

## **A liberal argument for restricting recreational drug consumption**

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*Abstract.* In this paper, I identify an argument derived from the commitments of John Rawls's liberalism for restricting the consumption of recreational drugs in a liberal society, but not because of a great passion for restriction at present. The argument can also be used to respond to Jonathan Quong's example of an unresolvable disagreement between liberal citizens.

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According to John Rawls, the constitution of a liberal society should be justifiable to adult citizens, but not to all adult citizens: not to citizens who hold certain extreme views. It should be justifiable to reasonable citizens. More precisely, it is the constitutional essentials which should be justifiable to such citizens (1993: 137), a qualification that I shall generally omit. But who are reasonable citizens? The term is being used in a specialist sense. Let us say that reasonable citizens are defined by two commitments, C1 and C2, and leave aside what exactly these are. (If readers cannot bear this lack of detail, one of the commitments is that this society should be a fair system of cooperation between free and equal citizens.) So the idea is that for any component of the constitution, one should be able to justify that component on the basis of these two commitments. What about drug restrictions? Can one justify drug restrictions on the basis of these commitments?

The vast majority of the population in a liberal society, as envisaged by Rawls, are supposed to be reasonable citizens. If the proportion of unreasonable citizens in a society

increases beyond a certain point, something has to be done, even going to war. But suppose that there are lots of young adult citizens who have a strong recreational drug habit. For all we know, soon after they stop, they will become unreasonable citizens, e.g. they will believe “Everybody in their proper place according to the class they were born in!” There needs to be some restriction on their drug use beforehand, so that the government can have some confidence that they are reasonable when not on drugs, or at least that is the argument anyway.

This argument is relevant for assessing material from a leading interpreter of Rawls, namely Jonathan Quong. (By the way, I am not engaging with Hanna Pickard’s exciting research on addiction and liberalism here, e.g. 2012.) Even if the commitments of reasonable citizens allow for the resolution of some disagreements, they are meant to still allow for a lot of disagreement – for the society to be characterized by a significant plurality of views. They allow for this in the sense that one cannot develop resolutions to disagreements inferred from these commitments. Quong presents us with a supposed example of a disagreement between two reasonable citizens which is not resolvable by means of appealing to the commitments of reasonable citizens. I have already addressed one party to this hypothetical disagreement, called Mike, though perhaps too briefly. His views can be objected to by appealing to these commitments (Edward 2018). Here is the other party:

Sara, on the other hand, believes that recreational drug use is one of the many human activities that is simply morally permissible because she rejects the idea that God's commandments can serve as a legitimate source of moral authority as she does not believe in the existence of God. Sara... believes that the concepts right and wrong do not apply to purely private acts: they only apply to the

category of what we owe to other persons. Since recreational drug use does not normally affect anyone other than the user (or we can say that Sara does not accept arguments that suggest otherwise), she does not believe it can be subject to moral evaluation. (2011: 204-205)

Cannot Mike make the following argument from Sara's reasonable commitments? "Sara, you are a reasonable citizen, so you believe the constitution should be justifiable to all reasonable citizens and if there are too many unreasonable citizens, something should be done about this. But how can we know, if they have so far only shown reasonableness while having a strong recreational drug habit?" The argument is intended to start from commitments that make Sara a reasonable citizen and conclude that it is necessary to have some restriction on their recreational drug habit.

A response to the argument is that it involves privileging certain mental states over others, such as over drug-induced states – one only has a certain commitment if one has it in a privileged state – but note that Rawls himself asks us to engage in such privileging (1999: 42). The response gives rise to the question of what is a commitment. Reasonable citizens are committed to C1 and C2 but what is it to be committed to these things? I presume these commitments are instances of what Rawls earlier called considered judgments (1999: 42). In a suitable state of mind, I inwardly accept a certain proposition – that, in outline, is what it is for a proposition to be a considered judgment of mine. Rawls's philosophy just does not allow one to block the argument by rejecting the privileging of certain mental states! If a person is not disposed to judge that this society should be a fair system of cooperation between free and equal citizens outside of drug-induced states, then that is not one of their considered moral judgments

nor is it one of their commitments.

This argument against Sara did not occur to me when I first responded to Quong. But my worry remains the same as then: the clever may be able to do a lot more with the commitments of reasonable citizens than it seems at first sight, undermining the impression that certain disagreements cannot be resolved by appeal to these (Edward 2018). They are going to come up with arguments that you won't anticipate in advance. The confidence that Quong shows that the commitments of reasonable citizens will leave all these debates unresolved seems the confidence of someone who has not had not had enough contact with such people, or else one who has repressed that experience.

## References

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