

THE MESS OF DRUG PROHIBITION. A LITTERARY AND LEGAL APPROACH TO AN ABSURDITY.

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I. INTRODUCTION

Today "drugs" are a taboo. For a large part of public opinion, it is one of the most malefic plagues of Humanity. And this is why, simply put, they should be banned and fiercely prosecuted. Most States legislation includes harsh penalties for drug production, and drug users are considered ill people that should be put on rehabilitation treatments or criminals that should directly go to jail. **Despite all these drugs are increasingly used.** As Dr. Carl Hart (Hart, 2021) states "more than thirty million Americans report using an illegal drug on a regular basis". And according to United Nations Office on Drugs and Crime (UNODC)'s Report of June 2021 around 275 million people use drugs worldwide in 2020 (3.6% of World population) Of these only 36 million suffered from drug use disorders, that is 13% of total drug users (0,48% of World Population). Which means that 87% of drug users have no health problems for consuming drugs.¹ In these conditions: is it justified a frontal criminalization of drugs consumption? Take into account that according to WHO 5.1% of World population suffer from diseases caused by alcohol ingestion.² That is 382 million. More than 10 times bigger.

Prohibition and the relentless War on drugs have been going for a century. Billions of our taxes have been spent in an at least incompetent war, or directly only useless, as it has not wiped-out drugs, but on the contrary increased drugs consumption, individual pain and social unrest.

I am not especially fond of drugs. I have never consumed them. But I am surrounded with people that do, occasionally or on a more usual basis. Drugs exist, they have always been used by humans and there will always be. The question is that prohibition and harsh punitive enforcement not only does not eradicate at all the use of drugs but "intoxicates" the situation. For most part of human history using drugs was not a big deal. **100 years ago, drugs were not demonized or criminalized, you could buy them freely in pharmacies or drugstores, and there were no intoxication and no overdose's deaths. Because there was no adulteration of psychoactive substances, and, as it was legal, it only concerned a limited amount of population.** You could use them almost freely. And in these periods of freedom, drug addiction was not a problem, as only a minority of people were concerned. Something that is legal is not over interesting. Only the forbidden is appealing.

¹ UNODC World Drug Report 2021: pandemic effects ramp up drug risks, as youth underestimate cannabis dangers. 24 June 2021 <https://www.unodc.org/unodc/press/releases/2021/June/unodc-world-drug-report-2021--pandemic-effects-ramp-up-drug-risks--as-youth-underestimate-cannabis-> [Last retrieved March 2022]

² WHO Fact sheet on Alcohol. <https://www.who.int/news-room/fact-sheets/detail/alcohol> [Last retrieved March 2022]

We will see in this paper that "drugs", in a general sense, have been always used. For reaching religious experiences, for therapeutical reasons or simply for recreational purposes.

It is also extremely interesting that writers and intellectuals usually have had a very positive attitude towards drugs, as substances enhancing creativity. The Drugs have a very interesting literary dimension as we will see along this presentation.

Before considering the absurdity of drug legal repression treatment over the last 100 years we will analyze how started the absurd and useless war on drugs, how much pain and suffering it has created. How it is mostly based on ignorance and fear that nourish lies and prejudices that generally have not a scientific base. We will also see how it is threatening our cherished Rule of Law, one of the main pillars of our Western Liberal Democracies. The worst of the political and legal system, with the exception of all the others, paraphrasing Churchill.³ We will see why the Total War on Drugs cannot be sustained from the Legal perspective of Fundamental Rights and Liberties. The big question is: it legal that on constitutional bases the State restricts our liberty to take drugs? On what ground the Administrations can decide freely which drugs are legal and which aren't? To make it short: a big mess.

Let's start with why and how drugs have been used traditionally.

II. WHY AND HOW DRUGS STARTED BEING USED

The drugs were used for religious ceremonies, as therapy and finally it became common to consume them by the only sake of recreational purposes. In most recent times it appeared a psychedelic use on drugs, which in a certain way is a return to its religious use.

1. The religious use of drugs

The first use of drugs historically was essentially religious. Vegetal substances were used to pass from an ordinary state of mind to an extraordinary one. It was the "ecstasy" principle. The trance way of shamanism. A principle that is old as the hills and was reinforced since the 1950's with psychedelic drugs.

a) Ancient India

The religious use of drugs is already mentioned in the Hindu Vedas 36 centuries ago. ⁴ In the Vedas appears a sacred plant, named "SOMA" which juice was used

³ "Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time..." Winston Churchill, 11 November 1947.

⁴ The Vedas (from Veda = Knowledge) are a large body of religious texts from ancient India, composed in Vedic Sanskrit. They are the oldest religious writings of Hinduism. There are four Vedas: The Rigveda (Praise knowledge), the Yajurveda (Worship Knowledge), the Samaveda (Song Knowledge) and the Atharvaveda (Knowledge of the procedures of everyday life). The Rig Veda is the oldest it was written between 1500 and 1200 BC. The others between 1200 and 900). The last part is contemporary of the first Books of the Bible (Pentateuch, Salomon's Reign 965-928).

for sacrifices in the Vedic Period. It is a **great deity with extraordinary spiritual power, a gift that delivers us from our enemies and from pain.**

In the Rig Veda, the oldest text, it is mentioned: "*This your sweet Soma juice, ye Lords of ample wealth, through which ye think upon the foe.*"⁵ [...]. In the Atharva Veda: *May Soma free me, God to whom they give the name of Chan- dramās.*⁶ [...]

What was Soma? The word refers to **a generic plant, a vegetal sacred principle, a God Plant**, that included the most important species for human consumption in Vedic times. In the Atharva Veda, one of the four sacred texts of Hinduism, cannabis is named one of the five most sacred plants on Earth. The text also refers to it as a 'source of happiness' and a 'liberator'.

*"To the five kingdoms of the plants which Soma rules as Lord we speak. Darbha, (bhang = hemp),⁷ barley, mighty power: may these deliver us from woe."*⁸

As you know "Soma" was retrieved in the 20th century by Aldous Huxley, as the drug that everyone takes in his *Brave New World* (1932) is called Soma.

SOMA IN "A BRAVE NEW WORLD" (Aldous Huxley)

What Is Soma in *Brave New World*?

What is soma in *Brave New World* by Aldous Huxley? In the context of the novel, soma is a recreational drug that several of the main characters take throughout the story. **The government in *Brave New World* strongly encourages individuals to take soma as a way to increase the happiness and complacency of the population.** Soma can be taken as a pill or as a powder and can also be released as an aerosol. It is freely available to everyone in the novel. Its inclusion in the text is **central to the novel's themes of complacency and resistance in society as well as the theme of escapism.**

Drug Use in *Brave New World*

There is a significant amount of drug use in *Brave New World*. The people who live in the world of Huxley's novel are encouraged by their government to think and act in certain ways through the use of "hypnopedia" persuasive information delivered to them in their sleep each night. This information is provided primarily through pithy statements that are

⁵ (Foe = enemy in war). Rig Veda Book VIII, Hymn 9. Line 4. <https://www.sacred-texts.com/hin/rigveda/index.htm> [Last retrieved February 2022]

⁶ Atharva Veda Book 11, Hymn 6 (A prayer to all Divinities and Sanctities for deliverance from distress), Verse 7. <https://www.sacred-texts.com/hin/av/av11006.htm> [Last retrieved February 2022]

⁷ "Bhang", a product made from the leaves of the female cannabis plant, has long been of cultural significance in India. In Hinduism, bhang takes on special meaning as the plant preferred by Shiva, the god of destruction, who was believed to have used bhang to focus inward and to harness his divine powers for the good of the world. Today the sacred city of Varanasi (Old Benares) has more than 200 bhang shops. <https://www.bbc.com/travel/article/20170307-the-intoxicating-drug-of-an-indian-god> [Last retrieved February 2022]

⁸ "woe": grief, regret or distress. Atharva Veda Book 11, Hymn 6 (A prayer to all Divinities and Sanctities for deliverance from distress), Verse 15. <https://www.sacred-texts.com/hin/av/av11006.htm> [Last retrieved February 2022]

restated by the characters frequently. In the case of soma, the most commonly repeated phrase is "a gramme is better than a damn", meaning that taking soma is a better choice than experiencing even the mildest unhappiness. "A gramme in time saves nine" is another hypnopædic phrase that characters repeat.

Soma Dosing

The novel goes into detail about how different doses of soma can impact individuals. Depending on the dose, soma can resemble alcohol, hard drugs, or mood regulators. Soma seems to be something of a wonder drug with no unpleasant side effects or hangover. However, it is somewhat addictive. Soma is typically provided in half-gram tablets that people can take to give themselves a sense of calm and happiness. In larger doses, soma can have a pleasant hallucinatory effect that is sometimes referred to as a soma "holiday." **This is a way for individuals to drop out of society for a few hours and simply dream, forgetting all of their worries.** The doses mentioned in the book explain the effects of soma as follows: **"half a gramme for a half-holiday, a gramme for a weekend, two grammes for a trip to the gorgeous East, three for a dark eternity on the moon."**

Lenina, one of the main characters in the book, takes soma often and seems to rely on it to keep herself happy. However, she is still able to function reasonably well. Linda, on the other hand, takes far too much soma and ends up becoming strongly addicted to the drug, taking frequent soma holidays.

Reasons to Take Soma

There are several reasons why characters in the novel resort to taking soma, just as there are reasons to reject soma entirely. **The government encourages its citizens to take soma to eliminate unhappiness because the government sees unhappiness as antithetical to social stability.** It does not want its citizens to question the system or become disillusioned, and soma is just one of many means of social control that makes maintaining societal order easier. Soma is a form of escapism that is socially and politically sanctioned and strongly encouraged.

Examples of Soma Use

Soma use forms the basis of several important scenes throughout the book. Lenina and other characters are frequently narrated as taking several half-gram tablets of soma in their daily lives, turning to it without a great deal of thought as the easiest solution. Soma is also sprinkled in powder form on ice cream to make it more pleasurable to consume, though only in very low doses that do not induce hallucinations. **One of the most striking uses of soma is its release by police in an aerosol form to calm a riot; protestors quickly calm down and the riot ends. In total, soma is mentioned 71 times in the text of the book;** clearly, it is an important part of the story and the makeup of the world that the characters live in.⁹

b) Ancient Greece

⁹ <https://study.com/learn/lesson/what-is-soma-in-brave-new-world.html> [Last retrieved February 2022]

In ancient Greece the divine use of drugs gets back to the Eleusinian mysteries, an initiation rite performed on the name of the gods Demeter and Persephone in the Pan-Hellenic Sanctuary of Eleusis, near Athens. It is very old as it goes back to the Mycenaean Period (1750-1050), long before the Homeric poems were composed. The cult was extremely popular that **People came over from all Greek polis and even from the Roman world.** Only murderers were excluded. **The pilgrims ("epoptés" = witnesses) had different social backgrounds,** from merchants to kings, from poets to politicians, from artists to farmers. **Some famous "epoptés" were: Sophocles, Plato, Pindar, Aristotle, Cicero, Augustus Caesar, Hadrian or Marcus Aurelius.**

The Eleusinian rite was an "ecstatic" experience of great intensity of life and death. Initiation took place in Autumn at night. **Before initiation the pilgrim was given a potion called "kykéon" consisting of flour and mint and quite likely "contaminated" by a visionary mushroom: the "ergot" of rye and other cereals that grew wild or could be cultivated. A plant that contains "lisergic acid" (The base for actual LSD) a very powerful psychoactive substance with visionary effects.** (Marguerite Yourcenar in *Memoirs of Hadrian* describe the initiation rite of the emperor). After the ingestion of "kykéon" the "époité" had visions of great intensity. They had to swear upon their lives to keep absolutely secret all the details of the experience.

2. The therapeutical use of drugs

Drugs were soon seen as substances that relieved men from pain and suffering, as a great remedy against illnesses.

a) The case of Homer:

One of the first mentions about the therapeutical use of drugs is included in the Homer's Odyssey:

"Then Helen, daughter of Zeus, took other counsel. Straightway **she cast into the wine of which they were drinking a drug to quiet all pain and strife,** and bring **forgetfulness of every ill.** Whoso should drink this down, when it is mingled in the bowl, would not in the course of that day let a tear fall down over his cheeks, no, not though his mother and father should lie there dead, or though before his face men should slay with the sword his brother or dear son, and his own eyes beheld it. Such cunning drugs had the daughter of Zeus, **drugs of healing,** which Polydamna, the wife of Thon, had given her, **a woman of Egypt,** for there the earth, the giver of grain, *bears greatest store of drugs, many that are healing when mixed, and many that are baneful; there every man is a physician, wise above human kind;* for they are of the race of Paeon."¹⁰

Homer, like other ancient writers recognized Egypt as a renowned source of medical knowledge. He has a "neutral concept of drugs". A drug can heal you or can kill you. As Antonio Escotado says: "The Greek genius baptized drugs with the term "*pharmakon*" that simultaneously means remedy and poison, depending on circumstances, individuals, and knowledge. Whether drugs cure or do damage depends on human beings, not on drugs"¹¹

¹⁰ Homer The Odyssey. Book 4, lines 219-233.

