

On Moral Arguments Against Recreational Drug Use

Rob Lovering considers some of the arguments, and what they amount to.

December 5, 2015, marked the eighty-second anniversary of the United States' repeal of the National Prohibition Act, an erstwhile constitutional ban on 'intoxicating beverages'. The Act's repeal did not bring an end in the U.S. to the legal prohibition of *every* intoxicating substance, of course – the recreational use of cocaine, heroin, ecstasy, and many other intoxicating substances remains illegal; but it did reinstate alcohol as one of many intoxicating substances – of many *drugs*, lest there be any confusion – that Americans are legally permitted to use recreationally. The list also includes caffeine and nicotine.

One might wonder why all countries currently legally permit the recreational use of some drugs, such as caffeine, nicotine, and (usually) alcohol, but prohibit the recreational use of others, such as cocaine, heroin, ecstasy and (usually) marijuana. The answer lies not simply in the harm the use of these drugs might cause, but in the perceived immorality of their use. As former U.S. Drug Czar William Bennett once put it, "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" (*Drugs: Should We Legalize, Decriminalize or Deregulate?*, ed. Jeffrey A. Schaler, 1998, p.65). Yet, despite strong rhetoric from the prohibitionists, it is surprisingly difficult to discern their reasons for believing that the recreational use of certain drugs is morally wrong. Most of the time, no reasons are even provided: it is simply declared, à la Bennett, that using some drugs recreationally is morally impermissible.

This is not to say that there are no reasons for believing that using some drugs recreationally is wrong. Indeed, there is a wide array of arguments for the immorality of certain recreational drug use, ranging from the philosophically rudimentary to the philosophically sophisticated. But the vast majority of these arguments are unsuccessful, and those that succeed are quite limited in scope.



Some Rudimentary Arguments

Take, for example, one of the philosophically rudimentary arguments: Recreational drug use is generally unhealthy for the user; therefore, recreational drug use is wrong.

Now it is true that recreational drug use *is* generally unhealthy for the user in one respect or another, to one degree or another. Just *how* unhealthy it is for the user depends not only on which drug, but on the amount and frequency of its use, the manner in which it is administered, the health of the person using it, and more. In any case, there is little question that recreational drug use is generally unhealthy for the user.

But does it follow then that recreational drug use is *wrong*? It does if the mere fact that an activity is generally unhealthy – or, more broadly, generally *harmful* – to the one who engages in it renders that activity morally wrong. However, this idea is very difficult to justify. Indeed, there seem to be conditions under which harming oneself, even damaging one's health, does not involve wrongdoing, such as when the harm is done with one's voluntary, informed consent. From boxing to BASE jumping, playing contact sports to mixed martial arts, snowboarding to bull-riding – each of these activities can be and often is unhealthy to the individuals who engage in them; but none of them seem to be thereby morally wrong when those engaging in them do so with their voluntary, informed consent. Imprudent, perhaps, but not immoral. Or consider people who eat unhealthy food and refuse to exercise. Their voluntary and informed eating of unhealthy food and refusing to exercise does not seem to be morally wrong in and of itself.

Here's another philosophically rudimentary argument: Recreational drug use is unnatural; therefore, recreational drug use is wrong.

Now there are at least seven different meanings of 'unnatural' that one may employ in this argument: statistically abnormal or unusual; not practiced by nonhuman animals; does not proceed from an innate desire; violates an organ's principal purpose; gross or disgusting; artificial; and contrary to divine intention. But regardless of which meaning is employed, this argument is also unsuccessful.

Consider just one meaning of 'unnatural': 'artificial'. What's typically meant by the claim that recreational drug use is artificial is that it involves inducing mental states that would not have occurred were it not for human intervention or contrivance. But what's wrong with artificially inducing mental states? This is precisely what individuals taking medication for depression or bipolar disorder do; yet hardly anyone believes that taking medication for depression or bipolar disorder is wrong. Granted, artificially inducing mental states for depression or bipolar disorder differs from artificially inducing mental states for recreational purposes in a particular and perhaps morally significant way: the former use is medical in nature while the latter is not. But if the claim, as here, is simply that it is wrong to artificially induce mental states, then *why* the mental states are artificially induced makes no difference to the argument. Furthermore, even if the reason the mental states are artificially induced were relevant to the argument, this would not necessarily entail that artificially inducing mental states for recreational purposes renders doing so wrong. Indeed, we have good reasons to think that artificially inducing mental states for recreational purposes is morally permissible in some cases: by way of listening to music or reading a novel, for instance. Both the music and the novel are products of human contrivance. To that extent, the mental states induced by listening to music or reading a novel are induced artificially. Nevertheless, there seems to be nothing immoral about artificially inducing mental states by doing either of these things.

