

**THE ART OF
SUPPRESSION**

**PLEASURE, PANIC AND PROHIBITION
SINCE 1800**

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Introduction

Prohibition doesn't work, most dinner party companions will agree. In their attempts to suppress popular pleasures, prohibitionists unleash a greater evil than that which they set out to destroy; fueling crime, feeding corruption and filling prisons, but conspicuously failing to prohibit. Few fiascos are more notorious than America's 'Noble Experiment' with alcohol suppression in the 1920s, and if anyone is winning the modern War on Drugs, it is the drug dealers.

And yet the world still brims with prohibitionists, as it always has. The Bible takes fewer than fifty verses to introduce the first prohibition to the Garden of Eden. After a perfunctory description of the creation of the Universe, the creator gets down to business on the second page:

"You are free to eat from any tree in the garden; but you must not eat from the tree of the knowledge of good and evil, for when you eat from it you will certainly die."¹

If this was the world's first prohibition, it set an appropriate precedent. Eating the apple seems to be a victimless crime created for no other reason than to test the willpower of the two

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protagonists. No one benefits from the rule and no one will be harmed if it is breached. Here is a ban so arbitrary that it cannot fail to encourage experimentation with the literal forbidden fruit while the consequences of flouting it (“you will certainly die”) are exaggerated and ultimately not enforced. The actual punishment falls short of certain death, but remains grossly disproportionate to the severity of the crime: Adam and Eve eat the apple, their eyes are opened, and they are stricken with everlasting hardship and the pains of childbirth. Not for the last time, the consequences of prohibition create more harm than the illegal act.

One rule was enough in the Garden of Eden but as the world’s population expanded, a more structured list of bans was required. Only three of the Ten Commandments are still enshrined in law in modern democracies—murder, theft and perjury remain *verboten*, while adultery, blasphemy and coveting one’s neighbour’s wife and ass are merely frowned upon. But say what you like about the Ten Commandments, at least there were only ten of them. The next few books of the Old Testament offer a long, unfathomable list of bizarre decrees to be enforced under threat of gruesome execution. Most have since been dropped by the various denominations of the Jewish and Christian faiths for being too draconian, homophobic, sexist or plain odd. Biblical laws against wearing clothes of more than one fabric and allowing different breeds of cattle to graze in the same field are only enforced by the most orthodox sects, if at all.

As religion waned, the age of the totalitarian despot provided new ways for whim to become law. The bans and diktats of half-crazed tyrants could fill a fatter book than this but, to take one example, Saparmurat Niyazov, the ruler of Turkmenistan from 1985 until his death in 2006, banned opera, ballet, circuses, smoking in public, lip-synching, video games, recorded music and car radios. In 2004, he prohibited young men from growing their hair and outlawed the wearing of beards. He then banned gold teeth while offering citizens an

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alternative method of dental hygiene: “I watched young dogs when I was young. They were given bones to gnaw. Those of you whose teeth have fallen out did not gnaw on bones. This is my advice.”²

President Niyazov was, as you might have guessed, a communist dictator (amongst his other prohibitions was a ban on opposition parties and library books not written by himself), but the belief that one’s *bête noire* can be erased at the stroke of a pen remains no less tantalising in liberal democracies today. The allure of the quick ban teases politicians with the prestige that comes with taking ‘tough’ and ‘decisive’ action, just as the cudgel of coercion offers greater progress to the single-issue campaigner than the chocolate of persuasion. The phrase *something must be done*—that great clarion call of our times—can usually be translated as *someone who is not me must stop doing the things I do not like*.

The number of illegal activities in the average Western democracy has long since become incalculable, but it is a rare day that passes without fresh prohibitions being demanded by ardent pressure groups and grandstanding politicians. So fashionable have bans become that they are now a matter of national pride. In 2008, for example, Australia’s Preventative Health Taskforce urged politicians to outlaw branded cigarette packaging by dangling the carrot of international bragging rights. “If we act quickly,” they said, “Australia can overtake the British Government and become the first country in the world to mandate that cigarettes be sold in plain packaging.”³ Or take the case of Edward Burke, the Chicago politician who proposed a ban on trans-fats only to watch in horror as New York got there first. “I’m disappointed we’re losing bragging rights to be the first city in the nation to do this,” he lamented.⁴ (Perhaps he took consolation when Chicago was later ranked number one in *Reason* magazine’s list of America’s most illiberal cities.)

