

A MORAL DEFENSE OF RECREATIONAL DRUG USE

ROB LOVERING



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To Paul Studtmann

Contents

Foreword and Acknowledgments	ix
1 Introduction	1
2 Harm-Based Arguments: Self-Regarding	33
3 Harm-Based Arguments: Other-Regarding	67
4 Non-Harm-Based Arguments: Part 1	93
5 Non-Harm-Based Arguments: Part 2	127
6 Religious Arguments	149
Afterword	163
Notes	169
Bibliography	203
Index	213

Foreword and Acknowledgments

For many people, drug use, in and of itself, is morally repugnant and they will react strongly against any proposal that does not strongly condemn all use of drugs.

—Howard Rahtz¹

Most of the arguments that have been marshaled against drugs have little basis in logic.

—Andrew Weil²

Sometime during the writing of this book, it occurred to me that its central question, “Is recreational drug use morally wrong?” has something in common with a question of a very different sort: “Is closing one’s eyes while driving a car morally wrong?” What they have in common is this: though both questions are rather straightforward, their answers are far from it. To see this, consider the latter question first. One might be tempted to provide a simple “yes” or “no” answer to it, perhaps even without hesitation, but such would be a mistake, or so it seems to me. As I see it, whether it is morally wrong to close one’s eyes while driving a car depends on a wide variety of factors including why one does so, for how long one does so, how fast one is driving when one does so, how experienced a driver one is when one does so, on what one is driving when one does so (a street, a desert, etc.), with whom one is driving when one does so (nobody else or somebody else), in what environment one is driving when one does so (nothing of value is in proximity or something of value is in proximity), and more. Given this, answering the question “Is closing one’s eyes while driving a car morally wrong?” requires nuance. To wit, one might think that it is *not* morally wrong to do so as a very experienced driver for one second while driving two miles per hour alone through a desert but that it *is* morally wrong to do so as a very inexperienced driver for ten seconds while driving forty miles per hour with kids in one’s car through midtown Manhattan.

All this to say, though the question “Is closing one’s eyes while driving a car morally wrong?” is rather straightforward, its answer is not.

And so it is with the question of this book—“Is recreational drug use morally wrong?”—or so I shall argue. As with the previously mentioned question, one might be tempted to provide a simple “yes” or “no” answer to this question, but such would be a mistake. Whether it is morally wrong to use drugs recreationally depends on a wide variety of factors, I submit, including why one does so, for how long one does so, how experienced a recreational drug user one is when one does so, around whom one does so (nobody else or somebody else), in what environment one does so (nothing of value is in proximity or something of value is in proximity), which drugs one uses recreationally, and more. Indeed, those are just some of the harm-based factors, and whether it is morally wrong to use drugs recreationally is a function of non-harm-based factors as well.

I note this similarity between these two questions in order to provide you, the reader, with a glimpse of the complexity of the issue at hand.

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Introduction

Introduction

Is recreational drug use morally wrong? In this book, I examine arguments for the view that it is and contend that, by and large, they do not succeed.

The question of recreational drug use's moral status is, to borrow a phrase from James Bakalar and Lester Grinspoon, a "monstrous tangle" of moral, legal, economic, psychological, pharmacological, sociological, philosophical, neurological, and logical issues (among others).¹ Given this, it behooves me to distinguish the question "Is recreational drug use morally wrong?" from two other questions that often arise in debates on recreational drug use: "Is recreational drug use imprudent?" and "Is recreational drug use an activity that should be illegal?" The former question should not be confused with either of the latter questions, as the moral status of recreational drug use, or any other activity for that matter, is distinct from its prudential and legal statuses, at least in principle.² To motivate this, it would help to consider another activity. Take, for instance, riding a motorcycle while not wearing a helmet—the moral, prudential, and legal statuses of doing so are, in principle, distinct. It is logically consistent for one to hold that riding a motorcycle while not wearing a helmet is not morally wrong though it is imprudent and should be illegal, that it is morally wrong though it is not imprudent and should not be illegal, or some other combination of these statuses. Even if one's answer to the question of whether it is morally wrong to ride a motorcycle while not wearing a helmet is "no," then, one may still deem it to be imprudent, an activity that should be illegal, or both.

And so it is with every other activity. From fasting to bungee jumping, committing suicide to prostituting, self-flagellating to using drugs recreationally—the moral, prudential, and legal statuses of an activity are, in principle, distinct. Regarding the activity at issue here, it is logically

consistent for one to hold that recreational drug use is not morally wrong though it is imprudent and should be illegal, that it is morally wrong though it is not imprudent and should not be illegal, or some other combination of these statuses. So similar to before, even if one's answer to the question of whether it is morally wrong to use drugs recreationally is "no," one may still deem recreational drug use to be imprudent, an activity that should be illegal, or both.

I raise the distinctions among the moral, prudential, and legal statuses of recreational drug use so as to ensure that the following is clear: by addressing the question of whether recreational drug use is morally wrong, I am not thereby automatically addressing the questions of whether recreational drug use is imprudent or whether recreational drug use should be illegal. Having said that, I want to ensure that something else is equally clear: by addressing the question of whether recreational drug use is morally wrong, I *am* thereby automatically addressing the question of whether recreational drug use should be illegal on the grounds that it is morally wrong. And if my objections to the arguments for the moral wrongness of recreational drug use are sound, then these arguments are largely unsuccessful and, to that extent, the moral case for legally prohibiting recreational drug use is undermined. Of course, there might be nonmoral reasons—economic or pragmatic, perhaps—for legally prohibiting recreational drug use. But whether there are I leave for others to decide. (For my two cents on whether recreational drug use should be legally prohibited, see the afterword.)

With the preceding in mind, you might be wondering why I have chosen to address the question of whether recreational drug use is morally wrong rather than the questions of whether it is imprudent or whether it should be illegal. This brings me to one of the purposes of this chapter, which is motivating the issue of recreational drug use's moral status. The other purposes of this chapter include defining key terms, presenting types of arguments for the moral wrongness of recreational drug use, and describing my method for evaluating arguments for the moral wrongness of recreational drug use. Each of these things will be done in turn.

Motivating the Issue

In 2009, the most decorated Olympian of all time, Michael Phelps, released a statement to the Associated Press in which he admitted to "regrettable" behavior that "demonstrated bad judgment" and promised his fans and the public that "it will not happen again."³ The behavior to which he was referring was that of smoking marijuana. Phelps released the statement after a photograph of him taking a hit from a bong went viral on the Internet.

The public reaction to Phelps's use of pot was mixed. Some people condemned it as immoral (and reckless, and stupid, and juvenile), others welcomed it, while still others were indifferent toward it. For example, at one extreme, a particularly disappointed follower of Phelps declared, "I was disgusted, to say the least, when I found out about his immoral drug use activity."⁴ At the other extreme, comedian Bill Maher remarked, "Who deserves to just sit back and have a bong more than Michael Phelps? I mean, for the last eight years he's done nothing but marinate in chlorine."⁵

The public reaction to Phelps's subsequent statement was mixed as well. Some people accepted it, others rejected it, while still others were, again, indifferent. Subway, the fast food restaurant franchise and one of Phelps's sponsors, issued the following statement: "Like most Americans, and like Michael Phelps himself, we were disappointed in his behavior. Also like most Americans, we accept his apology."⁶ On the other hand, in "What Michael Phelps Should Have Said," an article in which the author assumes Phelps's identity, Radley Balko wrote, "I take it back. I don't apologize. Because you know what? It's none of your goddamned business. I work my ass off 10 months a year. It's that hard work that gave you all those gooey feelings of patriotism last summer. If during my brief window of down time I want to relax, enjoy myself, and partake of a substance that's a hell of a lot less bad for me than alcohol, tobacco, or, frankly, most of the prescription drugs most of you are taking, well, you can spare me the lecture."⁷ There was, then, a wide variety of reactions to Phelps's smoking marijuana as well as to his subsequent apology for doing so. And of these various reactions, Phelps sided, at least in word if not also in deed, with those who condemned his behavior and approved of his promise never to use pot again.

I invoke this incident—this "scandal," as it was labelled at the time—for two reasons. First, it shows just how controversial the moral status of recreational drug use can be. I write "can be" deliberately, since whether and to what extent recreational drug use's moral status is controversial depends on the drug in question, among other things. Had Phelps been smoking a cigarette while drinking a Rum and Coke instead—that is, had Phelps been using tobacco, alcohol, and caffeine recreationally—his doing so almost certainly would not have been deemed scandalous. To be sure, some people might have been surprised that one of if not the greatest Olympians could be so competitively successful while using these drugs—and they are just that, drugs (to be addressed later). But hardly anyone—any Westerner at any rate—would have considered it a scandal. And in any case, his recreational use of these drugs would not have been remotely as controversial as was his recreational use of marijuana. Indeed, it is public knowledge that Phelps drinks alcohol recreationally, but in and of itself, his doing so has not been deemed scandalous.⁸

This brings us to the second reason that I invoke the Phelps scandal—namely, the possibility of inconsistent beliefs people may have regarding the moral status of recreational drug use. Phelps is not alone in his recreational drug use, after all, billions of people around the world use drugs recreationally. As Douglas Husak writes, “[N]o known societies—except perhaps that of Eskimos—refrain from using drugs for recreational purposes. Drug use is so pervasive that researchers such as Andrew Weil have speculated that the desire to alter consciousness periodically is an innate, normal drive analogous to hunger or sex.”⁹ Granted, some of the drugs people use recreationally are legal, such as caffeine, tobacco, and alcohol—at least, as with tobacco and alcohol, legal for some people to use. In the United States, the geographical focus of this book, for instance, 80 percent of adults consume caffeine each day.¹⁰ A little more than half of Americans aged 12 and older reported being current (within the past month) drinkers of alcohol in 2012, amounting to an estimated 135.5 million people.¹¹ And an estimated 69.5 million Americans were current users of a tobacco product, 57.5 million of which were current cigarette smokers. What’s more, given that these statistics regard only individuals who were current users, it is safe to say that the number of users of each of these drugs was much greater.

But some of the drugs people use recreationally are illegal, such as Phelps’s drug of choice, marijuana, as well as cocaine, ecstasy, heroin, and so on. According to sociologist Angus Bancroft, “Millions of people of all backgrounds around the world take illicit drugs regularly and unremarkably.”¹² To wit, it is estimated that 23.9 million Americans were current illegal drug users in 2012. Marijuana was the most commonly used illegal drug, with an estimated 18.9 million current users. Current cocaine use was reported by 1.6 million people. The estimated number of persons who were past-year heroin users (669,000) was much higher than the estimated number of persons who were past-year heroin users in 2007 (373,000). And 80 to 90 million Americans have used an illegal drug at least once in their lifetime.¹³

Given the preceding statistics, it is clear that, like Phelps, many Americans use drugs recreationally, whether legal drugs, illegal drugs, or both. Hence Charles Faupel et al.’s claim, “Ours is a country of drug users.”¹⁴ With this in mind, a question arises: Is it consistent for one to believe that Phelps’s recreational use of marijuana is morally condemnable while believing that his recreational use of alcohol is not? More specifically, is it consistent for one to hold that Phelps’s recreational use of marijuana per se, independent of its legal status in particular, is morally condemnable while holding that his recreational use of alcohol per se is not? Some doubt that it is. Take Ethan Nadelmann, executive director of the Drug Policy Alliance, for example. He writes, “Most Americans perceive the drug

problem as a moral issue and draw a moral distinction between use of the illicit drugs and use of alcohol and tobacco. Yet when one subjects this distinction to reasonable analysis, it quickly disintegrates . . . The ‘moral’ condemnation of some substances and not others proves to be little more than a prejudice in favor of some drugs and against others.”¹⁵ Of course, Nadelmann’s comments notwithstanding, it might be consistent for one to believe that Phelps’s recreational use of marijuana *per se* is morally condemnable while believing that his recreational use of alcohol *per se* is not. But it is only if there is a morally relevant difference between the two activities that renders the one but not the other morally condemnable. And one wonders whether there is such a difference.

