

# **Assimilation and Exclusion**

## **Analysis of the impact of the War on Drugs on Black Americans**

Krzysztof Mateusz Myśliński\*

\* LLB student at the University of Warwick. Contact at: [m.m.krzys@gmail.com](mailto:m.m.krzys@gmail.com)

**Abstract** - The death of George Floyd on 25<sup>th</sup> May 2020 put the Black Lives Matter Movement in the spotlight in the Anglo-Saxon countries and resurfaced the issue of systemic racism in the Western World. The concept of state-sanctioned racism was not novel and was gaining momentum before that incident. In 1991, David Lloyd published his essay “Race under representation”, in which he argued that the state’s purpose is always assimilation of its citizens, but this can only be achieved by excluding those who cannot assimilate and become the desired citizen. Thus, he argued, the state policies are the source of racism. This article analyses David Lloyd’s article “Race under representation” in light of the impact of the war on drugs implemented during Ronald Reagan’s incumbency on Black Americans. It argues that its focus on crack cocaine instead of uniting the nation divided it along racial lines.

## Introduction

In the essay “Race under representation”, David Lloyd argued that there is one principal objective of the state and it is to unify its citizen-subjects in the state culture. He argued, that assimilation cannot be achieved by culture alone, which in itself is a half-measure to reach the desired objective<sup>1</sup>. Although culture is a broad term to describe the method of assimilation, in this context it could be understood as “the ideas, customs, and social behaviour of a particular people or society”<sup>2</sup>. The means of enforcing it are different. Firstly, the culture can be indirectly enforced by the social acceptance given or not to our behaviour, art, customs. Secondly, it can be reinforced on the state level. This enforcement is a direct one and is achieved through the law.

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<sup>1</sup> David Lloyd, “Race under Representation” [1991] 13(1) Oxford Literary Review 62, 86.

<sup>2</sup> “Culture: Definition of Culture by Oxford Dictionary on Lexico.com also meaning of culture” (*Lexico Dictionaries*) <<https://www.lexico.com/definition/society>> accessed on 3 August 2021.

From the reading of “Race under representation”, the author referred to the latter method of cultural assimilation.

David Lloyd continued that “(...) the process of assimilation, whether in bringing two distinct but equivalent elements into identity or in absorbing a lower into a higher element as by metastasis requires that which defines the difference between the elements to remain over as a residue.”<sup>3</sup> For him, “(...) although it is possible to conceive formally of an equable process of assimilation in which the original elements are entirely equivalent, the product of assimilation will always necessarily be in a hierarchical relation to the residual (...)”<sup>4</sup>. As a result, racism originates on the state level. In a detailed analysis of David Lloyd’s work, Laura Chrisman explained that the process of unification is therefore achieved by promoting “exclusivism and individualism”<sup>5</sup>, hence alienating citizen-subjects who are not capable of adapting to the state’s concept of the citizen. In that way, social diversity is thwarted and the state indirectly generates ostracism and racism towards individuals who can be assigned to Lloyd’s “residue”<sup>6</sup>.

This essay will analyse David Lloyd’s idea on the example of the war on drugs implemented in the United States of America in the 1980s. For the purposes of clarity, I divided the essay into four parts. Part One will outline the purposes of criminal law and how they relate with David Lloyd’s objectives of the state. Part Two will describe how the war on drugs was implemented and what was its impact. Part Three will show that in the course of the war on drugs, criminal law deviated from its primary purpose and thus created the “residue” within the society that was prevented from becoming a group of assimilated citizens. It will be concluded that the measures implemented in the course of the war on drugs constituted a prime example of exclusionary politics that depreciated the notion of equality of citizens by alienating the drug offenders who primarily consisted

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<sup>3</sup> David Lloyd, “Race under Representation” (n 1), 73.

<sup>4</sup> *Ibidem*.

<sup>5</sup> Laura Chrisman, “Theorizing ‘Race’, Racism and Culture: Pitfalls of Idealist Tendencies” [1993] 16(1) Paragraph 78, 89.

<sup>6</sup> *Ibidem*.

of Black individuals from various areas of social and political life, effectively creating a group of second-class citizens.

