

Contemporary activism against governmental regulations of psychedelics

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Introduction

Psychedelic substances such as D-lysergic acid diethylamide (LSD), psilocybin, mescaline, and dimethyltryptamine (DMT) have been illegal in most western countries ever since former US president Nixon declared War on Drugs in 1970. Seeing that these compounds can alter our normal waking state of consciousness, and that this psychedelically altered state has been integral to human cultures for centuries (Carhart-Harris & Nutt 2017; Samorini 2019), several people have questioned the underlying motivation for this strict political regulation, and suggested that the war on drugs is also a war on consciousness (Hancock 2013; McKenna 2013; MAPS 2021). The last decade or so, this critical stand towards the legitimacy and enforcement of the governmental regulations on psychedelics have increased in strength, and formed a heterogeneous, pro-psychedelic movement of e.g. scientists, shamans, intellectuals (such as Sam Harris), journalists (e.g. Pollan 2018), indigenous healers, therapists (e.g. Bourzat & Hunter 2019), celebrities (like Joe Rogan & Tim Ferriss), microdosers, psychonauts, and activists.

This paper addresses this movement by analysing how a segment of its actors contest the enforcement and legitimacy of the governmental regulations on psychedelic substances.

Section 1 provides a historical overview of how, in the timespan of seven decades, psychedelic substances went from carrying a remarkable medical promise to being castigated and banned through strict laws. Today, and fuelled by recent, promising findings from psychedelic research, pro-psychedelic representatives are once again demanding a reassessment of psychedelics and thereby challenging the persisting prohibition.

Section 2 analyses the form of political governance at play in the struggle around the prohibitions. I propose, that the psychedelic regulations constitute a complex bio-, psycho- and neuropolitical intervention into the somatic, psychological, and neurochemical life of citizens. The section concludes, how the debate around the regulations must be understood as a political power struggle, between citizens and states, over the autonomy of own states of consciousness and the right to *cognitive liberty*, understood as the right to alter and control both mental processes and content.

Section 3 discusses how actors of the pro-psychedelic reform movement contest the

psychedelic regulations by questioning three underlying assumptions— concerning the medical, social, and epistemic value of psychedelics—that have been used to justify or rationalize the prohibition. The section discusses these assumptions in the light of relevant scientific research results on psychedelics.

1. A history of the regulation of psychedelics

We are in the midst of a scientific “psychedelic renaissance” (Sessa 2012) – a revival and development of the large body of research, on the medical and therapeutic promise of psychedelics, published between the late 1940s and early 70s. This renaissance of psychedelic research has occurred after a 30-year hiatus of almost complete halt, predominantly caused by a connotative U-turn throughout the 1960s (Gardner et al. 2019). In this period, the scientific optimism around the potentials of psychedelics was abruptly delegitimized because of a broader public unease and moral panic towards the 60s countercultural youth rebellion. Psychedelics were accused of being the “mind-destroying” trigger (Davidson 1967) of the emancipatory politics and supposedly promiscuous conduct of the anti-establishment, and the usage of and scientific research on these substances were thus taken hostage in a broader societal conflict. An overshadowing drug scare around psychedelics took hold – a moral panic with drugs as the villain (Giffort 2020:105). States across the western world rapidly began to criminalize psychedelics, the media joined the condemnation with heavily biased coverage, making the exception of harmful bad trips and adverse reactions, such as lasting psychosis and violent behaviour, seem like the rule (Siff 2015), and the psychedelic user group was scapegoated as hedonistic anti-socials principally responsible for societal disruption. As a result, psychedelics went from being perceived as a propitious scientific tool against mental afflictions to a dangerous substance causing abusive, anti-social conduct and serious corrosion to societal, axiological, and political order – an attitude which by large hardened during the remainder of the 20th century (Giffort 2020).

Today, the heavy juridical regulations, instated in 70s, criminalizing all use, cultivation, and distribution of psychedelic compounds, remain practically unaltered. Psychedelics are still listed as Schedule 1 drugs in most western countries, that is, as the most restrictively regulated category of drugs with “no accepted medicinal value and high potential for abuse”

(DEA 2021).