¹¹ Escotado (1999) XVIII.

b) Drug use in the Middle Ages

Jumping to the Middle Ages *Carmina Burana* ("Songs of Beuern" - German town of the Land Rhineland Palatinate) a collection of poems of the 13th century in German and Latin,¹² mentions the use of the Linden trees for medicinal purposes, concretely a "calming tea extracted from its flowers". Modern scientific studies have demonstrated that **Linden tree flowers contain benzodiazepines, the main component of the widely used barbiturate named "Rohypnol" a powerful hypnotic drug used to treat severe insomnia and used to assist anesthesia. It should only be used on an occasional basis for short-term treatments. Carmina Burana became widely known thanks to the "Cantata" composed by Carl Orff (1935-1936) based on 24 poems of this medieval collection.**

c) The Era of Laudanum

The drugs make a huge step forward with Paracelsus (1493-1541) a Swiss physician, alchemist and philosopher, one main representative of German Renaissance. He was a pioneer of the "medical revolution" and father of toxicology. "*Poison is everything, and no thing is without poison. The dosage makes it either a poison or a remedy*". He was the first in introducing the use of chemistry for medicine. He invented laudanum a concoction obtained by dissolving opium in alcohol for reducing pain. Nevertheless, Laudanum was not widely used in medicine until the English Thomas Sydenham generalized its use around 1660.

Thomas Sydenham (1624-1689), the father of English Medicine, used Laudanum a medicine containing opium that was used as pain killer. *Of all the remedies it has pleased almighty God to give man to relieve his suffering, none is so universal and so efficacious as opium*"¹ Laudanum is a tincture of opium containing approximately 10% powdered opium by weight.

It is the beginning of the Era of laudanum, a drug that was used on almost daily basis by **Richelieu of Louis XIV**. The only problem was that it was **extremely expensive**. And here comes **Thomas Dover (1660-1742) a retired pirate from Bristol that learned medicine with Sydenham, that became famous because he "democratized" the use of laudanum famous for the Dover's Powder 20% opium, for cold and fever. He was so fond of it that he even wrote a *Treaty on opium* (1700).**

Still **Goethe in his Faust praises "the charming narcotic juice"**. We know by his accounts from pharmacy that he used laudanum daily. Laudanum was extremely popular especially among intellectuals, writers and poets like Coleridge, Shelley, Byron, Novalis, Wordsworth or Keats. Opium was better considered than alcohol.

During the 18th and 19th centuries, vials of laudanum and raw opium were freely available. Dover's Powder was used until the second half of the 20th century

3. The recreational use of drugs

The drugs soon started to be used for pleasure, for fun. Of course, thinkers and writers were some of the hardest defenders of the recreational use of drugs.

¹² Its complete title is: "*Carmina Burana: Cantiones profanae cantoribus et choris cantandae comitantibus instrumentis atque imaginibus magicis*" ("Songs of Beuern: Secular songs for singers and choruses to be sung together with instruments and magical images").

a) Montaigne and wine

Montaigne defended that wine was the last pleasure: "*The incommunities of old age, that stand in need of some refreshment and support, might with reason beget in me a desire of this faculty, it being as it were the last pleasure the course of years deprives us of*":

No wonder if he had a **great opinion of Dionysos:** "*that good deity who restores to younger men their gaiety and to old men their youth; who mollifies the passions of the soul, as iron is softened by fire;...*"¹³

b) Moliere and tobacco

Literarily speaking it is also very famous the **apology of tobacco that Moliere** does in the first lines of his Play Don Juan (1665):

SGANARELLE, holding a snuffbox. *No matter what Aristotle says with all his Philosophy, there's nothing like tobacco: it is the passion of respectable men; and the man who lives without tobacco is not worthy to live. Not only does it replenish and relax the human brain, but it also instructs souls in virtue, for through it one learns how to become a sociable man. Haven't you ever noticed how obliging someone becomes as soon as he has some tobacco? And how happy he is to hand it out left and right, wherever he might be? Without even waiting to be asked, he anticipates the wishes of others: thus it is true that tobacco inspires sentiments of honor and virtue in those who use it.*¹⁴

Let's underline here the huge contrast of this Western literary approach with the rejection of tobacco in China where Emperor Chongzhen (1627-1644), the last Ming emperor, issued a national ban on tobacco in **1639 and stipulated that tobacco addicts ought to be executed 1637**. Emperor Kangxi (1654-1722) of the Manchu Qing Dynasty (AD 1644–1911) went even further as he **expanded the death penalty to those who simply possessed tobacco**.

c) Montesquieu a forerunner of drug liberalization:

Moving to the 18th century we are surprised when **Montesquieu is not only openly in favor of the recreational use of drugs but already criticizes the absurdity of legal prohibition of these substances:**

[...] *the law prohibits our princes the use of wine, and yet they drink it to an excess that degrades them of humanity; this custom, on the contrary, is indulged to the Christian princes, and never observed to lead them into any crime. The mind of man is a contradiction to itself. During a licentious debauch they transgress the precepts, and the law made to render us just, serves only to render us more culpable* [...]

And then he says that drugs are healthy as they liberate the body from the tyranny of reason:

[...] *it is much better to divert the mind from its reflections, and to treat man as a being susceptible of sensation, rather than reason. The soul united to a body is*

¹³ Essays, II, Chapter 2. ("Of Drunkenness").

¹⁴ Molière, Don Juan. Act 1, Scene 1. Translated by Brett B. Bodemer. 2010.

https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1064&context=lib_fac [Last retrieved February 2022]

*continually under its tyrannical power. If the blood moves too slowly, if the spirits are not sufficiently pure, if they are not enough in quantity, we become dejected and melancholy; but if we make use of such liquors that can change the disposition of our bodies, our soul again becomes capable of receiving pleasing ideas, and is sensible of a secret pleasure in perceiving its machine recover, as it were, its life and motion.*¹⁵

III. THE DRUGS BECOME A PROFITABLE BUSINESS

The Chinese emperors in the 17th century had prohibited the consumption of tobacco because of the extraordinary raise of smokers in China. The banning of tobacco brought the use of smoking opium instead. It was a great business for European Merchants. Started by Portuguese that imported opium from the Mediterranean shores specially Asia Minor which was the best quality opium in the market. Portuguese exported it to Asia. Especially to China.

Of course, this trade was not in the interest of Chinese authorities, and this is why the Manchu-Qing dynasty prohibited Europeans to bring opium to China. This was the origin of ominous Opium wars (1839-1842) and 1856-1890). That brought black market that enriched Portuguese and especially English merchants. They forced Chinese militarily to accept opium trade. And they got Hong Kong. Until Empress Hi that consumed opium regularly raised the prohibition and authorize plantation of poppy blossom. By 1890 China produce 85% of opium consumed in China. By 1906 0'5% of Chinese population (2.700.000) consumed opium.

Also, in INDIA as use of opium was free 5% of population consumed it.

India has then an extremely old-rooted culture in the use of non-alcoholic means of inebriation that come from the Vedic times and the religious and spiritual principle of Soma. This is why in the 19th century India became one of the world's most important producers of opium that was exported by the British to China. Consuming bhang (cannabis) or "poppy juice" was something usual and not a big deal. In 1981 there was not a single case of heroin addiction.

Everything changed when in 1985; in order to comply with International Treaties India's Parliament adopted a very harsh and repressive legislation on drugs. The result was that population replaced the traditional poppy juice with heroin. And three years later (1988) there were 1 million heroin addicts, mostly young, and the double in neighbor Pakistan with far less population.¹⁶ Ten years before heroin was practically unknown.

IV. THE EXPANSION OF DRUGS USE

The golden era of drugs, at least as the West is concerned was the 19th century. Not only because of the huge profits of the opium business, but because the Industrial Revolution produced a dramatic change in everyday life conditions.

¹⁵ *Persian Letters* (1721) Letter XXXIII. <https://oll.libertyfund.org/title/montesquieu-complete-works-vol-3> [Last retrieved March 2022]

¹⁶ India has 1.400 million and Pakistan 228.

1. The Industrial Revolution and a rising need for drugs

During the 19th century Western chemist made important advances in psychoactive drugs. Morphine was discovered in 1806, Cocaine in 1860, Heroin in 1883, Mescaline in 1896, and barbiturates in 1903. Drugs ceased to be magical plants connected with religious rites.

As a consequence of industrial revolution in the Western world there was a **rise of competition, rising tensions, stress, insomnia, neurosis and exhaustion. People got used to calm themselves using the new drugs.** Morphine was widely used by the middle class and in the most elegant European salons it became fashionable to inject oneself morphine in public. Famous jewelers created vanity cases containing gold and platinum syringes Wagner and Bismarck used morphine on daily bases. It proved that morphine injected daily did not shorten the life span.

a) Heroin

Heroin was discovered in 1883 as a more effective drug than morphine. Small dye factory of **F. Bayer** became a world chemical giant largely due to the **sale of heroin and aspirin**, that were sold in a double package.

Bayer's brochure text:

*"(1). This substance has the opposite effect to that of morphine in that it increases activity. (2) It calms all fears. (3) Even small doses stop all types of coughs, tuberculosis patients included. (4). Morphine addicts treated with this substance immediately lost all interest in morphine."*¹⁷

As publicity praised so openly virtues of therapeutical use of heroin, **this substance flooded pharmacies in all continents.** Even Western Missionaries used heroin to rehabilitate opium addicts in the Far East. Heroin started being known in China as Christ opium.

b) Cocaine

Cocaine was discovered in 1860 and its used was promoted as a "harmless way to cure sadness". **Sigmund Freud was the apostle of Cocaine**, to the point he appeared in the **Merck Cocaine brochure** as the World authority in Cocaine: **"Cocaine will do away with all asylums for alcoholics"**

Towards 1890 there were in the market over 100 different types of beverages containing concentrated extracts of cocaine. The most famous one was **Coca Cola**. Discovered by John S, Pemberton an ex-morphine addict. His formula was bought by pharmacist and businessman **Asa Grigs Candler**. He was the one who registered the trademark Coca Cola and founded the **Coca Cola company in Atlanta** (he was Atlanta's Major from 1917 to 1919).

Coca cola used coca leaves openly until 1929 and today Coca cola is the only Company authorized by the DEA to import Coca leaves from Peru. In principle they withdraw all psychoactive effects in the beverage, but as the formula is secret... who knows...

c) Hashish

¹⁷ Escotado 1999 (X)

Hashish initially was **widely used** in the East for different purposes. One of the most curious ones was that of *Hashishins*, they were a sect of Shia Islam who lived in the mountains of Persia and Syria between 1090 and 1275. They were powerful warriors that before getting into battle euphorized themselves by taking hashish. They enriched our language with the word “Assassin”.

Hashish only became popular in the West after **Napoleon on October 8, 1800 prohibited its use in all Egypt**. The main result of the prohibition was to **excite the curiosity of French physicians**. One of them: **Psychiatrist J. Moreau de Tours** was at the origin of the literary “**Club of Hashishim**”.

2. The 19th century: the golden era of drugs

The result of all this was that 19th century became the golden age of drugs in the Western World. Not only intellectuals like the French writers and artists of the **Haschichins Club**. Like **Gustave Flaubert, Alexandre Dumas, Théophile Gautier, Victor Hugo, Rimbaud, Verlaine, Gérard de Nerval, and especially Honoré de Balzac and Charles Baudelaire**.

Balzac in his Treaty of Modern Stimulants (*Traité des excitants modernes*) published in 1839¹⁸ he analyzes the effects of five substances 1. Eau-de-vie or alcohol, 2. Sugar. 3. Tea, 4. Coffee. 5. Tobacco. These five **substances created to give us pleasure**: "*Some of our vital force is used in satisfying a need; this results in a sensation – that varies depending on our different temperaments or according to the climate – which we call pleasure. Our sensory organs are the ministers of our pleasures. Almost all have a double purpose: they capture substances, absorb them, then release them, in one form or another, into the environment, into the soil, or into the atmosphere, the arsenal from which all creatures draw their neocreative energy. These few words encompass the chemistry of human life*"¹⁹.