## I. PURPOSES OF CRIMINAL LAW

To understand the war on drugs, it is necessary to examine the primary function of the major weapon deployed by the US government against drugs, criminal law. John Stuart Mill argued that the principal objective of the law is to preserve and enhance the utility of the society, to advance “the permanent interest of mankind as a progressive being”<sup>7</sup>. A more recent view, offered in criminal law textbook by Smith & Hogan and Ormerod, explains that the underlying purpose of criminal law is to forbid and prevent conducts that threaten or may threaten an individual or public safety<sup>8</sup>. These two views justify the operation of criminal law. What is harmful to a person, or other people is counter-productive and, thus, the function of criminal law is to ensure that the productivity and utility of an individual and society are maintained and preserved.

Therefore, in David Lloyd’s words, the purpose of criminal law would be to “assimilate” individuals with law-breaking inclinations by correcting and restraining their deviant behaviour under sanctions conferred by criminal law upon commission of an illegal act. Having said that, the criminalisation of drugs that have serious adverse effects on their users preserves the safety of their potential consumers’ physical and mental capacities<sup>9</sup>. As a result, drug-taking is discouraged and, if done already, prevented in the future. On the other hand, the criminal justice system ensures that criminal law is enforced and transgressors are corrected. Subsequently, both criminal law and

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<sup>7</sup> Patrick Riley, “The Legal Thought of J.S. Mill” in Enrico Pattaro (ed), *A Treatise of Legal Philosophy and General Jurisprudence* (Dordrecht: Springer Netherlands 2009), 267.

<sup>8</sup> John Child and David Ormerod, *Smith, Hogan, & Ormerod’s Essentials of Criminal Law* (Oxford University Press 2019), 5.

<sup>9</sup> Doug Bandow, “War on Drugs or War on America” [1991] 3 *Stanford Law & Police Review* 242, 242.

the criminal justice system ensure that the citizen-subjects are unified and capable of being governed, having had their counter-productive behaviours restrained and corrected.

## II. THE IMPACT OF THE WAR ON DRUGS

The concept of the war on drugs was not novel in American society. The “war” rhetoric was firstly introduced by Richard Nixon in 1971 as a response to mounting anxiety over the relationship between drug addiction and crime<sup>10</sup>. Nevertheless, the war on drugs gained its infamy during Ronald Reagan’s incumbency. He reintroduced it in 1982 to reduce the number of drugs being illegally transported to and consumed in the USA. He adopted a two-pronged approach. Firstly, he focused on the domestic level by fighting cocaine which became popular among the white middle and upper classes. Secondly, the US government wanted to reduce the drug flow from countries producing them<sup>11</sup>. As it turned out, the war not only failed to uproot the drug problem in the USA but had devastating effects on certain groups in society, particularly Black Americans. In this essay, I will focus solely on the domestic approach.

Even though the use of drugs had been in decline since the early 1980s, President Ronald Reagan declared the war on drugs in 1982 as a direct response to the anxiety shared by American society as well as the vast majority of the political class over the drug use in the USA<sup>12</sup>. However, a new incentive to

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<sup>10</sup> Richard Nixon, “President Nixon Declares Drug Abuse ‘Public Enemy Number One’” (29 April 2016) (Speech in the Briefing Room at the White House, 17 June 1971) <<https://www.youtube.com/watch?v=y8TGLLQID9M&t=10s>> accessed 31 July 2021.

<sup>11</sup> Kyle Grayson, “Discourse Identity, and the U.S. ‘War on Drugs’” in M E Beare (ed), *Critical Reflections on Transnational Organized Crime, Money Laundering, and Corruption* (University of Toronto Press 2003), 151-152.

<sup>12</sup> Lotte Berendje Rozemarijn Westhoff, “Ronald Reagan’s War on Drugs: a Policy Failure

wage it was delivered in 1986 when the media “discovered” crack cocaine<sup>13</sup>. Reagan's administration conducted a poll that indicated that the general population was concerned about the new intoxicant<sup>14</sup>. For the politicians, it meant that the anxiety presented an opportunity to gain public support and, at the same time, address a public health issue. As a result, the subject almost instantly received extra attention from the politicians, including the incumbent president Ronald Reagan<sup>15</sup>. By taking advantage of the public concern, they made crack cocaine the top domestic enemy of the USA<sup>16</sup>.

For a long time, scholars have been aware, and so the politicians, that the rises in social anxiety are accompanied by “surges in punitive attitudes and support for punitive policies”<sup>17</sup>.

In 1986, Reagan's administration and political parties, including Democrats<sup>18</sup>, were presented with an opportunity to show that the drug issue was being addressed, and that drugs use would not go unpunished. As a result, the legislature passed new measures, such as mandatory minimum sentences, and set up new drug-controlling institutions. Moreover, it rejuvenated older drug-tackling measures' use, including Rockefeller drug laws or “three strikes and you are out” policy, which had triggered

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but a Political Success” (MSc thesis, Leiden University 2013), 11.

