaucratic and political power while the others are not. However, there is a question that needs to be answered: how did they become the powerful group? or why did they end up being the powerful group? I think that Andreas et.al. overemphasize the power variable in this process and do not really explain how it determines the prevalence of the punitive paradigm. They do not take into consideration that this prevalence has not been permanent either. As Baum and Musto suggest, there have been changes in the formulation and implementation of this policy that Andreas et.al. do not mention maybe because they are not easily explained by a static logic of power. I am not rejecting the role that political power can play in the definition of anti-drug policies, but this variable by itself is not enough and does not account for the transformation of the policy and its permanence in spite of the evidence of its failure. It is possible to assert that state resources and bureaucratic power have helped strengthening the defenders of the punitive paradigm due to their longer presence in the state bureaucracy, but that does not explain why and how they became the stronger ones and consequently, the power variable is insufficient in this case. What Andreas et al. fail to notice is the fact that when the prohibitionist policy is defined in terms of crime, or in terms of good vs. evil, it reinforces a set of American values and beliefs concerning a moral commitment against what is considered wrong. A cost-benefit-driven policy does not have this effect. The fact that they are ignoring the before mentioned issue does not allow them to answer the question about why the punitive paradigm has prevailed along the history of the U.S struggle against drugs. Only under a constitutive framework is it possible to explain the way the punitive paradigm reproduces and reinforces itself: posing the problem in security terms, an alternative to war is seen as cowardly and futile, and therefore the transition towards a public health perspective based on a cost-benefit evaluation is almost impossible.

That logic of power is also insufficient at the international level of analysis. William O. Walker (Walker III, 1996) states that the hidden objective of the war on drugs does not respond to a domestic logic but to an international one. He analyses the U.S. drug foreign policy by using four of its characteristics: the unilateral formulation of the international policy against drugs, the overemphasis on the supply-side, the definition of the problem as a security issue, and the emphasis on law enforcement as a result of the militarization of this struggle. For him, these characteristics have caused problematic relationships between the United States supply-side countries. Persuasion and assimilation have been substituted for coercion and hostility, attitudes that do not leave space for appreciation of the greater complexity of the drug problem.

According to him, there is an interesting explanation related to the dynamic of this war in the context of the U.S.-supply-side countries relationship. The hypothesis points out that the war against drugs has been a mechanism useful to refresh U.S. hegemony over the Third World. As Walker suggests, “Washington's advocacy of drug control in the Americas served more than one purpose. In short, inter-American drug control was a minor aspect of US hegemonic pretensions in the Western
Hemisphere” (Walker III, 1996. P. 235). Somewhere else he states clearly: “US drug policy was, at base, profoundly cynical and concerned less with drug control per se than with US power and prestige” (Walker III, 1994. P. 12). However, he affirms that “waging the drug war on many geographic fronts did not serve well the interest of those who sought to prevail by taking the conflict of its source. Indeed, the vicissitudes of the war on drugs—record amounts of cocaine seized but minimal success in cutting volume—worked against the United States in its overall relationship with the rest of the hemisphere. Washington's war against drugs actually prompted a frontal assault on US hegemony” (Walker III, 1996. P. 241).

One could agree with Walker and assert that the U.S. policy against drugs is a failed attempt to maintain and support its hegemony over the Third World. However, that is not an accurate interpretation for three reasons. First, the war on drugs is not just part of US foreign policy. It has had a very strong domestic translation in many expensive campaigns against drug consumption. Here Baum’s argument works well and in that sense, it would be simplistic to judge this policy as an "excuse" to dominate the Third World to a greater extent. This explanation would not account for the domestic efforts. Secondly, there must be, certainly, cheaper and more effective ways to exercise hegemony after the end of the Cold War. In 1969, $6.5 million was spent by the Nixon administration on the drug war; in 1982 the Reagan administration spent $1.66 billion, and in 1999 the Clinton administration spent $17.7 billion. Those are not small numbers in terms of the national budget. And finally, this approach cannot explain why if the failure in terms of exercising hegemony and in terms of containment or reduction of the drug problem is so clear, the government keeps implementing the same policy with variations in terms of form but not in terms of content. This explanation could admit a mistaken policy but definitely, it cannot account for its maintenance throughout the years.

Here, the domestic argument could be applied and due to the fact that the international policy against drugs has very few and not very significant differences vis à vis the US domestic policy, the effect is similar but in a larger scale. The application of this policy at the international level translates the dichotomy between the “good” team and the “bad” team to the global level. The logic us-them works under the same premises: those committed to the U.S. War on Drugs are on the “good” side and those who are not—the supply side, sites of money laundering, etc.—are on the evil side. The certification process is the official mechanism by which each country in the world is catalogued in one or the other category according to the way they constitute or do not constitute a threat to American security. The policy has as Walker suggests, an international effect but it goes beyond the U.S. intention of hegemony over the Third World. As the polarization between East and West did during the Cold War, the international anti-drug policy has the effect of defining the international arena in polarized terms, posing those who defend themselves against those who threaten their security through drug production and trafficking. Again, this effect is observable, as well as in the domestic field, only by analyzing the drug problem and the drug policy in a constitutive manner as opposed to the prevalent causal perspective.

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All these hypotheses share a common characteristic: two causal relationships are established. An obvious one between the drug consumption problem and the anti-drug policies, and a less obvious one between issues such as the fight against crime, the oppression of minorities, the hegemony over the Third World, and the anti-drug policy. No author reviewed here disputes the fact that the anti-drug policy is the result, the governmental reaction or the consequence of a drug

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consumption problem. It seems for them to be an obvious and evident principle that deserves no discussion, and therefore the approaches discuss other non-apparent and undercover causes of the war against drugs. It could seem very straightforward as to why there is no debate on this issue, though since, who is going to dispute the fact that an anti-drug policy is the consequence of a drug-consumption problem? The causality here seems ineludible.

However, it is precisely in this maybe correct but incomplete assumption that lies the main problem in the analyses concerning the U.S. policy against illegal drugs. This assumption is ignoring the constitutive dimension of the relationship between the drug problem and the anti-drug policy. Let me say a few words about what is a constitutive relationship and how its use as an analytical tool can help to understand in a very different and maybe more comprehensive way the nature and permanence of the U.S. policy against drugs.

