

Should Drugs be Legalized? ©

By Connie J. Schlosberg

“Everything is about getting high,” a former cocaine addict describes the compulsion that quickly draws even the most responsible user into irresponsible behavior. “Any means necessary to get there becomes rational including those things that are totally against everything you have ever believed in.” The movie, *Requiem for a Dream*, exposes four paralleled individuals and their menacing addiction to heroin, cocaine and diet pills. Taking place in Brooklyn amidst waning Coney Island, the drugs are very easily obtained and keep each main character in its cycle of dependence. The protagonist Harry Goldfarb is a heroin junky with an ambitious plan of “getting off hard knocks,” with help from his cocaine addicted girlfriend Marion and his long-time friend Tyrone. Meanwhile his widowed mother is obsessed with the glamour of television and eventually finds her way to a dietitian who pushes her into the cycle of drug induced enslavement. All of the characters in the movie hold on to memories of better times and long for meaningful connection with others. These, along with the fantastic dream worlds and delusions they gradually withdraw into, are violently and jarringly shattered in the film's denouement by the bleak and brutal reality of their present circumstances. In the DVD commentary, Darren Aronofsky stresses the idea that by choosing to escape reality with denial and delusion, the characters are only destroying themselves further. The hopes they have for connection with each other and with their happier pasts give way as they are separated and subjected against their wills to indifferent and exploitative treatment at the hands of strangers.

In this essay, I will defend the criminalization of narcotics showing that John Stuart Mill's "harm principle," derived from his dissertation *On Liberty*, does not apply to proponents' reasoning that narcotics should be legalized. His harm principle claims that one should not interfere with other people's lives unless those people are doing harm to others. I will also show how negative rights, which include the right to life, liberty and property, do not entitle drug users to infringe upon other people's rights by justifying their own. The final part of the essay deals with a logical conclusion developed by the first two parts, which discerns that the war against drugs has no winners and that everybody involved is a victim, whether drugs remain legal or not.

The philosophy behind drug prohibition is to interfere with the production and distribution of a substance to the extent that the cost to the end user exceeds the value of the product, resulting in a widespread discontinuation of use. It also relies upon fear of reprisals and obedience to legal statutes in order to discourage use. The war on drugs is an initiative undertaken by the United States Government with the assistance of participating countries, which is intended to curb supply and diminish demand for certain psychoactive substances. This initiative is responsible for a set of laws and policies that are intended to discourage the production, distribution and consumption of targeted substances.

In the last ten years, the United States has become crowded with illegal drugs. The government has not been able to stop the flow even with tough laws and strong hyperbole. Some have called for the decriminalization of illicit narcotics. In 2005, the

Drug Enforcement Agency (DEA) seized a reported \$1.4 billion in drug trade related assets and \$477 million worth of drugs. However, according to the White House's Office of Drug Control Policy, the total value of all of the drugs sold in the United States is as much as \$64 billion a year, making the DEA's efforts to intercept the flow of drugs into and within the U.S. less than one percent effective. Defenders of the agency's performance record argue that the DEA has had a positive effect beyond their relatively small annual seizures by placing pressure on traffickers and raising prices for consumers. Thus, it may reduce the affordability of drugs. Critics of this theory point out that demand for illegal drugs shows little price sensitivity; the people who are buying these drugs will continue to buy them with little regard to price, often turning to crime to support expensive drug habits when the drug prices rise.

Legalization supporters proclaim police have devoted much of their time to identifying and arresting possibly harmless drug abusers, since President Reagan began his war on drugs. Because of the focus on drugs, Americans now incarcerates a higher percentage of its population than any other country in the world – over 1 out of ever 100 adults. About sixty percent of federal prisoners were incarcerated for drug offenses. Regulating “victimless” crimes would increase individual liberty without substantially decreasing the rights or interests of others. Legalization would free policemen to concentrate on real crimes like assault, rape and murder. “It is the high price of drugs that leads addicts to robbery, murder and other crimes,” states Ira Glasser, Executive Director of the American Civil Liberties Union. The Cato Institute (a

non-profit public policy research foundation headquartered in Washington, D.C.) concludes: “Most, if not all, drug-related murders are the result of drug prohibition.”