<sup>13</sup> Michelle Alexander, *The new Jim Crow: mass incarceration in the age of colorblindness* (New Press 2010), 5.

<sup>14</sup> Lotte Berendje Rozemarijn Westhoff, “Ronald Reagan's War on Drugs: a Policy Failure but a Political Success” (n 12), 22.

<sup>15</sup> Kyle Grayson, “Discourse Identity, and the U.S. ‘War on Drugs’” (n 11), 151.

<sup>16</sup> Lotte Berendje Rozemarijn Westhoff, “Ronald Reagan's War on Drugs: a Policy Failure but a Political Success” (n 12), 22.

<sup>17</sup> Henrique Carvalho and Anastasia Chamberlen, “Why punishment pleases: punitive feelings in a world of hostile solidarity” [2018] 20(2) *Punishment & Society* 217, 221.

<sup>18</sup> Lotte Berendje Rozemarijn Westhoff, “Ronald Reagan's War on Drugs: a Policy Failure but a Political Success” (n 12), 9.

serious and fierce public debates on their effectiveness<sup>19</sup>. New federal and governmental funds, such as Edward Byrne Memorial State and Local Law Enforcement Assistance, were granted to the law enforcement agencies to specifically increase the resources available to fighting the drug epidemic<sup>20</sup>.

Kyle Grayson argued that the “drug laws and the war rhetoric intended to form the American identity by demonstrating what is not American”<sup>21</sup>. The fundamental objective of the war was uniting the nation by showing that the true American would not succumb to drugs so that his social and economic utility would be preserved, however depersonalising this may sound. For the legislative, the measures implemented during the war were designed not only to deter the use of drugs but also to reinforce values that oppose their use<sup>22</sup>. However, due to the government’s focus on crack cocaine, the protection of the individual deviated to exclusionary protection from the individual. Crack cocaine was the cheaper variant of cocaine<sup>23</sup>, however, there was no scientific difference between the two<sup>24</sup>. Due to its low price, it was more easily accessible and, therefore, its use and negative consequences were more likely to affect more people. Moreover, it contributed to the spread of sexually-transmitted diseases, HIV in particular<sup>25</sup>. However,

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<sup>19</sup> Daniel Patten, “The Mass Incarceration of Nations and the Global War on Drugs: Comparing the United States’ Domestic and Foreign Drug Policies” [2016] 43(1) *Social Justice* 85, 85.

<sup>20</sup> Michelle Alexander, *The new Jim Crow: mass incarceration in the age of colorblindness* (n 13), 73.

<sup>21</sup> Kyle Grayson, “Discourse Identity, and the U.S. ‘War on Drugs’” (n 11), 151-152.

<sup>22</sup> Michael Tonry, “Race and the War on Drugs” [1994] 1994(1) *University of Chicago Legal Forum* 25, 42.

<sup>23</sup> Heather Schoenfeld, “The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States” [2012] 15(2) *Journal of Gender, Race and Justice* 315, 318.

<sup>24</sup> Carl L. Hart, Joane Csete and Don Habibi, “Methamphetamine: Fact vs. Fiction and Lessons from the Crack Hysteria” [2011] *Open Society Foundations*, 29.

<sup>25</sup> Lotte Berendje Rozemarijn Westhoff, “Ronald Reagan’s War on Drugs: a Policy Failure but a Political Success” (n 12), 20.

because of its lower price, it was primarily used by Black communities who had lower household incomes than their White counterparts who consumed more powder cocaine<sup>26</sup>. Consequently, the anti-drug policies introduced after 1986 had a disproportionate impact on Black communities, and in the methods of conducting the war and the entirety of its impact, the war on drugs became not a war against the crack, but a war against its users, primarily African Americans.