As Alexander Wendt states, in a constitutive relationship, “the properties of many social kinds do not exist apart from external conditions. This violates two assumptions of causal theorizing, namely that X and Y are independently existing and that one precedes the other in time. The ‘independent/dependent variable’ talk that informs causal theorizing therefore makes no sense in constitutive theorizing” (Wendt, 1999. Pp. 84-85). The application of this statement in terms of the object of this study would imply on one hand, that a causal interpretation of the drug problem would state that the drug consumption issue and the construction of the anti-drug policy are two separate entities in time (first, it is possible to diagnose a drug consumption problem and then the ‘remedy’ is formulated in terms of an anti-drug policy) and they exist independently from each other (the drug consumption problem exists independently of the anti-drug policy and vice versa). That is the basic and tacit assumption of the studies reviewed previously. On the other hand, this statement would support the existence of a constitutive relationship between both, the drug problem and the anti-drug policy. In this sense, the drug consumption and related activities would not exist apart from a specific discourse or policy that defines them as a problem with very specific characteristics. This implies that the drug problem does not precede in time the formulation of a policy against it and, that both, the drug consumption problem and the anti-drug policy cannot exist independently of each other. Notice that I am not reversing the causal relationship by affirming that the policy against drugs is the cause of the drug problem as many defenders of legalization state. What I am implying is that the anti-drug discourse is relevant to the construction and definition of the ‘drug problem’, since without this discourse there would not be a ‘drug problem’: “Constitutive theories seek to ‘account for’ these effects, even if not to ‘explain’ them” (Wendt, 1999. P. 88).

Analyzing the object of this study in a constitutive dimension has a very important implication: the anti-drug policy not only is useful to set up the strategy to combat illegal drugs, it plays a more essential and crucial role: it defines the drug problem in a very particular way and in that sense, establishes the way this problem is perceived not only by the public but also by decision-makers. In other words, what a constitutive explanation reveals is that the drug problem does not exist in its current way objectively, its specific characteristics are not given a priori. On the contrary, the anti-drug policy plays the role of a ‘speech act’, or in other words, this policy does not describe or try to solve the independently existing phenomena of drug consumption: it defines what it is (Wendt, 1999. P. 84). Notice the way this argument works: if the anti-drug policy is one based on prohibitionism and the addict is seen as a criminal, then the drug issue is defined in terms of security. According to this definition of the problem, drugs must be stopped because they are bad and they are the representation of evil, they are perceived as a threat or an enemy that must be combated. But if the anti-drug policy is based on a public-health perspective, then the addict is seen as a sick person, as a victim and not as a criminal. The individual does not choose to be sick so

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2 The characteristic of this relationship is defined by Wendt in the same terms in the case of national security discourses and the existence of terrorism.
he/she is not a criminal. In this case, treatment, rehabilitation and prevention are identified as strategies rather than prohibition and punishment. The nature of the policy plays a crucial role in the way the problem is defined and this is not observable when the analysis only takes into consideration the causal dimension of the relationship.

Consequently, the next question should ask what determines a policy based on prohibition or one based on a public health perspective? This is an essential issue because as I showed it defines the problem in a certain way and therefore determines the kind of strategy to follow. To explain what conditions settled the scenario for one or another perspective I will use March and Olsen’s logic of expected consequences and logic of appropriateness (March and Olsen, 1998).

On one side, March and Olsen define the logic of expected consequences when a specific behavior is the result of an evaluation of alternatives and their consequences "for personal or collective objectives, conscious that other actors are doing likewise. ( ... ) History is seen as the consequence of the interaction of willful actors and is fully understood when it is related to expectations of its consequences and to the interests (preferences) and resources of the actors. ( ... ) Foreign policy is 'explained' by providing an interpretation of the outcomes expected from it ( ... ). The constitution of the interest of a nation is taken as established before negotiation among nations begin"(March and Olsen, 1998. Pp. 949-950). This perspective, as can be easily deduced, coincides with the idea of a state’s rational behavior that the mainstream IR theories support.

On the other side, March and Olsen point out that the logic of expected consequences seems "to ignore the role of identities, rules, and institutions in shaping human behavior”(March and Olsen, 1998. P. 951). In the context of the logic of appropriateness, "actions are seen as rule-based (and) involve evoking an identity or role and matching the obligations of that entity or role to a specific situation. The pursuit of purpose is associated with identities more than with interests, and with the selection of rules more than with individual rational expectations"(March and Olsen, 1998. P. 951). The authors state that the logic of appropriateness involves cognitive dimensions—when the action is essential to a particular concept of self—and ethical dimensions—when the appropriate action is a virtuous action. Finally, they argue that "we 'explain' foreign policy as the application of rules associated with particular identities to particular situations. Political actors are seen as acting in accordance with rules and practices that are socially constructed, publicly known, anticipated, and accepted”(March and Olsen, 1998. Pp. 951-952).

This perception is complemented by Hargreaves’ idea of expressive rationality Hargreaves, 1989). For him, an instrumental and procedural rationality is not enough to explain an actor’s behavior. These two dimensions can explain that the actor is purposive and is socially and historically located, but there are two additional missing parts: “one is our use of actions to say things about our selves and the other is an active sense of self management (…) these and other behaviors (are tied) into a concept of expressive rationality”(Hargreaves, 1989. P. 148). Hargreaves points out that an action could not always be analyzed in terms of achievements or what March and Olsen would call “consequences”. For him, the act is an end in itself (Hargreaves, 1989. P. 176).

This kind of rationality is not in contradiction with instrumental and procedural rationalities. The means-to-given-ends logic still persists but contrary to these two rationalities; expressive rationality has an “open-ended nature of action”. This occurs because there is no information available which would allow the calculation of optimal actions in pursuit of the objective. “It is the old conundrum of not being able to specify what would be the optimal acquisition of information when there is uncertainty. The description of what is involved in the notion of self-respect is premised in precisely this insight: is a search for foundations in a world which has been deprived of them. (…) It is a process sense of rationality or a ‘doing’ rather than an ‘achieving’ model of human agency which we need” (Hargreaves, 1989. P. 173).

What Hargreaves tries to do is not to substitute the traditional idea of instrumental and procedural rationalities. He is basically opening up another dimension of actors’ motivation. As he
says, “it might be tempting to go further (…) and suggest that expressive rationality is really reducible to instrumental rationality. It merely involves specifying another goal or objectives which action is designed to satisfy: the goal of self-respect” (Hargreaves, 1989. Pp. 150-151).

One of the examples given by Hargreaves is very compatible with the logic of appropriateness. One possible way of using the idea of expressive rationality is to see actors’ actions as ethically motivated. In some circumstances, moral principles or allegiances seem to be better explanatory variables than action. Cooperation and honesty are good examples in this case and as Hargreaves states, “you cannot act to achieve them because it undermines the objective that the action was designed to achieve. (In love, for instance) ‘trying to be spontaneous’ or ‘trying to impress’ are further examples of such self-defeated objectives” (Hargreaves, 1989. P. 171). Again, actions must be seen as ends in themselves.

In sum, both approaches point towards the same direction: a cost-benefit logic is necessary but not sufficient to explain actors’ behavior. Norms, identities, beliefs and ideas are all factors that are needed to understand decision-making. In Thomas Risse’s words, “rule guided behavior differs from instrumental behavior in that actors try to ‘do the right thing’ rather than maximizing or optimizing their giving preferences” (Risse, 2000. P. 4).

