

# The War on Drugs Opens a New Front

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by George C. Leef

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**T**he capacity for self-aggrandizement by government officials is boundless. Napoleon was not content just to rule over nearly all of Europe. He had to try to expand his power until he ruled all of it. Ultimately, that ambition proved to be his undoing.

For our hordes of politicians and government functionaries, however, the quest for greater authority and larger budgets rarely entails any warfare or personal danger. It only calls for the creation of new problems (or better yet, “crises”) that can supposedly be solved only by intervention. As H.L. Mencken once wrote, “The whole aim of practical politics is to keep the populace alarmed, and hence clamorous to be led to safety, by menacing it with an endless series of hobgoblins, all of them imaginary.” Dissect almost any political proposal and you will find it ultimately rests on the supposition that freedom is dangerous and that we need to have new laws, regulations, and programs to protect us from it. The War on Drugs provides an excellent example.

The War on Drugs has succeeded in stopping American citizens from using drugs with every bit as much success as Prohibition succeeded in stopping Americans from consuming alcoholic beverages, and does so with a similar cost in lives lost, promotion of violence, corruption, and waste of resources. Yet it goes on and on, demanding more money

and power to protect us from the horrors of drug use. And it too exhibits the Napoleonic impulse to fight new battles and conquer more territory. Consider, if you will, the recent statement by then-“Drug Czar” General Barry McCaffrey that there is a hitherto overlooked area of human life where the efforts of the drug warriors are needed: chess.

Yes, chess. The venerable game of analysis and strategy has been around for centuries. Organized competition goes back to the mid-nineteenth century. The few scandals that have arisen have had political roots, such as the question whether Paul Keres was ordered to “take a dive” by the Soviet government in his championship match against Mikhail Botvinnik. No one has ever suggested that there was any problem of chess players’ using drugs to gain an advantage over their rivals in the intense mental combat of chess games.

Until now.

In the September 2000 issue of *Chess Life*, McCaffrey contributed a short article, titled “Checkmate: Drug-Free in Body and Mind.” He begins by trying to draw an analogy between chess and athletic competition, then leaps to the conclusion that since various drugs are banned in athletics, they should also be banned in chess tournaments.

He writes:

Even long-distance running involves some of the principles sharpened in chess—from defensive maneuvers and offensive moves to opening positions,

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middle-games, and endgames. Front running, for instance, at the beginning of a race may hurt a competitor by preventing surges of energy near the finish line. Like rooks, pawns, and other chessmen, runners jockey for position and labor to avoid being boxed in. Because mind and body are intricately connected, psychoactive substances should be banned from chess tournaments as they are from basketball, weightlifting, and other events played singly or in teams.

To begin with, McCaffrey's analogy is pretty silly. True, some sports involve an element of strategy (although it is hard to see how weightlifting can be among them), but it scarcely follows that the rules that various athletic associations have adopted for themselves are necessarily sensible or appropriate in chess. The fact that if you play badly your pieces might get "boxed in" like a runner in a pack in no way demonstrates the need for "substance control" in chess. The fact is that human beings can make strategic misjudgments in any field of endeavor, but that does not prove the need for universal "substance control" rules, much as that might appeal to General McCaffrey.

Moreover, it is impossible to see from McCaffrey's article just what the problem is. For years, people have been told that all those illegal drugs are harmful to the user, both physically and mentally. Who hasn't seen the "This is your brain. This is your brain on drugs" ads? Are we now to believe that some chess players have found out that it actually helps them to go into a game under the influence of some drug? There isn't any evidence for that, and it flies in the face of common sense. Chess is a cerebral game and the very last thing a player would want is to warp his thinking.

Or is McCaffrey not talking about drugs in the usual sense here at all? Author Paul Krassner, in a *Los Angeles Times* op-ed, wrote, "Meanwhile [McCaffrey] will continue his crusade not only against illegal substances but perhaps also against certain herbal food supplements with a reputation for aiding memory and concentration. Who would ever dream that

chess players could get in trouble for using ginkgo biloba as a performance enhancer?"

That may indeed be it—the ex-Drug Czar wants to ban and test for perfectly legal products that might, somehow, give one competitor an "unfair advantage" over another. Doing so would not only give the Drug War something new to do, but would also be entirely consistent with the egalitarianism of interventionists.

The notion that government has an obligation to ensure a "level playing field" in everything from business to sports is well entrenched in America, and McCaffrey evidently intends to capitalize on it. He continues, "Drugs not only endanger the health of athletes, but also obstruct the level playing field where training and talent are the true competitors." Now, there is no evidence that chess players use steroids, opiates, or amphetamines (drugs for which the Spanish Chess Federation requires urine tests, much to McCaffrey's delight), much less that those substances confer any "unfair advantage"—but let's start testing anyway!

McCaffrey's suggestion elicited storms of protest from chess aficionados. The letters to the editor section of *Chess Life* boiled with outrage. Dutch grandmaster Hans Ree wrote, "Drug testing in chess is a perfect example of officialdom creating a problem that didn't exist before their intervention." Former *Chess Life* magazine editor Larry Parr said, "A search warrant is needed to enter your house, but not your body. The rush to turn chess, which is basically a minor art, into a sport infested with body police is disgusting." An anonymous writer said that "The need politicians have to regulate everything is absolutely out of control. What can we do to stop the political agenda of these blubbing, fascist lunatics?"