Not only is recreational drug use’s moral status controversial, then, but the controversy itself might also be a function of inconsistent beliefs people may have regarding it.¹⁶ These two considerations alone are reason enough to delve more deeply into the issue. But there is a third reason, one pertaining to the view that the possession and use of drugs such as marijuana, cocaine, and heroin ought to be illegal and, indeed, criminal. Since this view generally corresponds to both federal and state laws in the United States (with a few recent exceptions), I will refer to it as the “status quo position.”¹⁷ One of the most popular grounds for the status quo position is that the use of such drugs is morally wrong. As Robert MacCoun and Peter Reuter write, “Many of the arguments in the legalization debate involve empirical matters—either evaluative descriptions of the status quo or predictions about the likely consequences of a change in policy. But purely moral arguments also play a prominent role. Many prohibitionists assert that drugs should be banned because drug use *per se* is immoral.”¹⁸ Indeed, as Elizabeth Price Foley sees it, the moral wrongness of using such drugs recreationally is not simply one of the grounds for the status quo position, it is the only ground: “Why does American law allow *carte blanche* consumption of tobacco, caffeine, sugar, saccharin . . . yet completely prohibit the consumption of other harmful substances? The answer lies not in any difference in the potential for harm posed by these products, but merely in the perceived morality—or more precisely, immorality—of their consumption.”¹⁹ Whether the (alleged) moral wrongness of the recreational use of drugs such as marijuana, cocaine, and heroin is just one of the grounds for the status quo position or the only ground, many people believe that the recreational use of such drugs is morally wrong and, in turn, should be a criminal offense. And since the recreational use of these drugs entails possession of them, they hold that the possession of these drugs should be a criminal offense as well. Such individuals hold, then, that there are good reasons—specifically, good *moral* reasons—for criminalizing the possession and use of drugs such as marijuana, cocaine, and heroin.

Those who embrace this morality-based defense of the status quo position not only are great in number but also occupy a wide variety of positions in society, ranging from professors to presidents, policemen to priests. Many of them invoke this morality-based defense explicitly. For example, William Bennett, former federal director of drug policy, writes, “I find no merit in the legalizers’ case. The simple fact is that drug use is wrong. And the moral argument, in the end, is the most compelling argument.”²⁰ Former president George H. W. Bush claims that “legalizing drugs would completely undermine the message that drug use is wrong.”²¹ Social scientist James Q. Wilson argues, “If we believe—as I do—that dependency on certain mind-altering drugs is a moral issue, and that their illegality rests in part on their immorality, then legalizing them undercuts, if it does not eliminate altogether, the moral message.”²² And philosophy professor Edwin Delattre contends that “drugs are not wrong because they are illegal—they are illegal because they are wrong.”²³

But some of them invoke this morality-based defense implicitly, or so it seems. Consider, for example, individuals who explicitly invoke a health-based defense of the status quo position. Briefly, such individuals hold that the recreational use of drugs such as marijuana, cocaine, and heroin should be illegal on the grounds that it is unhealthy for the user. In his “5 Reasons Marijuana Should Remain Illegal,” for instance, John Hawkins lists the following as his fourth reason: “Marijuana is terrible for your physical health.”²⁴ Now, a health-based defense of the status quo position is not explicitly moralistic. There is reason to believe, however, that it is implicitly moralistic, at least for some of its advocates. For some of its advocates deem other activities to be unhealthy for the agent as well, presumably—such as eating junk food, drinking alcohol, or smoking cigarettes—yet they do not believe that these activities also should be illegal.²⁵ But if such individuals’ defense of the status quo position were grounded strictly in the claim that the recreational use of marijuana, cocaine, and heroin is unhealthy for the user, then, all else being equal, they *ought* to hold that eating junk food, drinking alcohol, or smoking cigarettes also should be illegal. The fact that they do not do so indicates that they don’t think that all else is, in fact, equal. What, then, do they take to be the difference between the recreational use of drugs such as marijuana, cocaine, and heroin, on the one hand, and eating junk food, drinking alcohol, or smoking cigarettes, on the other, such that the former should be illegal but the latter should not? They might cite a number of differences, of course, but no doubt some of them will cite a moral difference between these activities, deeming the former to be morally wrong or otherwise morally problematic and the latter to be morally permissible.

Whether it is invoked explicitly or implicitly, then, one of the most popular grounds for the status quo position is that the recreational use of drugs such as marijuana, cocaine, and heroin is morally wrong (hereafter, simply “wrong”). With this morality-based defense of the status quo position in mind, a question immediately comes to mind: *Is the recreational use of drugs such as marijuana, cocaine, heroin wrong?* Despite the strong rhetoric from morality-based prohibitionists and other moral critics of recreational drug use, it is surprisingly difficult to discern the reasons they have for believing that it is so. Most of the time, no reasons are even provided; it is simply declared that using such drugs recreationally is wrong. As Husak writes, “These allegations must be addressed directly; persons who insist that illicit drug use is wrongful are owed a reply. A philosopher would *like* to respond to their *arguments*. Unfortunately, arguments for the alleged immorality of drug use are almost never produced; this judgment is typically put forward as a kind of brute moral fact or uncontroversial moral intuition.”²⁶ Bennett’s earlier declaration, “The simple fact is that drug use is wrong,” epitomizes this tendency.

Indeed, often the closest that moral critics of recreational drug use come to offering reasons for holding that recreational drug use is wrong is when they say things such as “Drugs are bad for you, so you should not use them recreationally.” But whether this set of claims constitutes an argument for the wrongness of using drugs recreationally is unclear, since the “should” involved in it is ambiguous—it could be a prudential “should” or a moral “should.”²⁷ As Alan Gerwith puts the distinction, a “should” is prudential “when it serves or upholds the agent’s or the speaker’s own interests or purposes,” while a “should” is moral “when it serves or upholds the interests or purposes of at least some person or persons other than or in addition to the agent or the speaker.”²⁸ More precisely, a prudential “should” depends simply on the agent’s desires, interests, purposes, or needs—that is, what one should do, prudentially speaking, turns merely on one’s desires, interests, purposes, or needs. A moral “should,” on the other hand, does not depend simply on the agent’s desires, interests, purposes, or needs; rather, it depends partly on others’ desires, interests, purposes, or needs.²⁹ What one should do, then, morally speaking, turns partly on the desires, interests, purposes, or needs of others.

With the preceding distinction in mind, consider once more the set of claims “Drugs are bad for you, so you should not use them recreationally.” Again, whether this set of claims constitutes an argument for the wrongness of using drugs recreationally is unclear. For the “should” involved in the second claim could be a prudential “should,” in which case the claim is to be understood that it is imprudent to use drugs recreationally—that is, using drugs recreationally is something you should not do given your desires, interests, purposes, or needs. Or it could be a moral “should,” in

which case the claim is to be understood that it is wrong to use drugs recreationally—that is, using drugs recreationally is something you should not do regardless of your desires, interests, purposes, or needs. And moral critics of recreational drug use rarely state explicitly which sense of “should” they have in mind. In any case, much more than the preceding is needed if one is to determine whether using drugs such as marijuana, cocaine, and heroin recreationally is in fact wrong.

To be sure, not everyone agrees that the recreational use of drugs such as marijuana, cocaine, and heroin is wrong. “Cocaine gives a sense of exhilaration, heroin a glow, a warmth, and marijuana a sense of relaxation and ease. What then is wrong?,” asks Robert Sweet, a federal district judge.³⁰ Similarly, Husak maintains that “there is nothing inherently wrong with a person’s altering his states of consciousness for the purpose of relaxation, enjoyment, or self-exploration.”³¹ Yet as is the case with moral critics of recreational drug use, it is surprisingly difficult to discern the reasons such naysayers have for holding that the recreational use of these drugs is not wrong. Given the morality-based defense of the status quo position, especially when considered alongside recreational drug use’s prevalence and the possibility of inconsistent beliefs people may have regarding its moral status, one would think that much has been written on the topic of the possible wrongness of using drugs recreationally. Oddly, such is not the case. Indeed, I am not aware of anyone who has systematically and thoroughly examined arguments for the wrongness of recreational drug use. Husak claims that David Richards “may be the only philosopher to have addressed these arguments in detail,” referring to Richards’s *Sex, Drugs, Death, and the Law*, published in 1982. Yet Richards addresses just five arguments for the wrongness of recreational drug use, by my count, and over the course of just 17 pages at that.³² On both sides of the debate on recreational drug use’s moral status, then, there is a paucity of argumentation.³³

As a result of these things:

- Recreational drug use is pervasive.
- People may have inconsistent beliefs with regard to its moral status.
- One of the most popular defenses of the status quo position is morality-based.
- Seemingly no one has systematically and thoroughly examined arguments for the wrongness of recreational drug use.

There is an important gap in the debate on recreational drug use that needs to be filled, that of recreational drug use’s moral status and, specifically, whether it is ever wrong. Attempting to fill this gap is the purpose of this book. But before doing so, I need to provide the backdrop against which the

rest of this book is to be understood and evaluated. This brings me to the rest of the purposes for this chapter, which, again, are defining key terms, presenting types of arguments for the wrongness of recreational drug use, and describing the method to be employed here for evaluating arguments for the wrongness of recreational drug use. I begin with defining key terms.

Defining Key Terms

Answering the question of whether recreational drug use is ever wrong requires understanding a number of key terms, including “drug,” “recreational drug use,” and “wrong.” Each of these terms will be defined in turn.

As many people agree—philosophers, pharmacologists, sociologists, and more—defining “drug” can be more challenging than one might initially think.³⁴ To motivate this, consider the definition of “drug” provided by sociologist Eric Goode: “A drug is something that has been defined by certain segments of the society as a drug.”³⁵ Notice that the very thing that Goode is attempting to define, “drug,” is constitutive of the definition itself. Goode’s definition of “drug,” then, is circular and thereby inadequate.

But even definitions that are not circular are often inadequate. Consider the following definition of “drug” provided by the UN Office on Drug and Crime (UNODC): “A substance that people take to change the way they feel, think or behave.”³⁶ This definition is problematic for a number of reasons. First, it entails that food is—or, at least, can be—a drug, a view that some scholars reject.³⁷ Second, it suggests (incredibly) that the reason for taking the substance determines whether or not the substance is a drug. Even if one is not taking aspirin to change the way one feels, thinks, or behaves—that is, even if one is taking aspirin on a whim—aspirin (specifically its active ingredient, acetylsalicylic acid) remains a drug, ostensibly. Finally, the definition is overly vague. As Bancroft writes, “[I]ts notion of ‘changing’ how one feels, thinks or behaves is tricky. Would that include restoring normal service? Or does it purely refer to changes away from the mental status quo that apply? Some drugs are used to restore balance, to make the body/mind conform to an ideal of normality. Would an addict taking heroin to feel normal, capable of everyday interaction and activity, therefore not be using it as a drug?”³⁸ With problems such as these in mind, the UNODC’s definition of “drug” is less than adequate. And so it is with most other definitions of “drug”; indeed, Husak goes so far as to claim that “no adequate definition of a drug exists.”³⁹ (Perhaps this explains why one scientist quips that “drug” should be defined as “any substance that, when injected into an animal, produced a scientific paper.”⁴⁰)

Despite the difficulty of defining “drug,” I would be remiss not to propose a definition to serve as a touchstone for the rest of the book. So to begin with, and to narrow the scope, the drugs I have in mind are specifically psychoactive drugs—that is, drugs “that change cognition, behavior, and emotions by changing the functioning of the brain.”⁴¹ By “drug,” then, I mean a substance that has psychoactive effects, effects on the brain resulting in the stimulation or dulling of the senses, the promotion of a feeling of euphoria, the altering of perception, or other.⁴²

As with the preceding definitions of “drug,” my definition of “drug” is not without its own problems. To begin with, not every substance that we consider a drug has psychoactive effects. For example, atorvastatin, widely known by the trade name “Lipitor,” is a substance that we consider a drug though it has no psychoactive effects.⁴³ This is not a significant problem for present purposes, however, as the drugs that I will be focusing on here *do* have psychoactive effects.