The difference between the logic of expected consequences and the logic of appropriateness or expressive rationality can be summarized by the contrast between homo economicus and homo sociologicus: “the former is a calculating machine who carefully assesses different courses of actions, choosing whichever provides the most efficient means to her ends. The latter is a rule-follower who acts out of habit or decides what to do by posing the question ‘how is a person in my role (or with my identity) supposed to act in this circumstance?’” (Wendt and Fearon, 2002. P. 60). According to Wendt and Fearon and following Hargreaves’ idea of compatibility between instrumental and expressive rationality, both logics interact, so if the logic of consequences in a given situation is consistent enough that actors repeatedly comply with a norm, then over time they may internalize it to the point of acquiring a preference to comply and thus appear to follow a logic of appropriateness. On the other hand, a logic of appropriateness may decay over time if there is not enough enforcement against norm violators. When norms are new, we should expect consequences to dominate; over time, with internalization, the logic of appropriateness should take over; and as norms age and become obsolete the logic of consequences may again return.

The choice between one and the other, a policy framed by the logic of appropriateness or one framed by the logic of expected consequences is eminently a political choice. The drug issue is not, per se, a public health problem or a matter of security. It does not have an a priori or a positive existence that defines it in one way or the other. The perception of the problem, both as a health problem or as a security matter, is determined by a political decision that at the same time lies in the answer to a very important question: what is more important, the evaluation of the eventual empirically observable consequences of the decision or, to hold to certain moral obligations irrespective of their empirical consequences? One alternative represents the options available and the opportunities and limitations offered. In this sense, decisions result from a cost-benefit evaluation. The other alternative involves what decision-makers think is the ‘right thing to do’. As Nina Tannenwald suggests: “one could expect to see non-cost-benefit-type reasoning along the lines of ‘this is simply wrong’ in and of itself (because of who we are, what our values are, ‘we just don’t do things like this’, ‘because it isn’t done by anyone’, and so on)” (Tannenwald, 1999. P. 440).

What I intend to do in the next chapter is showing how both logics have been present and have interacted along the history of the US policy against drugs. I also intend to show how the logic of appropriateness has predominated over the logic of expected consequences in the definition of the drug problem. In the conclusions of this paper I state that this predominance is the cause of the permanence of the current anti-drug policy in spite of its evident failure.
3. From Carter to Clinton: The Transition from the Logic of Expected Consequences to the Logic of Appropriateness

In this chapter I analyze the U.S. presidential discourses on drugs and I try to classify their main components in terms of the logic of appropriateness and the logic of expected consequences. I show here how these two logics interact producing junctures in which one predominates over the other and also, how this equilibrium is neither static nor permanent and is clearly altered.

However, there are some assumptions that deserve to be clarified and exposed before I start the classification of the different periods of the U.S. anti-drug policy. The first assumption that underlines this chapter is that an anti-drug policy based on a public health perspective must be circumscribed in the concept of the logic of expected consequences. As I will show in the case of the Carter administration, that type of policy was inspired by a cost-benefit calculation. The second assumption is that a prohibitionist and securitized policy can and should be framed by the concept of the logic of appropriateness. The analysis of the Nixon, Bush and Reagan administrations will indicate that in their anti-drug policies the role of values and beliefs is more salient and the idea of fighting a right battle is more important than the victory in and of itself.

It is essential to point out here that the alternative of total legalization can be explained in terms of the logic of appropriateness too. However, the values that lie behind this kind of political proposal are different from the ones that predominate in a prohibitionist policy. In the case of legalization, liberty of action, individual sovereignty, self-protection, free will and independence are the values that must be defended and the ones that determine a virtuous action. Unfortunately, the nature and length of this study do not allow a deeper analysis of this issue. In addition, the alternative of legalization has not been part of the governmental position vis-à-vis the drug problem so I wont address it here.

I will analyze then the prohibitionist policies as manifestations of the presence of the logic of appropriateness and a public health policy as a manifestation of the logic of expected consequences. The U.S. anti-drug policy, as I will show, has oscillated between those two extremes.

a. Carter: A Short Triumph Of The Logic Of Expected Consequences

The predominance of the logic of consequences over the logic of appropriateness during the administration of president Jimmy Carter can be observed by analyzing different dimensions of the drug problem. I will evaluate this tendency by using first, the definition of the objectives of this strategy, its evaluation in terms of costs and benefits, its emphasis on education over punishment, the absence of a confrontational discourse, and the use of certain expressions to define the problem.

The definition of the objectives in Carter’s strategy differs deeply from the definition of objectives that I will show in the following administrations. The main goal was not to stop the drug problem definitively because there was awareness that this purpose could not be accomplished. On the contrary, what Carter’s drug czar—Peter Bourne—stated was that eliminating all drug use was impossible and in that sense, the objective to achieve was what he called “harm reduction”. “Harm reduction” assigned to the government the role of reducing the harm that drugs do to individuals and society. Then:

“if stiff pot-possession on penalties do more harm than the drug itself, reduce them. If heavy street enforcement makes dealers more violent and more inclined to adulterate their drugs with poison, back off (…) A harm-reduction drug policy cannot, for example, also make a punitive moral statement about drug abuse, because doing so might harm.” (Baum, 1996. P. 95).

President Carter also stated his position in his State of the Union Address in 1981—a long speech in which he evaluated the behavior of every single issue during his administration. In this speech, there is a small section dedicated to the drug problem titled “Drug Abuse Prevention” in which it is possible to find a particular balance concerning the costs and benefits of the anti-drug strategy. Just from the title of that section it is possible to infer that Carter was not advocating
exclusively punishing drug users or interdiction. For this administration, prevention and education concerning the different kinds of drugs and the effects that they can cause were the main tools against drug abuse. It is also possible to deduce that the use of drugs was catalogued in different ways by recognizing the existence of a differentiation between drug use and drug abuse. This distinction will disappear from the public debate during the Reagan presidency as well as the one between the different kinds and types of drugs and their effects. In other words, the categories of soft and hard drugs were ignored after the end of the Carter administration.