And **Baudelaire in 1860** already deals directly with the state of mind after having consumed opium and hashish following his readings on English writer, essayist, and literary critic, **Thomas de Quincey's Confessions of an English Opium-Eater (1821) and Suspiria de profundis ("Sighs from the depths") (1845)** a collection of prose poems describing the state of mind after consuming drugs.

By his own testimony, De Quincey first used opium in 1804 to relieve his neuralgia; and then he used it for pleasure, but no more than weekly, through 1812. It was in 1813 that he first commenced daily usage, in response to illness and his grief over the death of Wordsworth's young daughter Catherine. During 1813–1819 his daily dose was very high and resulted in the sufferings recounted in the final sections of his *Confessions*. For the rest of his life, his opium use fluctuated between extremes; he took "enormous doses" in 1843, but late in 1848 he went for 61 days with none at all. There are many theories surrounding

¹⁸ « L'absorption de cinq substances, découvertes depuis environ deux siècles et introduites dans l'économie humaine, a pris depuis quelques années des développements si excessifs, que les sociétés modernes peuvent s'en trouver modifiées d'une manière inappréciable. Les cinq produits concernés sont le café, l'eau-de-vie ou l'alcool, le thé, le sucre et le tabac ..".

¹⁹ BALZAC, Honoré de *Treatise on Modern Stimulants* (2018) Annotated translation by Kassy Hayden Wellington NZ: Victoria University. Page 10. https://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/9296/thesis_access.pdf?sequence=1 [Last retrieved February 2022]

the effects of opium on literary creation. In fact as far as De Quincey was concerned his periods of low use were literarily unproductive.¹

Baudelaire used drugs, namely hashish and opium. He even wrote his famous book Artificial Paradises, and expression that is still used in common language for describing all sort of drugs. His work is divided into two parts. The first one named "Poem of hashish" is an essay over the use of hemp. He describes his experience with it and the one of his friends. It also deals with the use of opium, and it is based on three short stories of Edgar Allan Poe. Baudelaire was the translator of his work in French. In the second part Baudelaire comments the Confessions of de Quincey mixed with his own experience using opium.

In this time of course hashish and opium were not illegal. It is interesting that in India British authorities of the Raj were favorable to the use of hashish. It is significant that the Indian Hemp Commission 1894 stated in the conclusion of a report on the use of hemp derivatives in India that:

*"Looking at the subject in general terms, it is appropriate to add that moderate use of hashish and marijuana is the rule in India, and that excessive use is the exception. Moderate use does not practically result in any harmful effect, and the disturbance created by excessive use is generally limited to the consumer himself; there is rarely any appreciable effect on society at large."*²⁰

Up to the first decades of the 20th centuries the use of drugs in Europe was not a big deal. In Spain, and in Europe in general, in the 1920's you could get without medical prescription morphine, heroin or cocaine in a pharmacy, a drugstore or a herbalist store. In this time drug addiction barely existed.

How did we come to the Strict legal prohibition of drugs?

IV. THE ORIGIN OF DRUG PROHIBITION: THE AMERICAN PURITAN REVOLUTION

We have to start with the fact that **the end of the Liberal Model of State after World War I brought an interventionist state. The Total War conditions and the general impoverishment that resulted from them brought the idea that public powers should get involved in every aspect of social life, even if it affected individual liberties.**

The second fact is ideological and concerns essentially **the United States, that in 1918 had become the leading power in the world.** A situation they would consolidate in 1945. It was a **huge wave of Puritanism that started the "Moral revolution". A movement that called to ban sexual liberty and of course the ingestion of any kind of psychoactive substances.**

a) A huge wave of Puritanism made in US

The return to the puritan origins of the American nation started following the call of figures like **Benjamin Rush (1746-1813) a physician, writer and educator, and one of**

²⁰ Escotado 1999 (X)

the Founding fathers of the US, as he signed the Declaration of independence. It is highly significant that in 1785 Rush considered that: "*From now on it will be the function of the doctor to save humanity from vice, as it formerly has been that of the priest. Let us conceive human beings as patients in a hospital; the more they resist our efforts to serve them, the more they need our services*"²¹

Moral activism became particularly strong in the last third of the 19th century. In 1869 the Prohibition Party was created with the purpose of suppressing the production, distribution and consumption of any alcoholic beverages. In 1873 the Anti vice activist Anthony Comstock (1844-1915) founded the "Society for the Suppression of the Vice" fathering among other actions a crusade against obscenity.²² Comstock boasted publically on the number of libertines that had committed suicide on his account, and about the "five thousand persons" who were in prison in the US for having written or drawn obscene material. One of his victims was Margaret Sanger (1879-1966), an American birth control activist,²³ sex educator, writer and nurse, and the first person that publically proclaimed that that each woman should be "the absolute mistress of her own body", had to flee to England to avoid incarceration.²⁴

But this was just the beginning. In 1895 was founded the Anti-Saloon League that quite rapidly grew to a million members and became a very active organization for having America "clean of drunkenness, gambling and fornication". They considered alcoholic beverages "traitors to the country and to decency".

The problem was that in 1903 the American Medical Association and the American Pharmaceutical Association decided to take advantage of the wave of Puritanism for seeking control over any psychoactive substance, including alcohol and tobacco. The first consequence was that in 1914 smoking tobacco was illegal in 12 States. This number rose to 28 in a few years.

b) The Harrison Narcotics Act (1915)

The Anti vice Movement reinforced by the Therapeutical Alliance lobbied to get some strong legislative measures. The result was the Harrison Narcotics Act (1915) that taxed the production, importation and distribution of opiates and Coca products. From a legal perspective it was a weird Law as it was presented as an administrative regulation demanding that every manufacturer, distributor or possessor of opium, morphine or cocaine had to be officially "registered". In fact, its aim was to eliminate any non-medical uses of these products. The Law enabled the US Administration to

²¹ Cited by ESCOHOTADO (1999), XI.

²² Still in the Cambridge Dictionary obscene is something that is: "*offensive, rude, or shocking, usually because of being too obviously related to sex or showing sex*". <https://dictionary.cambridge.org/es/diccionario/ingles-espanol/obscene> [Last retrieved March 2022].

²³ She popularized the term "birth control" and opened the first birth control clinic in the United States. His parents were Irish and practicing Catholics. Her mother Anne Purcell Higgins in 22 years had 18 children, of whom only 11 survived. She die at 49. The US Supreme Court only accepted that birth control was constitutional in 1967 (Griswold vs. Connecticut), one year after Sanger's death at 86.

²⁴ In August 1914, Margaret Sanger was indicted for violating postal obscenity laws by sending *The Woman Rebel* through the postal system. Rather than stand trial, she fled the country.

create the **Narcotics Control Department** that was responsible for deciding what was or was not "medical".

As a consequence of the Harrison Act the US Government could put in jail any doctor or pharmacist that the NCD considered had been prescribing or dispensing opium, morphine or cocaine too "generously". They even sent policemen disguised as users to trap them. Between 1920 and 1930 40.000 therapeutical professionals went to prison.

The worst part was that all these restrictions **led to a dramatic rise in drug users in bad conditions, as the black market and the smugglers appeared. And also, the adulteration of drugs.**

In 1914 238.000 Americans that were "addict" to opiates, that is 0,5% of the population. Average users were **middle class in their mid forties without criminal records**. When drugs were available in pharmacies and drugstores there were simply no cases of death by accidental overdose, and there was no encouragement to commit crimes among users.

After the Harrison Act smuggling increased wildly, many policemen were convicted for blackmailing doctors or pharmacists and the type of opiates user changed. They were now young people, with low incomes, that did not hesitate to commit crimes to have access to the black market. The number of drug users grew exponentially.

c) Banning alcohol: the Dry Law Era (1919-1933)

But the situation will soon worsen. **One week after the approval of the Harrison Act six million Americans signed a petition to ban the consumption of any alcoholic beverages.** The result was the **18th Amendment** to the US Constitution²⁵ and its legislative development the **Volstead Act**.²⁶ The Era of the Prohibition had started.

The consequence of the "Dry Law" was devastating. The production, importation and distribution of alcoholic beverages, once a legitimate business, was taken over by criminal gangs which fought each other for market control in violent confrontations. Figures like Tom Dennison in Omaha, and **Al Capone** in Chicago made so much money that they **bribed officials, policemen and judges. This is why they were never convicted for trafficking alcoholic beverages. Al Capone finally went to jail for Tax evasion.**

The absurdity of the Prohibition made that F. D. Roosevelt in 1933 repealed the 18th Amendment by the 21st and the Volstead Act became unconstitutional because it had produced "injustice, hypocrisy, criminalization of large segments of society, overwhelming corruption, and creation of organized crime". Despite this in the US

²⁵ The text of the 18th Amendment was the following: "**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all the territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited. **Section 2.** The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation. **Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

²⁶ "An Act to prohibit intoxicating beverages and to regulate the manufacture, production, use and sale of high proof spirits for other than beverage purposes, and to ensure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries".

in many states today, legislation enables counties, parishes and municipalities to ban alcoholic beverages.

F.D.R had put the gangsters out of business. Nevertheless, it was not for long. The end of Prohibition did not bring the end of gangsters as they decided to turn to drugs and lobbied for its prohibition in the line of the Harrison Act. And it worked. The US Administration decided to strengthen the control on drugs and establish severe penalties to producers, distributors and users. And this despite the fact that after the approval of the Harrison Act the smuggling in drugs trafficking rose 400% in less than 10 years. In 1928 1/3 of male and female prison inmates were there as users of opiates and cocaine, provoking the saturation of prisons that led to the creation of "Narcotic Farms" in Fort Worth and Lexington, institutions midway between prisons and concentration camps.

d) Harry J. Anslinger, the Marijuana Tax Act (1937) and the globalization of the War on drugs

This was the task of one man: **Harry J. Anslinger (1892-1975)**. Named as the **first Commissioner of US Treasury's Federal Bureau of Narcotics** he stayed in office from **1930 to 1962 (under the presidencies of Hoover, F.D.R., Truman, Eisenhower and Kennedy)**. Anslinger was an **apostle of the war on drugs**, a fierce supporter of **criminalizing its production, distribution and specially its use but also a tireless activist that led constant anti-drug campaigns**. And not only of morphine, heroin or cocaine, but also **marijuana (Marijuana Tax Act, 1937)**. He targeted especially racial minorities and immigrants. He did not hesitate to arrest and handcuff the jazz singer **Billie Holiday (1915-1959)**, while she was dying from liver and heart disease in her hospital bed.²⁷

Anslinger was also very active in extending the war on drugs to the rest of the world. If the Geneva Convention of 1925 did not accept US proposal to put limits to the amount of nature opium and cocaine produced in every part of the world, after Anslinger nomination things changed. In 1931's the Geneva Convention accepted the principle that each country could establish annual production quotas and start a "fight against addiction". In the **Geneva Treaty of 1936**, the result of a conference organized by Anslinger, for the first time appeared the principle of **criminalization of drugs**. The text urged all countries to create "**specialized police services**" in order to severely punish with prison sentences not only illicit traffic but possession as well.

The American crusade on drugs had become a world crusade.

e) The Boggs Act: a direct attack on the Rule of Law

But in the US things got worse. The full criminalization of morphine, heroin, cocaine and marijuana was attained with the approval of the **Boggs Act (1951)**, a Law that amended the previous US legislation on drugs and was **the first to set harsh penalties for drug conviction**. As an example, a **first offense conviction for marijuana possession carried a minimum sentence of 2 to 10 years and a fine up to 20.000 \$**. The worst part of Boggs Law was nevertheless that **it deprived the medical establishment of any power of decision over what could be considered an appropriate therapeutical use of drugs**. Now the whole matter had become a police matter from beginning to end. The

²⁷ On the same time, to avoid scandal, he secretly provided of morphine Senator Joseph McCarthy who was an alcoholic and morphine addict, until his death in 1957.

ABA tried to react in name of the American Lawyers asking Congress to revise a law that was contrary to the constitutional fundamental right of due process.

Things worsened with the approval of the **Narcotic Control Act (1956)**, designed to strengthen enforcement of existing laws against illicit traffic in drugs. It prescribes **heavier penalties, including the death sentence**, for narcotics offenders and includes provisions to facilitate arrest and conviction of peddlers and addicts.

