

Drugs Uncovered:
Obs story

Tools

Text-only version

Send it to a friend


Clip

Why a high society is a free society

Drugs should be legalised - their prohibition is an intolerable intrusion into private behaviour

A C Grayling
Sunday 19 May 2002
[The Observer](#)

UP

Jobs from our site

Search executive jobs

Search all jobs

One measure of a good society is whether its individual members have the autonomy to do as they choose in respects that principally concern only them. The debate about heroin, cocaine and marijuana touches precisely on this. In my submission, a society in which such substances are legal and available is a good society not because drugs are in themselves good, but because the autonomy of those who wish to use them is respected. For other and broader reasons, many of them practical, such a society will be a better one.

I have never taken drugs other than alcohol, nicotine, caffeine and medicinal drugs. Of these, I have for many years not taken the two former. I think it is inimical to a good life to be dependent for pleasure and personal fulfilment on substances which gloss or distort reality and interfere with rationality; and yet I believe that heroin, cocaine, marijuana, ecstasy and cognates of these should be legal and available in exactly the same way as nicotine and alcohol.

In logic is no difference between legal and currently illegal drugs. Both are used for pleasure, relief from stress or anxiety, and 'holidaying' from normal life, and both are, in different degrees, dangerous to health. Given this, consistent policy must do one of two things: criminalise the use of nicotine and alcohol, in order to bring them in line with currently illegal substances; or legalise currently illegal substances under the same kinds of regime that govern nicotine and alcohol.

On civil liberties grounds the latter policy is preferable because there is no justification in a good society for policing behaviour unless, in the form of rape, murder, theft, riot or fraud, it is intrinsically damaging to the social fabric, and involves harm to unwilling third parties. Good law protects in these respects; bad law tries to coerce people into behaving according to norms chosen by people who claim to know and to do better than those for whom they legislate. But the imposition of such norms is an injustice. By all means let the disapprovers argue and exhort; giving them the power to coerce and punish as well is unacceptable.

Arguments to the effect that drugs should be kept illegal to protect children fall by the same token. On these grounds, nicotine and alcohol should be banned too. In fact there is greater danger to children from the illegality of drugs.

Almost everyone who wishes to try drugs, does so; almost everyone who wishes to make use of drugs does it irrespective of their legal status. Opponents say legalisation will lead to unrestrained use and abuse. Yet the evidence is that where laws have been relaxed there is little variation in frequency or kind of use.

The classic example is Prohibition in the USA during the 1920s. (The hysteria over alcohol extended to other drugs; heroin was made illegal in the USA in 1924, on the basis of poor research on its health risks and its alleged propensity to cause insanity and criminal behaviour.) Prohibition created a huge criminal industry. The end of Prohibition did not result in a frenzy of drinking, but did leave a much-enhanced crime problem, because the criminals turned to substances which remained illegal, and supplied them instead.

Crime destabilises society. Gangland rivalry, the use of criminal organisations to launder money, to fund terrorism and gun-running, to finance the trafficking of women and to buy political and judicial influence all destabilise the conditions for a good society far beyond such problems as could be created by private individuals' use of drugs. If drugs were legally and safely available through chemist shops, and if their use was governed by the same provisions as govern alcohol purchase and consumption, the main platform for organised crime would be removed, and thereby one large obstacle to the welfare of society.

It would also remove much petty crime, through which many users fund their habit. If addiction to drugs were treated as a medical rather than criminal matter, so that addicts could get safe, regular supplies on prescription, the crime rate would drop dramatically, as argued recently by certain police chiefs.

The safety issue is a simple one. Paracetamol is more dangerous than heroin. Taking double the standard dose of paracetamol, a non-prescription analgesic, can be dangerous. Taking double the standard medical dose of heroin (diamorphine) causes sleepiness and no lasting effects.

A good society should be able to accommodate practices which are not destructive of social bonds (in the way that theft, rape, murder and other serious crimes are), but mainly have to do with private behaviour. In fact, a good society should only interfere in private behaviour in extremis.

Until a century ago, now-criminal substances were legal and freely available. Some (opium in the form of laudanum) were widely used. Just as some people are damaged by misuse of alcohol, so a few were adversely affected by misuses of other drugs. Society as a whole was not adversely affected by the use of drugs; but it was benefited by the fact that it did not burden itself with a misjudged, unworkable and paternalistic endeavour to interfere with those who chose to use drugs.

The place of drugs in the good society is not about the drugs as such, but rather the freedom and the value to individuals and their society of openness to experimentation and alternative behaviours and lifestyles. The good society is permissive, seeking to protect third parties from harm but not presuming to order people to take this or that view about what is in their own good.

UP