As mentioned earlier, the media's discovery of crack cocaine triggered a full-scale offensive against the drugs by law enforcement. The legislation was passed, and the new funds and grants made it profitable for law enforcement agencies to hunt for drug consumers. As a result, law enforcement agencies, in particular police, deployed the stop-and-frisk tactics<sup>27</sup>. Consequently, on paper, between 1980 and 1989, the number of drug arrests rose from 377 000 to 850 000, and the prison population more than doubled<sup>28</sup>. Moreover, at the height of the war in 1990, 46% of the prison population consisted of drug offenders<sup>29</sup>. However, deployment of the stop-and-frisk tactics had two catastrophic consequences. Firstly, the majority of new admissions consisted of non-violent drug users, seen by the state as criminals, as "almost 80% of drug offenders sent to prison in New York in 1999 had never been convicted of a violent crime"<sup>30</sup>. Secondly, stop-and-search frisk policy primarily targeted Afro-Americans because the police considered

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<sup>26</sup> Felicity Barringer, "White-Black Disparity in Income Narrower in 80's Census Shows" (*The New York Times*, 24 July 1992) <<https://www.nytimes.com/1992/07/24/us/white-black-disparity-in-income-narrowed-in-80-s-census-shows.html>> accessed 21 April 2021 and Michelle Alexander, *The new Jim Crow: mass incarceration in the age of colorblindness*, (n 13), 5.

<sup>27</sup> Michelle Alexander, *The new Jim Crow: mass incarceration in the age of colorblindness* (n 13), 77.

<sup>28</sup> Doug Bandow, "War on Drugs or War on America" [1991] (n 9), 243.

<sup>29</sup> Heather Schoenfeld, "The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States" (n 23), 317.

<sup>30</sup> Deborah Small, "The War on Drugs Is a War on Racial Justice" [2001] 68(3) *The Johns Hopkins University Press* 896, 900.



them more likely to be found in possession of crack cocaine, therefore, perceived as a lucrative source of subsidies to the local law enforcement agencies. Consequently, by 1992, almost every person admitted to prison for a drug offence was Black. Overall admissions of Black Americans grew by 117%, whereas for Whites only by 21%<sup>31</sup>.

Due to the rapid increase in conviction and prison admission rates, the number of prison bed spaces proved to be insufficiently large. In her study, Heather Schoenfeld refers to the case study of Florida, where due to such a shortage early release programme was introduced for drug offenders in the late 1980s. The programme caused the politicians to create a narrative that the law was “siding with criminals over hard-working Floridians”<sup>32</sup>, which resulted, between 1987 and 1991, in an aggressive prison-building scheme, to accommodate the influx of prisoners, victims of the war on drugs<sup>33</sup>. This enabled the states to convict more drug offenders and incarcerate them for longer periods.

Here, it is worth recalling David Lloyd’s words that “all the measures taken by liberal cultural institutions in the name of assimilation are at best half measures”<sup>34</sup>. It is true, the drug users needed help as they posed a threat to themselves and, possibly, to others. However, the majority of them needed a different kind of treatment than the one received in form of incarceration. Unfortunately, the state legislators did not consider alternative methods of tackling crack cocaine problem, such as education or medical and psychological therapy<sup>35</sup>. They opted for locking up drug users indiscriminately to their reasons of its use, what enabled them to predicate that the drug problem was effectively

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<sup>31</sup> Heather Schoenfeld, “The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States” (n 23), 332.

<sup>32</sup> Heather Schoenfeld, “The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States” (n 23), 334.

<sup>33</sup> *Ibidem*.

<sup>34</sup> David Lloyd, “Race under Representation” (n 1), 86.

<sup>35</sup> Doug Bandow, “War on Drugs or War on America” [1991] (n 9), 246.

addressed and that the drug users were being placed where they should be placed, in prison. Consequently, prisons became institutions that “assumed response to a wide spectrum of deviant behaviour”<sup>36</sup>. They became instruments in the hands of the state politicians to advance their own political agenda by showing that drug users are punished and no longer threaten law-abiding citizens. Indiscriminate convicting and incarcerating of often vulnerable individuals turned out not to assimilate the drug offenders with the rest of the law-abiding society but to effectively exclude them from it.

However, huge conviction and imprisonment rates were only one dark side of a coin. The life of a drug offender was irreversibly changed after his sentence was served. As a result of collateral consequences, following a conviction and release from prison, the convict was tainted with the stigma of a drug offender for the rest of his life, and his reintegration with society was virtually impossible. In a study published by Jamila Jefferson-Jones, it was noted that by May 2018, there were over 48 000 collateral consequences of a criminal conviction, many of which date back to the 1980s and 1990s<sup>37</sup>. Among these, 74% relate to employment-related restrictions, 8% to housing-related restrictions, and 12% to political and civic-participation restrictions, whereas other include education and governmental benefits<sup>38</sup>. These directly impeded any efforts of a convicted individual to re-join the society on equal terms with non-convicted citizens upon his release from prison.