It seems, however, like psychedelics are once again undergoing a “semantic drift” (Steinhardt & Noorani 2020ab). The number of people seeking the psychedelic experience, and new scientific evidence depicting these substances as promising tools against an impending mental health epidemic are currently mushrooming (ibid.; Reiff et al. 2020). Around the globe, a psychedelic reform movement is mobilizing, demanding a rescheduling or a removal of the regulations altogether. Already, there have been several successful political campaigns for the decriminalization of psychedelic treatment, research, and/or personal use (Rucker et al. 2020), and at the time of writing more than 180 local psychedelic communities are working with aims such as to “re-instate the public understanding of and access to psychedelics” or to “re-integrate the psychedelic experience and psychedelic substances into modern society” (Psychedelic Society UK 2021; Psykedelisk Samfund 2021; Psychedelic Community 2021). Collectively, these people are contesting the justifications behind sending psychedelics to inferno and demanding a public dialogue on their legal status.

2. The politics of the psychedelic regulations

As mentioned in the introduction, several people have framed the criminalization of psychedelics as a war on consciousness. This section explores this thesis by analyzing the governmental regulations of psychedelics as a complex form of governance. I propose that we understand the regulations through three related concepts concerning the political control over the bodies, minds, and brains of citizens, namely: *biopower* and *-politics*, *psychopower* and *-politics*, and *neuropolitics*.

2.1 Biopolitics

Dating back to the work of Michel Foucault, biopower and biopolitics have become prominent concepts in the social sciences. Foucault argues, that entering the 19th century, the sovereign rule operating through violence, coercion, law, and repression had been replaced by a new form of *biopolitical* governance, which targeted the life processes and bodies of citizens, making issues such as health, hygiene, birth, mortality, and longevity the main

objects of political intervention (Foucault 2008 [1978-9]:317). As the labor and vitality of the population came to be the main source of power and prosperity for authorities, new disciplinary strategies of governance also emerged, which operated through techniques of surveillance, regulation, and (self)examination to create productive and “docile bodies” to the industrial machinery (Foucault 1991; Foucault 1979 [1976]:138-43; Foucault 1995 [1977]:137-8).

The analysis of Rabinow and Rose (2006) provides an illuminating account of the contemporary workings of biopower. They propose that biopower depicts as special kind of governmental regulation of life, exercised in the conjunction of at least four elements: 1) one or more truth discourses about what constitutes the ‘vital’ subject, 2) a number of authorities trusted for speaking and upholding this discursive truth, 3) strategies of intervention upon the collective, social body in order to instantiate the discourse(s), and 4) modes of subjectification through which individuals are expected to create themselves as vital subjects in accord with the discourse(s) (ibid.:197).

Leaning on their work, I suggest, that the state-imposed psychedelic regulations can be seen as a biopolitical intervention. It constitutes a management and regulation of biological life through: i) certain truth discourses about the disruptive properties of psychedelics for the docility, vitality, and productivity of the individual and social body, ii) a range of strategies and authorities (such as educational programs, legislations, medical institutions, and prisons) exercising power to enforce the discourse, and iii) processes of subjectivation in which citizens strive to become effective and good citizens by abstaining from psychedelic use.

In order to further clarify the political practice at play in the enforcement of the psychedelic regulations, the more recent elaborations of the biopolitical framework – psychopolitics and neuropolitics – appear fruitful. Let me outline both respectively.

2.2 Psychopolitics

The concepts of psychopolitics and -power are based on the thoughts of Foucault, and developed with the intent to better grasp the working of politics in the 21st century (Landázuri 2019; Van Camp 2012; Han 2015, 2017). Complementary to the biopolitical control of living bodies, psychopolitics depicts a disciplinary regulation in which the mental life of citizens are turned into objects of political, economic, and cultural penetration.

Bernard Stiegler provides a particularly comprehensive account of the psychopolitical

framework (2010, 2014). Stiegler introduces the notion of psychopower to designate how contemporary marketing strategies, the rise of consumerism, and digital technologies all work as forceful power technologies, that exercise control over citizens through the manufacture of desires and the systematic capture, monopolization, and penetration of attention (Stiegler 2010:182). Today, Stiegler argues, the disciplinary control of biopolitical regimes (targeting the vitality and productivity of the population) has become secondary to a psychic control, exercised via culture and the market, targeting the consumption and purchasing power of the population (ibid.:126-8). A psychopolitical intervention can thus be summarized as a specific form of control and modulation of consciousness that targets psychic functions and manufactures unconscious desires.

