

Dr. James S. Spiegel, Christian Ethics, Session 17, Drug Legalization

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This is Dr. James Spiegel in his teaching on Christian Ethics. This is session 17, Drug Legalization.

Okay, our next issue is drug legalization.

Should the use of such drugs as marijuana, cocaine, crystal meth, LSD, and heroin be legalized in the United States? Let's talk a little bit about the history of the so-called War on Drugs. It was President Richard Nixon who first used that term in 1969 when implementing the first comprehensive federal effort to prevent drug abuse. In 1988, President Reagan created an Office of National Drug Control Policy, and the so-called drug czar in charge was promoted to a cabinet position by Bill Clinton in 1993.

Tens of millions of dollars, federal dollars, are spent every year in the War on Drugs with regard to interdiction and education. Here are some of the drug-related crime figures. In 2015, there were approximately 1.5 million drug arrests in the U.S. About a third of those offenders were incarcerated.

About 40% of drug arrests that year were related to marijuana. As of 2016, there were approximately 450,000 drug offenders in U.S. prisons out of a total of 2.2 million prisoners. So, this is a huge percentage of prisoners in the U.S. are drug offenders.

As of this year, 2020, recreational marijuana use has become legal in about a dozen states. Alaska, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, Washington, as well as the District of Columbia. Medical marijuana use is legal in 23 other states.

Here's a map showing where recreational use of marijuana is legal, the dark green coded states, and the lighter green states where medical marijuana is legal. So, let's consider the question of the legalization of so-called hard drugs. And that would mean especially physically addicting drugs such as amphetamines and narcotics and also some that are not physically addicting but are considered hard drugs.

Hallucinogens like psilocybin and LSD. So, what about that? Would that be an appropriate move to legalize hard drugs as well? The great economist Milton Friedman argued for the legalization of all recreational drugs. And he had several reasons for this.

One, in his view, legalization will decrease narco-terrorism because illegality is what fosters the black market, which leads to huge profits for drug lords, and all sorts of violence is associated with that. Secondly, illegality encourages drug use, ironically, through something called the forbidden fruit effect. It's more attractive to a lot of people just because it's forbidden and it's illegal.

You remove that if you legalize these drugs. Thirdly, Friedman argues that legalization will reduce drug-associated crimes like theft and murder just because legalization will be accompanied by a great reduction in cost. So, people who want these drugs will not need to resort to extreme measures in order to acquire them.

And legalization will save billions of dollars because, as we noted, the government spends billions of dollars every year in waging the war on drugs. So those are Friedman's arguments for legalization. William Bennett has made a number of arguments against drug legalization.

Bennett, I believe, was one of the first, if not the first, drug czar in the U.S. administration. He argues that legalization will lead to increased drug abuse. He notes by comparison that the consumption of alcohol increased some 350% after the repeal of the prohibition in the early 30s.

Legalization will not eliminate the illegal underground drug market. The reason for that is that with legalization will come, as has happened with tobacco, very heavy taxes that will inflate the price, the sales price, of illegal drugs. And what drives a black market, even when it comes to legal goods like tobacco, is the incentive to undersell the product as it's sold in various stores.

I think cigarettes cost, what, \$5 a pack now. And there's a black market where cigarettes are sold at a much cheaper rate. So, just because a product is illegal, if it's taxed enough, you can still have an underground market.

So, just because these hard drugs are legalized doesn't mean that they would be removed. He also argues that legalization will not end drug-related crimes. Again, because the price will be so inflated, and as people get addicted to drugs like crystal meth and opiates, they are often desperate to get these drugs.

And if they don't have the money to buy them, then they will resort to violence and theft. And Bennett finally argues that there will be no real financial gains that come with legalization. Because even though interdiction costs will be reduced, there will be increased drug use and, therefore, increased, or at least as much, if not more, drug-related crime.