Another problem with my definition of “drug” is that it renders things drugs that we do not typically consider to be drugs. For instance, it renders a bullet (or an arrow, knife, or what have you) lodged in a conscious individual’s head a drug, since a bullet is a substance that, when so lodged, has psychoactive effects.⁴⁴ (Indeed, in 2007, after waking up one day with a severe headache, Michael Moylan asked his wife to drive him to the hospital. Once there, he was told that a bullet was embedded in his head. It turns out that his wife had shot him in the head while he was sleeping.⁴⁵) To circumvent this, I will supplement the preceding definition of “drug” with an ostensive definition of “drug”—that is, a definition involving examples. So the substances that have psychoactive effects that I have in mind include, but are not limited to, the following:

- caffeine (specifically its active ingredient, methylxanthine)
- tobacco (nicotine)
- alcohol (ethanol)
- marijuana (tetrahydrocannabinol or THC)
- cocaine (benzoylecgonine)
- mushrooms (psilocybin)
- acid (lysergic acid diethylamide or LSD)
- ecstasy (3,4-methylenedioxy-methamphetamine or MDMA)
- speed (methamphetamine)
- heroin (diacetylmorphine)

Supplementing my original definition of “drug” with this ostensive definition does not leave my definition entirely free from defect, of course. It does, however, suffice to make it rather clear what I mean by “drug.”

Granted, some individuals might object to my definition of “drug” on the grounds that, while most people refer to marijuana, cocaine, and heroin as drugs, most people do not refer to tobacco and alcohol as drugs. Take, for instance, the following claim: “Not everyone who tries cigarettes, drugs or alcohol continues to use them.”⁴⁶ The author of this claim distinguishes cigarettes (and, with them, tobacco) and alcohol from drugs, thereby referring to tobacco and alcohol as if they are not drugs. And he is not alone in doing so. According to one survey, though 95 percent of adults recognize heroin as a drug, only 39 percent recognize alcohol as a drug and just 27 percent recognize tobacco as a drug.⁴⁷ Indeed, referring to tobacco (or, more specifically, nicotine) and alcohol as if they are not drugs is so common that even those who hold that they are drugs occasionally refer to them as if they are not. For example, in his *The Addicted Brain*, Michael Kuhar states explicitly that both nicotine and alcohol are drugs: “When talking about drugs that can be abused, there are about seven different groups of substances. There are nicotine; sedatives such as alcohol, barbituates, benzodiazepines, and inhalants such as fumes from glue; opiates such as heroin and morphine; psychostimulants such as cocaine, amphetamine, and methamphetamine; marijuana; hallucinogens; and caffeine.”⁴⁸ And yet the subtitle for *The Addicted Brain* is *Why We Abuse Drugs, Alcohol, and Nicotine*, an odd choice to say the least, for though the preceding passage makes it clear that Kuhar believes nicotine and alcohol are drugs, this subtitle suggests he simultaneously believes the contrary.

But referring to nicotine and alcohol as if they are not drugs is simply misguided, or so the experts on drugs and drug use maintain.⁴⁹ As one such expert, Howard Abadinsky, writes, “Although nicotine and alcohol are clearly dangerous psychoactive chemicals—*drugs*—semantic fiction portrays them otherwise. Statutory vocabulary and social folklore have established the fiction that alcohol and nicotine are not really drugs at all.”⁵⁰ Despite the fact that most people do not refer to nicotine and alcohol as drugs, then, they are properly understood to be drugs.

By “recreational drug use,” I mean the use of a psychoactive substance for the purpose of some positive, nonmedical effect. More specifically, and as Husak puts it, it is drug use “that is intended to promote the pleasure, happiness, or euphoria of the user. The more specific purposes that are encompassed under this broad umbrella include sociability, relaxation, alleviation of boredom, conviviality, feelings of harmony, enhancement of sexuality, and the like.”⁵¹ Caffeine, tobacco, alcohol, marijuana, cocaine, mushrooms, ecstasy, acid, heroin—these and many other drugs are regularly used recreationally by billions of people around world.⁵²

To avoid confusion, it is important to distinguish my understanding of recreational drug use from another understanding of recreational drug

use. Notice that my understanding of recreational drug use is grounded in why the drug is used—namely, for the purpose of some positive, non-medical effect. There is another understanding of recreational drug use, however, one that is grounded, at least in part, in how often the drug is used. Consider, for example, the following claim: “There has been a documented rise in ‘recreational drug use’—occasional use of a wide range of substances including amphetamines, cocaine, ecstasy, LSD and even heroin, usually with more regular use of alcohol, cannabis and tobacco.”⁵³ The author of this claim adopts an understanding of recreational drug use that is grounded partly in how often the drug is used. Not only does “occasional use” indicate this, but so does the author’s contrasting recreational drug use with “more regular use” of alcohol, cannabis, and tobacco. I mention this other understanding of recreational drug use, not because I find it problematic, but because I want to make clear from the outset that I will not be relying on it.⁵⁴

An additional remark about “recreational drug use” is in order. Of the myriad activities that one might subject to moral evaluation, recreational drug use is among the more complex, which in turn makes determining its moral status rather complicated. The complexity of recreational drug use is the result of numerous factors—indeed, too many to cover here. Fortunately, consideration of just two suffices to make the point.

To begin with, both in practice and in principle, recreational drug use can be a strictly self-regarding activity—that is, an activity that affects the user alone.⁵⁵ However, at least in practice and if not also in principle, it also can be an other-regarding activity—that is, an activity that affects another (or others) beyond the user himself or herself. And that recreational drug use can be a strictly self-regarding activity as well as an other-regarding activity not only makes it complex but also renders determining its moral status quite complicated, particularly relative to activities that cannot be strictly self-regarding. For, when determining the moral status of recreational drug use, one must distinguish between those instances of recreational drug use that are strictly self-regarding and those that are not. (This leads to the division between Chapters 2 and 3. The former pertains to the harms of recreational drug use to the user himself or herself while the latter pertains to the harms of recreational drug use to someone other than the user.) While, when determining the moral status of activities that cannot be strictly self-regarding, such as theft or rape, one need not distinguish between those instances that are strictly self-regarding and those that are not, since there are no instances that are strictly self-regarding. In this respect, recreational drug use is more complex than activities that cannot be strictly self-regarding, which, in turn, makes determining its moral status rather complicated.

Another factor that makes recreational drug use complex, one related to the previous factor, has to do with what, exactly, recreational drug use is understood to encompass. Notice that recreational drug use is understood here to encompass not only the administration of the drug (the injection, inhalation, snort, etc.) but its subsequent effects as well. This is the typical way of understanding recreational drug use, of course, particularly in moral and legal debates on the issue, and reasonably so. If recreational drug use were understood to encompass merely the administration of the drug and not its subsequent effects, then recreational drug use would begin and end with each instance of drug administration—that is, with each injection, inhalation, snort, or what have you. In turn, the moral and legal debates on recreational drug use would be about whether, for instance, the mere act of inhaling smoke from smoldering marijuana, independent of the subsequent effects of doing so, is wrong or should be illegal. This is an intelligible question, certainly, but it is not one that seems worthy of much, if any, moral or legal consideration.

There is good reason, then, for understanding recreational drug use as encompassing the administration of the drug as well as its subsequent effects. But doing so introduces a complexity. On such an understanding, recreational drug use does not begin and end with each instance of drug administration. Rather, it begins with the initial administration of the drug and, due to the lasting subsequent effects, ends sometime after the final administration of the drug. As a result, recreational drug use is an activity that is not fixed to the context in which it begins; it can move, as it were, from one context to another. For example, it can begin in a relatively innocuous context, such as when the marijuana user takes his or her first hit of pot alone in his or her home, but then move to a potentially harmful context, such as when the newly intoxicated user leaves his or her home and drives somewhere. And this makes the activity of recreational drug use more complex than activities that seemingly are fixed to the context in which they begin, such as, again, theft or rape. This, in turn, significantly complicates determining recreational drug use's moral status.

There are other factors at work when it comes to what renders recreational drug use complex and the determination of its moral status quite complicated, such as that different drugs produce different psychoactive effects, that different drug amounts and routes of administration cause different bodily reactions, and that different drug users have different drug-use histories, expectations, and levels of tolerance. These and many other factors shall be covered in subsequent chapters. But these two—that recreational drug use can be a strictly self-regarding activity as well as an other-regarding activity and that it can move from context to context—will do for now.

Finally, by an act that is “wrong,” I mean an act that is morally impermissible as opposed to an act that is morally criticizable.⁵⁶ Acts that are morally impermissible are acts that one has no moral right to perform. For present purposes, an act that one has no moral right to perform is an act that someone, whether oneself or another, has a valid claim against one performing. I write “whether oneself or another,” since it seems at least logically possible for one to have a valid claim against one’s own performance of a given activity, even one that is strictly self-regarding. (What constitutes a valid claim against one’s performing an act is, of course, an issue at once metaethical and normative ethical in nature. I will have more to say on this in a moment.) Acts that are morally criticizable, on the other hand, are acts that one has a moral right to perform but, nevertheless, one should not, morally speaking, perform.

David Boonin, the philosopher from whom I borrow the distinction between moral impermissibility and moral criticizability, motivates it as follows:

Consider an imaginary billionaire named Donald who has just unexpectedly won a million dollars from a one-dollar lottery ticket. He is trying to decide what to do with the money and has limited himself to the following options: (1) donating the money to several worthy charities, (2) putting it in his savings account, (3) buying a gold-plated Rolls Royce, (4) putting up billboards across the country that read “I hate Ivana,” and (5) hiring a hitman to kill Ivana. One thing we are likely to say about this list is that there is a morally relevant sense in which the choices become progressively worse. We would be entitled to aim more moral criticism at Donald for choosing (4), for example, than for choosing (3). This is what I mean by calling an action morally criticizable. But most of us will be inclined to say something more than this: It isn’t just that (5) is worse than (4), which is worse than (3), which is worse than (2), which is worse than (1); it is that there is a difference in kind between (5) and the others. The difference might be put like this: Even though it is his money, and so there is some sense in which he is entitled to spend it in any way he wants, still he is not entitled to spend it in *that* way. This is the distinction I have in mind in saying (5) is impermissible while (1)–(4) are permissible.⁵⁷

So though (2) is morally worse than (1), (3) is morally worse than (2), (4) is morally worse than (3), and so on, there is a significant moral difference between (2), (3), and (4), on the one hand, and (5), on the other. The former, though morally criticizable, are nevertheless morally permissible, while the latter is morally impermissible.

Although the concept of moral impermissibility is familiar to most people, the concept of moral criticizability is not as familiar. Accordingly, I

would like to provide further motivation for the latter by invoking the distinction between a prudential “should” and a moral “should” once again. Suppose Donald decides to do (3) and thus purchases a gold-plated Rolls Royce. By deeming his doing so morally *criticizable*, as opposed to morally *impermissible*, one holds that Donald does something he is morally permitted to do but, nevertheless, should not do. By deeming his doing so *morally* criticizable, as opposed to *prudentially* criticizable, one holds that Donald does something he should not do regardless of his desires, interests, purposes, or needs. Tying these two things together, to deem Donald’s purchase of a gold-plated Rolls Royce morally criticizable is to deem it something he is morally permitted to do but should not do regardless of his desires, interests, purposes, or needs. There may be many reasons *why* one thinks that Donald should not purchase a gold-plated Rolls Royce, of course. But whatever they may be, one thing is certain: they extend beyond his desires, interests, purposes, and needs. This is due to the fact that Donald’s purchase of a gold-plated Rolls Royce is deemed morally, not simply prudentially, criticizable.