Based on this definition, the psychedelic regulations can furthermore be seen as a psychopolitical form of governance. The regulations target the cognitive activity, beliefs, desires, and attitudes of citizens through attention capture, cognitive penetration, and didactic information distribution. By way of example, the cultural, sociopolitical stigma around psychedelics and the historically biased media depiction has propagated these compounds as highly psychologically and socially dangerous, thereby instilling fear and moral panic into the unconscious. The psycho-power of the psychedelic regulations is thus both exercised through state-driven disciplinary, prohibitive technologies such as laws and educational programs, and through psychic power technologies such as biased information distribution, social scapegoating, and stereotypization of the irresponsible drug-user via culture, media, and the market. Nonetheless, despite the utility of this framework for understanding the regulations as a form of mind-control, it falls short in explaining some of the neurobiological aspects of the prohibition.

2.3 Neuropolitics

In this respect, the concept of neuropolitics appears helpful. Constituting another elaboration of Foucault's biopolitical framework, neuropolitics specifies a particular manifestation of power technologies, which occurred in the wake of the proclaimed Decade of the Brain of the 1990s, and which targets the cerebral functions and neurochemistry of citizens through e.g. mood stabilizers, stimulants, and SSRIs (Rose 2007; Martinez-Hernaez 2020). Its emergence is tightly connected with recent advancements in neuroscience, neuropharmacology, and neurotechnologies such as PET, EEG, and fMRI (Rose & Abi-Rached 2014). Collectively

this has led to an increased ‘cerebralization’ of mental affliction and wellbeing, where the brain is made the explanatory locus for the mental life of humans, and the cause and cure for mental pathologies are reduced to a question of neurochemistry (Rose 2007:187-192; Martinez-Hernaez 2020:232-3). In line with the workings of bio- and psycho-power, neuropolitics operate through a hegemonic, neurochemical truth discourse about what constitutes a ‘normalized’ and vital subject, plus through a range of neuropharmacological strategies of intervention to instantiate this ‘truth’ (Rose 2007:222). The main object of the neuropolitical intervention is thus the neurobiological basis of the self’s workings – its cognition, mood, and emotions – through a reengineering of brain chemistry.

Seeing that the governmental regulation of psychedelics targets the legal latitude of the citizen’s neurochemical infrastructure and controls her cognitive activity by prohibiting the neural correlate of the psychedelic state, I find that the regulations are also a neuropolitical form of governance. Furthermore, seeing that states allow and sometimes even encourage the neurochemical changes caused by e.g. coffee, sugar, alcohol, tobacco, SSRIs, and mood stabilizers, the psychedelic regulations can equally be interpreted as a hegemonic evaluation of the utility of mental states, and a discursively instantiated truth-claim on what constitutes a normal, good, or pathological brain chemistry.

2.4 A struggle over cognitive liberty

Interestingly, the above conceptualization, of the governmental regulations of psychedelics as a biopolitical intervention with both psycho-, and neuropolitical dimensions that simultaneously targets the bodies, minds, and brains of citizens, corresponds with how pro-psychedelic activists and researchers voice the prohibitions as politically illegitimate.

Some scholars have contested how the psychedelic regulations is a violation against the human “right to freedom of thought”, as stated in article 9 in the European Convention of Human Rights, and that the prohibition hereby interferes with the *cognitive liberty* of individuals (Richards 1986; Boire 2001; Transform 2014; Roberts 1997, 2015; Walsh 2016). According to Roberts (1997), the notion of cognitive liberty refers to the autonomous self-determination of both the processes and contents of thinking (Roberts 1997:141). Leaning on this definition, the psychedelic regulations can be seen as a curtailment of cognitive liberty, insofar as the ingestion of a psychedelic can alter both the mode of thinking and objects of thought in the individual through an alteration of brain chemistry. By violating people’s

autonomous self-determination to decide how they want to use and regulate their brain and mind (as long as it causes no harm to others), the prohibition functions as a censorship of consciousness that encourages some mental states, processes, and contents while disallowing others. This framing of the psychedelic regulations as a regulation of consciousness is further echoed in the words of Ryan Munevar, the director of the pro-psylocybin campaign Decriminalize California: "When it comes to psychedelics, we feel people should have the freedom of choice. In essence, cognitive liberty" (Reason 2020a) (see also Reason 2020b). By resisting and questioning the psychedelic regulations as an illegitimate exertion of political power that violates a basic human right to cognitive liberty, pro-psychedelic activists are not only fighting for the right to ingest psychedelics, but more fundamentally the right to decide over their own state of consciousness, mental processes, and thought content.

