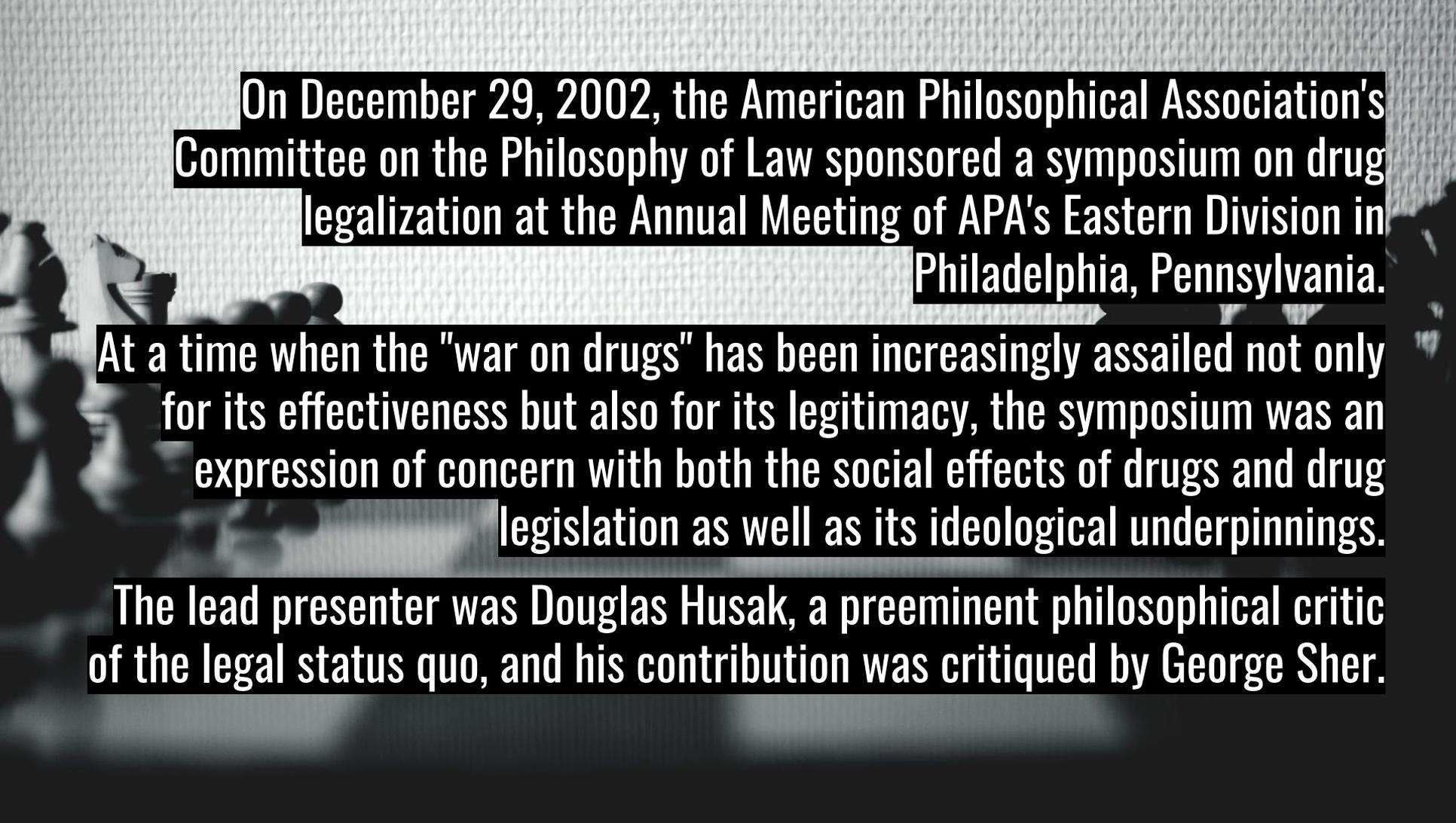


# Prying Open the Third Eye





# **The Ethics of Drug Use: Important Concepts**



**On December 29, 2002, the American Philosophical Association's Committee on the Philosophy of Law sponsored a symposium on drug legalization at the Annual Meeting of APA's Eastern Division in Philadelphia, Pennsylvania.**

**At a time when the "war on drugs" has been increasingly assailed not only for its effectiveness but also for its legitimacy, the symposium was an expression of concern with both the social effects of drugs and drug legislation as well as its ideological underpinnings.**

**The lead presenter was Douglas Husak, a preeminent philosophical critic of the legal status quo, and his contribution was critiqued by George Sher.**

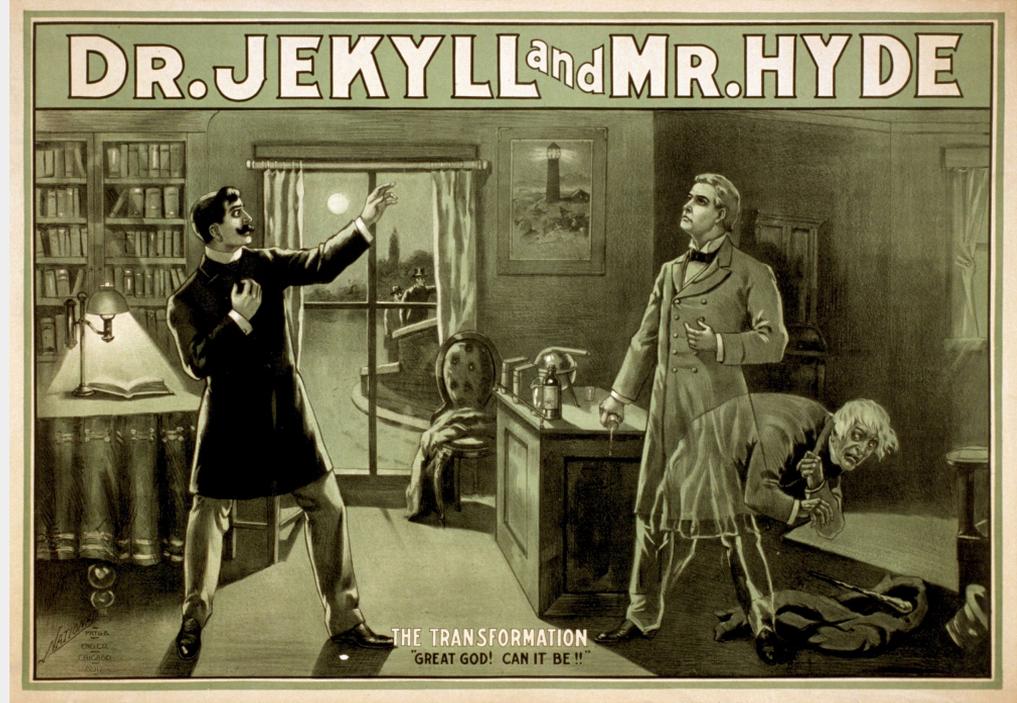
## **Douglas Husak's argument...**

**“[M]y case against criminalization depends on the claim that no case for criminalization has been adequately defended. It is utterly astounding, I think, that no very good argument for drug prohibitions has ever been given...**

**Let me then cut directly to my own conclusions. No single argument for decriminalization responds to all arguments for criminalization. We must respond argument-by-argument, and, I think, drug-by-drug.**

**We may have good reasons to criminalize some drugs, but not others” (Husak 2003: 23-4).**





**Only a small percentage of drug users become addicted, hurt themselves, or hurt others.**

**“So any argument for punishment would have to justify punishing the many, whose behavior is innocuous, for the sake of some objective that results in a very tiny percentage of cases” (ibid., 25).**



**George Sher argues that...**

**Although he thinks that many drug laws are too harsh and that some drugs, e.g., cannabis, are probably not significant enough to merit any penalties, Sher believes there are at least three good arguments for thinking the drug war should continue.**

# **The Paternalistic Argument**

**One obvious reason to continue to criminalize these drugs is simply that many persons deterred by the law from using them will thereby be spared serious injury (Sher 2003: 30).**

# The Protective Argument

A second obvious reason to continue criminalizing drugs is that many persons deterred by the law from using drugs will thereby be prevented from harming others (ibid., 31).