The consequences of this drastic criminalization of this aggravation of the War on drugs were devastating, with a dramatic raise of smuggling and an exponential grow of black market.

V. A LITERARY REACTION: WILLIAM S. BURROUGHS AND THE APPEARANCE OF "JUNKIES"

Surprisingly the reaction against this state of things and the softening of drug legal regulation came from the literary world, with the publication of **William S. Burroughs** novel *Junkie* (1953). Thanks to the influence of his friend **Jack Kerouac**²⁸ the founder of the "Beat generation" It described the universe of a new type of drug user that was not a criminal but a victim. Burroughs started compiling his experiences as an addict and lush roller²⁹ who stole from inebriated homeless people, and as part time drug dealer (heroin pusher³⁰) in Greenwich Village (NY).

The novel was considered unpublishable more than it was controversial. Burroughs began it largely at the request and insistence of Editor **Allen Grinsberg** (1926-997), an activist (today we will call him and anti system or anti establishment) one of the top representatives of the Beat generation and a visionary poet, who was impressed by Burroughs's letter-writing skill. Besides encouraging Burroughs to write, he worked as editor and agent as the manuscript was written in Mexico City.

Finally, Burroughs published the book under the pseudonym of **William Lee** and with the title *Junkie. Confessions of an Unredeemed Drug Addict*. The book appeared in the cheap paperback collection **Ace Books**. They aimed at New York City subway riders and competed with comic books, true crime novels and detective fiction. **Ace Books** were never reviewed by literary critics and most libraries at the time Burroughs earned less than a cent royalty on each purchase.

The book was a great success and numerous reprints of the book appeared in the 1960s and 1970s. Burroughs could start publishing with his real name and achieved notoriety with **Naked Lunch** (1959).³¹ But besides its literary success it is important

²⁸ Jack Kerouac had published in 1950 his first novel "The Town and the City".

²⁹ A pickpocket who targets drunks who are passed out on a park bench, subway, bus or any other public area.

³⁰ A person who sells illegal drugs, especially narcotics such as heroin and morphine.

³¹ The book is divided in a series of loose connected chapters (or vignettes that Burrough called "routines") that could be read in any order. The protagonist of every one of them is William Lee who appears with different aliases and describe his experiences with different drugs in different places of the US, Mexico and even Tangier. In 2005 the magazine Time considered Naked Lunch one of the "100 best English-language

to underline Burroughs's contribution to the softening of the Drug War. As he created a new type of drug user. The addicts were not criminal any longer as they had become victims that should be healed. It is highly significant that the term "Junkie" has become a synonym of "drug addict"

*"Of course I would like to lead a decent life. We all would. But I am hooked. I cannot escape. I cannot clean up and earn a living, and wake up and prepare breakfast, and pay taxes. I need my injections"*³²

As a consequence of the book there was a **strong reaction in American public opinion against the harshness of the War on drugs**. The strongest activism to change the orientation of the harsh legal repression came from the part of **lawyers and doctors**.

VI. TOWARDS A PHARMACRATIC PEACE

Thanks to literature the idea that the War on drugs had to be softened extended on American Public opinion. **Doctors and Lawyers began to openly criticize the nonsense of a prohibition that had resulted in social exclusion and individual destruction.**

a) From criminals to patients

The work of the joint committee formed by the American Medical Association and the American Bar Association had begun two years before, enlarged by social scientists from several universities, to search for a viable alternative to the official policy on drug affairs. Their conclusions, published in a provisional report in 1958 and later as a book entitled *Drug Addiction: Crime or Disease* (Bloomington, Ind.: Indiana University Press, 1977), maintained that **the crusade was a pseudo medical and extrajudicial enterprise that could only result in crime and marginalization. Based** on the concept of the self-fulfilling prophecy, recently introduced by the sociologist R. K Merton, the pharmacological crusade presented a circular pattern, where a certain image of reality is imposed, and then exhibited as an effect independent of the imposition; that **the fact that users of certain drugs were adolescents, criminals, undesirables, or beggars was not to be attributed to some substance or other, but to the law itself**³³

Scientist recognized that the legal repressive regime on drugs was not backed by scientific evidence. The Committee of Experts on Addictive Drugs, recommended in 1953 to **replace the word "drug addict" by "drug dependent"**. And the **World Health Organization (WHO)** ten years later in a public statement declared that legal measures adopted as a result of the Prohibitionist legislation was not put in place by toxicologists, chemist or even doctors which meant that the **War on drugs could not be justified in scientific or biological terms.**

novels from 1923 to 2005. In 1991, David Cronenberg directed a film called *Naked Lunch* based on the novel and other Burroughs writings.

³² Cfr. Escotado (1999 XIV).

³³ Escotado 1999, XIV

b) A “pharmacratic” compromise

The frontal conflict between prohibitionists and abolitionists was solved by reaching a compromise. The Medical establishment suggested to act as mediator between both sides, proposing that the users of certain drugs were to be considered "ill persons".

It was what the world-famous **Hungarian Psychiatrist Thomas Szasz (1920-2012) called the "Pharmacratic Peace".**³⁴ Therapeutism had been discarded decades ago because it was considered incompatible with repression. But as the perspective now was different **the US Administration considered that repression and healing drug dependents were compatible.** Drug users were ill people, and it was to the official scientists, pharmacists and physicians, approved by the US Administration to decide which drug was susceptible of healing drug dependents. **Anslinger and the "Pharmacratic establishment" simply substituted one pharmacopeia for another assuming the criterion that synthetic drugs should be preferred to natural ones.**

c) New artificial drugs

How did society react to drug prosecution? Creating new drugs to substitute morphine, heroin, cocaine and marijuana.

It was the case of a group of **amines** (amphetamine, dexamphetamine, methamphetamine) **sold freely in pharmacies as a miraculous treatment for nasal congestion, dizziness, obesity, depression, and the treatment of sedative overdoses.** Despite the fact that they were **stimulants of the nervous system ten or twenty times more active than cocaine, much cheaper,** and that they not only improved endurance but enabled students to improve their academic results. It was also the case of the case of **Methadone,** defended by **Nixon,** the President that created the DEA, **to cure heroin addicts, despite the fact that it was 10 times more addictive and toxic.** And then of Benzodiazepine **anxiolytics** like Valium or Diazepam, and **hypnotics** like Orfidal, Rohipnol or Dormodor. **Today perfectly legal drugs that enable people to commit suicide.**

The fact that new artificial drugs produced to satisfy legislators were far more dangerous than traditional ones was especially clear in the case of Thalidomide. This drug was first marketed in 1957 in West Germany, where it was freely available in pharmacies. **When first released, thalidomide was promoted for anxiety, trouble sleeping, tension, and morning sickness, also called nausea and vomiting of pregnancy (NVP).** While it was initially thought to be safe in pregnancy, soon concerns regarding birth defects arose. **In 1961 the medication was removed from the market in Europe.** The total number of infants affected by use during pregnancy is estimated at 10,000, of which about 40% died around the time of birth. Those who survived had limb, eye, urinary tract, and heart problems.

³⁴ Among the numerous books he wrote for this matter the most interesting on drugs legal regime are *The Therapeutic State: Psychiatry in the Mirror of Current Events*. Buffalo NY: Prometheus Books. 1984, *Our Right to Drugs: The Case for a Free Market* Syracuse, NY. Syracuse University Press 1996 and *Pharmacracy: Medicine and Politics in America*. Westport CT: Praeger Publishers 2001 and

Of course, this to a crazy situation that showed the American hypocrisy in matter of drugs.

d) A huge hypocrisy

In 1960, statistically speaking the War on drugs had been officially a success. The figures showed that the number of people consuming opiates, hemp and cocaine did not go over 200.000, which was ridiculous figure. The only problem was that this did not reflect the real number of drug dependents in the US. **As a result of the pharmacratic compromise chemists and laboratories were offering thousands of different legal products as an alternative to natural drugs, that in most cases were far more toxic.**

The reality was that **the total of semi synthetic and synthetic opiates, sedatives, barbiturates, hypnotics and tranquilizers reached for the year 1960 2000 tons, with an activity equivalent to 20.000 tons of opium. And that meant more than three times more than the maximum amount consumed in China at the end of the 9th century. North Americans seemed to be consuming some twelve times more narcotic substances than the Chinese ever did.**

If we turn to the side of stimulants, let's concentrate in the group of **amines** (amphetamine, dexamphetamine, methamphetamine) sold freely in pharmacies as a miraculous treatment for nasal congestion, dizziness, obesity, depression, and the treatment of sedative overdoses, a drug that strengthened endurance and enabled students to improve their academic results. This ignored the fact that they were stimulants of the nervous system ten or twenty times more active than cocaine. And much cheaper. The result was that **North Americans consumed 500 tons a year, equivalent to 5000 tons of cocaine. 30 times more than in 1910.**

And what about other perfectly legal stimulants like **caffeine, tobacco or alcohol?** In 1961, Americans consumed **1/4 of kilo of coffee per capita per year.** Tobacco manufacturers spent a lot of money to induce **Hollywood producers** to have their protagonists of their films shown constantly lighting a cigarette, or with a cigarette in their hands or mouth. **In 1961 excess from domestic demand of the tobacco industry was bought by the US Administration and distributed worldly as a contribution to the Campaign "Food for Peace".** And the same was true for **alcoholic beverages**, as beer and spirits distilling associations had been putting money in Hollywood producers' pocket to ensure that the scripts included the maximum number of scenes in which someone was offering something to drink.

VII. A NEW LITERARY IMPACT: THE EXPANSION OF VISIONARY DRUGS

We have seen that so far three different uses of drugs: 1) religious as a way to get to ecstasy and communicate with the divinity; 2) therapeutical a way of relieving from pain, suffering and tension; and 3) for a recreational use. **In the 1950's a new way of using drugs appear as a way of rebellion against establishment.** It is called by Antonio Escotado the **"open insurgence against Prohibition Era (1960-1975)"**. This use requires a new type of drugs: **psychedelic drugs** (from "psyche" and "delos": mind enlargement).

The early Romantic poets like Samuel Taylor Coleridge and William Wordsworth, that used laudanum and alcohol as pilot lights of the imagination, or the **French intellectuals belonging to the "Club des Haschichiens"** could be considered a

precedent as they wanted **drugs to help them with creativity and inspiration**. **Alice in Wonderland (1865)**, was written by **Lewis Carroll's** an author who was familiar with **English botanist Mordecai Cooke's early text (1860)³⁵ on psychoactive mushrooms and their effects**. And already in the 20th century Nobel prize Irishman William Butler Yeats (1865-1939) had some experiences with “peyote” to get to this visionary trance, though finally he preferred hashish.

1. The discovery of LSD

Things changed greatly when **Swiss chemist Albert Hoffman discovered in 1943 the Diethylamide of Lysergic acid, better known as LSD 25, a semi synthetic drug extracted from ergot fungus. (Remember Eleusinian rites)**. A product that in small doses provoked experiences of unimaginable intensity. It was **initially commercialized by Sandoz under the name of DELYSID** and was destined to psychotherapists throughout the world to help their patients to discover themselves. The **Delysid prospectus explained that the new product's aim was to provoke liberation of repressed material in the patient and provide mental relaxation that enabled the patient to get a deeper vision of the world of ideas and sensations**.

It was a **stunning success**. By 1965 the material published in scientific magazines about **LSD 25 exceeded in diversity and extent what so far had been published about all other drugs discovered in the century**.

2. Aldous Huxley and the opening of the doors of perception

LSD 25 would go beyond the restraint circle of psychotherapists thanks to the writings of Aldous Huxley (1894-1963). **In 1932 Aldous Huxley first vision of drugs appeared in his satirical dystopia. Brave New World, with its all-purpose control drug, Soma. But his vision of drugs was totally different when he publishes his essays *Doors of Perception* (1954) and *Heaven and Hell* (1956)**. Mescaline, the synthesized version of peyote, followed shortly by LSD, had become by then available not only to therapists but to adventurous writers and intellectuals.

When he describes his visionary experiences, he mentions that he finds a great deal of light on all kind of things. It is an experience ‘just of light, of everything flooded with light... a kind of luminous living geometry’. With mescaline and LSD, light, colour, and the significance of ordinary physical objects were all dramatically altered and intensified. **Thanks to psychedelic drugs the mind as an optic through which experience is projected goes beyond the ordinary world**. Mescaline and LSD enable you to go beyond the Platonic-Christian dualism flesh and spirit/ heaven-earth through visionary trances. “The mind is its own place, and in itself/Can make a Heaven of Hell, a Hell of Heaven”.’