3. Contesting the underlying assumptions of the regulations

Apart from portraying the intervention as a violation against cognitive liberty, pro-psychedelic representatives have, more or less explicitly, contested three assumptions that the psychedelic regulations have been founded upon. In short, these three assumptions claim that psychedelics are 1) dangerous for mental and physical health and highly abusive, 2) guilty of causing social and political harm, and 3) of no epistemic value. This section proposes that all of these assumptions are deeply culturally anchored and in tension with scientific evidence.

3.1 Mental health

Drugs are supposedly regulated according to the harms, risks, and abuse they are thought to engender (DEA 2021). Therefore, the allegedly reason for listing psychedelics as the most restricted Schedule 1 (US) or A (UK), is that these compounds hold no medical value and are highly susceptible to trigger abuse and dependency. However, several scientifically based harm assessments of psychedelics have challenged this description. Psychedelics have been shown to have no adverse physical effects (Nichols 2004:134; Studerus et al. 2011) and no addictive propensity (Johnson et al. 2018). On the contrary, they have been used effectively to treat addiction of other drugs such as tobacco (Johnson et al. 2014), alcohol (Bogenschutz et al. 2015), and opioids (Schenberg et al. 2014). Furthermore, the legal drugs alcohol and

tobacco have been shown to be significantly more likely to cause both abuse, and physical and mental harm in the user than the psychedelics LSD and psilocybin (Nutt et al. 2007, 2010).

When it comes to assessing the medical value of psychedelics, we now have several studies portraying how these substances appear highly effective for treating: treatment resistant depression (Carhart-Harris et al. 2016, 2018), anxiety related to life-threatening illness (Griffiths et al. 2016; Gasser et al. 2014; Ross et al. 2016), OCD (Moreno et al. 2006), and unipolar mood disorders more generally (dos Santos et al. 2016; Rucker et al. 2016). Apart from seemingly benefiting diagnosed individuals, several studies and psychedelic practitioners also point to how psychedelics, when used in a psychologically supportive setting and with a prepared mind-set, are prone to heighten the mental health of ‘well’ people (Bourzat 2019; Schmid & Liechti 2018). The pro-psychedelic actors not only resist the claim that psychedelics impair and harm the normal functioning of the body, mind, and brain, they furthermore argue that psychedelics potentially *enhance* normal functioning.

In the light of these findings, the listing of psychedelics as Schedule 1 appears fairly misleading. It therefore seems reasonable to expect that the scheduling and regulations of psychedelics have other drivers than purely scientific assessments of their medical value, harm, and abuse potential. The following two subsections propose that the governmental regulations also rest upon two culturally motivated views concerning the social effects and epistemic value of psychedelics.

3.2 Sociality

As described in section 1, one of the justifications, behind the criminalization of psychedelics in the 70s, was that these compounds were thought to induce anti-social, hedonistic behaviour, which had a corrosive effect on communities and societal order more generally. Being associated with the anti-establishment, psychedelics were viewed as social destroyers – a discourse, which is still by and large the culturally dominant one (Letcher 2007).

However, when it comes to scientifically assessing how much social harm a drug causes on the user’s close family, community, and environment, alcohol scores higher than any other drug, while LSD and psilocybin, place themselves in the very opposite corner of the spectrum (Nutt et al. 2010; van Amsterdam et al. 2011). In fact, several studies have

proposed how high-dose psychedelic experiences can potentially facilitate *pro-social* effects by inducing lasting changes in people's beliefs, attitudes, and core personality traits, e.g. making people more altruistic (Forstmann & Sagioglou 2017), empathetic (Lerner & Lyvers 2006; van Mulukom et al. 2020), open-minded (Maclean et al. 2011; Erritzoe et al. 2018), anti-authoritarian (Lyons & Carhart-Harris 2018), pro-environmental (Kettner et al. 2019), and less inclined to perpetrate intimate partner violence and other assaults (Thiessen et al. 2018; Hendricks et al. 2018).

Based on these findings, one might therefore question the assumption that psychedelics have anti-social effects, and should be criminalized based on their social harm potential. This reasoning has also been disputed by psychedelic practitioners, who argue that taking psychedelics can in fact function as a pro-social political action – both in intention and outcome. Rather than fulfilling a hedonistic, narcissistic desire to escape the responsibilities of reality, psychedelics can be used with the intention of broadening the mind and becoming a better version of oneself for the benefit of others (Alalaho 2021; Kiyumi 2021). By way of illustration, Gail Bradbook, one of the co-founders of the planetary justice movement Extinction Rebellion, have declared that she pushed through several demanding psychedelic experiences in order to formulate the values and activist program of the group (Emerge 2019). There are several other examples of collaborations between psychedelic and social justice or ecological movements, such as the Mycological Society of San Francisco (2021), who aim to preserve mycological habitats while advocating for the decriminalization of psychedelic mushrooms, and the Sabina Project (2021), which combines psychedelic activism with a concern for indigenous communities and people-of-colour.