This almost medical or technical treatment of the topic was accompanied by an evaluation of the impact of laws and punishment against drug users. The cost of the punishment was increasing and its effects in terms of reduction of drug abuse were not very clear. The Carter doctrine and his calculation of the pros and cons of the anti-drug policy is clear in this quote:

“Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed. Nowhere is this more clear than in the laws against possession of marihuana in private for personal use… Therefore, I support legislation amending Federal law to eliminate all Federal criminal penalties for the possession of up to one ounce of marihuana”

3

The third element, which is consistent with and derivates from the broader framework is the emphasis on education instead of an emphasis on punishment. It is not a zero tolerance policy what helps to reduce the problem. Carter’s policy is about educating the public about the different implications of the use and abuse of drugs. As the president stated:

“We must look to citizens and parents across the country to help educate the increasing numbers of American youth who are experimenting with drugs to the dangers of drug abuse. Education is a key factor in reducing drug abuse. (…) We need a change in attitude, from an attitude which condones the casual use of drugs to one that recognizes the appropriate use of drugs for medical purposes and condemns the inappropriate and harmful abuse of drugs”

4

There is no component in terms of security in this strategy. President Carter did not define or assume the drug issue as a security matter or as a threat to it. In his pronouncements about the security of the nation, the drug problem is not mentioned:

“To serve the interests of every American, our foreign policy has three major goals. The first and prime concern is and will remain the security of our country. Security is based on our national will, and security is based on the strength of our Armed Forces. We have the will, and militarily we are very strong. Security also comes through the strength of our alliances. We have reconfirmed our commitment to the defense of Europe, and this year we will demonstrate that commitment by further modernizing and strengthening our military capabilities there. Security can also be enhanced by agreements with potential adversaries which reduce the threat of nuclear disaster while maintaining our own relative strategic capability”

5

It is worth noting that the Carter presidency was still immersed in the logic and dynamics of the Cold War and to a very important extent, that factor helped to keep the drug problem out of the national security agenda. The components of this strategy, however, were not compatible with an eventual process of securitization of this issue.

It can be concluded that the abuse of drugs was seen as a health issue and in that sense, was not defined in terms of “enemy” or “threat”. There is no component during this period that allows us to think in terms of confrontation or “war” as it would happen during the following administrations. By the same token, there are no metaphors, analogies or strong terms that define the drug issue precisely because its treatment was located more in the realm of health than in the realm of security.

It is crucial to note, however, that this tendency was not part of the whole Carter administration. After the scandal prior to the resignation of the drug czar Peter Bourne, the drug issue started to escalate in the national agenda. The American public began to see those who advocated partial decriminalization at the beginning of the Carter administration, as “soft” in terms of the drug debate. It was at this moment when the transition towards a U.S. drug policy closer to the logic of appropriateness took place.

b. The Reagan Administration: The Beginning of a Crusade

The beginning of the Reagan administration marked a radical turn to a strong rhetoric and action against drugs. In fact, there is an evident prevalence of the logic of appropriateness during this period that can be observed in different aspects: first, through the way the Reagan administration redefined the objectives of what was characterized as a ‘war’ against drugs; second, through the way the treatment of the problem stopped being technical and medical and started to be political and moral and therefore more extreme; third, in the role assigned to American values and to the American commitment in this fight, and finally, in the new use of eloquent terms such as threat or enemy and dichotomies to characterize the drug problem.

The change in the definition of the objectives was radical if we compare it to the Carter administration. In fact, in many occasions, Reagan saw the idea of the reduction of the drug problem as a fatalistic and conformist position. For him, a complete and total ‘victory’ was possible:

“We lacked accurate information about the hazards of some of the most widely used drugs, and our efforts to combat the lies, misconceptions, and moral confusion surrounding drug abuse lacked credibility. There was a feeling of inevitability regarding widespread drug use and uncertainty over what was the right thing to do”\(^6\).

“We're rejecting the helpless attitude that drug use is so rampant that we're defenseless to do anything about it. We're taking down the surrender flag that has flown over so many drug efforts; we're running up a battle flag. We can fight the drug problem, and we can win. And that is exactly what we intend to do”\(^7\).

“Permissive attitudes are giving way to a new sense of responsibility. Hopelessness and helplessness are being replaced with optimism and a willingness to join together in the fight”\(^8\).

“For too long the people in Washington took the attitude that the drug problem was so large nothing could be done about it. Well, we don't accept this sit-on-your-hands kind of thinking. We've decided to do more than pay lip service to the problem”\(^9\).

Secondly, the problem started to be treated in a more moral and political way. As I said before, differentiations between use and abuse, hard and soft drugs, etc. started to be first judged and then ignored by subsequent administrations. Observe the way Reagan qualifies the medical and technical treatment given by the Carter administration to the problem:

“No longer do we think of so-called hard drugs as bad and so-called soft drugs as being acceptable. Research tells us there are no such categories, that the drugs phrase ‘responsible use’ does not apply to drug experimentation by America’s youth. And as far as the recreational use of drugs is concerned, I’ve never in my life heard a more self-serving euphemism by those who support drug use. There is nothing recreational about those children whose lives have been lost, whose minds have been ruined. If that’s somebody’s idea of recreation, it’s pretty sick. Too often we’ve fallen into the trap of using

nice, easy, pleasant, liberal language about drugs. Well, language will not sugar-coat overdoses, suicides, and ruined lives.\(^{10}\)

“The mood toward drugs is changing in this country, and the momentum is with us. We're making no excuses for drugs—hard, soft, or otherwise. Drugs are bad, and we're going after them. As I've said before, we've taken down the surrender flag and run up the battle flag. And we're going to win the war on drugs”\(^{11}\).

As this was declared as a moral war, the role of values started to be highlighted as weapons to destroy the powerful enemy. Justice, the protection of the innocents, the rule of law and liberty were all principles threatened by drug trafficking and consumption. Statements like the next one were used more frequently by the Bush and Clinton administration and the change in this kind of rhetoric in the future, is going to be almost absent:

“You know the answer to that question. The American people want the mob and its associates brought to justice and their power broken—not out of a sense of vengeance, but out of a sense of justice; not just from an obligation to punish the guilty but from an even stronger obligation to protect the innocent; not simply for the sake of legalities but for the sake of the law that is the protection of liberty”\(^{12}\).

“Controlling crime in America is not simply a question of more money, more police, more courts, more prosecutors (...) It’s ultimately a moral dilemma, one that calls for a moral or if you will, a spiritual solution (...) Men are basically good but prone to evil, and society has a right to be protected from them”\(^{13}\).

The hesitation between a rational and instrumental strategy and a moral fight against evil was over. The second one won. The official nomination of the drug problem as a security threat against the United States, issued during Reagan’s years also supports this statement.

The result of that euphoria was the escalation of the rhetoric and declarations of Reagan’s officers. Carlton Turner, Reagan’s drug czar, told a Newsweek reporter that homosexuality “seems to be something that follows along from their marihuana use”. Newsweek headlined the story REAGAN AIDE: POT CAN MAKE YOU GAY (Baum, 1996. P. 238). The First Lady pronounced also strong declarations on the same issue. In a White House drug conference during 1988, she said:

“The casual user may think when he takes a line of cocaine or smokes a joint in the privacy of his nice condo, listening to his expensive stereo, that he’s somehow not bothering anyone. But there is a trial of death and destruction that leads directly to his door. The casual user cannot morally escape responsibility for the action of drug traffickers and dealings. I’m saying that if you’re a casual drug user you’re an accomplice to murder”(Baum, 1996. P. 253).