# The Perfectionist Argument

Most would agree that it is bad when people stumble through life with a blurred and distorted view of reality; bad when they cannot hold a thought from one moment to the next or follow a simple chain of reasoning; bad when they drift passively with no interest in pursuing worthwhile goals; and bad when they care more about the continued repetition of pleasant sensations than about the needs and interests of those who love and depend on them (ibid).

Sher responds to Husak's point about the small fraction of drug users who cause harm to themselves or others...

“Even if, say, cocaine users harm no one but themselves in 999 out of 1000 cases, ten million uses of cocaine will still harm non-users **ten thousand times**” (ibid., 25; **emphasis added**).





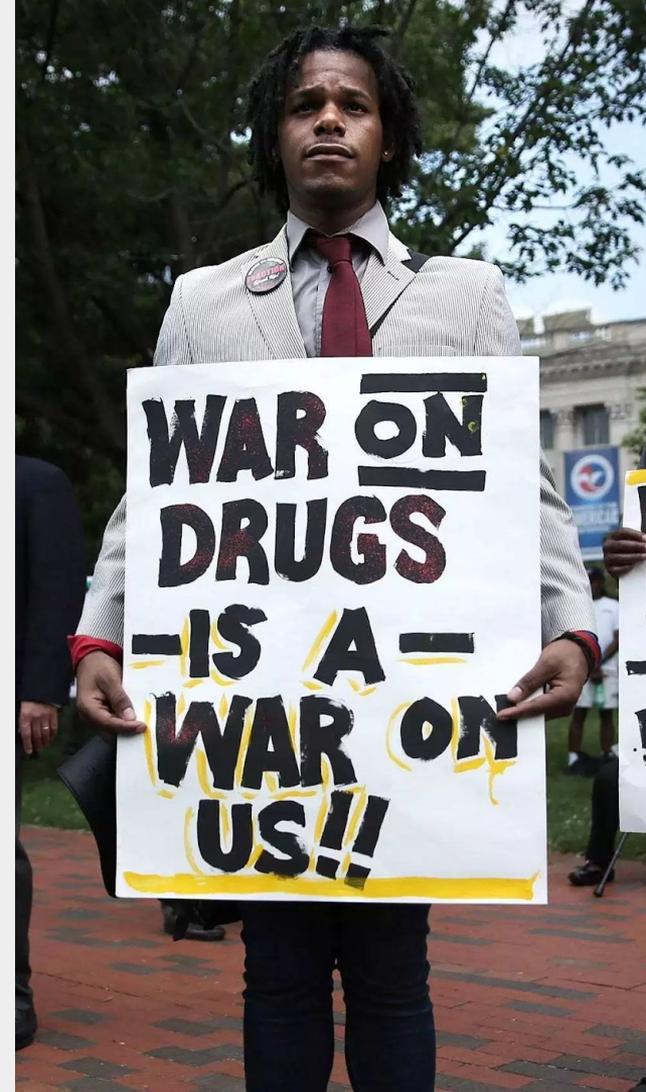
**“If the cumulative harm that drug users do to themselves is one reason to criminalize drugs, and the cumulative harm they do to others is another, and the cumulative badness of their lives is still another, then the cumulative weight of the three cumulative reasons must surely be greater than the weight of any single one alone” (ibid., 32).**

Husak responds...

“When you cannot possibly punish all of the people who commit a crime, you can only punish some.

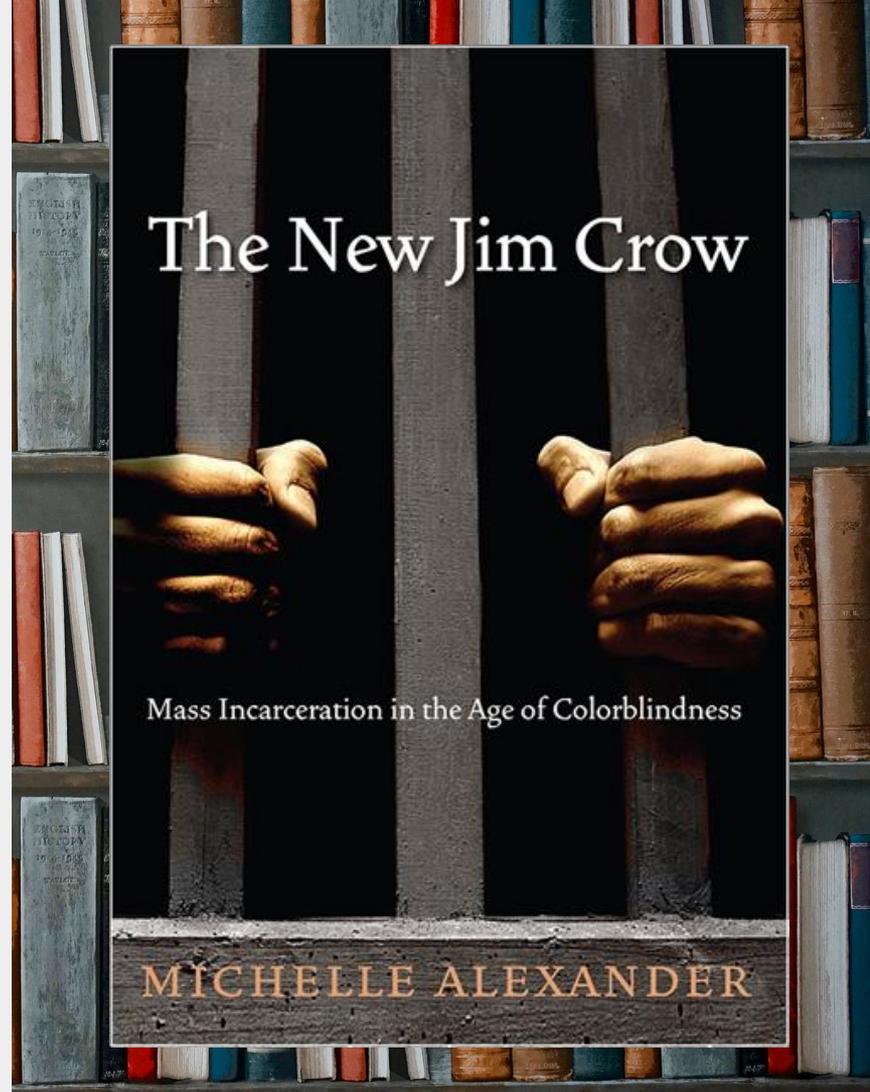
Inevitably, those who get arrested, prosecuted, and sentenced are the least powerful.

Drug prohibition would have vanished long ago had whites been sent to prison for drug offenses at the same rate as blacks. Although minorities are no more likely to use illicit drugs, they are far more likely to be arrested, prosecuted, and punished when they do” (ibid., 25).



In *The New Jim Crow*, Michelle Alexander reminds us that the current War on Drugs was initiated by Reagan **before** the crack epidemic and a time when illegal drug use was in decline.

Given the disproportionate effect the drug war has had on brown and black people, relegating ex-offenders to a second-class citizenship, Alexander concludes that the purpose of the war is a new form of racialized social control.



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# Storytime!



Alexander recounts that in the seventh-century, the working conditions of indentured servants and African slaves were sufficiently similar so that they united against the elites, most notably in Bacon's Rebellion.

After the violent suppression of these rebellions, the landed elites moved towards mitigating any future rebellions by dissociating the white Europeans from the Africans. This was done by giving added civic benefits to the white Europeans, at the expense of the Africans.