There are many other philosophically rudimentary arguments: one grounds the supposed wrongness of recreational drug use in the claim that it squanders the user's talents; another in the claim that the pleasure of recreational drug use is unearned, and so on – but let this suffice for now. Equivalent analogies can be cited to show why these other arguments don't work either.



More Sophisticated Arguments

More philosophically sophisticated arguments for the moral wrongness of certain recreational drug use fare no better. Consider the following argument: By using drugs recreationally, the user instrumentalizes himself; therefore, recreational drug use is wrong. To instrumentalize oneself is to use oneself for a purpose to which one, as a rational moral agent, cannot in principle agree. (A rational moral agent is someone who can think in terms of moral reasons and act on that basis.) Most simply put, to instrumentalize oneself is to agree to behavior to which one could not rationally assent. For instance, if Joe necessarily desires x , then Joe cannot rationally agree to behavior that thwarts x , since doing so would involve contradicting himself – for were Joe to assent to behavior that thwarts that which he necessarily desires, Joe would be at once desiring both x and not- x .

So, does recreational drug use involve using oneself for a purpose to which one cannot in principle agree? That depends on what the purpose of recreational drug use is. This, in turn, depends partly on the drug in question. For the sake of space, let us consider the recreational use of just one drug: marijuana.

Typically, the purpose of using marijuana recreationally is to get high. The question, then, is whether the marijuana user can in principle rationally agree to the end of getting high. At first glance, it appears she can – the individual agreeing to get high does not on the face of things seem to be contradicting herself in doing so. But to be sure about this, we need to determine whether a pot smoker necessarily desires something that getting high thwarts.

Although lots of things might be proposed here, but again for the sake of space, I will consider just one: Perhaps as a rational moral agent, the pot smoker necessarily desires all that is required for the preservation and exercise of rational moral agency. And it may be that *not being high* – in a word, *sobriety* – is required for the preservation and exercise of rational moral agency. Two questions now arise: do rational moral agents necessarily desire

all that is required for the preservation and exercise of rational moral agency? And, is sobriety required for the preservation and exercise of rational moral agency?

Properly addressing the first question would involve a lengthy digression into the nature of rational moral agency. Instead, I will simply assume that rational moral agents *do* necessarily desire all that is required for the preservation and exercise of rational moral agency.

This brings us to the second question: Is sobriety required for the preservation and exercise of rational moral agency? Arguably *not*. To be sure, sobriety may be required for the *optimal* exercise of rational moral agency, but it is not *required* for the exercise, much less the preservation, of rational moral agency. The high individual can and typically does think in terms of moral reasons and act on that basis. As Jeffrey Reiman writes, "Even drug-beclouded individuals know the difference between right and wrong and can understand when they are hurting others and so on" (*Critical Moral Liberalism: Theory & Practice*, 1997, p.89).

Getting high, then, does not necessarily thwart all that is required for the preservation and exercise of rational moral agency. Accordingly, the marijuana user can indeed agree in principle to the end of getting high, even given that she necessarily desires all that is required for the preservation and exercise of rational moral agency. Substitute alcohol, cocaine, heroin, or ecstasy for marijuana here, and similar arguments may be proffered for the view that users of these drugs can also agree in principle to the end of these drugs' intoxicating effects – at least up to the point of the incapacity of rational thought.

Another philosophically sophisticated argument for the wrongness of recreational drug use is worth mentioning, given its popularity: By using drugs recreationally, the user may become addicted and thereby diminish his autonomy; therefore, recreational drug use is wrong.