This was the obvious outcome of the definition of the fight against drugs in moral and security terms. American public opinion began to see drugs as an enemy that threatened American values and security. In this sense, terms such as the drug epidemic, the lawless empire of drugs, the confederation of professional criminals, the dark-evil enemy, menace, cancer, etc. started to be used as metaphors to describe the problem. Never again in the history of the United States would the drug issue be treated from a public health perspective. From then on, the problem became a matter of a war between good and evil.

c. Bush’s Years: “We Must Do More”

The discourse that the Bush administration used to justify its war against illegal drugs also had very strong components in terms of the logic of appropriateness. Those elements can be

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\(^{11}\) President Ronald Reagan, Radio Address… Ibíd. October 2, 1982.


classified taking into consideration what is defined by the government as the goal of the war against drugs, the idea of enmity and the concept of threat against national security, the assumption of this war as something that “must be done” independent of a cost-benefit evaluation, the total dismissal of alternatives to fight drugs such as the legalization process, and the concepts, analogies, dichotomies and expressions that the government used to define the practice of drug trafficking.

The first characteristic is related to the definition of goals and objectives of the war on drugs. There are different dimensions in this realm that deserve to be identified. First, the Bush administration assumed that the war on drugs has a very clear objective: to stop the traffic and consumption of drugs. There is no gray area; the goal is the total eradication of the problem. The next quotes by President Bush are just some of many examples that allow us to support this premise:

“As you know, our administration remains fully committed to fighting this problem and stopping this scourge”\(^{14}\).

“The scourge of illegal drugs upon the lives of many Americans is simply devastating, and with the help of this Advisory Council, I look forward to stopping this devastation and guiding our nation toward an intolerance of illegal drug use wherever it may be found”\(^{15}\).

The goal is not to reduce or control drug traffic or consumption, it is to stop it definitively. The question as to whether or not that goal was obtainable was not a relevant issue to be discussed by the administration. To the government, not only it was possible to stop the drug problem but also, to set specific but very questionable deadlines:

“Seeing it thorough is going to— I mean, I think if this nation stays on course, I think, we will probably beat the goals that we stated in the National Drug Control Strategy of 10 years. I think we’ll be there in 5 years if the States do the things that they’re supposed to do and if others do what they’re supposed to do. The Federal commitment, I think, is clear— unprecedented commitment, unprecedented amount of money, resources, and so on. That’s 5 years”\(^{16}\).

There is an additional example of official announcements in which the government set deadlines:

“The Governors of the U.S. and I agree: By the year 2000, every school in America will be free of drugs and violence”\(^{17}\).

It is obvious that the drug problem in the United States had back then, a magnitude that allows us to think that exterminating drug traffic and consumption could have been almost impossible. However, the function of setting these deadlines is more rhetoric than real. If it is stated that the drug problem and all its consequences can really disappear in a specific and predictable amount of time then a war against it makes sense. The more precise the deadlines and the objectives were, the easier it was to justify the war against psychotropic substances, because the easier it was to show the possibilities of “victory”.

The second element, easy to find in the Bush administration’s statements on the war against drugs, is the definition of this issue in terms of enmity to the national security. See for example how the President states how the American public became aware of the different negative effects of drugs on individuals:

“The past year has also seen a fundamental change in attitude, a growing awareness that drugs can take away your family, your job, your health, your freedom and yes, even you life”\(^{18}\).


Also, drugs were defined in terms of a threat to common national and international values such as freedom:

“…we call upon all nations to join us in ratifying this Convention and undertaking its solemn obligations to work together as never before to rid our world of the threat to our freedoms that drug trafficking represents.”

Here, drugs are portrayed as an enemy that acts against every single sphere of the individual’s life, nationally and internationally. But there is another element that helps to explain why this problem is defined in terms of a threat to security. The allusion to different war terms also demonstrates how drugs are an enemy that must be attacked. In the next quote, for instance, the word *arsenal* invokes a war against a very strong opponent:

“When this legislation comes into force along with the Enterprise legislations, our arsenal against drugs will expand to include the following: economic development assistance; police and military assistance for interdiction; investment in debt measures; and finally, trade preferences.”

The third element is the assumption of the war on drugs as something that “must be done”. This allusion to the war on drugs as something that cannot be postponed or eluded points out what Hargreaves suggests when he talks about actions as ends in themselves, or when he emphasizes the ‘doing’ more than the ‘achieving’. In this sense, there are multiple governmental statements in which it is clear that a higher reason goes beyond a cost-benefit rationality and it makes this war mandatory for the United States. See some of the examples:

“And we will win the war on drugs because we must”.

“The fight against drug traffickers is one that we must win, and this Convention can give us new hope that we will”.

“We must do more. Drug abuse and drug violence, particularly in our inner cities, threaten to destroy our children and everything else we hold dear”.

“Earlier this year, we were pleased that Congress passed our request for more agents, more prosecutors, and more prisons to get criminals off the streets and behind bars, where they belong. But we must do more”.

“I call upon all of the parts of the Government to get behind him in charting our course toward victory. We must not waver in our resolve to overcome drug abuse”.

“Let this be recorded as the time when America rose up and said no to drugs. The scourge of drugs must be stopped”.

There is, in this sense, a high sense of compromise that impulses this war:

“So, let us renew our resolve. Let us strengthen our commitment to guarantee all people drug-free communities. And as we work to advance the quality of life in our own hemisphere in so many ways, let us win a lasting victory in the war against drugs.”
“We're willing to spend more to limit the drug supply. Simply put, we're willing to do whatever it takes”\textsuperscript{28}.

There is a higher or moral commitment either implicit or explicit in those quotes. There is war because there must be a war, because it is a duty, an obligation that cannot be eluded. The enemy is evil and must be defeated. This characteristic of the discourse is consequently and intimately related to the absence of a substantial debate concerning different alternatives to deal with the drug problem. For instance, when president Bush was asked during a press conference what he thought about legalization, his answer did not denote a deep evaluation of this proposal:

“...Bill (William Bennett) has very forthrightly been speaking out against it. And I'm just going to hold the line against legalization”\textsuperscript{29}.

That is the transcription of the complete answer given by the president. It implies that if the war is a profound and moral commitment and if the United States must fight drugs because they represent evil, then the alternative of not fighting them is something that was not going to be contemplated by the Bush administration. It was not a matter of argumentation: it is a matter of what must be done, what it is the right thing to do. On the contrary, the effectiveness of the strategy is evaluated always in positive terms and therefore, the discussion about the strategy is practically eliminated:

“Both Bill (William Bennett) and I are encouraged by recent, very promising signs that suggest the drug problem is diminishing not only in the suburbs but in the cities as well. And I know he believes, as I do, that we’re on the road to victory. So, we’re going to stick to our comprehensive drug strategy”\textsuperscript{30}.