## A Modest Proposal

In the spirit of Jonathan Swift, here is a modest proposal that ought to make our prohibitionists and egalitarians happy. Instead of allowing chess players (and competitors in other activities, too) the freedom to choose what to consume and then subjecting them to possibly unreliable tests, why don't we instead

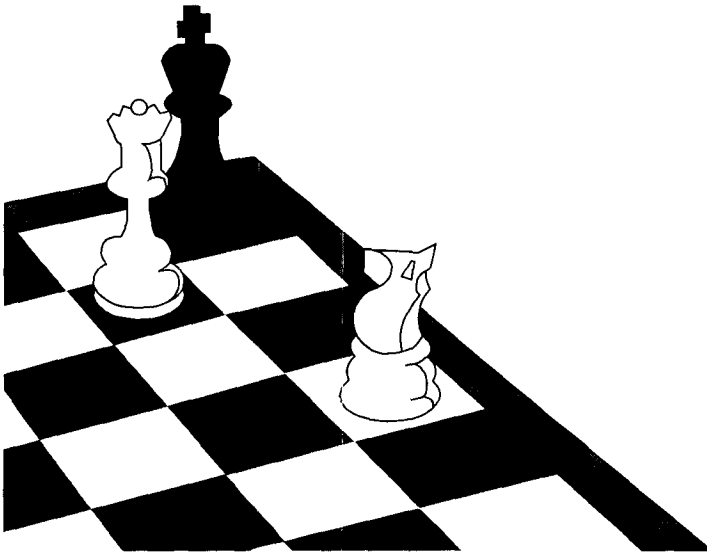
mandate a uniform diet of healthful, organically grown, and politically inoffensive food for all, and forbid the consumption of anything else? Imagine the gains in fairness. No competitor could get an unfair advantage by consuming anything that might "enhance" his performance! Imagine also the wonderful employment opportunities for new government officials, checking incessantly to make sure that no would-be competitor was sneaking a prohibited chocolate bar, cup of coffee, or ginkgo tablet. Not only would we bring that vital level playing field to chess (and bridge, shuffleboard, darts . . .), we would stimulate the economy at the same time.

What's that you say? "What about free-

dom?" Well, as you all know, freedom can't be absolute. It must not get in the way of the collective good. We can't allow such an old-fashioned abstract notion as that to thwart progress against the scourge of "illicit substances." Why, that would be as bad as boxing in our pawns and rooks.

Of course very few people would be willing to submit to the dietary controls, and that would put an end to legal chess tournaments, driving them into back alleys or onto the Internet. But rest assured that the new Drug Czar will trumpet the need to root out all such unauthorized competitions.

The work of those who insist on meddling in the affairs of others is never done. □



# The Perils of Positive Rights

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by Tibor R. Machan

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One of the most powerful ideas opposed to the free society is a notion political philosophers call “positive rights.”

Sounds good, doesn’t it? What could be wrong with being *positive*? Sounds like something out of Anthony Robbins or Norman Vincent Peale.

But this is another case of all-too-successful linguistic legerdemain, like that which overtook the venerable concept of “liberalism.” It is the kind of alchemy that turns gold to lead. “Liberalism” used to specify a political philosophy favorable to individual rights and freedom. Now, in today’s lingo, it means mostly the opposite: an ideology prescribing the systematic violation of liberty for the sake of redistributing wealth and otherwise engineering society. (To be sure, the new liberalism includes a sub-clause stipulating that people may at least enjoy the sexual and other non-economic freedoms distinctive to one’s chosen “lifestyle.” But even these allowances are more and more falling victim to the logic of this liberalism’s command-and-control statism—as when “liberals” and conservatives team up to urge censorship of sexually explicit fiction.)

Just as the new “liberalism” is fake liberalism, so the new “positive rights” are fake rights. In each case, the heart of a valid principle has been gutted.

Natural rights—or, as they have been un-euphoniously dubbed, “negative rights”—pertain to freedom from the uninvited interventions of others. Respect for negative rights requires merely that we abstain from pushing one another around. Positive rights, by contrast, require that we be provided with goods or services at the expense of other persons, which can only be accomplished by systematic coercion. This idea is also known as the doctrine of entitlements; that is, some people are said to be entitled to that which is earned by other people.

“Positive rights” trump freedom. According to this doctrine, human beings by nature owe, as a matter of *enforceable obligation*, part or even all of their lives to other persons. Generosity and charity thus cannot be left to individual conscience.<sup>1</sup> If people have such positive rights, no one can be justified in refusing service to others; one may be conscripted to serve regardless of one’s own choices and goals.

If positive rights are valid, then negative rights cannot be, for the two are mutually contradictory. So the question is: which concept is the more plausible in the context of human nature, of how the issue of rights arose, and of the requirements of surviving and flourishing in a human community?

America’s political system was founded on a theory of human rights sketched in the Declaration of Independence. The theory had been most fully developed by the seventeenth-century English philosopher John Locke. It

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