**Alexander then makes the case that the American constitution was largely designed by the motivation to maintain this racial caste system in place and give more political power to white landed elites.**

**As matter of fact, the Southern states would only form a union if the institution of slavery was protected.**

**Even the electoral college was influenced by slavery, e.g., the Three-Fifths Compromise.**

**At its core, Alexander argues, mass incarceration, like Jim Crow, defines the meaning and significance of race in America.**

**The similarities include:**

- **Racial opportunism by politicians**
- **Legalized discrimination**
- **Political disenfranchisement**
- **Racial segregation**
- **The symbolic production of race**
- **Exclusion of blacks from juries**
- **Stigmatization**



...the earth, the separate and equal station to which  
...which impel them to the separation.  
...rights, that among these are Life, Liberty and the pu  
...the governed, — That whenever any Form of Governm  
...oundation on such principles and organizing its po  
...ents long established should not be changed for light  
...to right themselves by abolishing the forms to  
...e them under absolute Despotism; it is  
...na of these Colonies; and such  
...repeated injuries and

**WE THE PEOPLE**  
insure domestic Tranquility,  
and our Posterity, do ordain

Section 1. All legislative Powers herein granted shall be  
of Representatives.  
Section 2. The House of Representatives shall be con  
in each State shall have Qualifications requisite for Electors  
No Person shall be a Representative who shall  
and who shall not, when elected, be an Inhabitant of the  
Representatives and direct Taxes shall be app  
members, which shall be determined by adding to the  
three fifths of all other Persons. The  
subsequent Term of two Year  
each State shall have  
such as Massachusetts

The War on Drugs has also eroded Fourth Amendment protections, leading to less privacy for the citizenry, warrantless searches and seizures, and greater tensions between the police and citizens.

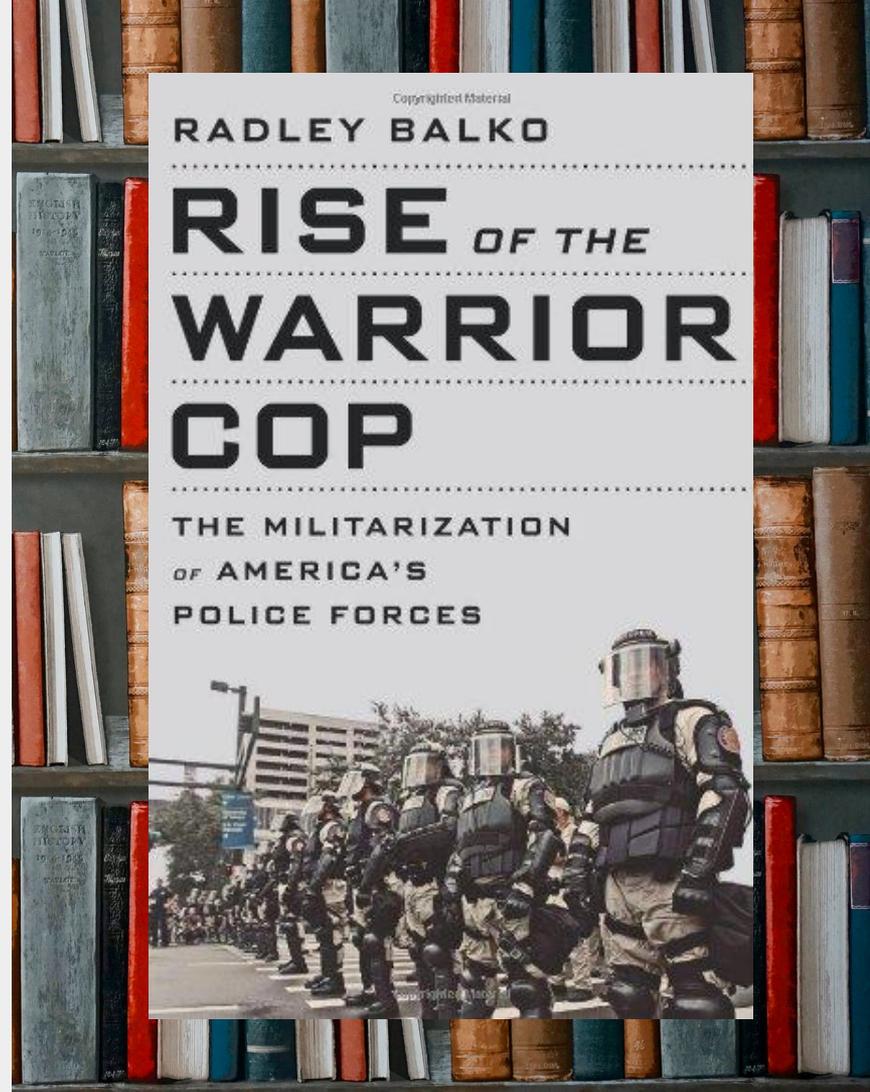
NETFLIX



13<sup>TH</sup>

In *Rise of the Warrior Cop*, Radley Balko also details how the War on Drugs has led to:

- the erosion of the Fourth Amendment, leading to the militarization of the police,
- an increased tendency for using shock and awe tactics (e.g., SWAT),
- an increase in death-by-police (relative to other industrialized countries), and
- botched raids.