Finally, concepts, metaphors, analogies, dichotomies and expression also help to explain the way the logic of appropriateness was an essential part of the Bush’s administration discourse in terms of the war against drugs. To begin with, it is important to highlight that very modern dichotomies like good-bad, inside-outside, cleanliness-dirtiness, justice-unjustice, self-others, death-life, victory-defeat and right-wrong are constantly present in the public and official statements of this administration. Those dichotomies represent an understanding of the problem in terms of confrontation, and they reinforce the idea of an “adversary” or an “enemy” and the necessity of a “war” against the forces of evil. Here, the role of moral and religious values are often invoked and are a very essential part of the presidential discourse against drugs. See some examples:

“The rallying cry of Father George Clemens in Chicago—here’s the way he put it: ‘There are more of us than there are of them’. Just those few words, and mobilized opinion and got community action going”\textsuperscript{31}.

“There is still too much violence, too much destruction, too many innocent victims. Drugs are still an international menace. (...) My administration will remain on the front lines until this scourge is licked for good. Block by block, school by school, child by child, we will take back the streets”\textsuperscript{32}.

“You know, education means more than just teaching our children the skills that are needed to hold a job; it’s also about passing on to each new generation the values that serve as the foundation and cornerstone of our free society: loyalty, compassion, courage, and the ability to make the crucial distinctions between the right and wrong. But to get the finest education in our schools, we must get the drugs out”\textsuperscript{33}.

\textsuperscript{27} Idem.


\textsuperscript{32} Idem.

“We must win our war on drugs by persuading our young people that drugs are not ‘cool’, that drugs will chew them up and spit them out, and that they must see that the choice of drugs over self-reliance is the choice of death over life. But you know, ultimately the most important weapons in the war on drugs are the least tangible ones: self-discipline, courage, support from family, and faith in one’s self. The answer is traditional values. And if we want to stop our kids from putting drugs in their bodies, we must first ensure that they have good ideas in their heads and moral character in their hearts.

“I know you’ll win this war. You have what a longtime resident of Orange County, John Wayne, had—true grit. In one of his classic western movies, John Wayne spelled it out in his simple, all-American, pointblank style. He said: “There’s right and there’s wrong. You gotta do one or the other. You do one, and you’re living. You do the other, and you may be walking around, but you’re as dead as a beaver hat.”

“As he did in the conduct of his own life, in that movie John Wayne stood for right; he stood for life. And today in Orange County, thousands of you have made that same choice. You’ve stood up for right. You’ve stood up for life.”

“I think the leaders here recognize that growing coca for the international drug market is immoral and wrong. And I think they believe that, and so they need assistance.”

“And it emphasizes the importance of telling your kids when they’re doing right, because every time you do, every time you help to cultivate character, you’re providing another reason not to do drugs. So, show your kids how ready you are just to listen. And it’s often surprising how much they want to do the right thing.”

“All of these good people told the truth: that drug use is wrong and dangerous.

“We’ve already transformed a national attitude of tolerance into one of condemnation. But the war on drugs will be hard-won, neighborhood by neighborhood, block by block, child by child. If we fight this war as a divided nation, then the war is lost. But if we face this evil as a nation united, this will be nothing but a handful of useless chemicals. Victory—victory over drugs—is our cause, a just cause. And with your help, we are going to win.”

“Bill is the first Director of the National Drug Council Policy—you, soldiers of this crusade. And drug abuse assaults the mind and the spirit of America, leaving damaged lives and destroyed careers. So, we’ve got to mobilize our moral, spiritual, and economic resources to force a decline in drug trafficking and in drug abuse. We’re going to seek to encourage the over 23 million Americans who last year used illegal drugs to get clean and stay clean.”

Other terms were used by the administration to define drugs and those who traffic or consume them: scourge, nightmare, poisonous plague, evil nightmare, dealers of death, terrible threat of crime, merchants of death, menace, enemy, the enslavement of drugs, source of human misery, the gravest domestic threat, etc. On the other hand, the war against drugs is defined as a mission or a crusade in which moral and spiritual resources must be mobilized.

With all these elements in hand it is possible to conclude that the role of ideas and beliefs in the justification of the war on drugs during the Bush administration was very strong. A cost-benefit calculation in terms of what can really be done was substituted by moral and almost religious reasons that intended to answer the question: what should be done? It was not a question as to whether the objectives were achievable or not. The question concerned whether or not they were the right thing to do. Again, it is a matter of a higher duty: fight the evil that drugs represent.
**d. Clinton: An Oscillation from the Logic of Appropriateness to the Logic of Consequences**

The Clinton administration is more difficult to classify in terms of March and Olsen’s logics. There are elements from both that deserve to be taken into consideration. I state that in this administration there is a strong tendency to classify the drug issue in terms of public health perspective lead by General McCaffrey—Clinton’s drug czar—but there is also an equally strong predisposition in the Executive Power represented by the President, the Vice-President and other governmental officers to keep the orientation of the Bush and Reagan administrations. General Barry McCaffrey’s perception of the problem had a crucial component: the use of the metaphor “war” to define the fight against drugs had negative consequences in the past:

“So the new drug strategy probably makes more coherent and easier to follow that fact, and it also demands not only that you see a system there, but demands that you see a longitudinal approach to it, that you can't expect this to be a punchy campaign. That's why I've had such a problem with the metaphor on war, to be honest. The language is vivid, it's colorful, it implies progress; but, unfortunately, it's inadequate to deal with what we're talking about. And I suspect it may be more helpful to those of us involved in it to talk about it in terms of cancer, in which you've got root cause, and you have to treat that, you still have to manage the pain of the whole issue. You've got to have a holistic approach.”

McCaffrey’s perception of the drug problem more in terms of a public health dimension than in terms of punishment and criminality can be supported not only by his disease metaphor, but also by the next two quotes. In the first one he suggests the idea of drug addiction not as a rational decision made deliberately by an individual, which is eloquent enough about his view of drugs and the way to fight them. The second one is a joint statement with the AIDS czar in which the treatment of drug addiction as a disease predominated over the perception of the issue as a crime:

“By the way, I got a wonderful line. I went to this drug court here and listened to them several hours. One of the lines I got that made a big impact on me was, nobody in America wants to be a drug addict. Some people want to be criminals, but nobody wants to be addicted to drugs, it is absolute misery.”

“Today, America is struggling with not just one epidemic, but with two. Tragically, the twin epidemics of AIDS and drugs are linked and impose devastating costs on individuals, families, and on our society as a whole. Together, we share a strong commitment to improving lives and to saving lives by promoting public health policies that are based on sound science.”