The distinction between morally impermissible activities and morally criticizable activities is important for three reasons, the first of which is that, as indicated earlier, not everyone holds that recreational drug use is morally permissible. To be sure, some people are satisfied with the cursory moral defenses of recreational drug use that have been offered, and some people (including, alas, some philosophers) simply take it for granted that using drugs recreationally is morally permissible. But others do neither of these things, and rightly so as I see it. Regarding the former, cursory moral defenses of recreational drug use are usually light on argumentation, rigor, relevant empirical data, and morally relevant factors and distinctions (among other things), and consequently, they tend to be inadequate. As for the latter, it probably goes without saying that simply taking it for granted that using drugs recreationally is morally permissible is no way to settle whether recreational drug use is, in fact, morally permissible. A natural starting point, then, is that of the question of whether recreational drug use is ever morally impermissible: hence my understanding “wrong” in terms of moral impermissibility and, in turn, my criticisms being directed first and foremost at arguments for the moral impermissibility of recreational drug use.

That said, it should be noted that my criticisms are also directed at arguments for recreational drug use’s moral criticizability, albeit secondarily, for many of the criticisms that follow can be directed at arguments for the claim that recreational drug use is morally criticizable as well. So in addition to stating explicitly when I think arguments for the moral impermissibility of recreational drug use fail, I also state explicitly

when I think arguments for the moral criticizability of recreational drug use fail.

The second reason that the distinction between morally impermissible activities and morally criticizable activities is important, one related to the first, has to do with something to which I alluded previously: this book is likely the first of its kind. Again, I am not aware of anyone who has systematically and thoroughly examined arguments for the wrongness of recreational drug use. Given this, it would make little to no sense to bypass the question of whether recreational drug use is ever morally impermissible and focus exclusively on the question of whether recreational drug use is ever morally criticizable. To motivate this, imagine that the first book, or even the first few books, ever written on the moral status of, say, prostitution bypassed the question of whether prostitution is ever morally impermissible and focused exclusively on the question of whether prostitution is ever morally criticizable. This would be a regrettable oversight if not a fatal flaw, even if some scholars working on this issue were convinced that prostitution was morally permissible. And so it would be here were I to bypass the question of whether recreational drug use is ever morally impermissible and focus exclusively on the question of whether recreational drug use is ever morally criticizable.

The third and final reason that the distinction between morally impermissible activities and morally criticizable activities is important is that the morality-based defense of the status quo position often involves the claim that recreational drug use is morally impermissible. That it does is understandable, of course, since arguing that recreational drug use should be illegal, indeed criminal, on the grounds that it is morally criticizable is unlikely to persuade anyone. Donald's purchasing of a gold-plated Rolls Royce might be morally criticizable, for instance, but hardly anyone would be persuaded by the argument that it should therefore be criminalized. And so it is with most other activities (at least, generally construed) that people tend to deem morally criticizable, such as gossiping, ridiculing, boasting, slandering, insulting, teasing, disrespecting, and so on. Hardly anyone would be persuaded by the argument that these activities are morally criticizable and should therefore be criminalized. All this to say, if individuals who embrace the morality-based defense of the status quo position were to agree that recreational drug use is not morally impermissible but, at worst, morally criticizable, they would thereby weaken their case for criminalizing recreational drug use. Those who embrace the morality-based defense of the status quo position seem to be well aware of this, as indicated by the fact that, as Husak writes, they "have felt a need to exaggerate the dangers of existing recreational drugs in order to justify their illegality."⁵⁸

By an act that is "wrong," then, I mean an act that is morally impermissible. Accordingly, my criticisms of the arguments for the wrongness of

recreational drug use are directed primarily at arguments for recreational drug use's moral impermissibility. That said, they are also directed secondarily at arguments for recreational drug use's moral criticizability.

Another word about "wrong" is in order. Though moral critics of recreational drug use claim that the recreational use of drugs such as marijuana, cocaine, and heroin is wrong, they often do not state explicitly whether they mean by this that recreational drug use is intrinsically wrong or extrinsically wrong. By an act that is "intrinsically wrong," I mean an act that is wrong in and of itself; it is wrong independent of whatever consequences it happens to produce. By an act that is "extrinsically wrong," on the other hand, I mean an act that is not wrong in and of itself; rather, it is wrong due to the consequences it happens to produce. To be sure, an act that is intrinsically wrong might also produce bad or otherwise undesirable consequences, but its wrongness does not depend on its doing so—that is, an act that is intrinsically wrong is wrong even when it produces neutral or good consequences. The wrongness of an extrinsically wrong act, on the other hand, does depend on its producing bad or otherwise undesirable consequences. Examples would be helpful here. For an example of an act that many would consider intrinsically wrong, killing an innocent person against his or her will—in a word, murder—is one such act. As for an example of an act that many would consider extrinsically wrong, consider a father who, rather than getting out of bed to feed his children, decides to stay in bed and rest for the remainder of the day.⁵⁹ Now, resting in bed all day is not intrinsically wrong; it is not wrong in and of itself. However, the father's resting in bed all day produces bad or otherwise undesirable consequences—namely, unfed children. The father's resting in bed all day, then, would be considered by many to be extrinsically wrong; it is wrong due to the consequences it happens to produce.

So again, moral critics of recreational drug use often do not state explicitly whether they are claiming that recreational drug use is intrinsically wrong or extrinsically wrong. As a result, while evaluating arguments for the wrongness of recreational drug use, I will have both meanings in mind. Hereafter then, the claim "Recreational drug use is wrong" will be understood both as "Recreational drug use is intrinsically wrong—that is, wrong in and of itself" as well as "Recreational drug use is extrinsically wrong—that is, wrong due to its consequences" (not simultaneously, of course). And my criticisms of the arguments will be reflective of this, with some criticisms being directed at the former understanding and others being directed at the latter understanding.

With the preceding discussion of what I mean by "wrong" in mind, one might wonder what *makes* morally impermissible acts morally impermissible (and, relatedly, a valid claim against one's performing an act a valid claim), morally criticizable acts morally criticizable, intrinsically wrong

acts intrinsically wrong, and extrinsically wrong acts extrinsically wrong. These are deep and difficult questions of metaethical and normative ethical theory. As such, they are beyond the scope of this work and, consequently, I will not attempt to answer them here.⁶⁰ I will, however, do what is perhaps the next best thing: I will rely on what I take to be paradigmatic cases of each of these kinds of acts. As paradigmatic, these cases are likely to be accepted by most people—again, and hereafter, most Westerners at any rate—as actual instances of each of these kinds of acts and, perhaps more important, deemed compatible with any number of moral theories. The work that I do here, then, might be described as taking place somewhere between the two extremes constitutive of the method of reflective equilibrium: that of moral theory on the one end and moral intuition on the other.⁶¹ I begin neither with a particular, tentatively anchored moral theory nor with a particular, tentatively anchored moral intuition—not explicitly at any rate. Rather, I begin somewhere in between these two extremes, thereby allowing one to move back and forth between this or that moral theory and this or that moral intuition and, in turn, to attempt to establish reflective equilibrium on one's own.

Of course, one is free to hold that no acts are morally impermissible, or morally criticizable, or intrinsically wrong, or extrinsically wrong, or even all of these and, in turn, to deduce the moral status of recreational drug use rather easily. To take just one example, one may hold that no acts are morally impermissible—à la moral nihilism—and, in turn, deduce that recreational drug use is not morally impermissible. One is also free to reject what I take to be paradigmatic cases of each of these kinds of acts or to challenge my comparing and contrasting recreational drug use to such cases. If one chooses to do any of these things, however, then the issue at hand shifts from the moral status of recreational drug use to that of which metaethical and normative ethical theories are correct. The latter issue is tremendously important, of course, but given its enormity and complexity, it is also an issue that is best addressed elsewhere.

Arguments for the Wrongness of Recreational Drug Use

Arguments for the wrongness of any activity, recreational drug use or other, may be divided into at least the following four different types:

- *Religious arguments*: arguments that ground the wrongness of an activity in at least one religious claim

- *Nonreligious arguments*: arguments that ground the wrongness of an activity in nonreligious claims alone
- *Harm-based arguments*: arguments that ground the wrongness of an activity in a claim about harm the activity involves, either to the agent or to someone other than the agent
- *Non-harm-based arguments*: arguments that ground the wrongness of an activity in a claim about the activity's possession of some wrong-making property not identified with harm

Taking each in turn, religious arguments for the wrongness of an activity move from at least one religious claim to a claim about the wrongness of the activity. What, exactly, *makes* a religious claim a religious claim is an interesting and challenging question. Rather than attempting to answer it here, however, I will simply rely on standard examples of religious claims such as “The Creator loves us,” “The gods will punish the wicked,” “God commands us to refrain from lying,” and so on. Religious arguments may be stated formally as follows, with *X* standing for an activity and *R* standing for a religious claim. (For clarity's sake, I will state the argument, as well as the rest of the arguments in this chapter, in syllogistic form.⁶²)

- (1) *R*.
- (2) If *R*, then *X* is wrong.
- (3) Therefore, *X* is wrong.

What differentiates one religious argument from another, then, is the activity as well as the religious claim(s) on which it depends. With this in mind, consider an argument addressed in Chapter 6:

- (1) God commands that we refrain from recreational drug use.
- (2) If God commands that we refrain from recreational drug use, then recreational drug use is wrong.
- (3) Therefore, recreational drug use is wrong.

In this case, the activity is recreational drug use and the religious claim is “God commands that we refrain from recreational drug use.”

Nonreligious arguments for the wrongness of an activity move from nonreligious claims alone to a claim about the wrongness of the activity. For present purposes, what makes a nonreligious claim a nonreligious claim is simply the fact that it does not make any religious claims. Nonreligious arguments may be stated formally as follows, with *X* standing for an activity and *N* standing for a nonreligious claim:

- (1) *N*.
- (2) If *N*, then *X* is wrong.
- (3) Therefore, *X* is wrong.

What differentiates one nonreligious argument from another, then, is the activity as well as the nonreligious claim(s) on which it depends. With this in mind, consider an argument addressed in Chapter 4:

- (1) By using drugs recreationally, the user degrades himself or herself.
- (2) If, by using drugs recreationally, the user degrades himself or herself, then recreational drug use is wrong.
- (3) Therefore, recreational drug use is wrong.

In this case, the activity is recreational drug use and the nonreligious claims include “by using drugs recreationally, the user degrades himself or herself” and “recreational drug use is wrong.”⁶³

Harm-based arguments for the wrongness of an activity move from a claim about a harm the activity involves to a claim about the wrongness of the activity. By “harm,” I mean an adverse effect on someone’s or something’s (e.g., society’s) interests.⁶⁴ Harm-based arguments may be stated formally as follows, with *X* standing for an activity, *S* standing for the subject of harm, and *H* standing for a harm:

- (1) *X* is harmful to *S* with respect to *H*.
- (2) If *X* is harmful to *S* with respect to *H*, then *X* is wrong.
- (3) Therefore, *X* is wrong.

What differentiates one harm-based argument from another, then, is the activity, the subject of the harm, and the harm the activity is said to involve. With this in mind, consider an argument addressed in Chapter 2:

- (1) Recreational drug use damages the user’s brain and, with it, his or her mental faculties.
- (2) If recreational drug use damages the user’s brain and, with it, his or her mental faculties, then recreational drug use is wrong.
- (3) Therefore, recreational drug use is wrong.

In this case, the activity is recreational drug use, the subject of the harm is the user himself or herself, and the harm is that of damage to the user’s brain and mental faculties.

