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An Argument for the Legalization of Drugs, Based on John Stuart Mills' "Revised Harm Principle" The question of whether or not to legalize certain drugs has been debated for decades. Although opponents have thus far been successful in preventing this, there are nonetheless a substantial number of people who believe that legalization should be given a chance. Their arguments range from the seeming ineffectiveness of current drug laws to the simple premise that the government has no right to prohibit its citizens from using drugs if they choose to do so. This essay will address the issue from the standpoint of John Stuart Mills' "Revised Harm Principle²," which asserts that people should be free to do what they want unless they threaten the vital interests (i. e., security or autonomy) of others. Using Mills' principle as a litmus test for this issue leads one to come down on the side of legalization. Since Mills is concerned not with individual rights, but with the consequences of one's actions on other people, the question becomes: Is drug use an action that, although performed by an individual, threatens the vital interests of others? Using the example of a casual, responsible drug user who is a contributing (or non-detracting) member of society, it is clear that more harm is done to others if the user must resort to illegal methods to obtain his drugs. The very act of buying drugs is intrinsically illegal and carries the threat of establishing a criminal record for the buyer. This can have a devastating effect on his family, his lifestyle, and his career. The effects on society as a whole include more crowded jail cells (prompting politicians to demand more jails be built), higher taxes to support these jails, and the loss, or at least diminution, of a productive citizen. In order to buy drugs illegally, the user may be forced to expose himself to the fringes of the

criminal world--something he would never do under any other circumstances. If drugs were legalized, the criminal stigma would be removed from their purchase, possession, and use. The government would collect taxes on drug sales and, conversely, would not be spending millions of dollars to stem the flow of illegal drugs. This increase in tax dollars could be put to use in drug education and treatment programs for those individuals who are unable to moderate their intake and subsequently become addicts. Then the government would be intervening with its citizens' lives in a benevolent manner (and only when asked) rather than in a forceful, punitive way. Many opponents to legalization point out that drug use leads to spousal and child abuse, random criminal acts precipitated by the effects of drugs on a user's inhibitions, and crimes committed to support drug habits. This argument is fundamentally defective because it addresses the abuse of drugs, which is not the issue here. When an individual's use of drugs leads him to harm others, it becomes a behavioral problem. That is, the issue is no longer drugs, but the behavior of the individual. If that behavior breaks a law, the individual should be punished for that specific conduct--not for drug use. In its pure form, drug use affects only the user, and the government is therefore acting paternally when it regulates this behavior. This government regulation violates Mills' " Revised Harm Principle²" as blatantly as would regulations against sunbathing or overeating or masturbation. A Rebuttal

When using John Stuart Mills' " Revised Harm Principle" to argue for the legalization of drugs, it is necessary to examine that principle (that people should be free to do what they want unless they threaten the vital interests, i. e., security or autonomy, of others) and define its terms. Proponents of

legalization argue that drug use is a self-regarding act and has no effect on anyone other than the user. But drug use affects every aspect of society: it affects the security of nonusers, and it affects the autonomy of the user. If drugs were made legal and easily obtainable in this country, the government would be relinquishing its role as protector of those citizens who are unable to control their excesses. These people surrender their autonomy to drug addiction, thus "selling" themselves into a type of slavery. It is true that the decriminalization of drugs would remove much of the stigma associated with them, but this would not be a positive change. It is that stigma that keeps many law-abiding citizens from using illegal drugs, and thus keeps the number of addicts at a minimum. Also, if drugs were legalized, the government would not be legally able to force addicts into treatment programs, and the number of addicts would grow exponentially. This scenario leads to the problem of security, both economic and personal, for the vast number of Americans who probably would not become addicted to drugs if they were legalized. Drug use would become as prolific as alcohol consumption, and the number of societal and health-related problems would be as numerous as those associated with alcohol. More working days would be lost by people unable to control their drug habits, and insurance costs would soar in order to cover expensive treatment required to rehabilitate addicts and to deal with the health problems caused by addiction. These consequences would have a direct effect on people other than the drug users, thus negating the concept that drug use is a self-regarding act. Regarding personal security, legalization advocates try to draw a line between drug use and drug abuse. As it is impossible to predict who would

use drugs " responsibly" and who would succumb to addiction, the government has a right and a duty to do everything in its powers to limit the availability of harmful substances, even though the majority of its citizens might never make the transition from use to abuse. Proponents of legalization maintain that legalizing drugs would remove government control from a private area of our lives. This is a faulty assumption because the government's role would only shift, not disappear. There would be taxes, quality control, and distribution issues to deal with, and the government would be at the helm. Therefore, Mills' Principle would still be " violated," and the country would have a slew of new problems to deal with due to the availability of legal drugs and lack of recourse with which to address them.