This tendency was accompanied by an evaluation of the objectives that the administration sought to accomplish. Here, the Clinton administration came back to Carter’s doctrine of reduction instead of Reagan and Bush goal of zero tolerance and complete eradication of the drug traffic and consumption. When General McCaffrey was asked about the objectives of the government’s strategy his answer was:

“Yes. You know, I was strongly advised to not write down a guideline because it might look like another cheap slogan. But I will offer you as a thought, there is no reason why we can't return America to a 1960's level, a pre-Vietnam era level of drug use. We won't achieve total victory on drugs. We shouldn't expect that. We can't take every heroin or crack addict and cure them necessarily of their addiction. But we darned sure should expect to reduce the number of young people by enormous amounts and to reduce the damage that this epidemic does by great amounts. So if you'd asked me for a target, let's go back to pre-Vietnam level—eras—of illegal drugs.”

However, there is still a strong component in terms of the logic of appropriateness that remained constant during the whole administration. This aspect was evident in terms of the reaction of the Clinton administration towards the debate about legalization, in that the fight against drugs

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41 Idem.
43 Press Briefing by General McCaffrey… Ibid. April 29, 1996.
was expressed in terms of ‘war’ and in terms of a threat to security, as well as it had a rhetoric focused on moral dichotomies and metaphors.

The reaction of the government to legalization proposals did not differ substantially from the reaction experienced during the two prior Republican administrations. The statements of President Clinton in this realm were laconic and very short:

“We will continue to oppose all calls for the legalization of illicit drugs. Our vigilance is needed now more than ever. We will continue to ensure that all Americans have access to safe and effective medicine. However, the current drug legalization movement sends the wrong message to our children. It undermines the concerted efforts of parents, educators, businesses, elected leaders, community groups, and others to achieve a healthy, drug-free society.”

“We will do this and more. But one thing we will never do is surrender to those who would have us believe that the drug problem is too widespread, too deeply rooted or too expensive to do anything about. We will resist the siren songs of legalization—(applause)—and send those who deal in drugs a time-honored message of sending them to jail.”

The mainstream discourse of the administration, in spite of McCaffrey’s declarations, continued the use of language laced with images of ‘war’ and confrontation. The description of the drug issue as a threat or enemy remained in this administration. In the governmental document “International Crime Threat Assessment” there is a chapter dedicated to the drug issue in which it is clear the definition of drug traffic as a threat to the U. S. national security:

“The worldwide illicit drug industry is one of the greatest threats to social stability and welfare in the United States. In addition to the terrible human cost of addiction and associated health concerns—including HIV and AIDS—endured by users of illicit narcotics, drug abuse has a significant impact on the social fabric that affects all Americans. Drug abuse undermines family cohesion and has a terrible daily and often lifelong effect on the lives of children across the country.

“The economic costs of drug abuse to US citizens and society are substantial. These include significant personal spending of disposable income on illegal drugs; costs associated with medical care and drug rehabilitation programs for drug abusers; lost productivity in the workplace; and spending required by federal, state, and local law enforcement agencies and judicial and penal systems to deal with drug-related crimes.

“Drug abuse also leads to antisocial behavior and promotes disrespect for laws and institutions. The drug trade brings with it high levels of street crime and violence by addicts needing to pay for drugs and by drug groups fighting for turf. There is a strong correlation between drug abuse and crime.”

Vice-President Al Gore specifically mentioned the problem in terms of ‘war’ too:

“The Civic Alliance's work is critical to sending our kids the message that drugs are wrong and can ruin young lives,” Vice President Gore said. “We must work together to continue these efforts. I call on you to increase your membership from 60 to 100 million volunteers—to continue to harness the power of adult mentors and the decisive power of youth—to turn the power of peer pressure into a force that works for us, not against us, in the war on drugs.”

The President also followed the pattern and situated the problem in the field of security:

“As we enter the 21st century, the greatest threats to our freedom and security will come from a nexus of new threats: rogue states, terrorism, international crime, drug trafficking and the spread of weapons of mass destruction.”

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47 Office Of The Vice President Al Gore, The White House. Vice President Gore Touts Success To Date Of Administration's Anti-Drug Media Campaign, Challenges Civic Groups To Expand Membership To 100 Million By Next Year, April 28, 1998.
On one hand, although terms with a very high moral connotation were employed it did not happen with the same frequency as it did during the Reagan and Bush administrations. Words as menace, plague, curse and scourge appeared with less regularity in official statements. On the other hand, the allusion to a higher and almost religious commitment was still an important part of the Clinton administration rhetoric on drugs:

“So I come here today with a firm, firm belief that illegal drugs must be controlled in America. I come here today with a strong, strong commitment that illegal drugs can be reduced in America”.

“Our goal will be to reduce drug use in America, not because it is an easily attainable goal, but because the well-being of the nation requires it and the good conscience of every American demands it.”

The study of some characteristics of the U.S. presidential discourse on drugs shows that there is a permanent tension when the objective is to justify the fight against illegal substances. This tension lies between the definition of a rational strategy with clear and achievable objectives and the treatment of addiction and the drug issue in the realm of public health, and the declaration of a “war” against evil—drugs—, the proclamation of moral crusades, and the criminalization and securitization of the drug issue. In other words, this is the same tension that theoretically lies between the logic of appropriateness and the logic of consequences. It is clear though, that the logic of appropriateness predominates in the construction of the anti-drug policy and therefore, the prohibitionist model based on the use of moral norms, beliefs and ideas, prevails over a public health perspective.

4. Conclusions

According to the U.S. anti-drug policy, the definition of the drug issue in terms of security has predominated as a manifestation of a clear dominance of the logic of appropriateness in the design and formulation of that policy. Since Ronald Reagan, all activities related to the drug problem have been officially labeled as “threats to national security”. Following the constitutive arguments exposed in this study together with what the logic of appropriateness states, it is possible to infer that drugs do not constitute an objective or an a priori threat to security. As I showed before, to classify the drug problem in terms of security or in terms of public health is primarily a political decision. Accordingly, Ole Wæver explains securitization in terms of what he calls a speech act. For him, an issue is not a given and objective threat, power holders and elites are the ones in charge of defining a threat and therefore securitizing an issue. They do this in order to “move a particular development into a specific area, and thereby, claim a special right to use whatever means are necessary to block it” (Wæver, 1995. P. 55). For him, this is a political choice that, when transformed into a speech act, leads to specific ways of addressing an issue.

Wæver defines in a very concrete manner the possible implications of securitizing an issue: it gives the sense of urgency and it gives the state power to claim extraordinary means legitimate (Wæver, 1995. P. 51). However, this strategy is more problematic than advantageous: there is a risk in defining as threats security issues that do not constitute an intentional enemy. That is the case of environment damage defined as a threat to security, and to a very important extent a very similar phenomenon occurs when drugs issues are framed in those terms. The second problem is that defining an issue as a threat to security tends to imply that the state must defend its citizens from this threat (Wæver, 1995. P. 63). The transnational nature of the drug problem makes a centralized state

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49 President Bill Clinton. Remarks By The President In Announcement Of Lee Brown As Director Of Office Of Drug Control Policy. The Rose Garden, The White House.