It is a clear liberation of the usual appreciation of the ordinary world. In Huxley's final novel, **Island (1962)**, the drug of choice is moksha, A Sanskrit word for liberation, and bearing a strong resemblance to LSD. **While Soma had represented the repressive chains of the body, the ceding over of personal agency – ‘downward**

³⁵ *The Seven Sisters of Sleep. Popular History of the seven prevailing narcotics of the World*. London: James Blackwood, 1860. He would publish different books on mushrooms after this first work.

transcendence', in the author's memorable phrase – moksha represents the visionary experience of education and enlightenment. The Islanders take moksha, a psychedelic mushroom, and 'for a little while, thanks to the moksha-medicine, you will know what it's like to be what in fact you are, what in fact you always have been'.³⁶

Huxley believed that druggists sold filth for the multinationals and this affected the agencies created to take care of world health. Principal legal drugs were far more toxic and addictive than the old traditional ones extracted from natural products. It was an aggression to human beings that led to conformism and brutalization, in an age that, according to Huxley, demanded the flowering of spontaneity and preservation of freedom, allowing the development of technology to its desirable limits.

In November 1963 was published the **last interview of Huxley** (he died the same day than Kennedy 22 November 1963) in **Playboy**, a magazine with huge circulation at that time, in which **he proposed the use of LSD and psilocybin to “discover new sources of energy” to overcome social and psychological inertia.** LSD became suddenly extremely popular. LSD was widely prescribed in the US even to notorious persons as **Robert Kennedy or Gary Grant** who stated to the press that **he was “reborn” after the experience.** Of course, then, LSD was legal.

3. The counterculture movement: hippies and revolutionaries

Huxley ideas had an enormous impact in creating a **counterculture movement**, a term invented by North American historian Theodore Roszak³⁷ a refers to a **culture whose values and norms of behavior differ substantially from those of mainstream society.** The two main figures of the movement were Norman O. Brown (1913-2002) and **Herbert Marcuse** (1898-1979) the “Father of the New Left”, and one of the main inspirers of **French May 1968 Revolution.** These were times of **growing opposition to the Vietnam War, combined with civil rights movements for blacks with a activists as Martin Luther King, Malcolm X or Angela Davis, student unrest with huge revolts in the US and Europe, and the rising of terrorists groups as the Weathermen capable of detonating several thousand bombs a year., and the iconic portrait of Alberto Korda of Che Guevara preaching the spreading of the Cuban Revolution to the rest of the American Continent.**

The movement attained rapidly some of the best American universities as Princeton, Chicago, Harvard, Yale or Berkeley. Psychedelic drugs had a lot to do with this as proved the case of **Timothy Francis Leary** (October 22, 1920 – May 31, 1996), an American psychologist and writer known for his strong advocacy of psychedelic drugs. As a clinical psychologist at Harvard University, Leary worked on the **Harvard Psilocybin Project from 1960 to 1962.** He tested the therapeutic effects of lysergic acid diethylamide (LSD) and psilocybin which were still legal in the US at the time. He used LSD himself and developed a philosophy of mind expansion and personal truth through LSD. **The scientific legitimacy and ethics of his research were questioned by other Harvard**

36 Taken from *Eye on fiction: Heavenly and hellish - writers on hallucinogens.* The Psychologist (The British Psychological Society) September 2014, Vol. 27, pp. 680-683). <https://thepsychologist.bps.org.uk/volume-27/edition-9/eye-fiction-heavenly-and-hellish-writers-hallucinogens> [Last retrieved March 2022]

³⁷ In his book *The making of a Counter Culture* Doubleday and Co.1969.

faculty because he took psychedelics along with research subjects and pressured students to join in.

After leaving Harvard, he continued to publicly promote the use of psychedelic drugs and became a well-known figure of the counter-culture movement with famous quotes as **“think for yourself and question authority”**. In his Book *The Politics of Ecstasy* (1968) he predicted a new religious explosion as each man, woman, and child explored their own consciousness, transforming themselves into their personal Buddha or Lao Tzu. Mostly, we just went to jail and then cognitive therapy and career counseling. Still, acid did have the power to change. It was society that didn't.

*“Thanks to LSD, every human being could understand that the complete history of evolution is inscribed in his own body; every human being must recapitulate and discover the avatars of this central and majestic solitude.... The more time and attention are devoted to these explorations, the less men will be attached to vulgar pastimes. And this could be the solution to the problem of idleness.”*³⁸

Of course, he also declared to Playboy magazine that the evident secret of LSD was its erotic potential, since a woman could have innumerable orgasms consuming these drugs. For all this Leary **became a symbol as he was prosecuted by the system**. In 1966 returning from a car trip from Mexico, he was **sentenced to 30 years of jail because they found in his car some grams of marijuana**. A sentence that was annulled by the **US Supreme Court when they declared the Marijuana Tax Act unconstitutional**.³⁹ He would be **convicted again by a Texas court** when they found in Leary's car 1 kg of marijuana- Leary affirmed it was a set up-. As he risked a life sentence, **he escaped the U.S. having become a “martyr of the system” to join extremist movements as the Weathermen or the Black Panthers. He fled to Algiers, then to Switzerland and ended in Afghanistan, before he was caught by the FBI and put in prison. He went out in 1976.**

All these events led to an **explosion of the consumption of psychedelic drugs all over the world**. In 1970 the U.S. Administration estimated that some 26 million citizens consumed or had consumed marijuana and 8 million LSD. With **the rising of hippy culture** originally a youth movement that began in the United States during the mid-1960s and spread to other countries around the world, leading to events as the **Summer of Love (1967)** on the West Coast and **Woodstock Festival (1969)** in the East Coast. The novelist and activist for LSD **Ken Kesey** (1935-2001), the author of *One Flew over the Cuckoo's Nest*⁴⁰ invented the **“Psychedelic Parties”**.

Hippies inherited the language and countercultural values of the Beat Generation, creating communities that listened to psychedelic music, embraced the sexual

³⁸ Cited by Escotado 1999, p. XV, p. 119.

³⁹ Marijuana was found in the defendant's car as he attempted to re-enter the United States from Mexico. He was convicted in federal district court for failing to register and pay the transfer tax under the Marijuana Tax Act.' The Court of Appeals for the Fifth Circuit affirmed' and denied the petition for rehearing.' The United States Supreme Court granted certiorari.' Held, reversed: The order form and transfer tax provisions of the Marijuana Tax Act violate the privilege against self-incrimination as they force the defendant either to violate their requirements or to classify himself as a person inherently suspect of criminal activities. *Leary v. United States* 395 U.S. 6 (1969).

⁴⁰ Written in 1959 it was not published until 1962 Movie by Milos Forman in 1975, starring Jack Nicholson that won 5 Oscars.

revolution and generally used drugs as marijuana and LSD to explore altered states of consciousness. One of the most famous pop groups of the moment, The Beatles in their **Album Sergeant Peppers (1967)**, included the famous song **Lucy in the Sky with Diamonds** that described their psychedelic experience with LSD.

Lucy in the Sky with Diamonds

The Beatles

Picture yourself in a boat on a river
With tangerine trees and marmalade skies
Somebody calls you, you answer quite slowly
A girl with kaleidoscope eyes

Cellophane flowers of yellow and green
Towering over your head
Look for the girl with the sun in her eyes
And she's gone

Lucy in the sky with diamonds
Lucy in the sky with diamonds
Lucy in the sky with diamonds
Ah

Follow her down to a bridge by a fountain
Where rocking horse people eat marshmallow pies
Everyone smiles as you drift past the flowers
That grow so incredibly high

Newspaper taxis appear on the shore
Waiting to take you away
Climb in the back with your head in the clouds
And you're gone

Lucy in the sky with diamonds
Lucy in the sky with diamonds
Lucy in the sky with diamonds
Ah

Picture yourself on a train in a station
With plasticine porters with looking glass ties
Suddenly someone is there at the turnstile
The girl with the kaleidoscope eyes

Lucy in the sky with diamonds...

4. The illegalization of LSD and its consequences

LSD and psilocybin were illegalized in 1969, despite the fact the opposition of Robert Kennedy who chaired **subcommittee of Congress** and asked the medical representatives **“Why have they become drugs of no value, if they were six months**

ago?” and he added: *“I believe we have overemphasized the LSD might be dangerous and do damage, losing sight of the fact that it could be very, very useful in our society when appropriately used”*. In fifteen years of use through doctors and psychologists there was not a single case of crime or acute insanity attributable to these drugs.

Consumers reacted to illegalization founding the **Brotherhood of Eternal Love**, an Association that imported tons of marijuana and hashish from South America and Asia and with its sale in the US they produced LSD at very low prices, and they sell it in the U.S. and in Vietnam as *“a charitable distribution of a sacrament”*. It was founded ten days after LSD was made illegal in California with the objective of bringing *“to the world a greater awareness of the divine, in the light of the sacred right of every individual to commune with God in spirit and in truth, as empirically revealed.”*⁴¹ In the early seventies the leaders of the Brotherhood were convicted and severely sentenced with the argument that *“a pretty name will not hide objectives based on the degradation of the human race”*. At his zenith the organization had around 750 persons scattered over five continents, and their marijuana, hashish and LSD traffic produced some 200 million \$ for the “hippie Mafia”.

a) A threat against the Establishment

It was good news for the smugglers and the black market. Ten years after its prohibition up to twenty million people were introduced to LSD in the US and Europe, and the number of crimes or fatal accidents caused by its use in that decade hardly reached that produced by alcohol in one single day. **In fact, prohibition was not caused by medical concerns but the fact that psychedelic drugs were the symbol of rebellion, something that the Establishment could not accept.** Octavio Paz in *“Corriente Alterna”* (1967) made it overwhelmingly clear: *“The authorities do not behave toward them as if they wished to eradicate a damaging vice, but as if they wished to eradicate a dissidence. What they demonstrate is ideological zeal; they are punishing an heresy, not a crime”*.⁴²

Counterculture was a product of wealthy societies of the Thirty Glorious Years than witnessed an impressive economic growth due to the “reconstruction” after World War II. Excess of profits enabled millions of young people either to go on pilgrimages all over the world or to marginate themselves and return to rural life refusing consumerism. **The decline of counterculture started with oil crisis of 1973 and an economical crisis that changed the pattern of a society based on an ample middle class with narrow bands of the rich and the poor above and below, to a new model in which some extremely wealthy “nouveaux riches” were surrounded by overwhelming multitudes of the new poor.**

How did this affect drugs? The period of a pharmacratic peace (1930-1960) with its easy and comfortable distinctions between decorous psychopharmaceuticals (“medicines”, “food supplements”) and the not-so-decorous ones (“narcotics”) had been followed by an openly rebellious phase (1960-1975) where rebels had proposed an alternative pharmacopeia that was neither decorous or indecorous, and although thousands of them were arrested and convicted every year for possession of marijuana and LSD, **it became impossible to continue to pretend that drugs sold by drugstores and supermarkets**

⁴¹ Cited by Escotado (1999), XV, p. 121.

⁴² Cited by Escotado (1999), XV.

were any safer. All this demanded for a new regulation on drugs. The battle against psychedelics was a **conflict between civil rights and the authoritarian tradition**. The end result was to be a material defeat of the libertarians, accompanied by a moral defeat of their enemies. **Prohibitionist arguments as such had never held credibility among scientists or doctors and pharmacists or legal professionals, but now that credibility was also doubted by much larger sectors of society.**

b) The return of repression

The international legal response came with the **1971 Vienna Convention on Psychotropic Substances that established 4 lists (Schedules) of psychotropic substances. Schedule I included substances without any medical or scientific use. Schedule II substances with some medical uses. Schedule III: substances with substantial medical or scientific uses. And Schedule IV included substances with many scientific and medical uses. And the decision about in which category should be included a concrete drug depended on the WHO⁴³**

The substances included in Schedule I had a psychedelic profile in common. Those in the other lists were stimulants, sedatives and narcotics, and even if they might be addictive and generally speaking were incomparably more toxic, they had in their favor the fact that they were not linked to social or individual rebellion. **The most abused drugs in 1971: amines, barbiturates and some hypnotics were included in Schedules II and III, and this implied they could continue to be sold with a simple prescription.**

Alcohol intoxication was still available, seasoned with tobacco or coffee. This explains why the consumption of these “drugs” reached historical maximums. That meant yearly thirty-five liters of alcoholic beverages per capita, complemented by one thousand cigarettes and ten kilos of coffee.