**The death of Alberto Sepulveda (age 11), 2000**

## Some figures...

Number of drug raids in NYC in 1994: 1,447

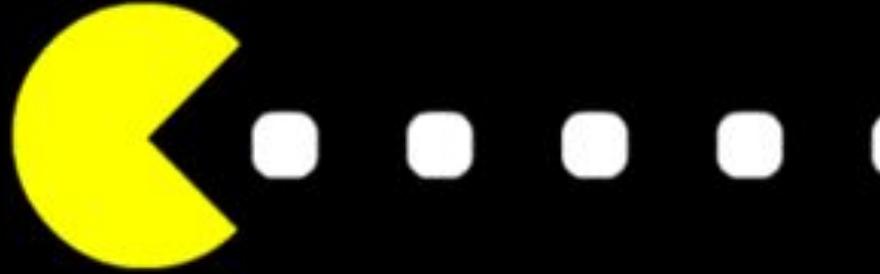
.... in 2002: 5,117

Percentage of small towns (pop. <50,000) with a SWAT team in 1984: 25%

.... in 2005: 80%

Number of SWAT raids in 1995: ~30,000

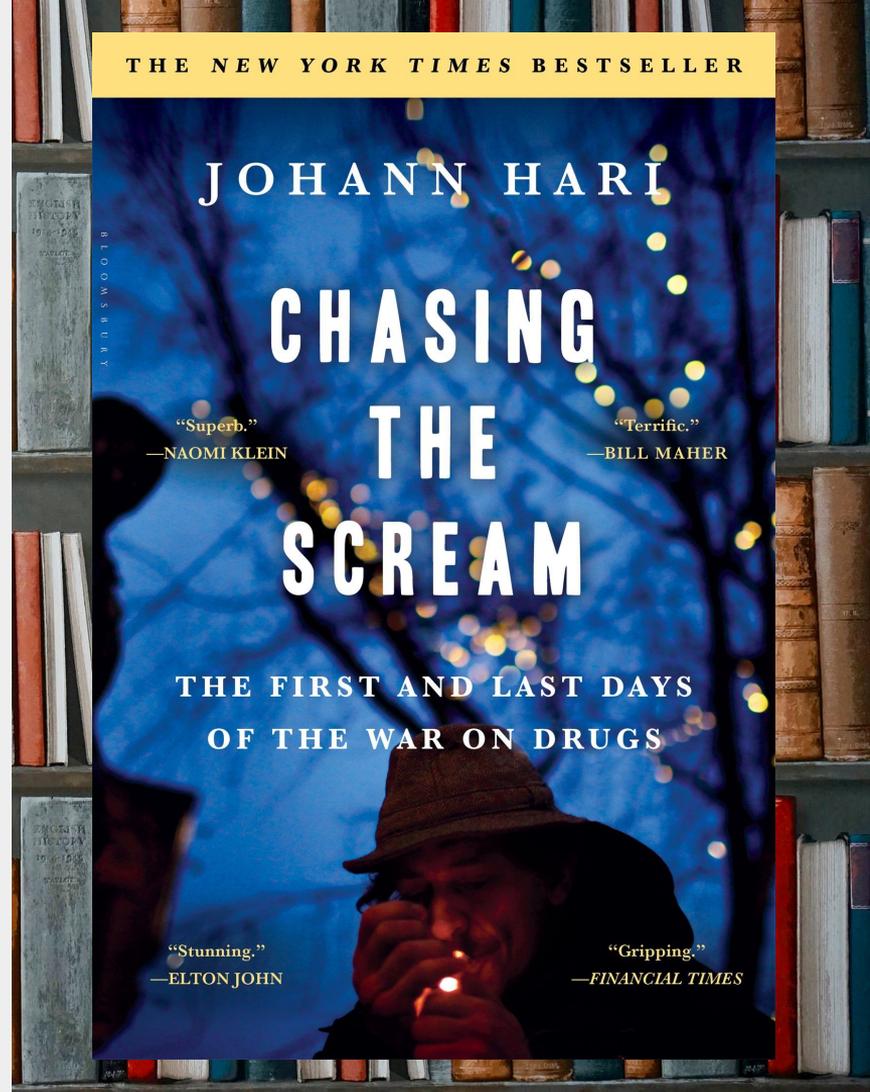
.... in 2005: ~60,000

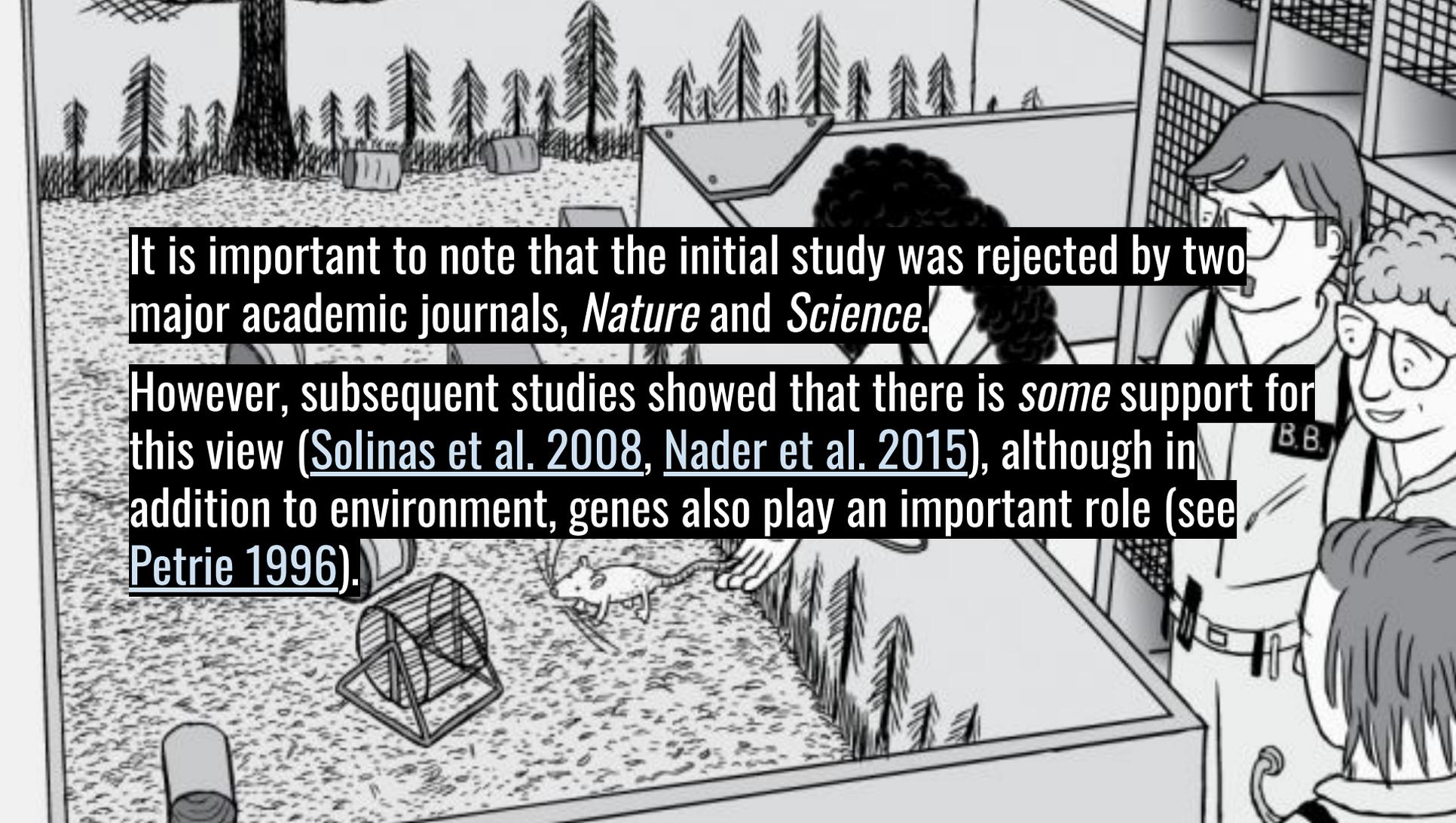


*Food for thought...*

In his 2015 book, Johann Hari gives a history of the War on Drugs, including details about how it may have been used as a pretext to target some notable figures in the African American community.

In his call to end the war, Hari makes extensive use of the theory that addiction to drugs is primarily driven by stimulus-poor environments that lack avenues for meaningful recreation.





It is important to note that the initial study was rejected by two major academic journals, *Nature* and *Science*.

However, subsequent studies showed that there is *some* support for this view (Solinas et al. 2008, Nader et al. 2015), although in addition to environment, genes also play an important role (see Petrie 1996).



But an enriched social environment seems more and more like a part of the solution to addiction.

For example, we know that adversity early on in life produces an adult organism more vulnerable to drug and alcohol addiction ([Oswald et al. 2014](#), [Hensleigh and Pritchard 2014](#), [Karkhanis et al. 2014](#)).

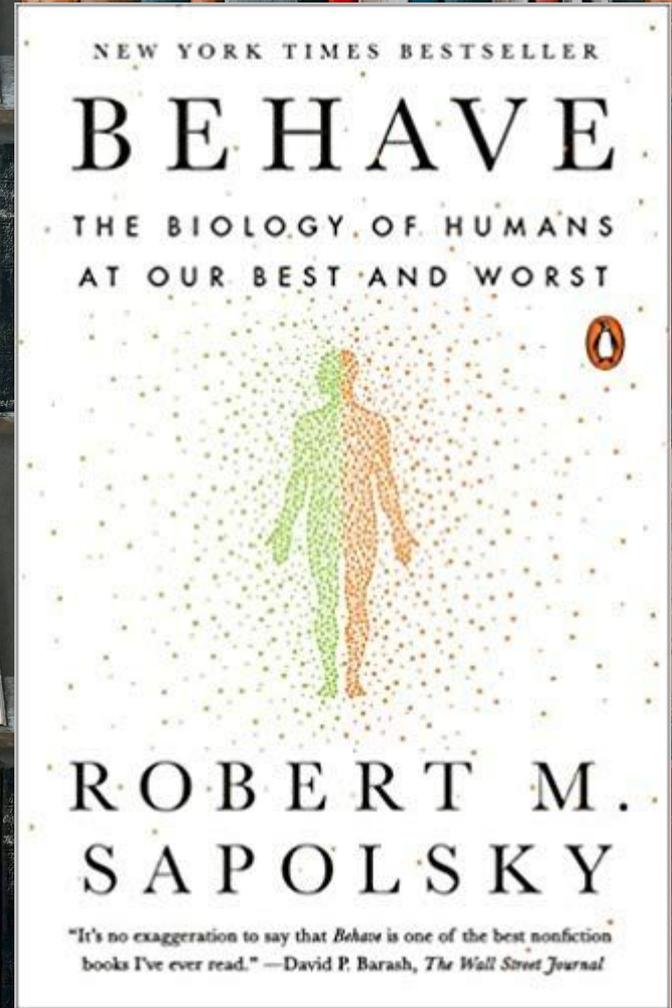
The same applies to other drugs...