50 President Bill Clinton. Remarks by the President and Lee Brown… Ibid. July 1, 1993.
response inappropriate and ineffective (see how, for example, the increasingly militarization of the drug issue has not resulted in a reduction of the volume of drugs that enter the United States). A third problem that Wæver identifies is the tendency for the concept of security to produce thinking in terms of *us vs. them*, reproducing logics of enmity and confrontation instead of integration and joint action. A good example of this negative effect is the way in which the securitization of the problem has led into the serious deterioration of the US-Latin American relationship. The *us vs. them* logic has polarized the landscape by reinforcing the idea that the producer countries are enemies. This polarization has made it more difficult to cooperate and join efforts to prevent drug trafficking. In Wæver’s words, “the tendency toward ‘us vs. them’ thinking, and the general tradition of viewing threats as coming from outside a state’s own borders, are, in this instance, also likely to direct attention away from one’s own contribution to (…) problems” (Wæver P. 64). Finally, Wæver states that another negative consequence of the securitization process is that security is *per se* a status quo concept that advocates for the way things are to remain as they are, even though they do not necessarily deserve to be protected. This characteristic might explain the permanence of the anti-drug policy. If the drug issue is defined as an enemy or a threat, then it must be combated despite whether or not it is really even possible to win the battle. As I showed before, the postulation of an enemy does not allow a different alternative to war.

The absence of a victory in the war on drugs is evidence of how negative and harmful is to securitize this issue. The alternative, again in Wæver’s words, is to de-securitize the drug problem and therefore, facilitate the transition to a public health approach based on a cost-benefit logic and not on a principled battle against evil. According to Wæver, “transcending a security problem by politicizing it cannot happen through thematization in security terms, only away from such terms. (…) … the dynamics of securitization and desecuritization can never be captured so long as we proceed along the normal critical track that assumes security to be a positive value to be maximized” (Wæver P. 56, 57). In other words, a desecuritization process would require disclosing that there is no objective and positive threat to security, those ‘enemies’ are socially constructed, a project in which political elites played an essential role. Therefore, there is a political decision that needs to be unveiled in which agents at some specific juncture decided to qualify an issue as a threat to national security. If the existence of this decision-making process is recognized, then an evaluation of different options and alternatives, and the opinion of different affected sectors must be taken into consideration. In the presence of a public debate and a rational discussion in which a stigmatization of any position does not take place, the outcome in terms of how to handle the drug problem could be very different. It is important to show to the public and the decision-makers that a space for decision exists when it is about defining an issue in terms of a threat to security, that they have a choice to securitize or desecuritize an item of the domestic or international agenda and that a threat has not been given an objective existence. The consequent step then would be to unveil the implications of both, the securitization and desecuritization of an issue and to analyze how that contributes to an effective solution to the problem in question. In other words, desecuritizing an issue implies the politization of its treatment.

According to Buzan et. al, “in theory, any public issue can be located in the spectrum ranging from nonpoliticized (meaning the state does not deal with it and it is not in any other way made an issue of public debate and decision) through politicized (meaning the issue is part of public policy, requiring government decision and resource allocation or, more rarely, some other form of communal governance) to securitized (meaning the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure)” (Buzan et. al., 1998. Pp. 23-24). The transition that I am proposing here is the one between the two last categories: from a security framework to a politicized one.

In the case of illegal drugs the issue has been already securitized and that implies that there is a stronger tendency towards maintaining not only the prohibitionist policy but also the definition
Desecuritizing the drug issue, therefore, requires a weakening of the role that the *logic of appropriateness* plays in the formulation of the policy and the granting of more space to the role that the *logic of expected consequences* can eventually play. This transition implies also the change from a policy based on prohibition and punishment to one based on a public health perspective. How then is this transformation possible? Wendt and Fearon identify the next scenario: “a logic of appropriateness may decay over time if there is not enough enforcement against norm violators. (...) When norms are new, we should expect consequences to dominate; over time, with internalization, the logic of appropriateness should take over; and as norms age and become obsolete the logic of consequences may again return” (Fearon and Wendt, 2001. P. 17). It is still not clear if there is not enough enforcement against norm violators or if norms have become obsolete. The *logic of appropriateness* might or might not be moving back and giving space to the prevalence of the *logic of expected consequences*. In other words, it is not clear if the scenario is set up for a more politicized treatment of the problem instead of a threat-defense framework. Here, the example of the evolution of Prohibition is useful.

The case of alcohol consumption is striking due to the fact that there are many cases of addiction that are similar or worse in severity than the ones caused by drugs. However, the current treatment for alcohol abuse follow convention within a public health framework and it ceased to be a matter of criminality and security years ago. As Reuter and MacCoun state, “the reductions in alcohol-related problems (...) did not seem worth the vast criminal problems created by Prohibition” (Reuter and MacCoun, 2001. P.161). It is not easy, therefore, to explain why drugs remain in a criminal and securitized framework while alcohol does not. The change in the alcohol policy can provide an interesting model of transition from the use of a *logic of appropriateness*-based policy to a *logic of expected consequences*-based policy.

That change of perspective needed a widely social perception of Prohibition as a disaster. That perception was caused by a non-seriously attempted prohibition, a not self-enforcing law, a failure to commit resources for enforcement or to respond effectively to the corruption that was generated, “all point to what has been characterized as a symbolic crusade rather than a public policy reform effort” (Reuter and MacCoun, 2001. P. 163). This, together with the violence that Prohibition generated, the growth of federal government criminal justice activities and the intrusiveness of law enforcement, lead to a gradually eroded support to Prohibition. In Fearon and Wendt’s words, the lack of effective enforcement and the obsoleteness of norms were fundamental factors in stimulating the transition to a non-prohibitionist anti-alcohol policy.

A similar perception has remained latent towards drugs in recent years, but there is still a very strong moral rejection of drugs and the problems of addiction and criminality that they can cause. Ironically, the security framework and its *us vs. them* dynamic may be questioned by the emergence of a new drug: “e” or ecstasy. This drug differs from marihuana, heroine and cocaine in two important aspects: first, it is increasingly made at home and that means that the defensive attitude that has been adopted towards supply-side countries is not going to be applicable anymore. Second, its consumption, for the first time, is not associated with African-American or Latino minorities. Ecstasy consumption is a young, white and high-social status phenomenon. That implies, again, that the securitization strategy and its placing of threats outside existing social and racial bounds is not going to work in the case of this new drug. Maybe we are facing a paradox: a new and stronger drug could be the activator for the beginning of a re-evaluation of the current *War on Drugs* and this, together with the obsoleteness of norms that have ruled the American *War on Drugs*, and the lack of an effective anti-drug enforcement could be an opportunity to an eventual de-securitization process.
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