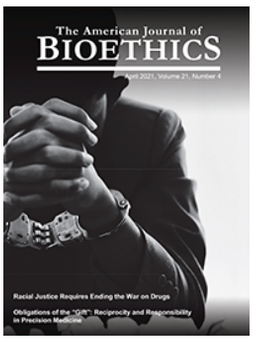

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Legalization of Drugs and Human Flourishing

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Earp and colleagues (2021) make a strong case for the complete decriminalization and even the legalization of recreational drug use based on the negative impact of the "War on drugs" on racialized persons. Several other negative implications of this War are also identified such as the growth of criminal groups and the collateral impact on women's health and wellbeing. We agree with the authors' clear and compelling stance. The authors desire to remain neutral regarding the positive and negative contributions of recreational drug use to wellbeing, but they nevertheless state that, generally speaking, "responsible drug policy is about more than just drugs: it is about the flourishing of entire communities" (12). Now, this statement calls for clarification about the role of recreational drugs in human flourishing. Are recreational drugs inherently negative such as commonly depicted and reflected in prohibitive policies or do they represent acceptable and even praiseworthy practices? In this short commentary, we further explain the negative association between human flourishing and recreational drug use, which has emerged from early 20th century anti-drug movements in North America. Then, we show and discuss how this rather negative appreciation is strongly biased toward drugs acceptable to the white majority and by market forces as exemplified by the interwoven history of racism, colonialism and capitalism in the USA but also in other countries like Canada. This critical analysis leaves, accordingly, a space to move away from the highly negative image of drugs to a more neutral, liberal, and open-ended stance about what contributions if any drugs make on human flourishing. In this respect, the recent legalization of cannabis in Canada stands as an interesting example showing the need for social support to promote human flourishing.

HUMAN FLOURISHING, RECREATIONAL DRUGS, AND RACISM

In North America—and many other countries especially given the influence of the US and its declared War on Drugs—there is a widely-held view that most psychoactive substances used as recreational drugs undermine human flourishing. Psychoactive substances are associated with organized crime, psychological and relational harm, personal failure, and social unrest. Why a wide array of substances have been prohibited while some others such as caffeine, alcohol, theanine, and nicotine have been normalized and legalized is not the result of rational decisions based on evidence about the real health and social effects of these substances (Nutt, King, and Phillips 2010). It is the upshot of historical forces shaped by capitalism and colonialism. For example, the production of sugar in European colonies through slavery served to produce hard liquors; tobacco harvesting supported a growing European and North American market, and so forth (Courtwright 2001). Far from being marginal to the unfolding of racist colonialism, the market for psychoactive substances is inherent to the modern world as we know it.

When the harms caused by alcohol became more obvious as early as the nineteenth century, various movements for prohibition surfaced. But what seemed to be well-intended policies (e.g. protecting children and women from domestic violence, seeking public order) quickly became embroiled in pervasive racism. Public support for prohibitive policies was gained by

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associating specific substances with racialized groups (Gordon 2006). For example, Canada was one of the first countries in the West to implement anti-drug policies and did so with the explicit intent to control Indigenous communities (Wohlbold and Moore 2019). An 1874 amendment to Canada's *Indian Act* [an ill-named foundational and discriminatory Canadian policy still bearing this name] threatened incarceration for any Indigenous person found intoxicated from alcohol. Drug regulations at the time explicitly criminalized the group, not the substance. In fact, white people were thought to "have the fortitude to drink" (Wohlbold and Moore 2019)—and so their use of alcohol remained protected, as the interests of white colonizers took precedence over equitable drug laws. In 1908, Canada adopted the "Opium Act" (which despite its name covered other substances such as cocaine and morphine) that provided an explicitly racist response to the growing number of Asian immigrants (Carstairs 1999). Targeted policing of Chinese people under this Act contributed to further comfort racial prejudice. Other drugs like cannabis were included in this Act in 1922, pulling explicitly from racist prejudice promulgated in WASP ideology (Murphy 1922). In the same period, in the USA, cannabis was renamed "marijuana" to make it sound more Mexican and stories of Mexican immigrants under its influence raping white women were fabricated by anti-drug authorities and media conglomerates to instill mass hysteria (Nutt 2015). As a result, users of the drug were criminalized. In the 1950s, heroine was associated explicitly with Black people as cocaine was in the early 1900s. In the 1970s, crack cocaine was linked to inner-city Black communities (Nutt 2015). As decades advanced and racism became more covert, drug laws became less evidently racist. Nonetheless, the unequal enforcement of drug laws persisted: even though white people use drugs at higher rates than racialized groups, stark differences in drug-related arrests persist (Browne 2018). To this day, mostly Black people and members of First Peoples are incarcerated for drug possession in Canada (Boyd 2018).