Non-harm-based arguments for the wrongness of an activity, on the other hand, move from a claim about the activity’s possession of some

wrong-making property not identified with harm to a claim about the wrongness of the activity. It is important to make very clear the significant difference between harm-based arguments and non-harm-based arguments. With the former, the wrongness of the activity depends on the activity being harmful; with the latter, it does not. To be sure, it might be that the wrong-making property involved in a non-harm-based argument also renders the activity harmful to those who engage in it. But the wrongness of the activity does not depend on its doing so as with harm-based arguments; the activity possessing the wrong-making property not identified with harm would still be wrong even if it were not harmful. Non-harm-based arguments may be stated formally as follows, with *X* standing for an activity and *P* standing for a wrong-making property not identified with harm:

- (1) *X* possesses the wrong-making property *P*.
- (2) If *X* possesses the wrong-making property *P*, then *X* is wrong.
- (3) Therefore, *X* is wrong.

What differentiates one non-harm-based argument from another, then, is not only the activity but also the wrong-making property the activity is said to possess. With this in mind, consider an argument addressed in Chapter 5:

- (1) Recreational drug use is unnatural.
- (2) If recreational drug use is unnatural, then recreational drug use is wrong.
- (3) Therefore, recreational drug use is wrong.

In this argument, the activity is recreational drug use and the wrong-making property is that of being unnatural.

As one can see, these types of arguments for the wrongness of recreational drug use—these types of arguments against recreational drug use, for short—may be conjoined in various ways. For example, one could conjoin religious arguments and harm-based arguments, religious arguments and non-harm-based arguments, nonreligious arguments and harm-based arguments, nonreligious arguments and non-harm-based arguments, and so on. In the chapters to come, I do just that. Specifically, in Chapter 2, I evaluate nonreligious harm-based arguments that focus on harm to the user—that is, that focus on self-regarding harm. In Chapter 3, I evaluate nonreligious harm-based arguments that focus on harm to someone other than the user—that is, that focus on other-regarding harm. In Chapter 4, I evaluate nonreligious non-harm-based arguments linked by the

concepts of instrumentalization, addiction, and degradation. In Chapter 5, I continue to evaluate nonreligious non-harm-based arguments, this time linked by the concept of pleasure. And in Chapter 6, I evaluate religious arguments, both harm-based and non-harm-based.⁶⁵

There is yet another way in which these types of arguments may be conjoined, though it is one that I do not address here, which is by conjoining harm-based arguments and non-harm-based arguments. One could, for example, conjoin the Addiction Argument (a non-harm-based argument for present purposes) and the Harm to Dependents Argument (a harm-based argument).⁶⁶ However, since presenting and evaluating harm-based arguments and non-harm-based arguments independently is a complicated and demanding affair unto itself (as will be evidenced shortly), I do not conjoin harm-based arguments and non-harm-based arguments and evaluate the resultant arguments. (For those who would like to do this on their own, see the following endnote.⁶⁷)

Additional Comments on the Arguments

A few more words about the arguments to be addressed in the following chapters are required. First, while attempting to determine whether recreational drug use is ever wrong, I have in mind any drug, illegal or legal, that may be used recreationally, including but not limited to caffeine, tobacco, alcohol, marijuana, cocaine, mushrooms, ecstasy, methamphetamine, and heroin. That said, the arguments that follow tend to be raised against particular drugs that are used recreationally, normally those that are illegal. This is due to the fact that very few people deem recreational use of *all* drugs to be wrong. As Husak writes, “Few of us believe that people behave immorally when they use alcohol, caffeine, or tobacco products. Moral condemnation is generally reserved for those drugs that are illicit.”⁶⁸ Accordingly, the recreational use of illegal drugs, such as marijuana, cocaine, and heroin, is of particular importance in this book.

But if the arguments that follow tend to be raised against the recreational use of illegal drugs, why do I have in mind any drug that may be used recreationally? Simply put, because this is what thinking rationally about the moral status of recreational drug use involves. To see this, consider the following case of recreational drug use:

A *terrifying* new “legal high” has hit our streets. Methylcarbonol, known by its street name “wiz,” is a clear liquid that causes cancer, liver problems, and brain disease, and is more toxic than ecstasy and cocaine. Addiction can occur after just one drink, and addicts will go to any lengths to get their next

fix—even letting their kids go hungry or beating up their partners to obtain money. Casual users can go into blind *rages* when they're high, and police have reported a huge increase in crime where the drug is being used. Worst of all, drink companies are adding “wiz” to fizzy drinks and advertising them to kids like they're plain Coca-Cola. Two or three teenagers die from it *every week* overdosing on a binge, and another *ten* from having accidents caused by reckless driving. “Wiz” is a public menace.⁶⁹

In this case, wiz is a legal drug that is used recreationally. Yet given its effects on both the user and others, its legal status is ultimately irrelevant when it comes to determining the moral status of its use; that wiz is a legal drug in no way ameliorates the bad or otherwise undesirable consequences that may arise from its use, including harm to the user, harm to others, violations of others' moral rights, and so on. Thinking rationally about the moral status of using wiz, then, involves thinking about the use of wiz independent of its legal status. And so it is with every other drug that may be used recreationally, hence my inclusion of all such drugs. (Indeed, methylcarbonol, the active ingredient of wiz, is just another chemical name for ethanol, the active ingredient of a legal drug: alcohol.⁷⁰)

And lest one think that the previous point depends on the negative effects of the drug in question, consider another case of recreational drug use:

Imagine a newly invented synthetic psychedelic, “Rhapsodol.” Rhapsodol provides an intense (but not unduly frightening) altered state, full of intellectually and aesthetically intriguing mental imagery, and a profound sense of love for all living creatures. These sensations last for approximately 30 minutes and then vanish completely, producing absolutely no detectable changes in one's life outlook or mental or physical functioning. They can only be experienced by sitting or lying in a completely stationary position; any abrupt physical movements end the psychedelic state and return one to a normal state. Moreover, because of neurochemical processes of adaptation, the effects can be experienced only once a day.⁷¹

Imagine also that Rhapsodol is an illegal drug that is used recreationally. Even so, given its effects on both the user and others, its legal status is ultimately irrelevant when it comes to determining the moral status of its use; that Rhapsodol is an illegal drug in no way diminishes the innocuous and even desirable consequences that may arise from its use. So as earlier, thinking rationally about the moral status of using Rhapsodol involves thinking about the use of Rhapsodol independent of its legal status. And again, so it is with every other drug that may be used recreationally, hence my inclusion of all such drugs.

The second thing that needs to be said about the following arguments regards their origins. Previously, I claimed that moral critics of recreational drug use rarely offer reasons for thinking that recreational drug use is wrong. Again, as Husak puts it, “arguments for the alleged immorality of drug use are almost never produced; this judgment is typically put forward as a kind of brute moral fact or uncontrovertible moral intuition.” But if arguments for the wrongness of recreational drug use are “almost never produced,” and the wrongness of recreational drug use is typically put forward as a kind of “brute moral fact,” from where do all the arguments to be evaluated in the following chapters come? They come from various sources. To begin with, some of the arguments have been presented by moral critics of recreational drug use themselves. This is consistent with the earlier claim regarding the paucity of arguments for the wrongness of recreational drug use, of course, for the claim is that moral critics of recreational drug use rarely offer arguments for the wrongness of recreational drug use, not that they never do.

Other arguments have not been presented so much as they have been suggested by critics of recreational drug use, moral or otherwise. What I mean by “suggested” is that, even when critics’ arguments against recreational drug use are not explicitly moralistic, they often involve moralistic overtones that hint at the moral impermissibility of recreational drug use. Perhaps the best way to demonstrate this is by example.

Take, for instance, a commercial produced by the Partnership for a Drug-Free America. The commercial features a young woman in a kitchen holding an egg in one hand and a frying pan in the other. “This is your brain,” she says, referring to the egg. “This is heroin,” she continues, referring to the frying pan. “This is what happens to your brain after snorting heroin,” she says just before smashing the egg with the frying pan. “And this is what your body goes through,” she continues while the yolk, white, and eggshell ooze down the bottom of the frying pan. She then proceeds to smash and destroy everything in the kitchen—the dishes, the clock, the faucet—while screaming “This is what your family goes through! And your friends! And your money! And your job! And your self-respect! And your future!” The commercial ends with her asking “Any questions?”⁷²

The implicit claim here, of course, is that one should not snort heroin. But which sense of “should” is at work—the prudential or the moral? If the prudential sense is at work, then the implicit claim is that one should not snort heroin given one’s desires, interests, purposes, or needs. But if this is all the message amounts to, then the Partnership for a Drug-Free America, in the form of the young woman, doth protest too much. For if all that is at work is the prudential sense of “should,” one could reply (correctly, I might add, and to be addressed later) that, statistically speaking,

the probability of reaching such a level of loss through the recreational use of heroin—one involving the loss of one’s family and friends and money and future and so on—is rather low. One could even reply that one simply does not care about the possibility of losing these things. Given the commercial’s histrionics, I cannot help but think that the Partnership for a Drug-Free America’s response to such replies would be “Even so, you should not snort heroin!” After all, one risks losing one’s family and friends and money and future by doing lots of things—riding motorcycles, for instance—but no one is spending large amounts of money to have kitchens destroyed, as it were, in an attempt to dissuade people from doing such things. These considerations indicate to me that more than the prudential sense of “should” is at work—that is, they indicate to me that the Partnership for a Drug-Free America is appealing to more than mere prudence. They indicate to me that the moral sense of “should” is at work as well. In sum, regarding the second source of the arguments to be evaluated, they have not been presented so much as suggested by critics of recreational drug use.

As for the third and final source of the arguments to be evaluated, they have been anticipated by me and are presented here for the first time. Accordingly, I have widened the circle of possible arguments for the wrongness of recreational drug use. The set of arguments for the moral impermissibility of recreational drug use includes not only old arguments, then, but also new ones. Indeed, some of the old arguments are redeveloped and expanded here, making them, to that extent, new.

My Method for Evaluating the Arguments

There are at least two ways in which one may learn about an individual’s method for evaluating arguments: directly or indirectly. One learns directly about an individual’s method for evaluating arguments by consulting the individual’s description of it. One learns indirectly about an individual’s method for evaluating arguments by consulting the individual’s use of it. If you prefer to learn directly about my method for evaluating the arguments in the following chapters, then you ought to read this section. If you prefer instead to learn indirectly about my method for evaluating the arguments, then you ought to skip this section.

The method to be employed here for evaluating arguments against recreational drug use is one that is guided by the ideals of argumentation, clarity, and rigor. It is perhaps best described by way of illustration. Suppose someone, I’ll call him “Joe,” submits the following argument, an argument discussed in much greater detail in Chapter 4:

- (1) By using drugs recreationally, the user instrumentalizes himself or herself.
- (2) If, by using drugs recreationally, the user instrumentalizes himself or herself, then recreational drug use is wrong.
- (3) Therefore, recreational drug use is wrong.

The first methodological step for evaluating this argument involves checking the logic—that is, it involves attempting to determine whether the conclusion (3) may be derived (follows) from the premises (1) and (2). If the conclusion does not follow from the premises, then the argument is judged fallacious. If the conclusion does follow from the premises, then it is determined whether it does so necessarily or probably. A conclusion follows necessarily from the premises if it must be true given the truth of the premises. A conclusion follows probably from the premises, not if it must be true given the truth of the premises, but merely if it is likely to be true given their truth. In Joe’s argument, the conclusion does indeed follow from the premises and does so necessarily.