The main arguments for legalization include:

1. **Legalization will take profit out of drugs.** The Libertarian party believes this result will be the end of criminal drug pushers and foreign drug “wholesalers” who will be forced to engage in other enterprises because no one will need to make dangerous trips to his local pusher.
2. **Legalization will eliminate the black market.** Supports for decriminalization of drugs state that the legal prohibition of narcotics verifiably increases the price of drugs. Importers can purchase a kilogram of heroin for \$10,000 but by the time it passes through several middlemen, its street value can escalate to \$1,000,000. These profits can't help by attract major criminal entrepreneurs willing to take risks by keeping their product in the American market.
3. **Legalization will dramatically reduce crime.** The American Civil Liberties Union claims that the high price of drugs leads addicts to robbery, murder and various other crimes. When alcohol prohibition began, crime rates began to rise. It kept rising until prohibition ended, at which point it began to fall. It continued to fall until the '60s, when Nixon stepped in, at which point crime rates began once again to rise.
4. **Drug use should be legal since users only harm themselves.** This theory brings in Mill's harm principle. No government has the authority to tell its citizens what they can and can't put into their own bodies.

Legalization opponents argue that physically addictive substances should be tightly controlled. A person can use crack or methamphetamines once and become addicted for life. Opponents ask, even if it is legalized, what type of life are we legalizing for that person? It would be a life of constantly needing their “fix” and would render them non-functional. Most of them would not be able to hold legitimate jobs, forcing taxpayers to foot the bill to support them. According to Ms. Anjna Beri, a drug counselor in Southeastern Pennsylvania, we need to continue making it difficult for people to obtain drugs. She said, “I don’t think I look at them as victims. In many cases, they are simply self-medicating themselves to ease the problems associated with a mental illness that is undiagnosed such as depression or bipolar disorder. A large percentage of individuals entering drug treatment are diagnosed with some type of mental illness and are treated for that condition.” Drug addicts are only victims of poor choices. Here are the opponents of legalization response to supporters.

1. **Legalization will take the profit out of the drugs.** Legalizers stress that the price of drugs will fall and that taxes from the sale of these drugs will be used for drug education and treatment programs. However, this tax would only allow the government to share the drug profits now taken by criminals. Criminals would only undercut the official price and still make enormous profits.
2. **Legalization will eliminate the black market.** Most proponents for legalizing drugs think some drugs, such as PCP and crack, are too dangerous to authorize as legal. Thus, criminals will provide what the government will not. Children will obviously be barred from purchasing legal drugs. Who is to say that pushers won’t continue to

market to this crowd? Any drug education our children receive will be futile if they witness older siblings and parents buying drugs via their local drugstore.

3. **Legalization will dramatically reduce crime.** The DEA reports that crime rates are highest where crack is cheapest. The fact is that under the influence of drugs, normal people do not act normally, and abnormal people become horrifically worse. Children are among the most frequent victims of violent, drug-related crimes that have nothing to do with the cost of drugs.

4. **Drug use should be legal since users only harm themselves.** Those who believe this should stand beside the doctor as he counts numerous bullet wounds in the mutilated corpse of a three year old who happened to get in the way of his mother's drug-induced boyfriend. They should visit the babies abandoned by cocaine-addicted mothers. These infants are born with horrific addictions already inside their tiny bodies. They should console the devastated relatives of the nun who worked in a homeless shelter and was stabbed to death by a crack addict enraged that she would not help provide him with a fix.

In *On Liberty*, John Stuart Mill's harm principle argues that the purpose of law is to stop people from harming others. If people want to participate in victimless crimes, this is their business. Mill's fundamental principle of liberty is a person should be allowed to do whatever he desires until he reasonably and substantially harms another or intentionally creates a situation with a reasonable likelihood of harming another. Mill wrote "The sole end for which mankind is warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. The only

purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others...Over himself, over his own body and mind, the individual is sovereign.”