3.3 Epistemology

The last premise behind the governmental regulations on psychedelics, on which there seems to be substantial disagreement, is whether the ingestion of psychedelics generates any important knowledge. As argued in section 2, the regulations function as a political ban of the psychedelically induced state of consciousness. Furthermore, by prohibiting the use of psychedelics, the law either inadvertently or intentionally relegates that the mental state caused by these substances should be of so paramount value that it trumps their professed adverse individual and social effects. Contrariwise, the psychedelically effected mind-state has publically been characterized as 'psychotomimetic' (mimicking psychosis), and

‘hallucinogenic’ (distorting reality) (Cole & Katz 1964; Sundhedsstyrelsen 2006:32).

I suggest, that the reluctance against acknowledging the value of the psychedelic state can be understood by considering which ways of knowing holds authority in the struggle. Neuroanthropologist, Charles Laughlin (2013ab) has proposed that cultures separate into two categories depending on whether they encourage and incorporate knowledge obtained from e.g. dreaming, mystical experiences, and psychedelics into their worldview (these are *polyphasic* cultures), or whether they give epistemological authority to the normal waking state of consciousness for gaining self-knowledge and understanding the workings of the world (*monophasic* cultures). Applying this distinction to the governmental regulations of psychedelics, the prohibition can be said to represent a monophasic, cultural evaluation that downgrade the epistemic significance of the psychedelic state.

However, subjective testimonies from people who have had a psychedelic experience tell another story. In a study by Roland Griffiths et al. (2006, 2008), 36 psychedelic naïve subjects were administrated a high dose of psilocybin. 14 months after their psychedelic experience, more than two thirds of them rated it as being one of the five most meaningful experiences in their lives. A testimony from a psilocybin-retreat participant also depicts how the psychedelic experience can generate life-changing insights: “This has been one of the most truly transformative experiences I’ve ever undergone, enabling me to understand who I am” (Synthesis 2021). Besides, the mere number of people signing pro-psychedelic legislative proposals, partaking in psychedelic communities, and who have sought the psychedelic experience throughout human history, speak to the fact, that the altered state of consciousness induced by psychedelics, must hold some sort of worth and knowledge for human living. Rather than being epistemologically insignificant, these states seem to be noetic states of knowledge (James 1902:287) for the people experiencing them.

3.4 Impairing or improving ordinary state?

Based on the above, I suggest that the political activism of the pro-psychedelic reform movement forms an information-based resistance, which attacks the views and legitimacy of the psychedelic regulations through scientific evidence and subjective testimonies. I find, that the fight over the regulations constitutes a political power struggle between different truth-

claims on the psychological, social, and existential effects of taking a psychedelic. The underlying issues of disagreement appears to be if psychedelics *impair* ordinary consciousness and conduct by causing abuse, antisocial behaviour, and futile distortions of mind, or if they *improve* the everyday mode of being by leading to positive medical and therapeutic effects, pro-social behaviour, and revelatory, meaningful insights.

Conclusion

Section 1 provided a brief overview of the history of the psychedelic regulations and research in Western societies.

Section 2 drew on three interrelated political frameworks (bio-, psycho, and neuro-politics), in order to show how the enforcement of the psychedelic regulations constitute a complex political intervention into the bodies, minds, and brains of citizens. The section concluded, how actors of the pro-psychedelic reform movement are now contesting this intervention as an illegitimate power penetration against the human right to cognitive liberty and thereby reclaiming sovereignty over own latitude, use, and state of consciousness.

Section 3 discussed three core assumptions, on which the psychedelic regulations have relied, namely that psychedelics 1) have no medical or therapeutic value, 2) cause anti-social behaviour, and 3) holds no epistemic value. I showed how recent research and pro-psychedelic representatives are now attacking these views as flawed, pointing to how psychedelics are rather enhancing mental health, heightening social concern and caring behaviour, and inducing a valuable and noetic state of consciousness.

Overall, this paper has aimed to clarify the struggle between state and citizens on the legal status of psychedelic use. I propose that this is to be seen as a fight over cognitive liberty and that the pro-psychedelic reform movement targets both the political practice and the underlying assumptions of the psychedelic regulations.

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