



Critique of Arguments on Legalizing Drugs

Thomas W. Smythe

Retired Associate Professor of Philosophy North Carolina Central University

ABSTRACT

This is a critical examination of the arguments given by one author for us all to adopt a policy of making all drugs legal. The author argues that a government has no business prohibiting people from using harmful drugs. We try to show that the arguments are either unconvincing or unconvincing. The method we use is to state and evaluate arguments for legalizing all drugs.

KEYWORDS

Drugs; Heroin; Crack; Cocaine

1. INTRODUCTION

Michael Huemer has advocated calling off the war on drugs. [1] This paper will not take a position on this issue. The author mentioned above, has given some philosophical arguments to show that the government has no business prohibiting people from prohibiting people from using harmful drugs. This paper critiques the arguments and suggests an example to illustrate how we should punish those who destroy lives.

The author takes on those who argue that drug use is extremely harmful to both the drug user and to society, concluding that no drugs should be outlawed or prohibited. To begin with, we sympathize with the author in holding that freedom from government constraints is presumptively preferable, *ceteris paribus*, and that the burden of proof is on the government to make its case against using drugs. The government must show that it is harmful to the user, and to others affected by the user. We will not attempt to discuss this general contention here. Instead, we will concentrate on the arguments the author gives against the obvious harms that drugs do to both the user and those affected by the user.

First, a caveat. If we are going to argue about the legality of taking drugs we need to specify the drugs in question and the specific conditions under which they are taken. It is generally believed that crack, cocaine, and heroine do more harm to people than marijuana. This paper confines itself to the three drugs just mentioned.

It is important to note that my objections to the author's arguments depend on citing some facts that we regard as common knowledge without citing references or research in the social sciences. It is well known that crack and cocaine can kill the user, or incite the user to harm or kill others. The purpose of this paper is to present facts that rebut the arguments given in Huemer's article.

2. HUEMER'S ARGUMENTS

The first argument the author tries to refute is that illicit drugs worsen one's health, often risking death. Since this is bad for the user, drugs should be outlawed. The author counters this by saying that many other activities—such as consumption of alcohol, tobacco, fatty foods, and driving cars—entail health risks, yet no one thinks they should be criminalized. (251)

This counter assumes that these other activities are somehow comparable in harm to people as taking these drugs. In cases of crack, cocaine, and heroin the comparison is weak. It is common knowledge that such drugs are far more addictive than any of the above mentioned activities, and are more likely to result in greater harm or death to the user. Hence, the

comparison is a weak one. The three drugs we considered are more like abusing alcohol, chain smoking, and driving recklessly. But they are even worse, since premature death and tremendous suffering are very likely. Moreover, alcohol, tobacco, and driving do not often lead to further crimes to support the addictions.

The second argument the author considers is that taking drugs "may" damage one's relationships with others, such as family, friends, and spouses, thereby preventing the satisfaction of personal relationships. Since this is bad, drugs should be illegal. The author counters this by pointing out that one may decide to break up with their girlfriend, stop talking to their family, and push away all their friends just because they feel like it. Surely, the says, we should not be put in jail for such actions.

The author adds that taking these drugs only has a "chance" of bringing about similar results. Since this is an "indirect" result of using drugs, it shouldn't be punished.

In reply to this let us consider what happens when people take crack, cocaine, and heroine. Mothers on crack tend to abuse and abandon their children. Fathers on crack often kill drug dealers and possessors as well as their own family members. This happens frequently, and is not "indirect" or a matter of "chance." Such drugs are known to cause criminal behavior relatively frequently. This may not be true of all drugs, but we are considering specific types of hard core drugs. That is precisely why such drugs are considered dangerous, and why they are outlawed. Dr. Frank Gawin at Yale and Dr. Everett Elingwood at Duke report that a high percentage of high dose crack users become uninhibited, impulsive, hypersexual, compulsive, irritable, and hyperactive. Their moods vacillate dramatically, often leading to violence and homicide. We lose more people per year to hard drugs than we do to traffic accidents. All of this is well known.

Now we come to what we can regard as the central argument of the author that is much like the second one. It comes in the section on Drugs and Harm to others. The author asks us to consider a hypothetical citizen, call him P. The author asks us to suppose that P does not like freedom or personal

responsibility. Instead he embraces a totalitarian ideology and denies free will. P constantly blames others for his problems, is a terrible student and worker, hardly ever studies, and gets poor grades. He comes to work late, takes no pride in his work, is inattentive and inconsiderate as a spouse and parent, contributes nothing to the community, and lies around the house watching television and cursing the rest of the world

for his problems.

About this the author says this behavior is mostly "voluntary." I will not say anything about the apparent contradiction the author has with his stipulation that P renounces free will and personal responsibility. We can agree that this is clearly socio-pathological behavior. One place where we take issue with the author is where it was pointed out that there is much more than "chance" that such hard core drugs as crack, cocaine, and heroin will produce such behavior and even worse. Such drugs are known to cause physical and mental abuses and killings of other people, as well as great suffering and premature death to the user.

But here is the main criticism. Consider the following argument. Suppose P is about to shoot somebody with P's gun. We argue that we cannot put P in jail for doing so because there is a hypothetical person Q who may take a gun and aim it at himself. Since we would not arrest Q and incarcerate him for shooting himself, we should not outlaw P from aiming the gun at anyone else. Not only that, if P shoots someone with a "chance" that the victim will suffer or die. Perhaps we can make it more "indirect" by stipulating that P aims at someone with a bow and arrow. It was already stated that taking hardcore drugs like crack, cocaine, and heroin causes great suffering and premature death. After all, P could decide to take a bow and arrow and aim it at himself, and that surely would not be illegal. Elsewhere the author says "if there is anything one would have a right to, it would be one's own body." (255) The author also says there is a principle we can all agree on: "it is unjust for a state to punish people without having a good reason for doing so." (254) It seems that causing severe suffering that hurts people for no reason other than getting some money, and causing premature death qualify as good reasons

3. THE PILL EXAMPLE

Let us finish by considering an example. Suppose one gives a pill to a person named Jim that causes him to beat his wife and children, become an academic dropout, causes him to eventually to lose his job, to constantly abuse other people, and to become a general sociopath. Have we not caused Jim and others to suffer needlessly? Shouldn't be illegal to do this to Jim and his family?

Now suppose that Jim voluntarily takes the pill not knowing what it will do to him. Shouldn't be illegal for me to supply him with such a pill? Or suppose Jim takes the pill anyway with full knowledge of the consequences for his life, and the effect he will have on the well being of others. Shouldn't it be illegal for him to do so? Shouldn't I be liable for supplying the pill to him? Unlike the author, it seems that it should be illegal and punishable to do that to yourself or another person.

We conclude that the type of argument this author gives against the illegality of certain drugs is defective. We remind the reader that we am not taking a stand either for or against the legalization of drugs in general. Instead, the paper points out some flawed arguments on the part of one author.

REFERENCE

- [1] Michael Huemer, "America's Unjust Drug War," in Bill Masters, *The New Prohibition*, Accurate Press, 2004. Reprinted in James Rachels and Stuart Rachels, editors, *The Right Thing To Do: Basic Readings in Moral Philosophy*, 4th edition, McGraw-Hill, 2007, pp. 248-361. Page references are in the reprinted version.