Proponents for drug legalization utilize the harm principle to their advantage. Mill's harm principle gives them moral authority to create and enforce legislation that is not based on positive freedom or religious laws. To them, it is indisputable that we arrest and incarcerate a vast number of persons for “victimless” crimes that do not harm anyone but the offender. Their genuine belief is criminalizing illicit drugs is the government's way of forcing people to live “healthy” lifestyles.

Do drug addicts only harm themselves? Responsible users can become compulsive with their habit to the point of irresponsible behavior. As the former cocaine addict mentioned in the beginning of this essay, their goals in life are all about the next high and using any means necessary to get it. They will rationalize that lying and stealing is valid to obtain that next high. Webster's dictionary defines harm as physical injury or mental damage. How can we not say that drug addicts are not harming themselves? Drug abuse causes individuals to have dehumanizing, destructive behavior which is both harmful physically and mentally. They are not capable of making rational choices. They have no autonomy. Their alleged “victimless” crime causes a burden on our health care system not to mention public safety on our roads.

Eighteen century philosopher, Immanuel Kant's principle is often used to justify both a fundamental moral right, the right to freely choose for oneself, and also rights related to this fundamental right. These rights are grouped into two categories known as

negative and positive rights. Under the theory of positive and negative rights, a negative right is a right not to be subjected to an action of another human being, or group of people, such as a state, usually in the form of abuse. A positive right is a right to be provided with something through the action of another person or the state. In theory, a negative right proscribes certain actions, while a positive right requires certain actions. For example, a right to an education is considered a positive right because education must be provided by a series of 'positive' actions by others. School buildings, teachers and materials must be actively provided in order for such a right to be fulfilled. On the other hand, the right to be secure in one's home is considered a negative right. For in order for it to be fulfilled, others need not take any particular action, but simply refrain from certain actions, specifically trespassing. Our constitution, of course, includes negative rights. Positive rights are guaranteed by other laws and provide us with publicly funded programs such as education, health care, social security and unemployment benefits.

Whenever we are faced with a moral dilemma, we need to consider whether the action would respect the basic rights of each of the individuals involved. Would this action affect the basic well-being of said individuals? How about the affect of negative or positive rights of those individuals? Would it involve manipulation or deception—either of which would undermine the right to truth that is a given personal right? Actions are wrong if they violate the rights of individuals.

Sometimes the rights of individuals will come into conflict and one has to decide which right has priority. In such a case as drug abuse and legalization, we need to

examine the freedoms at stake and decide which of the two is more crucial for maintaining human integrity. Attention to rights ensures that the freedom and well-being of each individual will be protected when others threaten that freedom or well-being. Drug addicts are not only hurting themselves but others around them. Their rights should not be the sole consideration in legalizing drugs. In this instance, the social costs and even the injustice that would result from respecting their personal rights are too great, and quite frankly, that right may need to be limited. We can't afford to respect only the rights of individuals at the expense of the community.

With the medicalization of drug abuse, good treatment programs are essential. Many addicts lie to their families to manipulate them into giving them more money, or they steal money from their own family and friends. If they have children, they are often neglectful of their children while they are using or they lose control with their children while under the influence, either emotionally or physically. They might not remember what they did to their children or other family members when they are no longer high and can't understand the anger. They certainly hurt themselves by using prostitution to get money for drugs or sharing needles with other users. This, in turn, hurts their families when they contract HIV from their drug use. Legalizing drugs raises many questions. Can they still be functional citizens and hold jobs? If not, who pays for their abuse? Who takes care of the children? By allowing this to happen, we'll simply keep the addict wrapped up in their addiction.

Society pays for this behavior in respect to destroyed families, mistrusted friends, unfulfilled careers. Despite the legalizer's argument that drug use is a matter of

“personal freedom,” our nation’s notion of liberty is rooted in the ideal of self-reliant citizenry. Our forefather’s wrote that we are entitled to the “*pursuit* of happiness.”

There is no *guaranteed* happiness. One needs to find that on his own. These people are enslaved to their habit. There are no winners in the war against drugs and drug abuse. Everyone becomes potential victims. Everyone is subjected to harm.

John Locke believed everyone is born “Tabula Rasa” - clean slate. We build our resources of knowledge from our experiences and sensory perceptions from the outside world. What we do with that knowledge is up to us.