The pioneers of prohibition have amassed an eclectic mix of world-firsts, including, but by no means limited to, bans on

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the burqa (Belgium), shale gas extraction (France), chewing gum (Singapore), miniskirts (Tunisia), plastic bags (Italy), smoking in pubs (Ireland), possession of tobacco (Bhutan), video consoles (China), minarets (Switzerland), amalgam fillings (Norway), boxing (Sweden), Dire Straits' 'Money for Nothing' (Canada), incandescent light bulbs (Australia) and *Marmite* (Denmark). Britain's nonappearance on that list is not for want of trying. It has been estimated that Tony Blair's government created an average of twenty-seven new offences every month, a rate of "legislative diarrhoea"⁵ that has only been exceeded by his successor Gordon Brown.⁶

Such an orgy of lawmaking is more befitting a new republic emerging from the ashes of anarchy and civil war than a country that has enjoyed prosperity and parliamentary democracy for several centuries. Politicians in the most ban-happy parts of the world can hardly claim to have an underworked police force and yet law is piled upon law with the urgency of a nation teetering on the brink of savagery. Ministers might argue that the public welcomes, nay demands, a continuance of the legislative onslaught, and they might be right. As the philosopher Jamie Whyte ruefully observed: "Despite its manifest failings, prohibiting voluntary transactions remains popular not only with politicians but also with the voting public. If you doubt it, just spend an afternoon listening to talk radio. You will come away feeling fortunate to have any remaining liberties; if the government took the punters' advice, it would 'put a stop' to everything."⁷

An illustration of the man in the street's apparent hunger for prohibitions came in 2010, when Britain's coalition government promised to "clear the statute books of unnecessary laws and scrap excessive legislation".⁸ In the spirit of mass repeal, the government invited the public to tell them which laws to cast on the bonfire, but the resulting website was soon flooded with suggestions for still more bans. Amongst a high volume of entries of the hang 'em and flog 'em variety came demands for

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horses and caravans to be banned from the roads, for the government to “make it illegal to be fat” and for people to be limited to the ownership of “one large or two small dogs.” The government was urged to ban bank holidays, online gambling, the killing of all animals, alcohol, tobacco, all firearms, abortion and circumcision. Others were intent on repealing laws that did not actually exist, including some who wanted the “freedom to speak Welsh”, the “right to marry at 18” and, as a result of an unfortunate typographical error, “the right to bare arms”.

No less telling than the public’s misuse of the website was the coalition’s treatment of the results. When the responses were counted and it was found that repealing drug prohibition, relaxing the smoking ban and restoring the death penalty were amongst the most popular ideas, the government’s experiment in direct democracy was quietly shelved. Some ideas, it seemed, were off-limits.

Just as every action has an equal and opposite reaction, every prohibition has a negative unintended consequence, although these are sometimes so negligible—or limited to such a small segment of the population—as to go unnoticed. The ban on *Scrabble* in Romania, for example, was never likely to give rise to a criminal empire that bore comparison with those of Al Capone and Pablo Escobar. The unintended consequences of banning *Marmite* or trans-fats are clearly not commensurate with the unintended consequences of banning alcohol, abortion or free speech. It is no surprise that laws against impersonating a traffic warden or selling a grey squirrel (both enacted under Blair) are rarely breached. The public desire to do so is clearly limited. Likewise, few people have the means to flout bans on entering the hull of the Titanic or causing a nuclear explosion (ditto).