And then also government funds that will need to be devoted to dealing with people who have addictions, which will spike, according to Bennett. Another pro-legalization

scholar is a guy named Nadelman, who argues that interdiction efforts have had little effect on controlling the drug trade and drug abuse. So, because this is a lost cause, it's an effort that is basically fruitless in his view.

Again, it is better to save money and just make it legal and regulate it. He notes that marijuana and opium can be grown just about anywhere. That's a similar argument to what Friedman makes, but he also makes the argument that anti-drug law enforcement actually harms users more than the proper targets, which are the dealers.

So, it's misdirected in this way, according to Nadelman. James Q. Wilson makes some anti-legalization arguments that, again, somewhat overlap William Bennett's arguments. On the one hand, arguing that legalization would cause an explosion of drug abuse, as would cutting the price of any commodity by 95%.

Again, this is a similar argument to what Bennett makes, but then Wilson adds that drug abuse itself is not a victimless crime, as is often argued by legalization proponents, that children and spouses of addicts suffer tremendously because of drug abuse, and we need to protect them. So those are arguments, pros and cons. I want to focus a little bit now on an argument by a young Christian ethicist named Tim Schau, who makes, I think, a rather innovative argument against the legalization of marijuana, and it's ironic because he specifically argues that even libertarians should support marijuana prohibition.

Now, the legalization of marijuana is a kind of classic libertarian position. They want to maximize freedom as much as is consistent with an organized society, and so generally, libertarians are in favor of legalizing marijuana, if not other drugs as well. So, libertarianism is the view that the government is only justified in coercing people to prevent harm to others.

Government should not be in the business of protecting people from themselves. So, libertarians say the government should focus on maximizing personal freedom. So how could this be problematic at all, from a libertarian perspective, the idea of legalizing marijuana? And Schau argues that it's self-defeating to invoke liberty to justify marijuana legalization, he puts it.

Why? Well, because marijuana disrupts one's ability to think coherently. I don't think there would be much argument against that. It has this intoxicating effect that takes people out of their right mind, even if it is an enjoyable state for many people.

As Schau puts it, the state has an interest in restricting substances that impair, destroy, or otherwise frustrate these conditions of thinking coherently, and that includes marijuana. So here is Schau's full argument. It has several premises, concluding in the claim that the state has a responsibility to restrict marijuana use.

The first premise is that a key responsibility of the state is to protect individual freedom. There is no argument there. In order to effectively use one's freedom, one must be rational since personal agency is dependent on rationality.

You can't really be a truly autonomous and free person if you don't have the capacity to think rationally. Personal agency is dependent on this. Thirdly, rational thought requires proper cognitive function.

You can't think rationally if you're not functioning cognitively. Fourthly, marijuana disrupts cognitive function and, therefore, undermines rational thought. Therefore, the state has a responsibility to restrict marijuana use.

That is a very interesting argument. Schau replies to a number of objections to this argument. One such objection is that libertarians maintain that the state is only justified in protecting its citizens against coercion by third parties, but marijuana use is a self-regarding act, so where is the coercion? Schau's response to that is that when a person uses marijuana, the intoxicating drug itself is the threatening third party.

He compares the use of such drugs to selling yourself into slavery, selling yourself into cognitive slavery. That's something that even libertarians would say, no, that's inappropriate. We want to maximize freedom, and even though it's a decision to sell oneself into slavery, it may be a person's own decision because it's so violative of personal autonomy and freedom that it needs to be outlawed.

You can make a similar libertarian argument against suicide because it may be a free act, but it's a free act that results in the cancellation of all freedom. Another objection that Schau considers is that his reasoning implies that the government should also ban unhealthy foods, which compromise our proper function as citizens. There are all sorts of very fatty foods, unhealthy foods that are bad for you generally from a health standpoint, including your ability to think well.