What happened with traditional drugs (heroin, cocaine and derivatives of cannabis) after 1971?

VIII. THE NEW WAR ON TRADITIONAL DRUGS

The hardening of the war on drugs had dramatic consequences on the use of traditional drugs as heroin, cocaine and hemp derivatives.

1. Heroin

From 1961 to 1971 the US Administration had spent 1 billion in “repression and rehabilitation” rounded out by some additional 6 billion \$ put by Governor Rockefeller New York that he considered the location most affected by the “plague”. The problem was that despite this huge amount of money for every needle-using addict in New York in 1961

⁴³ b) *That there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control, the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.* Article 2. Nr. 4 of the 1971 Vienna Convention on Psychotropic Substances

there were 125 in 1972. The sudden increase in the US happened in Europe ten years later (in Spain in 1972 there were 884 addicts, all of middle age, maintained with legal supplies and without a single criminal case, while in 1983 the Spanish Administration reported 100.000 addicts, and $\frac{3}{4}$ of all crimes against property were attributed to them.

Strengthening prohibition had the effect of pyramidal rise of heroin addicts. Officials in the US tried to explain that this was due to the fact that their efforts had been concentrated on fighting LSD and marijuana in that period. It was simply not true. The reality was that **there was a huge amount of pure heroin in the market (from 1964 to 1972). The question was why? The answer was the Vietnam War.**

The priority in the US in 1964 was to win the Vietnam War. And the CIA was ordered to lead an underground war helping pro-Westerns groups with anomalous and non-official operations. Among them there was the export of 500 tons of opium from the Golden Triangle. Opium was refined in Thailand. Part of this production was shipped to the US and part used by **US troupes in Vietnam. In 1972 20% of the US soldiers fighting the war consumed heroin.** High command organized “quarantines” of those units in Europe and Australia before returning home. The biggest scandal was that in 1971 the press revealed that one method of importing heroin to the US was to **stuff the corpses of dead repatriated soldiers. Several of those had been discovered in Norton Air Force Base in California, with an average amount of 25 kilos in each.**

The scandal led Congress to create the National Commission on Marijuana and Drug Abuse, a consulting group that had the mission to report on the true state of affairs, through a national survey based on anonymous replies to the question: “Which drugs have you taken during the past week?” The results were embarrassing. Two million Americans took heroin most of them occasional users. A new global survey, run by the National Institute for Drug Abuse (NIDA) in which “the prior week” was substituted by “at any time” indicated that 5 % of adults and 1% of adolescents (about 8 million) had consumed heroin. From this huge figure only 14,476 Americans submitted themselves to voluntary detoxification (0.18%). This puts in question that nobody, or hardly anybody could exercise self-control on heroin. **The multibillion-dollar repression and rehabilitation apparatus of the US Administration was useless and/or inefficient.**

How did the Nixon Administration (1969-1974) react to this? Increasing repression declaring a “war on drugs in all fronts”. Three measures were adopted. 1) In 1973 was created the **Drug Enforcement Administration (DEA).**⁴⁴ 2) CIA aided **Turkish Generals** to dismantle their democracy in return of 30 million \$ a year and the promise of removing all cultivation of poppies in the country (a business that employed tens of thousands of farmer’s families and produced over 300 million \$). And 3) Introducing **methadone** as **“national ammunition” and “counterrevolutionary drug”**, giving it free to anyone who declared himself or herself as incapable of living without heroin.

Some, such as Dr. T. Szasz, would immediately reply that this was tantamount to maintaining that an alcoholic would be cured of whiskey addiction by giving him

⁴⁴ WIKIPEDIA The Drug Enforcement Administration was established on July 1, 1973, by Reorganization Plan No. 2 of 1973, signed by President Nixon on July 28. It proposed the creation of a single federal agency to enforce the federal drug laws as well as consolidate and coordinate the government's drug control activities. Congress accepted the proposal, as they were concerned with the growing availability of drugs. As a result, the Bureau of Narcotics and Dangerous Drugs (BNDD), the Office of Drug Abuse Law Enforcement (ODALE); approximately 600 Special Agents of the Bureau of Customs, Customs Agency Service, and other federal offices merged to create the DEA.

gin. The example was exact even to the last detail, because as whiskey is easier for the body to take than gin, heroin produces fewer side effects than methadone. Furthermore, the street addict usually took a very adulterated form of heroin (“brown sugar”), and **substituting methadone for it multiplied a real dependency. When substitution was put in place in 1973, therefore, deaths by overdose of methadone exceeded those of heroin.**⁴⁵ In 1977 some hundred thousand federally supported Americans were methadone addicts. In 1978 NIDA informed that there were 25 million of occasional users of synthetic opiates and 2 million of frequent users.

The results of the surveys were extremely surprising. Most of the users were not addicted. And among the addicts most died as a result of adulteration of the drug. From 1973 to 1990 only 5% of tested heroin was pure. The remaining 95% included products like lactose, strychnine, cacao, quinine, opiates, drugstore tranquilizers, sodium, borate, rat poison, etc). Autopsies of dead heroin addicts showed that in most of the cases deaths were due to adulteration of the product with quinine. And this filth was sold for 100 \$ per gram

Peter B. Besinger, the first DEA Director stated in his swearing ceremony that “There are two fundamental tools in the fight against drugs: reduce their purity and raise their price”.

Toward 1977 in the US most addicts were between 30 and 40 years of age and usually belonged to the low-income group or spoiled children. On the other hand, there is a racist component on the war on drugs. As Carl Hart says concerning the war on drugs: “white means victim, and Black and Hispano still mean addict and criminal”. Concerning heroin in 2016 more than 80% of convicted were black or Latino, even though most heroin sellers were white.⁴⁶

In 2018 NIDA statistics showed that Opioid-Involved Overdose Death Rates vary from the 42, 4 cases by 100.000 inhabitants of West Virginia to 4.1 in Hawaii.⁴⁷ Nevertheless the wreckage of COVID 19 has produced in the US a drastic raise of overdoses deaths of 54% in 16 States.⁴⁸ In Spain the **Covid Pandemic has increased the number of heroin consumers** and in 2021 there were 974 deaths from overdose registered.⁴⁹

2. The explosion of Cocaine

When the welfare state began to exhibit the first symptoms of crisis, cutting back on social programs began a time of humiliation for those not succeeding in becoming rich. Then the “psychedelic contingents” were faced with the **dilemma** of rejoin the mainstream, going **from hippie to yuppie**, if they did not want to live as

⁴⁵ Escobedo (1999), XVI p. 131).

⁴⁶ HART (2021), p. 38.

⁴⁷ <https://nida.nih.gov/drug-topics/opioids/opioid-summaries-by-state> [Last retrieved March 2022]

⁴⁸ Data provided by Addiction Statistics <https://www.addictioncenter.com/opiates/> [Last retrieved March 2022].

⁴⁹ Statistics from Arpom, Treatment Center of Addictions. <https://arpom.org/espana-bate-su-record-de-muertes-por-sobredosis-en-plena-pandemia-casi-mil-en-un-ano/> [Last retrieved March 2022]

nostalgic fossils, living in the memory of a world gone by. When LSD and its derivatives began to seem excessive in the new era, **cocaine reappeared as the adult and even civilized drug.**

In **1970** there were some **5 million Americans** that were **occasional users of cocaine** that had access to it at **affordable prices**, with very **few cases of intoxication**. In 1970, 80 deaths were attributed to heroin, 137 to barbiturates, 553 to alcohol, 10 to amphetamine and **none to cocaine**. The **distribution was in the hands of few private non-Mafia persons who made one or two trips abroad a year, to Latin America, buying some small amounts and subsisting with some profit.**

In **1975** the **White Book on drugs** prepared under **Gerald Ford** Administration considered **cocaine “a minor problem” comparable only to marijuana**, considered much **less dangerous substances than alcohol, barbiturates and amphetamines.**

In two years, things changed because **small smugglers were replaced by contraband distributors clans**. The first appeared to be old **high-ranking officials of the Batista Government in exile** and the intervention of covered operations of the **CIA** that financed through the cocaine business **anti-Castro operations**. Then years later the same procedure would be used to finance **Nicaraguan Contras** through **Colombian drug Cartels** in exchange of importing large amounts of cocaine with small loaded planes, under the direction **Lieutenant Colonel O. North**, backed by the National security Council (integrated by the President, Reagan, Vice president, the Secretary of Defense and the Chiefs of Staff of the three branches of the armed forces).

As a result, the 5 million of occasional users of 1970 by **the end of the decade had become thirty million, raising in the 1980's to 42% of the American population**, as cocaine was linked with upper class drug, forming part of the halo of the successful artists, executives and politicians. **DEA wanted to eradicate this traffic but there were two obstacles** to it. The first **CIA considered the cocaine business an essential part of his fight against “antisubversive” groups**. And secondly on the producers' side, the profit did not go to the peasant that cultivated it, nor their national economies, but **powerful narco-dealers that had enough money to bribe policemen and politicians**. It was the Era of **Pablo Escobar** (1949-1993), one of the most known narco leaders. As it happened in the Dry Law Era in the US trafficking was in the hand of different cartels that fought each other violently in **Colombia (since 1986) and Mexico (since 2006).**

But will give you a wider approach on this through the literary work of Don Winslow (born 1953) and the Series **Narcos** (2015-2017) and **Narcos Mexico**. (2018-2021).

In 2019 33,8% of high school seniors in the US reported having used cocaine in their lifetime.⁵⁰ By 2030 according to the UN Office on Drugs and Crime drug use will raise by 11%.⁵¹

3. The use of hemp derivatives: between repression and tolerance

⁵⁰ Bedrock Recovery Center. Drug Use Statistics. <https://bedrockrecoverycenter.com/drug-abuse-statistics/>
[Last retrieved March 2021]

⁵¹ UNODC World Drug Report 2021. <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>
[Last retrieved March 2021]

Despite the fact that Harry J. Anslinger used to say that “Marijuana is the most violence-causing drug in the history of mankind”⁵² the report of the National Commission on Marijuana and Drug Abuse of 1972 stated that this officially recognized harmless drug was consumed by 25 five million Americans, advising the legalization of the drug to correct the harshness of the penal system. In 1972 the U.S. Administration had deprived half a million Americans of their liberty for marijuana possession. In 1977 the use of marijuana by adults had risen to 60% of the population, rising again to 68% in 1979. There were **no delinquent incidents and very few fatal intoxications**. Between May 1976 and April 1977 official data mention 10 deaths from hashish oil (a super concentrated form of hemp, toxic because of the compounds used in its extraction). In comparison 310 were attributed to methadone, 2.530 to alcohol, 2.700 to barbiturates, 390 to aspirin and 880 to Valium, a drug that had provoked 54.400 admissions in intensive care units. In the bottom was LSD and cocaine with no fatal intoxications.

Consumption was so big that original great plantations of Jamaica, Panama, Colombia and Brazil, marijuana had to be imported from Thailand, and hashish from Afghanistan, Nepal, India, Pakistan, Turkey, Lebanon, and Morocco, and domestic cultivation in the US was launched first in the West Coast States and Hawaii.

On top of that **Presidents Ford and Carter favored a change of attitude**. The New York Times of April 3, 1976, stated: “*The Wife of the Democratic Presidential Candidate said that her three older sons smoke marijuana... Mrs. Carter statements, similar to those made by Mrs. Ford, are coherent with her prior position that marijuana **should be decriminalized, not necessarily legalized***”. As a result, in 1976 the possession of hemp for one’s use ceased to be illegal in California. Cultivation of hemp became a **normalized agricultural production**.

This change of attitude was **not endorsed by the DEA and a part of American public opinion** that did not hesitate alleging incidents of furious lust or criminal acts from persons having taken hemp derivatives. The defense of lieutenant W. Calley the responsible for the massacre of My Lai Village (16 March 1968)⁵³ alleged that he was influenced because the officer hours before had spent some time in a room with other persons that smoked marijuana. Something absolutely impossible.

In spite of that, by the middle of the 1980’s the perception of hemp as a soft drug was unstoppable and its consumption became officially or practically legal in some countries. Therapeutical use is widely accepted, but recreational private use is increasingly accepted.

In Holland since the end of the 1990’s they start a policy of tolerance (*gedoogbeleid*).

In 2001 Luxembourg decriminalize its domestic use.

Belgium in 2003.

Chile in 2005 decriminalize the recreational use of **ALL** drugs (in private).

⁵² HART (2021) p. 161.