The laws that are most widely respected are those which are obeyed without thought, for they do no more than underline the beliefs of all decent people. “The law that makes larceny, arson or murder a crime,” wrote Fabian Franklin, one of

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Prohibition's disgruntled drinkers, "merely registers, and emphasizes, and makes effective through the power of the Government, the dictates of the moral sense of practically all mankind."⁹ America's attempt to use manmade laws to defeat the laws of fermentation manifestly did not meet this level of public support, nor do bans on marijuana, gambling or tobacco today, though many would still support them.

When the law stands in direct opposition to a large body of opinion—even though it may be a minority opinion—trouble is inevitable. In non-totalitarian countries, laws require the consent of the people. If a prohibition does not reflect the will of the overwhelming majority, it is doomed to failure, as Franklin explained:

However desirable it may be that the sudden transformation of an innocent act into a crime by mere governmental edict should carry with it the same degree of respect as is paid to laws against crimes which all normal men hold in abhorrence, it is idle to expect any such thing... A nation which could instantly get itself into the frame of mind necessary for such supine submission would be a nation fit for servitude, not freedom.¹⁰

It is only when a significant number of people have the inclination and opportunity to break the law that prohibition is seriously tested. The temptation to disobey is never stronger than when the prohibition involves substances which stimulate, intoxicate or otherwise provide interludes from reality. Some call them pleasures, others call them vices, but all the substances discussed in this book could be freely bought and sold at the beginning of the twentieth century. Nearly all of them are derived from plants that have been cultivated for thousands of years. 'Drugs'—in the modern sense of the word, which encompasses stimulants, narcotics, hallucinogens, alcohol and tobacco—have been a part of civilisation for millennia. When viewed through the long lens of human history, they have been under prohibition for barely a heartbeat. This book is about the

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people who made it so. It is a study of “that singular anomaly, the prohibitionist”.¹¹

Who are they, these prohibitionists? Are they misguided but ultimately well-intentioned social reformers, or do they suffer from what H. L. Mencken called “the haunting fear that someone, somewhere, may be happy”? Are they what Howard Becker called “moral entrepreneurs”—the architects of panic and the makers of deviants? For Becker, the moral entrepreneur is motivated by “some evil which profoundly disturbs him. He feels that nothing can be right until rules are made to correct it... The crusader is righteous, often self-righteous.”¹²

Righteousness is a recurring theme in the pages that follow. At the heart of our story is America’s fit of moral indignation at the start of the last century which led to an idealistic crusade against alcohol and opium. The USA’s battle against the bottle, the subject of Chapter One, was the ultimate clash between the liberal values of the Founding Fathers and the Protestant morality of the first puritan settlers. The puritans won the battle but lost the war. Prohibition* lasted just under fourteen years and was brought down by the economic crash of 1929 which left the country unable to allow the lucrative drinks industry to remain in the hands of criminals. But before Prohibition collapsed, there was a brief, quixotic campaign to bring about a ban on the sale and manufacture of alcohol throughout the world. This little-known story is documented in the second chapter.

The USA never managed to persuade the rest of the world to ban alcohol, but it succeeded in leading an international campaign against opium which survives to this day. Partly born of the same zeal that spawned the Anti-Saloon League, and partly necessitated by foreign policy considerations, the global

* Throughout this book, I will capitalise Prohibition only when referring to the ban on alcohol in the USA between 1920 and 1933.

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crusade against narcotics—the subject of Chapter Three—is now in its second century and, though it continues to flounder, is under no imminent threat of serious reform. When the world economy crashed again in 2008, no mainstream politician called for the narcotics industry to be legalised, despite an annual turnover that runs into the hundreds of billions of dollars.

The religious fervour and racist propaganda that started the prohibitionist frenzy of the 1910s have long since fallen out of favour, but the doctrine of prohibitionism remains keenly alive and is endlessly capable of producing unintended and unpredictable consequences, as in the case of Swedish snus—the only tobacco product currently prohibited in the European Union—and the stream of designer drugs that have emerged since the 1990s. These modern prohibitions are documented in Chapters Four and Five. In the closing chapter we will see how prohibitionism survives and thrives today and why, for so many people, utopia is only ever one more ban away.