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<sup>36</sup> Heather Schoenfeld, “The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States” (n 23), 347.

<sup>37</sup> Jamila Jefferson-Jones, “Community Dignity Taking’: Dehumanization and Infantilization of Communities Resulting from the War on Drugs” [2018] 66(5) *Kansas Law Review* 993, 999.

<sup>38</sup> Jamila Jefferson-Jones, “Community Dignity Taking’: Dehumanization and Infantilization of Communities Resulting from the War on Drugs” (n 37), 1003.

### III. FORMATION OF THE RESIDUE

To understand the long term impact of the war on individuals convicted of drug offences, it is worth mentioning Jeremy Bentham's idea of a prison. In the 18<sup>th</sup> century, he developed the idea of a panopticon prison which construction would cause the convicts to develop a feeling of being constantly surveilled by the prison guards. In Bentham's mind, it would effectively reform the prisoners as their criminal inclinations would be hampered by that feeling<sup>39</sup>. If the account is taken not only of the prison but of the entire operation of the criminal justice system, from incarceration to the post-release life of a convict, Bentham's general idea of surveillance could be said to have been realised during Reagan's war on drugs. For the drug offenders, the legal consequences of their conviction came forward at every step of their lives, creating an impression of being constantly watched. Nevertheless, its purpose was skewed, and instead of reform, it was used for surveillance and maintenance of exclusion.

Jamila Jefferson-Jones argued that the collective impact of incarceration and collateral consequences was dehumanisation and infantilisation. The former refers to the lack of recognition of the convict's life value as a citizen. The latter refers to depriving the individual of his complete autonomy and hence sanctioning his legally recognised lack of capacity to govern himself or the country. With respect to dehumanisation, the collateral consequences ensured that the ex-convict could not join the society on equal terms with non-convicts. That was achieved by various economic and social restrictions. He was deprived of many public housing benefits, and his ability to find employment was always impeded by his status of an ex-criminal. On the other hand, infantilisation is best illustrated on the example of political and civic-participation restrictions. The most common form of collateral consequence imposed upon convicts

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<sup>39</sup> Thomas McMullan, "What does the panopticon mean in the age of digital surveillance" (*The Guardian*, 23 July 2015) <<https://www.theguardian.com/technology/2015/jul/23/panopticon-digital-surveillance-jeremy-bentham>> accessed 13 July 2021.

was barring them from their right to vote<sup>40</sup>, a right that is fundamental in the democratic society and is a guarantee of the equality of citizens before the law. As a result, convicts could not choose their representatives who would seek change on their behalf, and essentially were deprived of their share in running the country. They were virtually treated as non-citizens.

In light of that, criminal law and the criminal justice system created a surveillance and management scheme for convicted drug offenders. On release from prison, the system allocated individuals to a social group with the “convict label”. Although such allocation was invisible, criminal law and justice system ensured that their belonging there would be maintained. It restricted their social and economic mobility, thus maintained their dehumanised and infantilised status. A good illustration of that is the law introduced in 1991, under which anyone convicted of a drug offence had his driving licence suspended. Firstly, the law was directly discriminatory as there was no significant evidence of its effectiveness<sup>41</sup>. Secondly, it significantly affected individual’s ability to economically and socially re-join society. It created problems with the accessibility of often distant jobs to which ex-convicts travelled. Because many metropolitan areas do not have an expansive transport system, not to mention the rural areas which often lack one, “86% of Americans use a motor vehicle to reach their place of employment”<sup>42</sup>. The policy of suspending a driving licence for individuals who committed a drug offence narrowed the range within which ex-convicts could choose available jobs. What is more, financial status of an individual could further exacerbate this problem. Prison Policy Initiative found that “93% of jobs in Palm Beach, Florida aren’t reasonably accessible to low-income

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<sup>40</sup> Jamila Jefferson-Jones, “Community Dignity Taking: Dehumanization and Infantilization of Communities Resulting from the War on Drugs” (n 37), 999.

<sup>41</sup> Joshua Aiken, “Reinstating Common Sense: How driver’s license suspensions for drug offences unrelated to driving are falling out of favor” (*Prison Policy Initiative*, 12 December 2016) <[https://www.prisonpolicy.org/driving/national.html#bad\\_policy](https://www.prisonpolicy.org/driving/national.html#bad_policy)> accessed 13 July 2021.