Schau's reply to that is that it doesn't follow because unhealthy foods do not directly diminish one's ability to think or reason properly, to quote him. But the primary purpose of marijuana, in contrast to unhealthy foods, is to impair cognition. This is why people smoke pot, to alter themselves and their cognitive function in what is a compromised way.

Another objection that may be brought against Schau's argument is that if the state has a duty to restrict drugs like these, then it also has a duty to outlaw certain ideas that undermine cognition. There are a lot of bad philosophies and a lot of bad ideologies that corrupt good thinking. As someone who's worked in the academy for the better part of three decades, I've seen this a lot.

Any academician, Christian or not, would say the same thing. So, if ideas and ideologies can compromise cognition, and that's grounds for proscribing certain freedoms, then doesn't Schau's reasoning imply that we should outlaw certain ideas? And that's taken to be a kind of absurd consequence of his argument. Schau's response here, though, is that the state only has an interest in protecting the conditions that are necessary for the liberty of choosing one's beliefs, not the content of those beliefs.

Now, that might seem ad hoc as a response, but that certainly is a reasonable distinction to make in this case. Another objection is that Schau's argument doesn't imply that the state should also ban alcohol. Because that's an intoxicant as well. And this could be another reductio, a reduction to absurdity, because the vast majority of people don't want to see alcohol made illegal.

His response here is that while alcohol may be an intoxicant, it's often used for other purposes, or at least not used as an intoxicant. As a social lubricant, as it's said, some people, I think, reasonably feel a bit more capable of engaging in thoughtful and edifying discussion of ideas if they've had a glass of wine. The point is you don't need to alter your cognitive state necessarily when you drink alcohol.

And there's also the fact that he doesn't make this point, I don't think, but there's an aesthetic value when it comes to alcohol and the enjoyment of good cuisine. With a glass of wine or a beer, it's hard to make that case in defense of marijuana. I've never heard of anyone extol the aesthetic qualities of a reefer cigarette or a bong hit.

Maybe they're out there. I haven't heard that argument. It would be a hard thing to defend.

But in the world of alcohol, particularly wines, beers, also whiskeys, and so on, there's definitely an aesthetic dimension there. But that's my supplement to Xiao's argument. He might be sympathetic to that.

But his main point here is you can drink alcohol for other reasons that don't involve intoxication. That's not the case with marijuana. The point is to get high.

Well, what about medical marijuana use? Now, there seems to be a legitimate, redemptive application or use of marijuana. Xiao's response to that is that prescribing marijuana for legitimate medical needs is appropriate, but like any other medicine or drug, it needs to be regulated. He adds to that that the medical need for marijuana is more rare than it might seem.

Still, he's willing to grant the legitimate use of marijuana for certain medical applications, but that it would need to be regulated. And now, I'll conclude with a

few observations that I have made over the years when I've had students ask me about the morality of drug use. Say marijuana, where it's legal, or in a situation where other drugs if they were legal, would it be morally appropriate in any case for a person to use those drugs, particularly from a Christian theological perspective?

So, one of the things I note in this context is Paul's observation, the Apostle Paul's observation, that the body is a temple of the Holy Spirit. Your body is a sacred thing. I highly recommend Nancy Piercy's recent book, *Love Thy Body*, which has applications. Her thesis of that book has applications to a whole range of issues, including this one.

Your body is a precious, sacred thing, and to respect your body is to respect God indirectly. So what you put into your body, and not just what you smoke or the drugs you take, but also what you eat and how much exercise you get, is a way of reflecting your respect for God. Do I want to pollute my body, this temple of the Holy Spirit, by taking drugs? Another argument that I haven't heard anybody else make that is significant to me is the problem of sloth, particularly with regard to marijuana.

As someone who was involved in a drug underworld for a couple of years before I converted to Christianity many, many years ago, I saw this firsthand, and I observed it in my own life. I had a group of friends who were preoccupied with getting high regularly and smoking pot nearly every day, and I can't say that any of them were particularly industrious people. They were not especially creative, and they were not especially innovative or interested in doing constructive things.