The next five steps involve examining the premises and determining which, if any, are one or more of the following:

- (a) a moral claim
- (b) a nonmoral claim
- (c) a basic moral claim
- (d) a derived moral claim
- (e) a true claim

Regarding steps (a) and (b), a moral claim is a claim about the moral status of an act, person, or state of affairs. In the case of an act, it is a claim about an act being morally wrong (impermissible), morally permissible, or morally required.⁷³ While in the case of a person or state of affairs, it is a claim about the person or state being morally bad, morally good, or morally exemplary. In Joe’s argument, premise (2)—if, by using drugs recreationally, the user instrumentalizes himself or herself, then recreational drug use is wrong—is a moral claim. A nonmoral claim, on the other hand, is a claim that is not about the moral status of an act, person, or state of affairs. What a nonmoral claim *is* about varies from one nonmoral claim to the next, of course. In Joe’s argument, premise (1) is probably a nonmoral claim, one about how recreational drug use instrumentalizes the user. I write “probably,” since the word “instrumentalize” is unclear, and some people might use “instrumentalize” in a nonmoral sense, while others might use it in a moral sense. Thus, in order to be confident that premise (1) is in fact a nonmoral claim, one would need to establish what Joe

means by “instrumentalize.” (Hereafter, I will simply assume that premise [1] is indeed a nonmoral claim.)

As for steps (c) and (d), since I cannot improve on Michael Tooley’s articulation of the distinction between basic and derived moral claims, I will quote it here. But before doing so, it should be noted that Tooley writes in terms of moral principles rather than moral claims. This difference, however, is insignificant for present purposes, since Tooley’s moral “principles” and my moral “claims” function equivalently in the relevant respect—namely, as statements of what is believed to be a moral truth. That said, Tooley’s articulation of the distinction between basic and derived moral claims is as follows: “A moral principle is *basic* if its acceptability is not dependent upon any nonmoral facts. It is a *derived* moral principle if it is acceptable only because it is entailed by one or more basic moral principles together with propositions expressing some nonmoral facts.”⁷⁴ (Notice that, so construed, this distinction allows for a basic moral claim to be derived from other basic moral claims alone—more on this in a moment.)

Given that a moral claim is basic if its acceptability is not dependent on any nonmoral facts, a moral claim is basic for an individual if no conceivable changes to nonmoral assumptions or beliefs can make him or her revise the claim. And given that a moral claim is derived if it is acceptable only because it is entailed by one or more basic moral claims together with propositions expressing some nonmoral facts, a moral claim is derived for an individual if changes to nonmoral assumptions or beliefs *can* make him or her revise the claim. In other words, a basic moral claim is a claim that is believed to be true in all conceivable nonmoral factual circumstances, while a derived moral claim is a claim that is believed to be true “in the actual world because it is entailed by the combination of some basic moral principle . . . together with some nonmoral principle that is contingently true in the actual world.”⁷⁵ The acceptability of basic moral claims, then, is not contingent on nonmoral assumptions or beliefs as is the acceptability of derived moral claims.

With the preceding distinction in mind, let us consider premise (2) of Joe’s argument: If, by using drugs recreationally, the user instrumentalizes himself or herself, then recreational drug use is wrong. If it turns out that Joe will revise this moral claim under certain nonmoral factual circumstances, such as, say, when using drugs recreationally will prevent an even greater degree of self-instrumentalization, then the moral claim is not basic for Joe but instead is derived. Now, suppose Joe does revise the original moral claim so that it becomes the following: If, by using drugs recreationally, the user instrumentalizes himself or herself *unnecessarily*, then recreational drug use is wrong. If it turns out that Joe will not revise this moral claim under any nonmoral factual circumstances, such as, say,

when the recreational drug user is just like a standard adult human being in every way save for belonging to an alien species, then the moral claim is basic for him.

The importance of determining which moral claims are basic and which are derived pertains to what is involved when attempting to establish whether a moral claim is true. If the moral claim is derived, then establishing whether it is true involves establishing whether the claims from which it is said to be derived—both moral and nonmoral—are themselves true. If the moral claim is basic, however, then establishing whether it is true does not involve the preceding, as basic moral claims are not derived from sets of moral and nonmoral claims. Instead, establishing whether a basic moral claim is true involves considering its logical implications, employing thought experiments, raising possible counterexamples, appealing to intuition, and more.⁷⁶ To wit, since a false claim, whether moral or nonmoral, cannot be deduced from a true claim, establishing whether a basic moral claim is true involves determining whether a false moral claim can be deduced from it—hence considering the basic moral claim’s logical implications. And since a basic moral claim is taken to be true regardless of changes to one’s nonmoral assumptions or beliefs, establishing whether it is true involves applying it to cases wherein changes have been made to nonmoral assumptions and beliefs—hence employing thought experiments, raising possible counterexamples, appealing to intuition, and so on.

Finally, regarding step (e), determining whether nonmoral claims are true is rather straightforward. In some cases, it is simply a matter of establishing whether the nonmoral claim corresponds to reality; if it does then it is true, and if it does not then it is false.⁷⁷ In other cases, it is a matter of establishing whether the nonmoral claim follows, necessarily or probably, from at least one other nonmoral claim that corresponds to reality; if it does then it is true or likely to be true, and if it does not then it is false or likely to be false. In Joe’s argument, the presumed nonmoral claim, premise (1), might be true, depending on whether the user does in fact instrumentalize himself or herself through recreational drug use.

When determining whether moral claims are true, however, things are not so straightforward. In order to do so, one must consult plausible moral theories, analyze moral concepts, check for logical inconsistencies, consider the moral claim’s logical implications, employ thought experiments, raise possible counterexamples, appeal to intuition, and more. All these things, to one degree or another, are normally involved in the attempt to determine whether moral claims are true. In Joe’s argument, the moral claim, premise (2), might be true, depending on whether instrumentalizing oneself is in fact wrong, among other things.

Before bringing this section to a close, I feel I should say a little more about one of the previously listed truth-testing considerations, intuition, as its role in moral reasoning has been and continues to be of considerable debate. Specifically, I would like to state very briefly what I take intuition's role in moral reasoning to be.

There are, of course, numerous understandings of "intuition."⁷⁸ Following Michael Huemer, "intuition" will be understood here as a state of its seeming to one that a claim, moral or nonmoral, is true wherein its seeming so is the result, not of having inferred the claim from other claims, but merely of having reflected on the claim itself.⁷⁹ With this meaning of "intuition" in mind, I am inclined to think that intuition serves a twofold purpose: (a) as a heuristic device and (b) as *prima facie* epistemic justification for accepting basic moral claims, at least when the intuition arises foremost from the claim's intrinsic features and when it is shared by most people.⁸⁰ Beginning with the former, by serving as a starting point from which we may reason about moral issues, intuition helps us discover new moral terrain, as it were—that is, new questions, concepts, and arguments of moral import. From ancient philosophy (for example, Plato's thought experiment involving the ring of Gyges) to contemporary philosophy (Judith Jarvis Thomson's thought experiment involving the famous violinist, for instance) the history of moral philosophy is replete with examples of new moral terrain being discovered by way of an intuitive point of departure.

As for intuition serving as *prima facie* epistemic justification for accepting basic moral claims, consider first that *rejecting* basic moral claims can be done on any number of grounds, such as those of the aforementioned truth-testing considerations. For example, a basic moral claim can be rejected on the grounds that a false moral claim can be deduced from it or that it is subject to counterexample. But *accepting* basic moral claims cannot be done simply on the basis of such considerations, for, even if a basic moral claim is not subject to counterexample and a false moral claim cannot be deduced from it, it still may be false. Furthermore, that it is not subject to counterexample and a false moral claim cannot be deduced from it do not, in and of themselves, make the basic moral claim more likely than not to be true.

On what grounds, then, is one to accept basic moral claims? One might think that it can be done on the basis of a derivation; specifically, one might think that a basic moral claim can be derived from other basic moral claims alone. But this just pushes the problem back, as the following question arises: On what grounds is one to accept the other basic moral claims from which the basic moral claim is said to be derived? Or, one might think that, similar to some logical truths (such as the law of identity, according to which something is what it is), a basic moral claim can be accepted on

the basis of the obviousness of its truth.⁸¹ But one is hard pressed to find a basic moral claim that is so obviously true, if one is to be found at all.⁸² Or, one might think that a basic moral claim can be accepted on the basis of its explanatory power or its practicality.⁸³ But both of these possibilities are subject to a problem raised earlier, which is that, even if a basic moral claim has great explanatory power and is very practical, it still may be false.

What's more—and more to the point—it seems at least logically possible that a basic moral claim can have great explanatory power and be very practical, and yet be counterintuitive as well. With this in mind, take two basic moral claims, one of which has great explanatory power and is very practical, and most people's intuition, arising foremost from the claim's intrinsic features, is that it is true. While the other has great explanatory power and is very practical, but most people's intuition, also arising foremost from the claim's intrinsic features, is that it is false. If intuition provides no epistemic justification whatsoever for accepting basic moral claims, then there is no epistemic reason to accept the former basic moral claim over the latter basic moral claim, all else being equal. But this strikes me as incorrect. That the former basic moral claim is intuitive, especially in the way that it is, seems to provide *prima facie* epistemic reason for accepting it over its counterpart. (Admittedly, I am appealing to intuition here; for what it's worth, I am inclined to think that such appeals are inevitable, not just in moral reasoning, but also in philosophical reasoning in general.) If this is correct, then intuition does in fact provide *prima facie* epistemic justification for accepting basic moral claims, at least when it arises foremost from the claim's intrinsic features and when it is shared by most people.⁸⁴ To be sure, it may be that basic moral principles are not to be accepted at all, since there is no epistemic justification whatsoever for doing so, as moral skeptics would have us believe. But for present purposes, I will be assuming that there is such justification for doing so.

So again, I am inclined to think that intuition serves not only as a heuristic device but also as *prima facie* epistemic justification for accepting basic moral claims under certain conditions. Accordingly, I appeal to intuition here. And though I am aware that not everyone agrees that intuition plays this twofold role, especially that of providing epistemic justification for accepting basic moral claims, I am also aware that many of my appeals to intuition do not require that they be understood in terms of the latter in order to be useful. In many cases, if my appeals to intuition are understood to function merely as heuristic devices, they will have served their purpose.

This, at least in broad strokes, is the method to be employed here for evaluating arguments against recreational drug use. As one can see, it is indeed guided by the ideals of argumentation, clarity, and rigor. Before moving on, however, an important caveat is in order, one that I suspect

you will embrace. While employing this method in the following chapters, I do so without always stating explicitly which elements of the method are at work at any given moment. To do the latter would be mind-numbingly tedious and repetitive, both for you and for me. Accordingly, I trust that you will be able to decipher which elements of the method are at work at any given moment on your own.

Conclusion

Given the statistics presented at the beginning of this chapter, it is clear that recreational drug use is alive and well in the United States. And that it is, particularly when juxtaposed with the possibility of inconsistent beliefs that people may have regarding its moral status as well as the morality-based defense of the status quo position, makes recreational drug use an activity especially worthy of moral evaluation. Even so, as Husak observes, “Moral and political philosophers—indeed, philosophers in general—have been strangely silent in the drug policy debate.”⁸⁵ As a result of this silence, there is an important hole in the drug-policy debate that needs closing: that of recreational drug use’s moral status and, specifically, whether it is ever wrong. In what follows, I attempt not only to close this hole but also to argue that, by and large, arguments for the wrongness of recreational drug use do not succeed.

While attempting to demonstrate that arguments for the wrongness of recreational drug use are largely unsuccessful, I hope to accomplish something else: to underscore the importance of evidence and argumentation with respect to one’s beliefs about the morality of recreational drug use. As Andrew Weil writes, “Drugs are not an emotionally neutral topic of discourse . . . This is so precisely because the issues raised by drugs touch so closely upon our profoundest hopes and fears.”⁸⁶ This leads to the undue influence of emotions, anecdotal evidence, prejudices (racial, class, etc.), and other nonrational and irrational factors in legal and moral debates on the issue.⁸⁷ And, as a result, recreational drug use is “among a small handful of issues that seem almost immune to rational debate” and “[e]vidence has little bearing on the kind of moral beliefs many people hold” regarding it.⁸⁸ But if one is to determine whether recreational drug use is in fact wrong, one should not permit these nonrational and irrational factors to have such influence, as doing so increases the likelihood that the conclusion at which one arrives will be unfounded.⁸⁹ If one wants to arrive at well-founded conclusions, one ought to rely first and foremost on evidence and argumentation, something of which I will attempt to persuade you by doing just that here.

