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The Drugs of John Gray

Mises Daily: Tuesday, October 06, 2009 by Laurence M. Vance (<http://mises.org/daily/author/260/Laurence-M-Vance>)

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The government's War on Drugs, like its War on Poverty and its War on Terror, is a failure. It has clogged the judicial system, unnecessarily swelled prison populations, fostered violence, corrupted law enforcement, eroded civil liberties, and destroyed financial privacy. It has encouraged illegal searches and seizures, ruined countless lives, wasted hundreds of billions of taxpayer dollars, hindered legitimate pain treatment, and had no impact on the use or availability of most drugs in the United States.



John N. Gray (http://en.wikipedia.org/wiki/John_N._Gray)

As a consequence of this failed drug war, people from all across the political spectrum are now, more than ever, calling for some degree of drug decriminalization or legalization.

A recent example is political philosopher John Gray. In an article entitled "The Case for Legalising All Drugs Is Unanswerable (<http://www.guardian.co.uk/commentisfree/2009/sep/13/legalise-drugs-john-gray>)", Gray makes a strong case for drug legalization. The worldwide war on drugs should be ended because

- The drug war has maimed, traumatized, or displaced uncounted numbers of people.
- In spite of it, drug use has remained embedded in the way we live.
- The costs of drug prohibition now far outweigh any possible benefits.
- Penalizing drug use drives otherwise law-abiding people into the criminal economy.
- Prohibition exposes drug users to major health risks.
- Illegal drugs can't easily be tested for quality and toxicity.
- A great many drug users in years past lived productive lives before drugs were

banned.

- Drug users face inflated prices, health risks, and the threat of jail.
- Politicians who have used drugs have not suffered any significant political fallout.
- The extreme profit reaped from selling illegal drugs corrupts institutions and wrecks lives.
- The antidrug crusade in Mexico has escalated into something like low-intensity warfare.
- Some states have been more or less wholly captured by drug money.

He could also have pointed out, like many others have, that certain illegal drugs have proved effective in pain relief, that people who smoke marijuana have a decreased risk of certain diseases, or that prescription-drug abuse kills people (Elvis, Heath Ledger, Michael Jackson) just like illegal-drug overdoses do. He could have noted that alcohol abuse is a greater social problem than illegal drug use, or that there were 1,702,537 drug arrests last year in the United States alone, almost half for simple possession of marijuana.

The problem with Gray's "unanswerable" argument is that it is utilitarian. It is not an argument based on the freedom to take drugs for freedom's sake. If the drug war *stops* maiming, traumatizing, and displacing people, if the costs of drug prohibition become *less* than its benefits, if illegal drugs *can* be tested for quality and toxicity, if the low-intensity warfare in Mexico *ends*, etc. — then, according to Gray, the war on drugs might be a good thing.

The only unanswerable argument is the argument from the standpoint of liberty and freedom from government intrusion into one's personal life. Nowhere in his article does Gray even consider that it is neither the job of government nor the business of any individual to prohibit, regulate, restrict, or otherwise control what a man desires to eat, drink, smoke, inject, absorb, snort, sniff, inhale, swallow, or otherwise ingest into his body.

Whether drugs are used for medical or recreational use is of no consequence. And neither does it matter whether drug use will increase or decrease. A government with the power to outlaw harmful substances or immoral practices is a government with the power to ban any substance or practice. There should be no such thing as a controlled substance.

Conservatives who revere the Constitution should support both the freedom to use drugs for any purpose and a free market in drugs. Nowhere does the Constitution authorize the federal government to intrude itself into the personal eating, drinking, or smoking habits of Americans. Indeed, before the Harrison Narcotics Tax Act of 1914, there were no federal drug laws in the United States.

John Gray warns against a "libertarian utopia in which the state retreats from any concern about personal conduct." But that is not what we need to be concerned about. It is puritans, busybodies, nannies, and other statist do-gooders — in and out



(<http://mises.org/store/Rothbard-Flask-P595.aspx>)

"It is neither the job of government nor

of the government — who are the problem.

The drugs of John Gray are regulated, licensed, taxed, monitored, and otherwise controlled. But without a real free market in drugs, drug legalization is really nothing but state control of the drug market, as Thomas Szasz has pointed out.

John Gray's case for legalizing all drugs is answerable; it is the case for liberty that is unanswerable.

On the drug war as a war on our liberties, see Joel Miller's *Bad Trip: How the War on Drugs is Destroying America* (<http://books.google.ca/books?id=dKTFAAAIAAJ&q=Bad+Trip+War+on+Drugs&dq=Bad+Trip+War+on+Drugs>) . On the concept of prohibition from an economic point of view, see Mark Thornton's *The Economics of Prohibition* (<http://mises.org/store/Economics-of-Prohibition-The-P380.aspx>) . On a free market in drugs, see Thomas Szasz's *Our Right to Drugs: The Case for a Free Market* (<http://books.google.ca/books?id=oujAAAAMAAJ&q=Our+Right+to+Drugs,+Szasz&dq=Our+Right+to+Drugs,+Szasz>) . On John Gray, see David Gordon's recent review of *Gray's Anatomy: Selected Writings* (<http://mises.org/daily/3652>) .

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