Not that this is universally true, I've had people point out to me in response, what about Paul McCartney? Paul McCartney objected for most of his professional career. McCartney, it was well known, smoked pot, to which I would sometimes reply in a snarky way. Have you looked at his lyrics lately? The guy's not. He may be producing a lot of music, but how good is it? I feel bad saying that because I am a Beatles and McCartney fan, but who knows how much more innovative and creative he might have been all those years if he hadn't been smoking pot. So, I don't want to commit the fallacy of hypothesis contrary to fact.

We don't know what that counterfactual is, what a completely sober, non-marijuana-smoking Paul McCartney would have done in the 70s and 80s and so on. In terms of a lyrical, otherwise songwriting perspective. Anyway, this is an observation I've noted among chronic marijuana users.

It seems to be well associated with laziness, sloth, and lack of industry. It's also an argument from narcissism that can be made that drug use encourages self-absorption. I remember this mindset very vividly.

It's all about my own mental state and altering my own mental state, my getting high. It was a preoccupation which dominated my daily life. I know that's how it is for a lot of people, but it encourages that kind of self-absorbed attitude, a sort of narcissism.

And then there's an argument from lawlessness, and here we're assuming that there is a context that a person is in where it's illegal, say, to smoke pot or use other drugs. If you're doing it in that context, then you are involved in felonious behavior, at least misdemeanors. But where you're breaking the law in a routine way, and as a way of deadening the conscience, and I remember, again, in my own experience, how as I became a regular pot smoker, I knew I was breaking the law.

That put me in a state of mind where I did see the police as enemies, and I remember casually referring to cops as pigs, and I also remember slipping into other behavior that was illegal. That struck me as a teenager at the time. Wow, last year, I would not have considered stealing, and now I just stole this gas cap from a car. I had lost mine probably because I was high when I was pumping gas, and I was absent-minded, and I had a Toyota Corolla that matched this other Corolla I saw in town, so I went up and stole that person's gas cap.

And I remember feeling, as I should, horribly guilty about that, but in my reflecting on it, it did occur to me that that's something I would not have done not long ago, and it made the connection eventually that it's because I was involved in a law-breaking lifestyle. Because of my regular routine marijuana use, well, you know, what's the big deal about breaking a few more laws? So, it was a kind of instance of what my mom used to say when she'd say, you don't miss a slice from a cut loaf of bread. That is, once you cut the loaf, well, what's another slice, and another, and another, and another.

She actually used that metaphor in the context of warning against losing your virginity, but it applied here as well. Once you reach a certain threshold, well, what's another indiscretion, and another, and another, and I think that's kind of how it worked with me, and it's worked with a lot of people. Finally, there's an argument from the bad company in conjunction with this argument from the lawlessness that should be made that as one gets involved in drug abuse and breaking the law in this way, that risks inadvertent involvement with other illegal activities and character corruption.

Which can be dangerous, even life-threatening. I remember at one point when a number of us were trying to find marijuana because the supply had dried up in Jackson, Mississippi, where I lived. We took more and more, I guess, desperate steps to contact people to see if we could acquire some, and I remember one evening, we found ourselves in the home of someone who was kind of the head of a certain

region of distribution. And I remember being at somebody's house where this person was present, and I had an immediate sense that we were in over our heads.

That this is one of the bigger people on that scene, and that we were in danger just because of this connection, and I remember thinking, I'm going to get out of this situation and never do this again. I don't want to be involved with people at this level in the hierarchy because I knew that violence was an immediate option, and if I said or did the wrong thing, I could be taken out. I just inferred that from certain things I observed and heard, and it was probably right, but this is an example of how you can be led into a situation inadvertently through your connections with people who are regular lawbreakers.

So, a bad company can corrupt you, and a bad company can endanger your life. So those are some considerations I often share with people when they ask me this question. And that concludes our discussion of this issue.

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