⁵³ W. Calley and his groups had slaughtered almost one hundred defenseless persons, all of them older men, women and children. Calley was court-martialed in 1971 and initially received a life sentence that was finally reduced to 20 years. He was the only person convicted for the massacre.

In 2006 is Brazil.

In 2009 Mexico.

In 2021 Colombia.

Uruguay in 2013 declares totally legal to produce, distribution and selling of cannabis.

In 2014 the US Congress authorizes the States to legislate on cannabis without Federal intervention. By 2016 in the US weed was originally legal in 4 States (Alaska, Colorado, Oregon and Washington). By the end of that year 4 more joined the group: California, Maine, Massachusetts and Nevada).

From 2014 to 2018 Colorado State's taxes on marijuana generated nearly 1 billion dollars. A tax consideration that is making States reconsider their position on marijuana legalization.⁵⁴

In 2016 Austria authorizes personal use of cannabis.

And in 2018 Cannabis become a totally legal drug in Canada, as in Uruguay.

The curious thing is that **after being legalized hemp lost a lot of its appeal**. The most significant case is **Holland** where hemp derivatives are freely sold in **1500 coffee shops throughout the country, attracting marijuana users from all over Europe that look for a non adulterated product. The fact is that since then consumption by Dutch citizens have not increased and today only 5 percent of the population smoke it regularly.**

Internationally Marijuana is still listed in Schedule I⁵⁵

IX. THE ERA OF SUBSTITUTES

In the 1980's, the DEA created in 1973, was extremely active as during the Reagan-Thatcher Era war on drugs was revived with great virulence in a time when drug consumption raised abruptly as a result of Neoliberal policies. The dismantling of the Welfare State considered an insufferable waste, through "deregulation" and cutting the social expenses brought an artificial prosperity (based essentially in a financial economy) that brought and increasing competition and rising unemployment due to the automation of manufacturing processes. Some people became very rich while the majority became poorer, reducing the weight of the middle class in the social balance. New poor often decided to take drugs.

The reaction of governments and media presented this rise in drug consumption as an apocalyptic plague and the main cause of lack of safety, and legislation became harsher against traffic and users.

And Donald Trump in 2017 proclaimed the war on drugs a "national emergency"⁵⁶

⁵⁴ HART (2021) p. 171.

⁵⁵ HART (2021) p. 165.

⁵⁶ HART (2021), pp. 21-22.

The reaction was the increase of research among chemists and pharmacists of artificial drugs that could be used as substitutes of the traditional ones: the new synthetic **design drugs**.

We are right now in the middle of a **frantic race between chemists that design new drugs that are initially legal, and legislators who sooner or later legalize them**. The problem with this is that usually **new design drugs are often more toxic than the natural ones**. Because sometimes the new substances were discovered by chemist and tested in laboratories before reaching the market, but **quite often they were the fruit of domestic “kitchens” (as it is the case in the famous series “Breaking Bad” with its five seasons, 62 episodes from 2008 to 2013)**.

The 1980’s could be defined as the moment when drug addiction relied essentially on substitutes at a world level.

The new drugs are of three types: analgesic –usually belonging to the opiates group-, stimulants and psychedelic.

1. Analgesics

In the first group (analgesics) you have **“China white”** a derivative of “Fentanyl”, many times more active than heroin and low toxicity, very easy to produce and much cheaper. **The problem is that when production is not controlled it can be extremely toxic**. And with the black-market heavy intoxications and deaths are on the rise. **Some analgesics in principle with therapeutical use as propofol can be deadly if abused, as was the case of Michael Jackson who died on 25 June 2009.**

2. Stimulants

In the group of stimulants, the most famous one is **“crack”**, usually a **basic paste of cocaine amalgamated with sodium bicarbonate**. **The basic paste is cocaine before it is washed or purified with ether and acetone**. Crack produces **euphoria superior to cocaine, although it is shorter**. Again, if well produced **crack is no more dangerous than cocaine**, but the problem is **adulteration of smugglers** that have created the reputation that **crack is the drug of the poor. As cocaine is the drug of the rich. Adulterated crack makes it far more addictive and dangerous**, provoking numerous deaths. The problem is that with adulteration the **“bad” crack is far more profitable. It is cheaper but growing addiction makes poor people buy it more often.**

Crack is in large part a direct consequence of the hardening of the war on drugs and the **restrictions on the availability of ether and acetone**, the products required to purify cocaine, imposed by the UN on the pressure of the DEA. **Crack is the result of the war on cocaine.**

It is also interesting to note that the panic provoked by the “unforeseen epidemic” and the harshening of sentences caused not only a lowering of the average age of users, with **high rates of juvenile addicts, but also a rapid increase in young dealers**. In Washington, Detroit, New York, Los Angeles, and other great American cities, the penal measures proposed by Reagan and Bush were to **multiply from four to eight times the number of camels under the age of sixteen**. The same thing happened in the case of heroin, when in the middle of the fifties the Narcotics Control Act imposed draconian penalties on consumers. Even then, official documentation omits important and relevant details, such as the fact that juvenile sellers often become so, in order **to help families besieged by poverty**, that they are often the most intelligent (considering their school records prior to their becoming professionals), and that many of them do not consume what they sell. This

documentation does not mention, either, that **unemployment among black and Chicano young men increased during the Reagan-Bush era to almost 50 percent**; that minimum wages, adjusted for inflation, reached their lowest level since 1955; that the number of unskilled, **low-paid workers increased from three million to seventeen million between 1979 and 1989**; that **student grants and loans were reduced by 20 percent, while education costs practically doubled**; and that, in general, **the budget for training and employment programs, essential for disadvantaged youth, was frozen or directly eliminated.**⁵⁷

On top of that there is a racial issue: By 1992 most of crack users were white that bought their drugs within their own racial group, and more than 90% of drug convictions concerned blacks or Hispanics.⁵⁸

3. Psychedelics

Among the psychedelic drugs discovered in the eighties there was a wide variety of substances. The most famous one was **MDMA**, better known as **Ecstasy**, a drug **difficult to place in the visionary group because it opens up the doors to empathy more than it does those of vision.**

MDMA started being used in the middle of the seventies by **Anglo-Saxon psychologists and psychiatrists**. Nevertheless, it reached the summit of its **prestige in 1984 when it became the symbol of the New Age** and its popular version, the **rave** concentrated on discotheques. It comes from the verb “to rave” (to talk like a mad man).

A rave refers to a dance party at a warehouse, club, or other public or private venue, typically featuring performances by DJs playing electronic music that is often accompanied by laser light shows, projected colored images, visual effects and fog machines. While some raves may be small parties held at nightclubs or private homes, some raves have grown to immense size, such as the large festivals and events featuring multiple DJs and dance areas.

Some electronic dance music festivals have features of raves, but on a larger, often commercial scale. Raves may last for a long time, with some events continuing for twenty-four hours, and lasting all through the night. **Some countries have approved anti-rave laws, due to the association of rave culture with illegal drugs**, as these sorts of events tend to provoke a moral panic surrounding rave culture.

In 1985 DEA declared MDMA illegal despite the opinion of many therapists that consider this drug “incredible capacity to facilitate subjective communication and access to the repressed feelings. The matter was taken to the Expert Committee at WHO which considered that: *“There is no available data about propensity to clinical abuse, or about social or public health or epidemiological related to this substance. There is no well-defined therapeutic use, but many professionals affirm it has **great value as psychotherapeutic agent**”*. Finally, the WHO, despite considering that MDMA was “intriguing and deserving of further research”, **confirmed the criteria of DEA by including Ecstasy in Schedule I**, the repository of drugs without medical use, which cannot even be self tested by toxicologists or psychotherapists.

⁵⁷ Escotado (1999) XVII, pp. 143-144.

⁵⁸ HART (2021), pp. 23-24.

The result was that **as soon as 1986 MDMA began to be sold in the black market**, almost always adulterated with **more toxic products**, which began to lead to death. Since then, it has been increasingly being **sold in bars and discotheques at prices comparable to those of heroin or cocaine**. In the **1990's** it was, along with hemp derivatives, the **illegal euphoric preferred by middle-class youth in the U.S. and Europe**. (In 1993 five million capsules were confiscated in Spain only, generally adulterated and more toxic than the pure substance).

This crazy race between legality and drugs has to stop. For two reasons. The first goes back to the origin of drug consumption. Concretely to Ancient Greece that used the word *pharmakon* that simultaneously means remedy and poison, depending on how it is used. Whether drugs cure or damage depends on human beings, not on drugs. This what we can call the **“neutral” character of drugs**. The second consideration deals with the fact that men have the **fundamental right to “pursue happiness”**. A concept included in the American Declaration of Independence by Thomas Jefferson, and that has been gaining constitutional value. From this **perspective using drugs is above all a matter of respecting fundamental liberties**.

X. ON THE “NEUTRAL” CHARACTER OF DRUGS

Drugs have had from Antiquity different uses that go from divine, therapeutical or strictly recreational. But what it is important to note is the fact that they are widely and commonly used. **Drugs are not bad by themselves. They could be beneficial or dangerous depending on how humans use them.** This is what we can call the **“neutral concept of drugs”**.

Something that is very clear in the case of alcohol, and more specifically wine. The Greeks, as the Vedic Hindus had a God Plant., Soma that dealt with opium and cannabis, the **Greek God Plant is Dionysus**, God of the grape harvest and wine making. In his honor were celebrated the Festivals **of Dionysus in Athens**, better known as **Bacchanals** (Because Dionysus was called by the Romans **Bacchus**), a word that today is a **synonym of orgy, that is total depravation**.

But in Ancient times they were very serious celebrations. Four times each year (in December, January, March and April) Athenians and citizens from all over Greece met in Athens to worship Dionysus. In these celebrations **wine was used as a mean for reaching an ecstatic state in order to free participants from self-conscious fears and care and subvert oppressive restraint of the powerful**. It was essentially a **cult of freedom**. The main protagonist of this celebration were the "maenads", also known as **"Bacchantes", the female followers of Dionysus** that performed the rites in secret ceremonies in which they used wine **to worship fertility**. This is why these celebrations ended up being associated with the idea of sexual encounters. In fact, **promiscuity was not imposed but Athenian laws prohibited the imposition of chastity**.

These Bacchannal degenerated when men, who initially could not participate were involved. This is why Titus Livius complains about them:

"The delights of wine and feasts were added to the religious elements of the bacchanals. When wine inflamed their minds, and night and promiscuity... erased any feelings of modesty, all manners of corruption began to be practiced".⁵⁹

Dionysus is a God Plant that suspends the frontiers of personal identity in celebrations where participants can lose completely control of themselves. This is why **they were finally forbidden by the Romans in 186 B.C.**⁶⁰

Greeks were therefore fully aware that wine could be wisely or fatally used. This tension is the subject of the **one of the greatest Greek Euripides's tragedies: "The Bacchae" premiered posthumously** in Athens at the Theatre of Dionysus in **405 B.C.** and won the **first prize** in the Theatre competition. A very difficult play that has brought over different and diverse interpretations. As Euripides says: **Dionysus gave to men the wine to cure their sorrows but badly used would destroy a person.** Greeks were fully aware of the problem of drug abuse and addiction. Specifically with wine not with **opiates that were fully recommended for therapeutical** purposes by in temples of Aesculapius and widely recommended by the best-known physicians as Hippocrates or Heraclites of Tarento the personal doctor of Philip of Macedonia the father of Alexander the Great that promoted it advocating it to calm down any pain. (ESCOHOTADO 1999, II).

Famous Greeks as **Homer, Socrates, Anacreon, or Aeschylus were great consumers of wine. So was Plato** (28-347) who defends that the proper use of wine is a matter of education and knowledge and experience like in this passage of "Laws" his longest Dialog, and one of his last.:

*"Shall we begin by enacting that boys shall not taste wine at all until they are eighteen years of age; we will tell them that fire must not be poured upon fire, whether in the body or in the soul, until they begin to go to work -this is a precaution which has to be taken against the excitableness of youth- afterwards they may taste wine in moderation up to the age of thirty, but **while a man is young he should abstain altogether from intoxication and from excess of wine; when, at length, he has reached forty years, after dinner at a public mess, he may invite not only other Gods, but Dionysus above all, to the mystery and festivity of the elder men, making use of the wine which has given men to lighten the sourness of old age; that in age we may renew our youth, and forget our sorrows; and also in order that the nature of the soul, like iron melted in the fire, may become softer and so more impressible**".⁶¹*

As Dr. Carl Hart says: "*Liberty means responsibility*"⁶²

XI. AN UNCONSTITUTIONAL LEGISLATION THAT VIOLATES HUMAN RIGHTS

⁵⁹ *Ab urbe condita* VIII, 5-8. Cited by ESCOHOTADO (1999) III.