Perhaps the most important word in this argument is 'autonomy'. And although there are many definitions of this word, for present purposes we will use 'the capacity to govern oneself'.

It is clear that, generally speaking, recreational drug users may become addicted to their drug of choice. Indeed, in *Drug Legalization: For and Against* (eds. Rod L. Evans and Irwin M. Berent, 1994), psychiatrist Michael Gazzaniga estimates that there is a ten per cent chance that any user of any drug will become addicted to it.

To what extent a drug is addictive may be determined in a number of ways, two of the more common ways being by establishing how likely it is that an occasional user of a drug becomes a habitual user of it; and by establishing how difficult it is for the habitual user to quit (see for instance Jim Leitzel, *Regulating Vice: Misguided Prohibitions and Realistic Controls*, 2008, p.61). Under both methods, nicotine is considered the most addictive of commonly-used drugs. Marijuana is much less addictive. Alcohol, heroin, and cocaine all fall somewhere in between nicotine and marijuana. And some recreational drugs, such as LSD and other hallucinogens, are considered virtually non-addictive, if at all: as Brian Penrose writes, "Whatever else may be true of [hallucinogens], they're more or less universally recognized as non-addictive" (*Regulating Vice*).

However, even given that recreational drug users may become addicted to their drug of choice, and, in turn, diminish their autonomy to a greater or lesser degree, this does not itself render recreational drug use wrong. After all, most of us diminish our capacity to

govern ourselves from time to time in ways that appear to be morally innocuous. Consider someone who is having trouble sleeping and decides to take a sleeping pill. In doing so, the individual chooses a course of action that will result in the diminishing of his capacity to govern himself. But does he thereby do something morally impermissible? It seems not.

Of course, taking a sleeping pill involves the use of a drug. And since what is at issue here is the moral status of using drugs – recreationally, of course, but using drugs nonetheless – it might be helpful to invoke a case that does not involve the use of a drug. So consider enlisting in the military. Those who do so diminish their capacity to govern themselves rather severely – with respect to where and with whom one resides, when one goes to and gets out of bed, what and when one eats and drinks, whom one considers to be an enemy, whom one considers to be an ally, whose commands one deems authoritative and obeys, what one considers to be acceptable conduct, under what conditions one will kill another human being, and so on. Even so, it does not seem to be morally wrong to join the military – at least, not on the grounds that doing so diminishes one’s capacity to govern oneself. (It may be imprudent in some ways, of course.) This suggests that other cases involving a less-than-extreme diminishing of one’s capacity to govern oneself are not morally wrong either.

To be sure, the diminishing of one’s capacity to govern oneself that occurs through joining the military is not the result of using a drug. But again, this fact is inconsequential to the argument. If it is precisely the diminishing of one’s capacity to govern oneself that renders certain recreational drug use wrong, as is alleged here, then any activity that involves the diminishing of one’s capacity to govern oneself will also be wrong, regardless of the means by which this is achieved.

To make this clear, suppose that what makes murder morally impermissible is that it involves the intentional permanent destruction of an innocent individual’s consciousness against their will. On this supposition, *any* activity that involves the intentional permanent destruction of an innocent individual’s consciousness against their will should be morally impermissible – including the intentional rendering of an innocent individual *permanently comatose* against their will. The means by which the permanent destruction of the individual’s consciousness is achieved is different in the comatose case, of course; but it is the permanent destruction of the individual’s consciousness nonetheless – so rendering someone comatose will be wrong for the same reason that murder is wrong. Similarly, if diminishing one’s capacity to govern oneself is morally wrong in and of itself, then joining the military is thereby morally wrong. But this is implausible.

There are many other philosophically sophisticated arguments – one which grounds the wrongness of recreational drug use in the claim that it blocks basic goods; another which grounds it in the claim that it degrades the user, and so on – but the preceding considerations will do for now.

Much more can also be said about each of the arguments above, and I have done just that in my book *A Moral Defense of Recreational Drug Use* (2015). Suffice it to say that if the objections that I have raised against these arguments for the immorality of recreational drug use are cogent, then to that extent the moral case for legally prohibiting recreational drug use is undermined.

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