

## Drug Legalization

**The Prohibitionist position:** Prohibitionists often argue that drugs should be illegal because of the following reasons:

- Drug use is harmful to the drug-users.
- Drug use is harmful to other people around the drug-users.

The argument for this position may be stated as the following:

1. Drug use is very harmful (to both the drug users and others).
2. The government should prohibit people from doing things that are very harmful.
3. Therefore, the government should prohibit drug use.

**The Legalizer's position:** One might reject this argument in one of the following ways:

- Reject premise 1: Drug use is not really as harmful as Prohibitionists claim.
- Reject premise 2: Criminalizing drugs violates one of our basic liberties (e.g., the right to control our own bodies).
- Accept the argument in principle, but argue that it would never work in practice: Criminalizing drugs is unproductive and unsuccessful.

Mike Huemer's article focuses on rejecting premise 2. It just does not seem TRUE that the government should prohibit all things that are very harmful to people. LOTS of things are often harmful to people, and yet we do not think that the government should outlaw them; for instance, smoking tobacco, eating fast food, riding motorcycles, moving to New Jersey, and maxing out credit cards.

**The debate:** The Prohibitionist may reply to this objection in the following ways:

Reply #1: The list of things just given are only harmful to the one who does them, but drugs harm OTHER people as well as the drug-user.

Rebuttal: What if someone stops communicating with their friends and family, pushing them all away, insulting them and forgetting them? Being a rude and inconsiderate person harms others. But, should being rude and inconsiderate be illegal? Should we put rude people in jail? If we should not put people in jail for actually BEING rude (which DOES harm others), then why should we put people in jail for doing something (i.e., drugs) that only MIGHT result in others being harmed?

Reply #2: Yes, but drugs are MORE harmful than any of the things listed above. Not only is drug use (1) more harmful to the user, it is also (2) more harmful to others. For instance, being rude never killed anyone, but drug users sometimes kill people.

Rebuttal: This is completely false. For instance, tobacco-use makes one about 6 times more likely to die than drug-use does; alcohol also leads to FAR more harm to others than drugs (e.g., due to drunk driving).

Reply #3: Yes, but drugs harm people in very specific, horrible ways. Drugs pose health risks, and even danger of death.

Rebuttal: Again, so do LOTS of things; e.g., tobacco, fatty foods, etc.

Reply #4: But, drug use ALSO damages the user's financial life.

Rebuttal: Similar to the reply to #1. We do not think that we should put someone in jail for throwing all of their money away on frivolous things and making poor financial decisions. So, why should we think we should put someone in jail for doing something that merely MIGHT result in a person doing this?

Reply #5: Some drugs destroy people's humanity and totally debase them.

Rebuttal: First, this needs to be supported with empirical evidence. Second, what if someone becomes a complete jerk and totally debases themselves by caring only for their own welfare and not caring about anyone else? Should we put them in jail? If not, then we should not put someone in jail for doing something that merely MIGHT result in a person doing this.

**Conclusion:** Drug laws are not justified. People have a basic right to control their own bodies, and criminalizing drugs violates this right. Drug use is a paradigm example of exercising a right to one's own body: Drugs merely alter one's internal mental state and nothing more. Ultimately, putting people in jail for using drugs is as wrong as slavery, since it restricts the liberty of people without justification.

**Further Speculation:** Still, isn't there SOMETHING about drugs—especially very hard drugs—that differs from Huemer's examples? For instance:

- (1) Addictiveness: Hard drugs (e.g., meth, heroin, crack) can be incredibly **addictive**. For instance, about 90% of heroin addicts relapse after getting off of the drug. With only one use, certain drugs might completely remove one's autonomy, such that the user no longer has the willpower to stop using. The addict might even WISH they had never used in the first place, but cannot bring herself to stop. Does this difference justify a paternalistic prohibition?
- (2) Severe, Instant Harm: While, e.g., tobacco and fatty foods do cause many deaths but remains legal, Huemer fails to mention other instances of deadly activities that we generally DO believe ought to be prohibited by law—e.g., seatbelt laws, motorcycle helmet laws, etc.

Perhaps the difference is that the harm caused by not wearing a seatbelt is not only deadly, but **instantaneous**? Contrary to what Huemer claims, perhaps some drugs ARE far more harmful than, e.g., tobacco, AND furthermore the harm can be both deadly and instantaneous? It is difficult to find statistics, but in one study, about a quarter of all heroin addicts studied over 3 decades had died of a drug overdose. Should we examine each drug on a case by case basis, and prohibit at least those which have these features?

- (3) Restricting Body vs. Commodity: Does it matter, morally, that being a jerk is something one does with what one already has? For instance, if we made being a jerk illegal, we would be restricting your use of your body. Huemer claims that restricting drugs constitutes a similar restriction, but does it? Prohibiting drugs only removes a dangerous **item** from the marketplace. You can still do whatever you want with your own body—you just cannot purchase a certain item to put INTO your body. Sometimes, perhaps an item is so dangerous, that it should not be sold. For instance, grenades cannot legally be purchased. While it is true that grenades are an item that potentially cause severe harm to OTHERS, consider this question: Should, e.g., suicide capsules be readily available for purchase? Or pills that instantly and completely removes one's autonomy? [What do you think?]