⁶⁰ "Senatus consultum de Bacchanalibus" forbidding Bacchanals except in certain cases specifically approved by Roman Senate. TIERNEY, J. J. (1945) The "Senatus Consultum de Bacchanalibus" in Proceedings of the Royal Irish Academy: Archaeology, Culture, History, Literature. Vol. 51 (1945-1948), pp. 89-117.

⁶¹ PLATO (2018) *Laws* Translation Benjamin Lowett. Cabin John MD: Wildside Press Book II, pag 234.

⁶² HART (2021) pp. 52-58.

1. The pursuit of happiness

Legally speaking Drug use relies on the constitutional concept of Liberty. **John Locke in his *Essay concerning Human Understanding (1690)*** considers that the **pursuit of happiness is "the foundation of liberty"**. No wonder if the **American Declaration of Independence** asserts that each of us is endowed with certain **"unalienable rights"** including **"Life, Liberty and the pursuit of happiness, and that governments are created for the purpose of protecting these rights.** This is why Thomas Jefferson, the author of the Declaration used to affirm that **"If people let government decide which foods they eat and medicines they take, their bodies will soon be in as sorry state as are the souls of these who live under tyranny"**.

It is true that the **US Constitution** protects life and liberty but **does not mention expressly "the pursuit of happiness"**. Though liberty itself is a wide concept would include that you can do whatever you want to attain your happiness. Moreover, some state constitutions mention this right. The **Virginia Declaration of Rights**, approved less than a month prior to the Declaration of Independence, includes the guaranteeing of the right to *"the enjoyment of life and liberty... and pursuing and obtaining happiness and safety"*⁶³ This protection remains in place today in Virginia's Constitution⁶⁴.

The **Massachusetts constitution, the oldest functioning written constitutions in continuous effect in the world**, as it became effective on October 25, 1780, considers: that *"All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin"*.⁶⁵ The word "happiness" appears 8 times in the constitution. It is also included in the **1848 Constitution of Wisconsin**.⁶⁶ This right to pursue happiness was expressly recognized by the US Supreme court in 1923 in the case Meyer v. Nebraska,⁶⁷ and even more clearly in 1967 in the landmark case Loving v. Virginia⁶⁸

In the 20th century the right to life, liberty and the pursuit of happiness appears in **Japan's 1946 Constitution**.⁶⁹ Also the **South Korea's 1948 Constitution** mentions the "right to

⁶³ Section 3.

⁶⁴ Article I.

⁶⁵ Part the First. Article 1.

⁶⁶ Article 1. Section 1.

⁶⁷ "Meyer v. State of Nebraska." LII / Legal Information Institute. Web. 02 Dec. 2015. <<https://www.law.cornell.edu/supremecourt/text/262/390>>.

⁶⁸ "Loving v. Virginia." LII / Legal Information Institute. Web. 02 Dec. 2015. <<https://www.law.cornell.edu/supremecourt/text/388/1>>.

⁶⁹ *"All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs"*. Article 13.

pursue happiness”⁷⁰ An in the 21st Century the **2008 Ecuador’s Constitution** mentions as a right the “**Buen Vivir**” (“Good living”).⁷¹

Concerning drugs the right to pursue happiness is a sufficient base to liberalize its consumption. It is from this perspective that Dr. Carl H. Hart considers that "*The use of drugs in the pursuit of happiness is arguably an act that the government is obliged to safeguard*"⁷²

In the same line **Bob Marley (1945-1981)** used to say "*I do smoke, but I don't go through all this trouble just because I want to make my drug of choice legal. It's about personal freedom*".

Without considering that it is unconstitutional the pretension of the **Federal Government of regulating the medical practice.** In the beginning of the War on drugs, it was not clear that it violated the US Constitution. In **Liner v. United States (1925)** The US Supreme Court accepted this idea, as Justice McReynolds ruled that the federal government has no power to regulate medical practice.⁷³

Despite of this the decade of the eighties without a doubt represents the greatest effort in history to repress the use of illegal drugs, at the global scale. The American federal government alone –independently of state funds, **spent millions on repression and used unlawful ways to track users.** Following Reagan-Bush initiatives, there were **children that reported their parents or brothers for cultivating marijuana or possessing cocaine, or even parents that killed or wounded their own children when they found them using an illicit drug.** In 1986 the Time magazine mentioned that the administration asked for a “**civil war within the home**”, and liquidate it at any cost, even **suspending civil liberties guaranteed by the Constitution.** A war that took titanic proportions as the most conservative estimates showed that at least **25% of the population took illegal drugs.**

2. A total disrespect of Fundamental liberties

The disrespect of Fundamental Constitutional Liberties attained its height with the **UN Convention against illicit traffic in Narcotic Drugs and Psychotropic Substances of 1988**, that openly encouraged governments to maximize the effectiveness of law enforcement measures using “any discretionary legal power under their domestic law”:

*"The Parties shall Endeavour to ensure that **ANY discretionary legal powers under their domestic law** relating to the prosecution of persons for offences established in accordance with this article*

⁷⁰ In its Preamble.

⁷¹ Constitution of the Republic of Ecuador. Title I, Chapter 1, Article 3.

⁷² HART (2021), 1-2.

⁷³ 268 US. 5. Dr. Charles O. Linder of Moore (Oklahoma) was convicted in a federal court because he had prescribed drugs to addicts and this was considered a not legitimate medical practice. Liner took his case to the US Supreme Court where the 9 judges overturned unanimously his conviction, holding that the federal government overstepped its power to regulate medical practice. The opinion of the court was written by Justice James Clark McReynolds that considered obvious that "direct control of medical practice in the states is beyond the power of the federal government."

*are exercised to **MAXIMIZE** the effectiveness of law enforcement measures in respect of those offences, and with due regard to the creed to deter the commission of such offenses*"⁷⁴

The aim of this regulation was to **harden penalties to the maximum** and to confirm, on a global scale, **several limitations to well-established civil rights**, supporting **police and judicial irregularities**: violation of privacy in domestic residences, mail and telephones; imposing compulsory analysis of urine and blood; extending the prescription terms of penalties; establishing parameters for automatic extradition; impunity for informants; exceptions to bank secrecy; prison and forced treatment for moderate users; approval of police purchase and distribution of drugs in order to penetrate dealer's organizations, provoking violations of the law, including the right of policemen to resell for their own benefit part of the amounts of substances confiscated.

The most controversial item in the 1988 convention was the "technique of watched transfer" resulting from a loose interpretation of the above-mentioned Art. 3. **Police forces considered this legislation authorized them to promote the distribution of such products as long as they considered it necessary, in order to accumulate information about the black market.** Some countries, such as France, passed **legislation authorizing customs agents to "purchase, transport, and possess drugs during the legitimate exercise of their duties,"** which empowered them to **"provide dealers with transportation, judicial means, warehousing, and communications."** French legislation interpreted "judicial means" to signify the establishment of companies, the opening of bank accounts, and related activities. These regulations caused the release of six customs agents in Dijon and Lyon, convicted in 1991 for "purchasing, transporting, and giving away 535 kilos of hashish"—a conviction that assuredly provoked a nationwide strike by their labor union.⁷⁵

The **extremely disturbing French movie *The Stronghold (Bac Nord)* of 2021** directed by director Cédric Jiménez is a great example of **how far has gone this unacceptable practice.** Based on real facts, it narrates the scandal that took place in 2012 within the anti-crime brigade (BAC) of Marseille, as **18 of its members were criminally prosecuted** and convicted **for drug trafficking and racketeering.** The Rule of Law is in danger as a result that the War on drugs tolerate this absolutely unlawful repression.

3. The explosion of the number of drug users and its disastrous consequences

Despite this climate of wild repression and hysteria drug consumption has been growing without limits, to the point that there is **more overabundance than ever of illicit drugs in the market.** The case of cocaine the "number one enemy of America" is extremely revealing.

⁷⁴ Article 3 "Offences and sanctions", nr. 6 o the UN Convention against illicit traffic in Narcotic Drugs and Psychotropic Substances (1988).

⁷⁵ Escotado (1999) XVIII, pp. 158-159.

The circulating amount of that drug in the United States reached such proportions in 1984 that its **price went down** by 66 percent. In January of **1988**, -the year of the ominous Vienna Convention against illicit traffic in Narcotic drugs and Psychotropic substances-, with the army functioning as supplementary customs agent and innumerable police involved in the pursuit, prices tumbled another two-thirds, with a kilo pegged at some **\$40,000**, whereas a decade earlier, in the **“permissive” Carter era, the cost was five times higher.**

Hundreds of tons were distributed **without a single large internal dealer being identified or convicted.** On one hand, billions of dollars were designated for enforcement and repressive activities while on the other, **the nation was simply saturated with cocaine,** to the point where Colombian, Peruvian, and Bolivian exporters decided to attempt to open European markets. In Spain, for example, the amounts confiscated in **1988 were four times greater than those confiscated in the previous two decades.**

The same can be said about **marijuana,** demonized again by official circles upon the accession of Ronald Reagan to the presidency. In 1982 the **US Supreme Court** confirmed a forty-year prison sentence for possession of marijuana valued at \$200, previously declared **“cruel and unusual punishment”** by two courts of appeal. The **cultivation of marijuana quickly increased** nevertheless, and—according to the DEA itself—**exceeded the value of the whole grain harvest,** feeding a large underground economy. Hydroponics cultivation, done indoors with totally automated equipment, allowed up to five yearly harvests of varieties ever richer in THC, the active principle, and savvy producers could obtain hundreds of kilos by simply equipping a large room or garage for that purpose.

A similar thing happened with heroin, initially displaced by cocaine at the beginning of the decade, but regaining momentum after 1988. In any case, no other fact was more meaningful and loaded with repercussions as the **flowering of designer drugs,** which placed the pharmacological crusade as a war against chemistry itself.

The most disastrous consequence of this absurdity is that traditional drugs have been generally replaced by analogues and substitutes, carrying greater profit margins for manufacturers and distributors in parallel with higher risks of intoxication for the users, aggravated by adulteration in the black market. It is crystal clear now that **designer drugs are the consequence of Prohibition** and have promoted a **new golden age for organized crime** and an amazing **increase in overdosing and poisoning.** (In Spain, for instance, from 1980 to 1990 some 7000 people, excluding suicides, died of involuntarily intoxication with heroin. **Most deaths are due to product impurities, although sometimes also due to batches of high purity.** Most of the victims were young.

A stunning contrast with the period 1920-1930 when heroin, cocaine and hemp were freely available without medical prescription and not a single case of fatal involuntary intoxication with these drugs was reported.

With historical perspective, **one hundred years later we know that penalizing and criminalizing drugs is not the answer.** Because it boosts consumption, increases intoxication and deaths, favors criminality and brings huge attacks on the principle of the **Rule of Law, the pillar of our Liberal democracies,** threatened by the shadow of dictatorial regimes as Putin’s invasion of Ukraine is showing. **To make it short: Prohibition is a total disaster.** Drug consumption has **not been eliminated** but on the

contrary, it is on clear rise, and repression has increased pain and suffering and the waste of billions of dollars for nothing.

XII. CONCLUSION: CHASING LIBERTY IN THE LAND OF FEAR

As Spanish Philosopher Antonio Escotado (1941-2021) affirms "**Drugs have always existed everywhere, and judging by the present times, tomorrow there will be more drugs than exist today. So, the options are not a world with or without drugs. The alternatives are to teach people how to use them correctly, or to indiscriminately demonize them: to show knowledge, or to show ignorance**"⁷⁶. Drugs can be used properly as states one of the world number one specialist Dr. Carl L. Hart in his book *Drug use for grown-ups. Chasing Liberty in the Land of Fear*. (2021).

This does not mean that everyone should consume drugs, and **do not deny that the "addiction" problem exists**. But **addiction is a much larger concept** as the psychiatrist and former addict Carl Erik Fisher underline. For him "***Addiction is profoundly ordinary: a way of being with the pleasures and pains of life, and just one manifestation of the central human task of working with suffering. If addiction is part of humanity, then, it is not a problem to solve. We will not end addiction, but we must find ways of working with its ways that are sometimes gentle, and sometimes vigorous, but never warlike, because it is futile to wage a war on our own nature***".⁷⁷

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⁷⁶ ESCOHOTADO 1999, XVIII.

⁷⁷ FISHER 2022.