“As everyone knows, alcohol lessens inhibitions, making people more aggressive.

Wrong, and in a familiar way—

Alcohol evokes aggression only in (a) individuals prone to aggression...

and (b) those who believe that alcohol makes you more aggressive, once more showing the power of social learning to shape biology” (Sapolsky 2017: 134; see also [Bushman 1993](#)).



**“If you come from a culture where alcohol is meant to make you aggressive, you get aggressive.**

**If you come from a culture where it’s meant to make you religious, you become religious...**

**People even alter their behavior depending on what species of booze they think they’re imbibing.**

**Even though the active ingredient—ethanol—is identical, people will alter their behavior depending on the origins and cultural associations of the tipples in question...**

## A SHORT HISTORY OF DRUNKENNESS



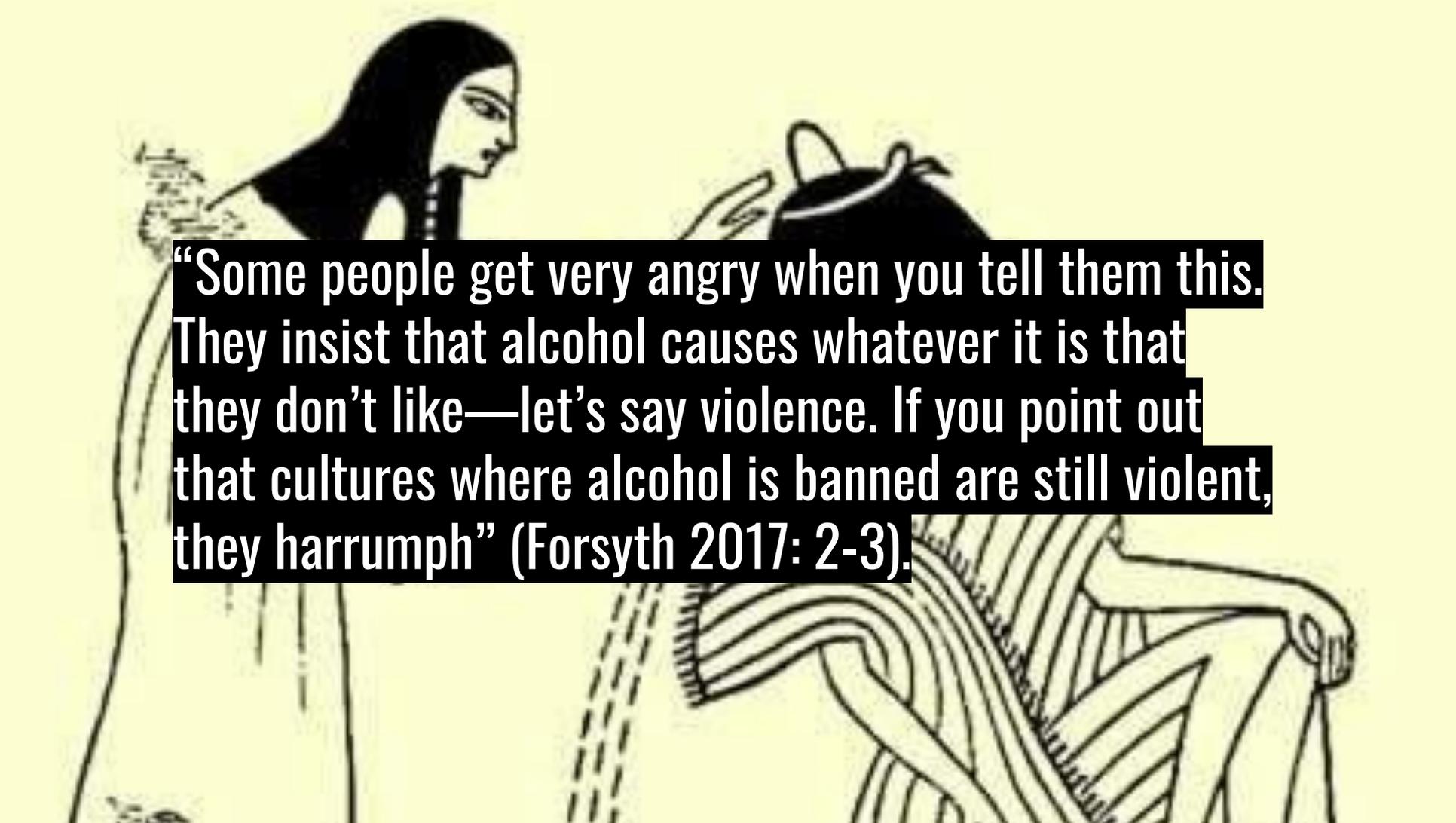
*How, Why, Where, and When Humankind  
Has Gotten Merry from the Stone Age to the Present*

**MARK FORSYTH**

#1 INTERNATIONAL BESTSELLING AUTHOR OF THE ETYMOLOGICON



**E.g., Ancient Egypt**

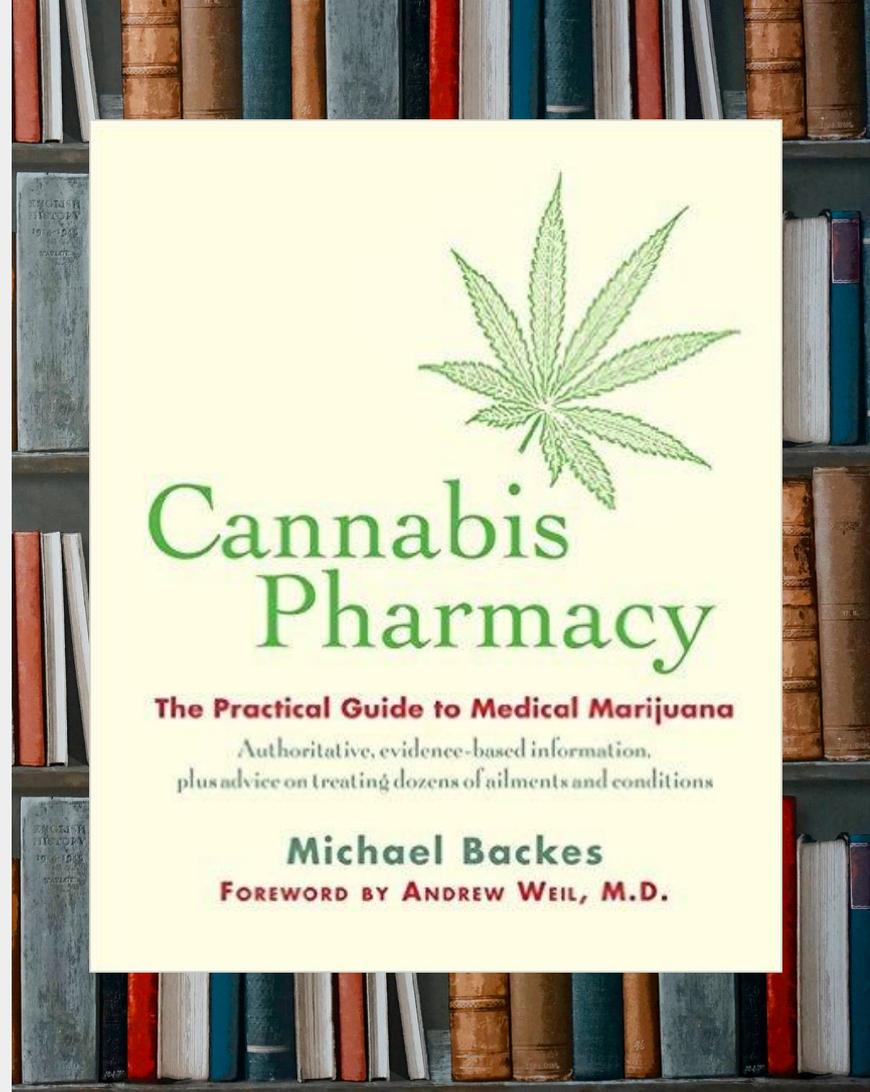


**“Some people get very angry when you tell them this. They insist that alcohol causes whatever it is that they don’t like—let’s say violence. If you point out that cultures where alcohol is banned are still violent, they harrumph” (Forsyth 2017: 2-3).**

“Backes, a consultant for a Southern California-based cannabis and policy group, has pulled together his research into an accessible personal reference text on medical marijuana/cannabis.