<sup>42</sup> *Ibidem*.

communities relying on public transportation”<sup>43</sup>. As a result, they were significantly disadvantaged in improving their economic status as they had to choose the jobs that they could access, not the ones they wanted. Policies like that, together with other collateral consequences, had a long-term financial impact and, as a result, individuals who had been convicted of a crime earned less than individuals with non-offender status, therefore creating an economic division. Accordingly, ex-convicts often had to move to poorer neighbourhoods with a large number of other individuals bearing an ex-offender status who had found themselves under similar circumstances. Jamila Jefferson-Jones argued that the creation of such neighbourhoods, even though consisting of technically reformed individuals, suffered from the “courtesy stigma”<sup>44</sup>. In line with that, Henrique Carvalho contended that in times of anxiety and insecurity, such as those of the war on drugs, non-criminal communities are more unified as they share revulsion against those tainted with drug offender status<sup>45</sup>. Consequently, the ranks of law-abiding citizens were closed to those who were associated with crime and, even more so, to those who could be associated with the above-mentioned neighbourhoods. As a result, it made the ex-convicts less likely to create and maintain relationships outside their neighbourhood bubble, leading to “social and economic isolation”<sup>46</sup>. Effectively, every move of an ex-convict that could potentially break relationship with the assigned “convicts group” was, in a sense, inconspicuously observed by the law, and impeded whenever a chance occurred. It prevented him from obtaining better employment, social housing, increased political participation, or expanding social circles. It operated on the basis of Bentham’s panopticon prison with only change that the prison extended outside of its walls to the convict’s daily post-release life, in order

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<sup>43</sup> *Ibidem*.

<sup>44</sup> Jamila Jefferson-Jones, “Community Dignity Taking: Dehumanization and Infantilization of Communities Resulting from the War on Drugs” (n 37), 1004.

<sup>45</sup> Henrique Carvalho and Anastasia Chamberlen, “Why punishment pleases: punitive feelings in a world of hostile solidarity” (n 17), 223.

<sup>46</sup> Jamila Jefferson-Jones, “Community Dignity Taking: Dehumanization and Infantilization of Communities Resulting from the War on Drugs” (n 37), 1006.

to exclude him from the society by keeping his social and economic movement in check.

Having in mind the disproportionate targeting of Black communities and subsequent stigmatisation of life and its degradation after conviction, it is difficult to disagree with Michelle Alexander's contention that the war on drugs was the New Jim Crowe<sup>47</sup>. Both, criminal law and the criminal justice system departed from their original purpose of preserving and enhancing the economic utility of the society by reforming and reintegrating individuals who did not fit the concept of the desired citizen-subject so that they could assimilate with others. Instead, an individual who stepped off the path of a righteous American was criminalised and incarcerated, not to protect him and his utility from the dangerous effects of drug use, but rather to ensure that he would not be a part of the society he lived in. Criminal law and the criminal justice system ensured that individuals with ex-convict status would be much worse off in life than those without it, what resulted in enforced segregation based on the existence of the criminal conviction. Conclusively, the disproportionate targeting of Black communities uncannily resembled the apartheid introduced by the Jim Crowe Laws. Subsequently, a two-class society was created. The first class consisting of those who had no criminal conviction for a drug offence, whereas the second class of those who had one, overwhelmingly people of colour convicted because of the state's focus on crack cocaine.

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<sup>47</sup> Michelle Alexander, *The new Jim Crow: mass incarceration in the age of colorblindness* (n 13), 3.

## Conclusion

This leads me to the ending of my analysis. David Lloyd's contention that the unificatory policies of the state, the half-measures, promote racist exclusivism and individualism, on the example of the impact of the war on drugs, I believe to be correct. The war on drugs may have partly enforced the strong American identity and may have partly united people in their attitude towards drugs. However, the operation of both criminal law and the criminal justice system deployed in the war failed to achieve its ultimate goal, which was to eradicate the drug problem from the American society, and consequently united only a part of the society, primarily White, non-offending Americans. Crack cocaine users, who happened to be primarily Black, were neither united nor corrected to be able to be assimilated but, instead, were incarcerated and later tainted with their ex-convict status for the rest of their lives. As a result, upon release, they were excluded from the social, political and economic participation of the citizen's life and their lives were subject to surveillance by criminal law and the justice system to prevent them from re-joining the rest of the non-convicted society, creating a class division. Those who happened to be tainted with the convict status suffered from the same division and exclusion that existed under Jim Crowe Laws.

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