Two more concluding remarks are in order. First, and following John Stuart Mill, unless otherwise indicated, any claim regarding the moral status of recreational drug use is meant to apply only to “human beings in the maturity of their faculties”—that is, to standard adult human beings.⁹⁰ It is because of this that the Harm to Adolescents Argument, and the various versions thereof, are presented and evaluated independently of the other arguments.

Second, though I have attempted to be thorough, more can and, I hope, will be written about arguments for the wrongness of recreational drug use. In striving for thoroughness, I chose to cast my net wide so as to cover as many arguments as was reasonable within a fixed word limit. By choosing breadth of argumentation, I had to sacrifice depth of argumentation on occasion; thus, some of the arguments, as well as some of the objections raised against them, may be developed even further. Accordingly, I do not consider this book to be the final word on the wrongness of recreational drug use—indeed, far from it. Instead, I like to think of this book as the beginning of a long and overdue rational discussion on the matter.

Notes

Foreword and Acknowledgments

1. Howard Rahtz, *Drugs, Crime, and Violence: From Trafficking to Treatment* (Lanham, MD: Hamilton Books, 2012).
2. Andrew Weil, *The Natural Mind: A New Way of Looking at Drugs and the Higher Consciousness*, revised ed. (New York: Houghton Mifflin, 1972).

Chapter 1

1. See James Bakalar and Lester Grinspoon, *Cocaine: A Drug and Its Social Evolution* (New York: Basic, 1976), 176.
2. Unless, of course, an act's moral status is *identified* with its prudential status or legal status. For more on this possibility, see Stephen Darwall, ed., *Contractarianism/Contractualism* (Malden, MA: Blackwell, 2003).
3. Will Brinson, "Michael Phelps Admits Smoking Weed Picture Was Indeed Him," *AOL News*, February 1, 2009, available at <http://www.aolnews.com/2009/02/01/michael-phelps-admits-smoking-weed-picture-was-indeed-him/>.
4. Anonymous, "Should Michael Phelps Be Banned from Representing the USA in the Olympics?," *Yahoo Answers*, accessed 2014, available at <https://answers.yahoo.com/question/index?qid=20090218223931AAp3pJ5>.
5. See "Bill Maher on Larry King Live Discussing Michael Phelps," *YouTube*, accessed 2013, available at <http://www.youtube.com/watch?v=BODNXiN798s>.
6. Kyle Koster, "Subway Accepts Michael Phelps' Apology, Wants Him to Make Them Some Bread," *Chicago Sun-Times*, February 7, 2009, available at http://blogs.suntimes.com/sportsprose/2009/02/subway_accepts_michael_phelp.html.
7. Radley Balko, "What Michael Phelps Should Have Said," *Reason*, February 2, 2009, available at <http://reason.com/archives/2009/02/02/what-michael-phelps-should-hav>.
8. Phelps once admitted, however, to consuming alcohol and subsequently crashing his car. This was deemed scandalous, and deservedly so. See Susan Keating, "Michael Phelps Admits He Drank Before Car Accident," *People*, August 16, 2009, available at <http://www.people.com/people/article/0,,20298219,00.html>.

9. Douglas Husak, "Reasons to Decriminalize," in *The Legalization of Drugs: For and Against*, edited by Douglas Husak and Peter de Marneffe (New York: Cambridge University Press, 2005), 86–87.
10. US Food and Drug Administration, "Medicines in My Home: Caffeine and Your Body," Fall 2007, available at <http://www.fda.gov/downloads/UCM200805.pdf>.
11. Except for the statistic of note 13, the statistics in this and the next paragraph come from *Results from the 2012 National Survey on Drug Use and Health: Summary of National Findings*, September 2013, available at <http://www.samhsa.gov/data/NSDUH/2012SummNatFindDetTables/NationalFindings/NSDUHresults2012.pdf>. It is worth adding that an estimated at 59.7 million people participated in binge drinking, defined as having five or more drinks on the same occasion on at least one day in the 30 days prior to the survey. And 17 million people reported heavy drinking, defined as binge drinking on at least five days in the past 30 days.
12. Angus Bancroft, *Drugs, Intoxication, and Society* (Cambridge: Polity, 2009), 2. The UN Office on Drugs and Crime estimates that between 149 and 271 million people around the world use illegal drugs (see Live Science Staff, "Illegal Drugs Cause 250,000 Global Deaths Yearly, Reports Find," *Live Science*, January 5, 2012, available at <http://www.livescience.com/36068-worldwide-illegal-drug-deaths.html>).
13. Husak, "For Drug Legalization," in *The Legalization of Drugs*, 46.
14. Charles E. Faupel et al., *The Sociology of American Drug Use*, 2nd ed. (New York: Oxford University Press, 2009), 3.
15. Ethan A. Nadelmann, "Illegal Drugs Should Be Decriminalized," in *You Decide! Current Debates in Contemporary Moral Problems*, edited by Bruce N. Waller (New York: Pearson Education, 2006), 94.
16. Some evidence that people have inconsistent beliefs regarding recreational drug use comes in the form of drug theory and policy. After asking, "Why is marijuana, to which no fatalities have been directly attributed, a Schedule I drug, while tobacco and alcohol are not scheduled at all, though they are estimated to account for approximately 400,000 and 75,000 deaths a year, respectively, and both tobacco and alcohol are more addictive?" Margaret Battin et al. submit the following: "Drug theory and policy appear inconsistent, indeed incoherent, when viewed across the board; and while the miscategorization of drugs based on a chaotic political history is surely part, it is not the whole problem" (*Drugs and Justice: Seeking a Consistent, Coherent, Comprehensive View* [New York: Oxford University Press, 2008], 157–58).
17. Possession of marijuana for recreational purposes was recently legalized in Colorado, Oregon, Washington, Alaska, and Washington, DC.
18. Robert J. MacCoun and Peter Reuter, *Drug War Heresies: Learning from Other Vices, Times, and Places* (New York: Cambridge University Press, 2001), 55.
19. Elizabeth Price Foley, *Liberty for All: Reclaiming Individual Privacy in a New Era of Public Morality* (New Haven, CT: Yale University Press, 2006), 181.

20. William Bennett, "Should Drugs Be Legalized?," in *Drugs: Should We Legalize, Decriminalize or Deregulate?*, edited by Jeffrey A. Schaler (Amherst, NY: Prometheus, 1998), 65.
21. George H. W. Bush, quoted in Husak, "Reasons to Criminalize Drug Use," in *The Legalization of Drugs*, 71.
22. James Q. Wilson, "Against the Legalization of Drugs," in *Contemporary Moral Problems*, 8th ed., edited by James E. White (Belmont, CA: Thomson Wadsworth), 357.
23. Edwin Delattre, quoted in Rushmore Kidder's "Legalizing Drugs Would Sidestep the Moral Issue," in *Drugs: Should We Legalize, Decriminalize or Deregulate?*, 72.
24. John Hawkins, "5 Reasons Marijuana Should Remain Illegal," *Townhall.com*, January 21, 2014, available at <http://townhall.com/columnists/johnhawkins/2014/01/21/5-reasons-marijuana-should-remain-illegal-n1782086/page/full>.
25. Indeed, one of the harmful effects associated with eating junk food is an addiction-like reward dysfunction, a dysfunction associated with the use of cocaine and heroin, see Paul M. Johnson and Paul J. Kenny, "Addiction-like Reward Dysfunction and Compulsive Eating in Obese Rats: Role for Dopamine D2 Receptors," *Nature Neuroscience* Vol. 13, No. 5 (May 2010): 635.
26. Douglas N. Husak, "Two Rationales for Drug Policy: How They Shape the Content of Reform," in *How to Legalize Drugs*, edited by Jefferson M. Fish (Northvale, NJ: Jason Aronson, 1998), 33.
27. See Douglas N. Husak, *Legalize This! The Case for Decriminalizing Drugs* (New York: Verso, 2002), 111.
28. Alan Gerwith, "From the Prudential to the Moral: Reply to Singer," *Ethics* Vol. 95, No. 2 (January 1985): 302.
29. One would be correct to point out that there is another sense of "should," the legal "should," and like the moral "should," it does not depend simply on the agent's desires, interests, purposes, or needs. What distinguishes the moral "should" from the legal "should" pertains to what is logically required in order for them to exist: the legal "should" cannot exist without the prior existence of a legislative body, while the moral "should" can exist even without the prior existence of a legislative body.
30. Stephen Labaton, "Federal Judge Urges Legalization of Crack, Heroin and Other Drugs," *New York Times*, December 13, 1989, B10, 5.
31. Husak, "Alcohol and Other Drugs," in *The Legalization of Drugs*, 183.
32. Douglas N. Husak, *Drugs and Rights* (New York: Cambridge University Press, 1996), 67. See David A. J. Richards, *Sex, Drugs, Death, and the Law: An Essay on Human Rights and Overcriminalization* (Totowa, NJ: Rowman and Littlefield, 1982), 168–85. This is not to be understood as a criticism of Richards; he is, after all, concerned primarily with the legal status of recreational drug use. It is simply to motivate how little attention scholars have paid to the issue of the moral status of recreational drug use.
33. There are, of course, numerous reasons for the lack of argumentation in the debate on the wrongness of recreational drug use. Perhaps the most

prominent of them is that those involved in the debate prefer to focus on the legal question of recreational drug use. The moral question—specifically, the question of whether recreational drug use is ever wrong—arises only secondarily, if it arises at all. Consider, for example, Husak's *Drugs and Rights* and *Legalize This!* These are two of the finest books available on the topic of recreational drug use in my estimation, thus my frequent use of them here. Yet the primary question of each of these books is not whether recreational drug use is ever wrong but whether we have a moral right against the state to use drugs recreationally. And addressing whether we have a moral right against the state to use drugs recreationally is not one and the same as addressing whether recreational drug use is ever wrong; even if we *do* have a moral right against the state to use drugs recreationally, it remains an open question whether the recreational use of drugs such as marijuana, cocaine, and heroin is wrong. As Paul Smith puts it, "One can have the moral right to do something that is morally wrong . . . It is coherent to say that adults have a moral right to use dangerous drugs, but it is morally wrong for them to do so" ("Drugs, Morality and the Law," *Journal of Applied Philosophy* Vol. 19, No. 3 [2002]: 234). Husak agrees, writing, "One can concede that drug use might be wrongful while still believing it to be protected by a moral right. The supposition that rights can apply to and protect wrongful conduct is familiar to our thinking about rights" (Husak, "Two Rationales for Drug Policy," 38).

34. Indeed, Cynthia Kuhn et al. contend that "the term *drug* means one thing to politicians trying to get elected, another thing to high school students, and yet another to physicians" (Cynthia Kuhn et al., *Buzzed* [New York: W. W. Norton, 1998], 264).
35. Eric Goode, *Drugs in American Society*, 5th ed. (New York: McGraw-Hill, 1999), 58. The US Pharmacopoeia-National Formulary's definition of "drug" is similarly circular (see Battin et al., *Drugs and Justice*, 15).
36. Office on Drugs and Crime, *Drugs of Abuse: The Facts* (New York: United Nations, 2007).
37. For example, James A. Inciardi and Karen McElrath define drugs as "any natural or artificial substances (aside from food) that by their chemical nature alter the functioning of the body" (James A. Inciardi and Karen McElrath, "Introduction," in *The American Drug Scene*, 5th ed., edited by James A. Inciardi and Karen McElrath [New York: Oxford University Press, 2008], xvii). Not all scholars reject the view that food can be a drug (see Martin Plant et al., *Drug Nation: Patterns, Problems, Panics, and Policies* [Oxford: Oxford University Press, 2011], 13).
38. Bancroft, *Drugs, Intoxication, and Society*, 7–8.
39. Husak, *Legalize This!*, 27.
40. See Robert Michels, "Doctors, Drugs Used for Pleasure and Performance, and the Medical Model," in *Feeling Good and Doing Better: Ethics and Nontherapeutic Drug Use*, edited by Thomas H. Murray et al. (Clifton, NJ: Humana, 1984), 178.