He sifts out American pop culture marijuana “facts”—knowledge stemming from movie and television representations of marijuana use and users. In its place, he gives readers evidence-based information.

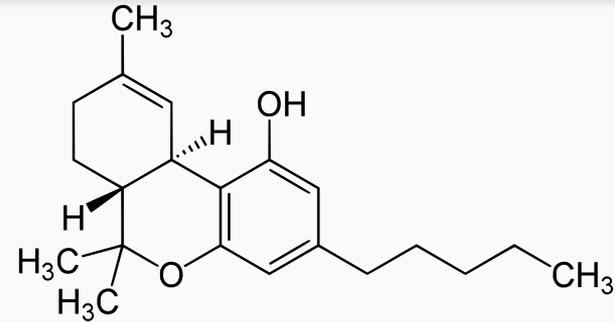
We learn about the difficulties of dosing and of finding a consistent product and how the drug’s effectiveness as a treatment alters depending on how it is prepared” (from [review](#) by Rachel Minkin, Michigan State University).



# Tetrahydrocannabinol (THC)

Pharmacological benefits:

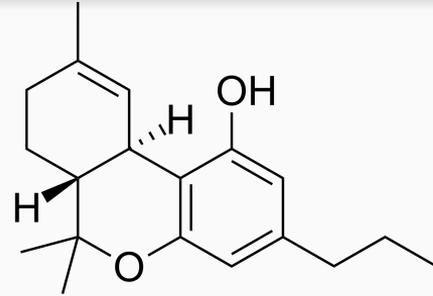
- alleviates pain
- interferes with dream cycles
  - which is useful for those suffering from night terrors and PTSD



# Tetrahydrocannabivarin (THCV)

Pharmacological benefits:

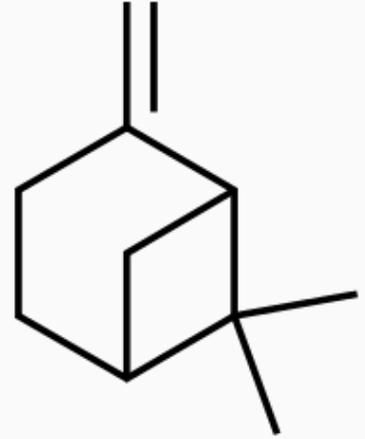
- decreases appetite
- can be useful in regulating eating disorders, as well as, disorders associated with food intake, eg, diabetes, high cholesterol.



# Terpene (Pinene)

Pharmacological benefits:

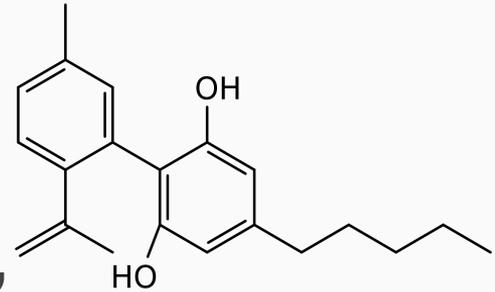
- protects memory from the effects of THC
- can be selected for to create a type of cannabis that does not adversely affect memory



# Cannabinodiol

Pharmacological benefits:

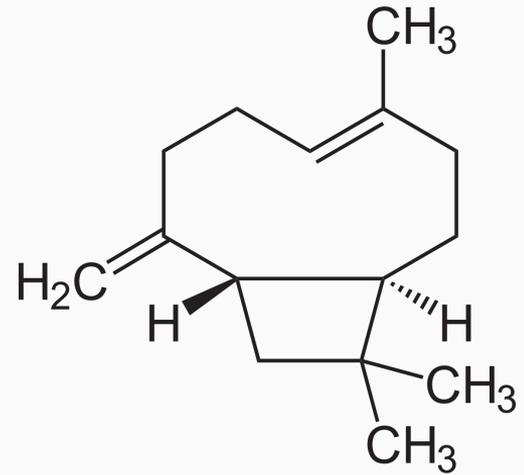
- anticonvulsant (useful in treating certain seizure disorders, eg Dravet Syndrome)
- antipsychotic psychotropic effects (useful in treating schizophrenia)



# Beta-caryophyllene

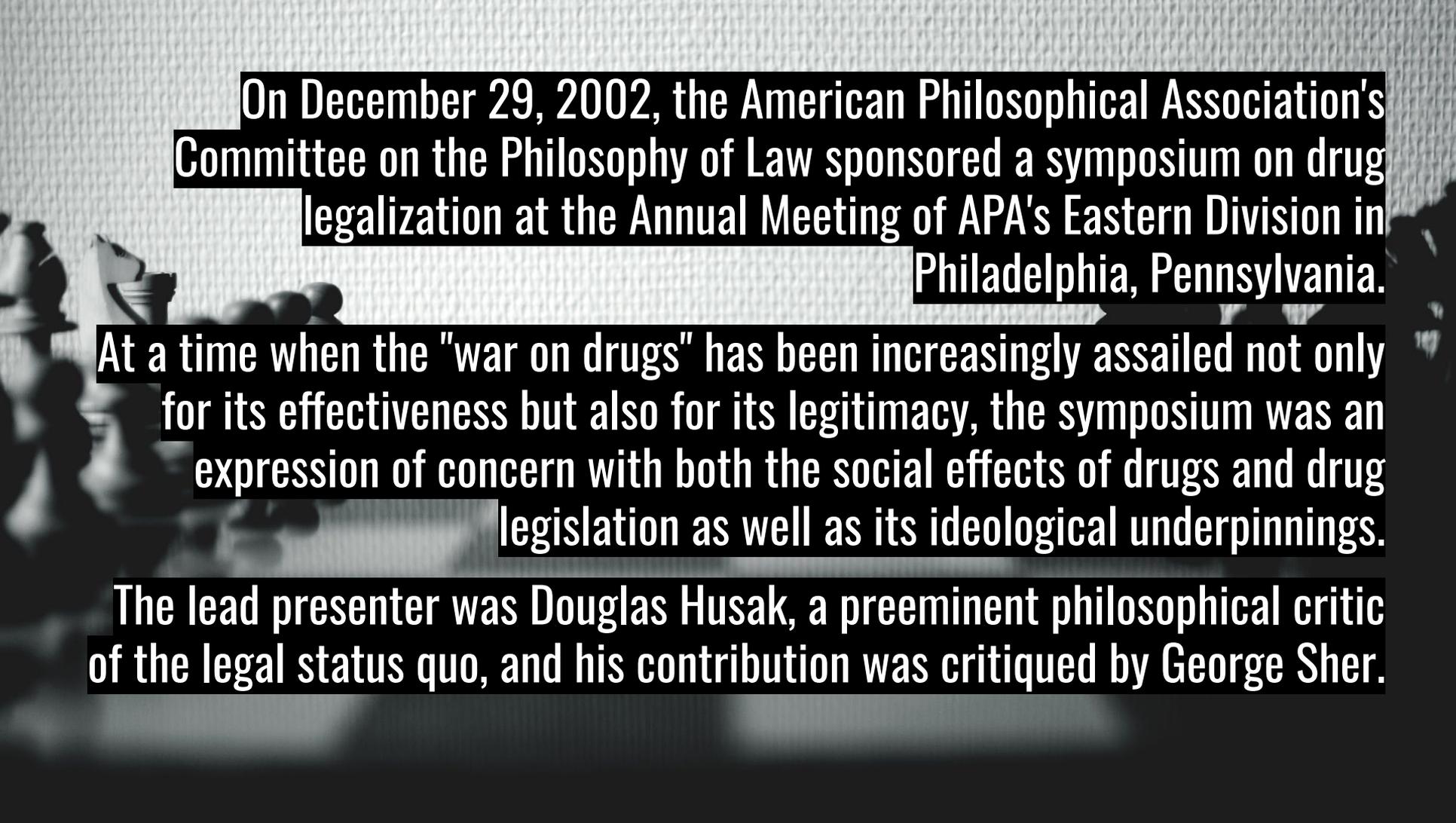
Pharmacological benefits:

- anti-inflammatory (useful in treating arthritis)





*Food for thought...*

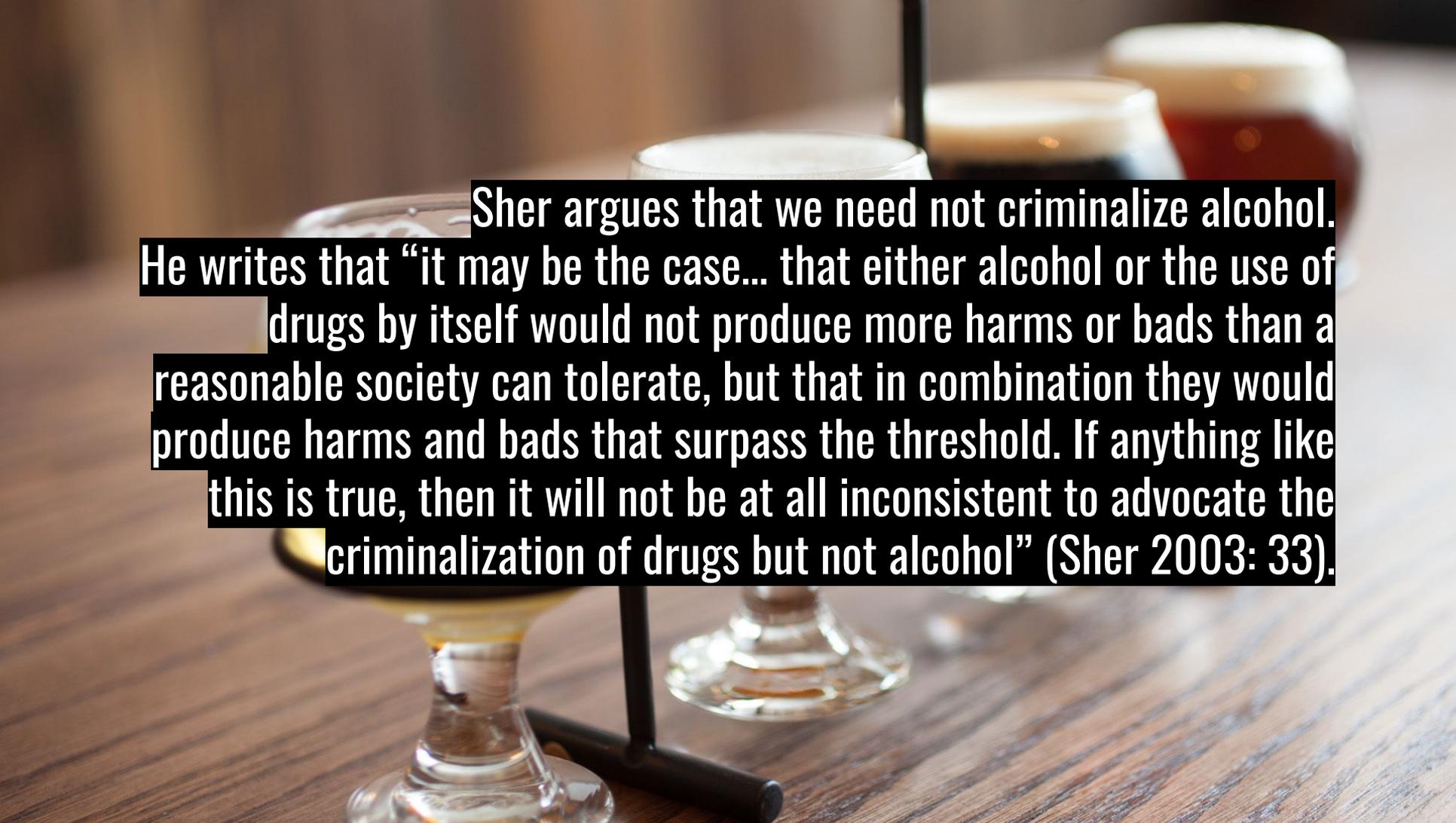


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**The lead presenter was Douglas Husak, a preeminent philosophical critic of the legal status quo, and his contribution was critiqued by George Sher.**

**Question:**  
**What about alcohol?**

A wooden table with several glasses of beer, some with thick foam, and a black metal stand.

**Sher argues that we need not criminalize alcohol. He writes that “it may be the case... that either alcohol or the use of drugs by itself would not produce more harms or bads than a reasonable society can tolerate, but that in combination they would produce harms and bads that surpass the threshold. If anything like this is true, then it will not be at all inconsistent to advocate the criminalization of drugs but not alcohol” (Sher 2003: 33).**





**Questions on the ethics of drug use often only lead to more questions, usually of the empirical sort.**

**In other words, more research is needed.**



And we did not even get into issues about drugs that can increase cognitive capacity (see [Bostrom and Sandberg 2009](#)).

**Taking stock...**

**Both Husak and Sher argue in terms of negative consequences.**

**In fact, they mostly disagree as to which would have worst consequences, ending the drug war or continuing it.**

**As such, their reasoning is consequentialist.**

**Taking stock...**

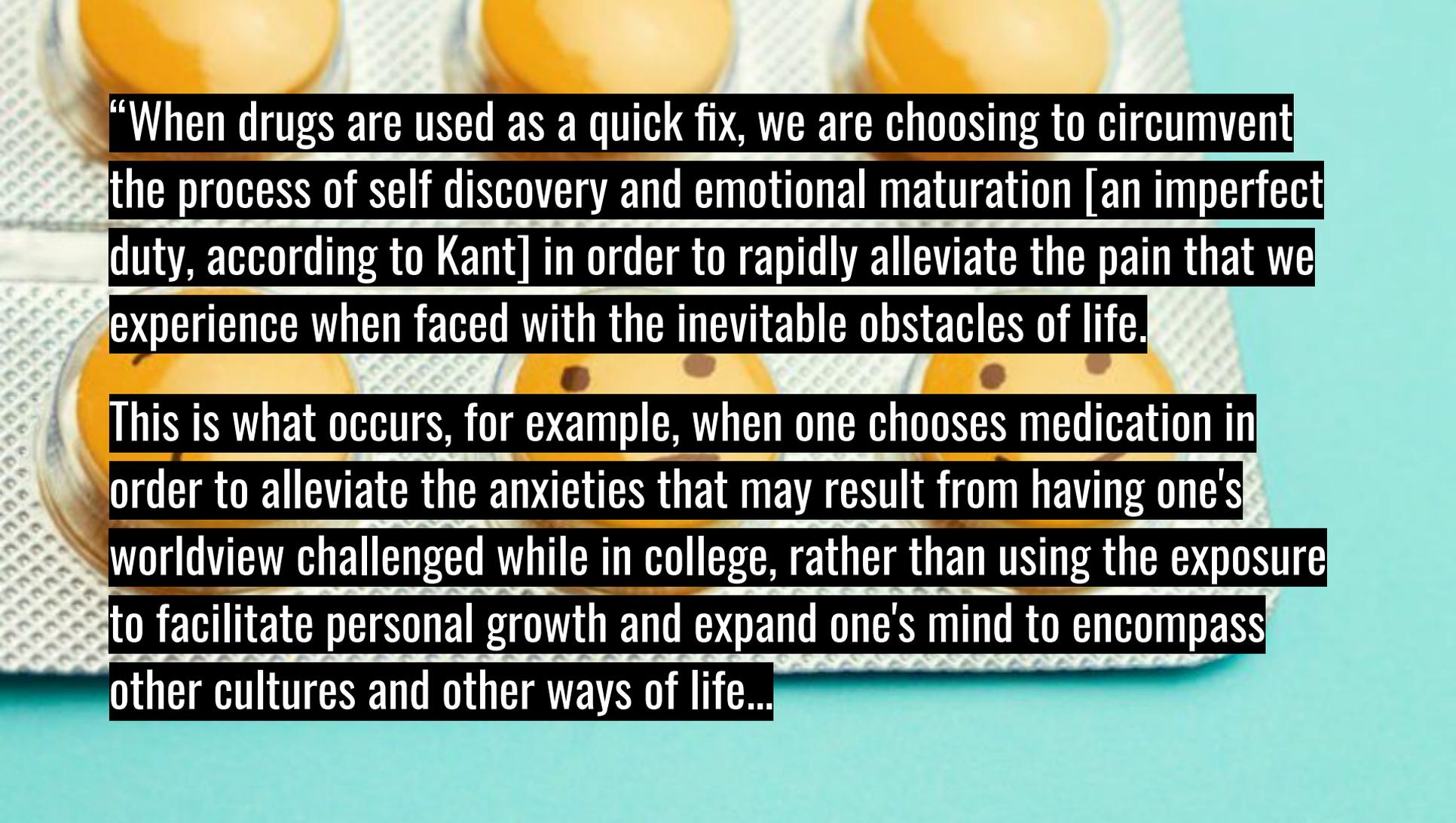
**Consequentialist arguments abound in the intersection of applied ethics and legal theory.**