41. John Brick and Carlton K. Erickson, *Drugs, the Brain, and Behavior: The Pharmacology of Abuse and Dependence* (New York: Haworth Medical Press, 1999), 3.
42. See Paul Gahlinger, *Illegal Drugs: A Complete Guide to Their History, Chemistry, Use, and Abuse* (New York: Plume, 2004), 14. See also Howard Abadinsky, *Drug Use and Drug Abuse: A Comprehensive Introduction*, 7th ed. (Belmont, CA: Wadsworth, 2011), 4; and Kuhn et al., *Buzzed*, 264.
43. As Gahlinger notes, how we refer to a given drug is not so straightforward, as a single drug can have at once a chemical name, a generic name, a trade name, and a street name. See Gahlinger, *Illegal Drugs*, 11.
44. Husak, *Drugs and Rights*, 20.
45. Reuters, "Florida Man Shot in Head, Complains of Headache," *ABC News*, June 28, 2007, available at <http://www.abc.net.au/news/2007-06-28/florida-man-shot-in-head-complains-of-headache/83320>.
46. Bancroft, *Drugs, Intoxication, and Society*, 92. Incidentally, despite his rhetoric, Bancroft understands tobacco and alcohol to be drugs.
47. Husak, *Drugs and Rights*, 21.
48. Michael Kumar, *The Addicted Brain: Why We Abuse Drugs, Alcohol, and Nicotine* (Upper Saddle River, NJ: FT Press), 4.
49. See also Plant et al., *Drug Nation*, 17ff.; Battin et al., *Drugs and Justice*, 14ff.; Carl L. Hart and Charles Ksir, *Drugs, Society, and Human Behavior*, 14th ed. (New York: McGraw-Hill, 2011), chapter 9; Glen R. Hanson, Peter J. Venturelli, and Annette E. Flackenstein, *Drugs and Society*, 10th ed. (Boston: Jones and Bartlett, 2009), chapters 7 and 8.
50. Abadinsky, *Drug Use and Drug Abuse*, 374.
51. Husak, *Drugs and Rights*, 44.
52. It should be noted that some prescription drugs, such as Oxycodone, are used recreationally by some people as well, despite the fact that they are prescribed for medical use.
53. Richard Hammersley, *Drugs and Crime* (Cambridge: Polity, 2008), 34.
54. Battin et al. also understand recreational drug use in a way that I do not, restricting it to the use of various *illegal* drugs. See Battin et al., *Drugs and Justice*, 4.
55. Some might think that every activity affects others, even if inconspicuously, and thus that no activity can be strictly self-regarding. But even if this is true in practice (though I doubt that it is), it is not true in principle. Moreover, even if every activity affects others in practice, it does not follow that it does so in a morally relevant way. Nor does this undermine the point I am trying to make in this paragraph—namely, that recreational drug use is complex, which in turn renders determining its moral status rather complicated. For the point can be made even by construing recreational drug use as an activity that can be mostly self-regarding (and negligibly other-regarding) in practice.
56. This distinction is presented in David Boonin, *A Defense of Abortion* (New York: Cambridge University Press, 2003), 4–5.
57. Boonin, *A Defense of Abortion*, 4–5.

58. Husak, *Drugs and Rights*, 57. In 1980, as part of its campaign platform, the Republican Party referred to the drug problem in America as a “murderous epidemic” (James B. Bakalar and Lester Grinspoon, “Drug Abuse and Social Attitudes to Risk Taking,” in *Feeling Good and Doing Better*, 21).
59. Thanks to Steve Morris for this example.
60. For more on metaethical and normative ethical theories, see Russell Shafer-Landau, ed., *Ethical Theory: An Anthology* (New York: Wiley-Blackwell, 2007).
61. Leif Wenar describes the method of reflective equilibrium as follows:

In carrying through this method one begins with one’s considered moral judgments: those made consistently and without hesitation when one is under good conditions for thinking (e.g., “slavery is wrong,” “all citizens are political equals”). One treats these considered judgments as provisional fixed points, and then starts the process of bringing one’s beliefs into relations of mutual support and explanation . . . Doing this inevitably brings out conflicts where, for example, a specific judgment clashes with a more general conviction, or where an abstract principle cannot accommodate a particular kind of case. One proceeds by revising these beliefs as necessary, striving always to increase the coherence of the whole. (“John Rawls,” *Stanford Encyclopedia of Philosophy*, March 25, 2008, available at <http://plato.stanford.edu/entries/rawls/#RefEqu>)
62. A syllogism is a deductive argument containing two premises and one conclusion.
63. There is a sense in which this latter claim, “recreational drug use is wrong,” could be understood as a religious claim. If the divine command theory is true, and if it entails that moral claims are reducible to claims about God’s commands, then the claim “recreational drug use is wrong” is fundamentally a religious claim. Whether the divine command theory *is* true will be addressed in Chapter 6.
64. See Battin et al., *Drugs and Justice*, 144. Battin et al. correctly point out that “harm” has both objective and subjective understandings (Battin et al., *Drugs and Justice*, 144ff.). Since both understandings have been invoked in harm-based arguments against recreational drug use, I will keep both understandings in mind for present purposes.
65. For those of you who hold that the wrongness of recreational drug use is to be grounded in religious claims, if it is to be grounded at all, you may want to read Chapter 6 before reading Chapters 2–5. Though Chapter 6 depends in part on claims made in Chapters 2 and 3, it is sufficiently intelligible even if one has not read those chapters.
66. Peter de Marneffe understands one of Wilson’s moral arguments for the prohibition of drugs along these lines, according to which the wrongness of using drugs such as cocaine and heroin is rooted in the degradation of the user “together with the bad consequences of this degradation” (de Marneffe,

- “Drug Prohibition and Liberalism,” in *The Legalization of Drugs*, edited by Douglas Husak and Peter de Marneffe [New York: Cambridge University Press, 2005], 134).
67. Perhaps the most exhaustive way of doing so is to select a harm-based argument, conjoin it and each of the non-harm-based arguments (one at a time), determine whether so conjoining them makes a difference to the conclusions at which I arrive while critiquing the selected harm-based argument, and then repeat this process with every other harm-based argument.
 68. Husak, “Reasons to Criminalize Drug Use,” 78.
 69. David Nutt, *Drugs without the Hot Air: Minimising the Harms of Legal and Illegal Drugs* (Cambridge: UIT, 2012), 91.
 70. *Ibid.*
 71. MacCoun and Reuter, *Drug War Heresies*, 66.
 72. See “Heroin: Rachel Leigh Cook Splattering Your Brain,” *YouTube*, accessed 2015, available at <http://www.youtube.com/watch?v=HNgsHTJKfjc>.
 73. Marianne Talbot construes this tripartite distinction as follows: *Morally required* acts are those that are good to do and bad not to do. *Morally permissible* acts are those that are neither good to do nor bad not to do. *Morally impermissible* acts are those that are bad to do and good not to do. See her *Bioethics: An Introduction* (Cambridge: Cambridge University Press, 2012), 189.
 74. Michael Tooley, *Abortion and Infanticide* (New York: Oxford University Press, 1983), 17 and 63.
 75. Michael Tooley, “Abortion: Why the Liberal View Is Correct,” in *Abortion: Three Perspectives*, edited by Michael Tooley, Celia Wolf-Devin, Philip E. Devine, and Alison Jaggar (New York: Oxford University Press, 2009), 24–25.
 76. Regarding counterexamples, Tooley writes, “Suppose that a person holds that all actions of a certain type are wrong. A counter-example would consist of some situation involving an action of the relevant type, but which the individual would not judge to be wrong” (Tooley, *Abortion and Infanticide*, 15).
 77. This assumes, of course, that the correspondence theory of truth is correct. For other theories of truth, see Frederick F. Schmitt, ed., *Theories of Truth* (New York: Wiley-Blackwell, 2003).
 78. See Philip Stratton-Lake, “Intuitionism in Ethics,” *Stanford Encyclopedia of Philosophy*, December 15, 2014, available at <http://plato.stanford.edu/entries/intuitionism-ethics/>.
 79. Michael Huemer, *Ethical Intuitionism* (New York: Palgrave Macmillan, 2005), 102.
 80. To be sure, intuition is said to serve as prima facie epistemic justification for accepting derived moral claims as well. But I agree with Tooley that, in such cases, intuition is best understood to be serving as justification for accepting the basic moral claim that underlies the derived moral claim, if it is serving as justification at all. See Tooley, *Abortion and Infanticide*, 29.
 81. To be sure, self-evidence and intuition are often linked. Claims that are taken to be self-evident often seem to one to be true as a result of one’s thinking

about them and independent of inference from other beliefs. But the two need not go hand in hand, as a claim can seem to one to be true as a result of one's thinking about it and independent of inference from other beliefs without being self-evidently true. See Stratton-Lake, "Intuitionism in Ethics," for more on this issue.

82. Consider the following basic moral claims, each of which is associated with a major moral theory: "One ought to produce the greatest total net pleasure" (classical utilitarianism), "One ought to treat humanity as an end in itself" (deontology), "One ought to do what a virtuous agent would characteristically do" (virtue ethics), and "One ought to act according to one's nature" (natural law theory). Not one of these basic moral claims has struck even a bare majority of philosophers as obviously true.
83. Explanatory power pertains to the extent to which the basic moral claim is capable of explaining relevantly related claims. And practicality pertains to the degree to which the basic moral claim is capable of being lived in accordance with.
84. For a defense of the view that intuition provides epistemic justification for moral claims, see Huemer's *Ethical Intuitionism*.
85. Husak, "Two Rationales for Drug Policy," 57n27.
86. Andrew Weil, *The Natural Mind: A Revolutionary Approach to the Drug Problem*, revised ed. (New York: Houghton Mifflin, 2004), 3.
87. For more on the influence of racial prejudices in the debate on recreational drug use, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012).
88. Husak, *Drugs and Rights*, 7; Jonathan P. Caulkins, Peter Reuter, Martin Y. Iguchi, and James Chiesa, *How Goes the "War on Drugs"? An Assessment of US Drug Problems and Policy* (Santa Monica: RAND Drug Policy Research Center, 2005), 2.
89. Unless (regarding emotions) ethical emotivism is true. For more on ethical emotivism, see Mark Schroeder, *Noncognitivism in Ethics* (New York: Routledge, 2010).
90. John Stuart Mill, "On Liberty," in *Morality and Moral Controversies: Readings in Moral, Social, and Political Philosophy*, 8th ed., edited by John Arthur and Steven Scalet (Upper Saddle River, NJ: Prentice Hall, 2009), 387.

Chapter 2

1. Howard Abadinsky, *Drug Use and Drug Abuse: A Comprehensive Introduction*, 7th ed. (Belmont, CA: Wadsworth, 2011), 74. See also Norman E. Zinberg, *Drug, Set, and Setting: The Basis for Controlled Intoxicant Use* (New Haven, CT: Yale University Press, 1984).
2. This list is compiled from four different sources. See Douglas Husak, *Drugs and Rights* (New York: Cambridge University Press, 1996), 46; Martin Plant, Roy Robertson, Moira Plant, and Patrick Miller. *Drug Nation: Patterns, Problems, Panics, and Policies* (Oxford: Oxford University Press, 2011),