**If we take the data from *The New Jim Crow* and *The Rise of the Warrior Cop*, we can make another consequentialist argument that says, in short, whether or not drug use is moral or immoral, the drug war itself is immoral, because it causes more harm than benefit, often times to innocent, disenfranchised people.**

Taking stock...

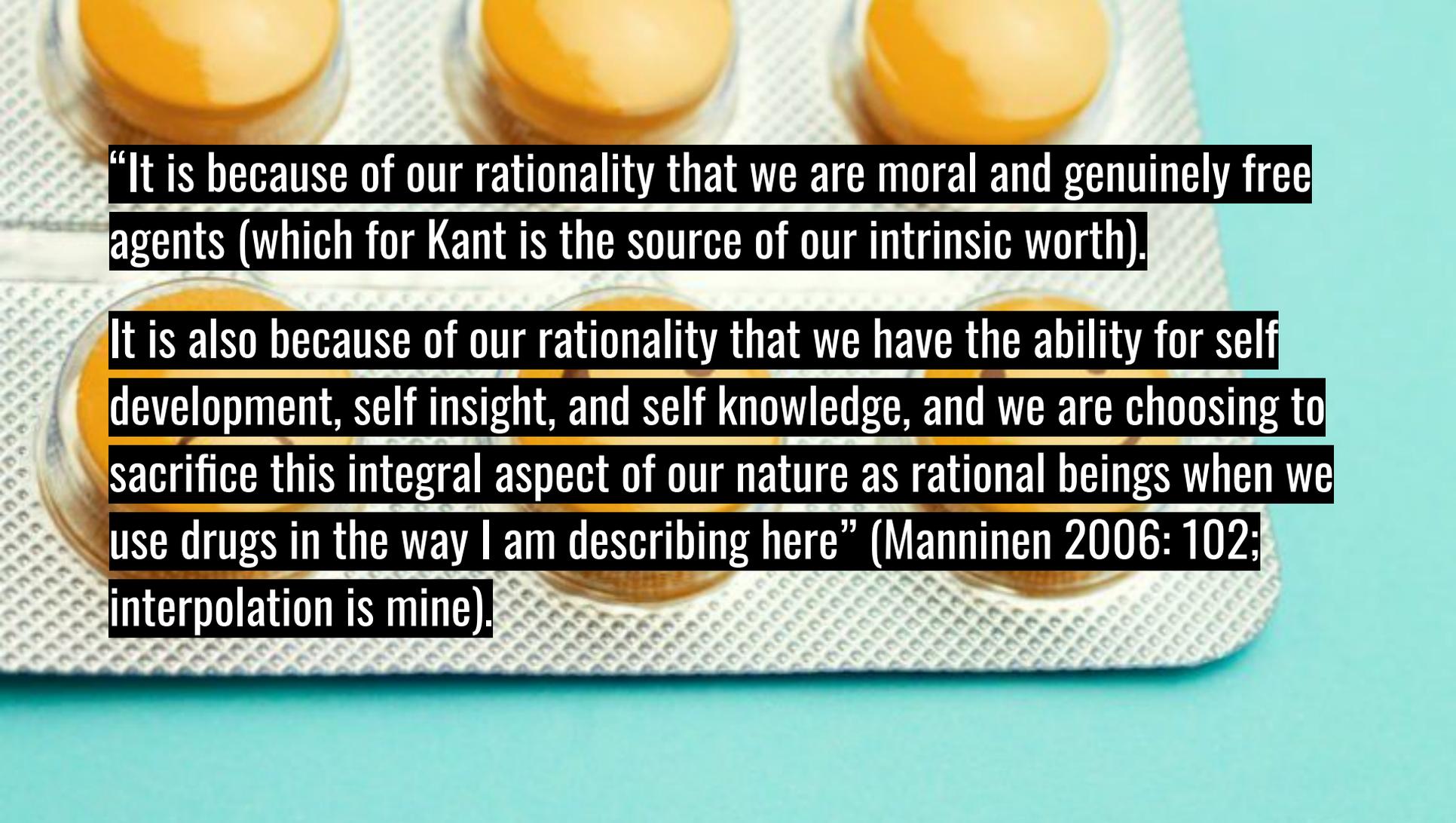
This is not the only way to think about the issue, of course.

B. A. Manninen (2006) argues, from a **Kantian** perspective, against the use of antidepressants by “people who simply wish to feel better quickly when faced with the commonplace problems that are bound to ensue as we all go through life” (as opposed to those who “really” need it).



**“When drugs are used as a quick fix, we are choosing to circumvent the process of self discovery and emotional maturation [an imperfect duty, according to Kant] in order to rapidly alleviate the pain that we experience when faced with the inevitable obstacles of life.**

**This is what occurs, for example, when one chooses medication in order to alleviate the anxieties that may result from having one’s worldview challenged while in college, rather than using the exposure to facilitate personal growth and expand one’s mind to encompass other cultures and other ways of life...**

A blister pack of orange capsules is shown against a light blue background. The capsules are arranged in a grid pattern within the blister pack. The text is overlaid on the image in white font on a black background.

**“It is because of our rationality that we are moral and genuinely free agents (which for Kant is the source of our intrinsic worth).**

**It is also because of our rationality that we have the ability for self development, self insight, and self knowledge, and we are choosing to sacrifice this integral aspect of our nature as rational beings when we use drugs in the way I am describing here” (Manninen 2006: 102; interpolation is mine).**

# Taking stock...

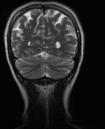
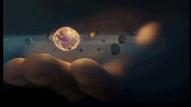
And, of course, Kant himself wrote on the issue.

Kant “conceded that the moderate use of fermented beverages is moral because it may enliven the candor of social exchange.

Kant wrote, however, that “[t]he use of opium and distilled spirits for enjoyment is closer to baseness than the use of wine because the former, with the dreamy euphoria they produce, make one taciturn, withdrawn, and uncommunicative. Therefore, they are permitted only as medicines”

([Richards 1982](#): 173).

Round 1 2



# Triage Homework Assignment (T) due next time!

Step 1: Go to RadioLab.org and type “Playing God” in the search tab (or click [here](#)). Listen to the podcast in its entirety.

Step 2: Using Times New Roman font size 12, single-spacing and a length of 350-500 words, answer the following questions:

- How should you ration care during crisis? Should you use a Utilitarian principle, where you should care for patients who have the most years to live first? Should you care for patients on a first-come-first-serve basis? Should you issue a lottery and care only for those patients who “win”? Explain your choice in 1-2 paragraphs.
- Should a drug or alcohol abuser receive the same priority as other patients who don't abuse drugs and alcohol? Explain your reasoning.