Thus, the premises of the War on Drugs are heavily reliant on the racism that settled early and motivated the European colonial industry. Canada has initiated a turn in drug policy by legalizing cannabis in 2018. However, this move is not embedded in a comprehensive public policy. Canada's rationale for legalization of cannabis was, in some ways, to assure flourishing of its population, by promoting public health and protecting youth. However, 1.5 million Canadians—most of which are Black or Indigenous—still carry criminal records related to cannabis arrests (Owusu-Bempah and Luscombe 2020), which is an indication that Canada is failing to ensure flourishing for all. In order to move forward with fair drug policy, we need what some might consider "radical reform," which requires a decentering of whiteness in the creation and implementation of new initiatives. For example, expungement of criminal records is necessary, in addition to assuring the involvement of racialized groups in emerging legalized drug industries (Valleriani, Lavalley, and McNeil 2018). Historically, and to this day, the criminalization of substance use has been a tool used to harm communities of color, as seen through the unequal treatment and overpolicing of Black and Indigenous bodies (Browne 2018). Even with the recent legalization of cannabis in Canada, and in some U.S. states, racial disparities in cannabis-related policing persist (Valleriani, Lavalley, and McNeil 2018). This again shows that drug policy reform needs to be supplemented with reparative measures to promote human flourishing.

SUPPORTIVE POLICIES AND HUMAN FLOURISHING

With the growing call for the legalization of psychoactive substances, scientists and policymakers cannot remain silent on their actual positive and negative impacts. While the harms of some substances (e.g. cannabis) may have been historically exaggerated, others (e.g. alcohol) may have been downplayed. New powerful synthetic substances may prove to be a challenge for any kind of reasonable use by human beings and require stringent state-control. In the end, no psychoactive drug is risk-less and only beneficial. Further, any understanding of their positive and negatives effects and implications is and has always been mediated through the socio-cultural setting in which the substances are used (Courtwright 2001). It is in this sense that Earp et al.'s (2021) invitation to develop supportive policies should be understood, i.e. as an effort to deliberately create modern socio-cultural environments which minimize harms while supporting individual freedoms given the failures of the War on Drugs on both accounts. This requires side-stepping the normative lens of the War on Drugs and engaging more rationally and openly with the rather taboo subject of the experiences of using drugs, a topic often avoided given the current prohibitive normative overcast.

What would a more open and liberated policy look like and what would be its justification? The avoidance of various harms is part of the answer but it cannot represent a complete answer. A commitment to improve the situation of the communities who have historically been disadvantaged, targeted and put down by overt or covert political racism, calls for more openness from the white majority and supporting social structure to let the members of minority populations share their experiences and express their specific needs. For a small proportion, advancing toward flourishing, well-being and happiness will mean moving away from all drug use, but everyone and especially political leaders have to recognize that, for most, it will mean building a meaningful life in which some drug use is present. An open and pragmatic account of flourishing would emphasize the importance of choice empowerment. It leaves as much freedom as possible to the individual to make the choices that make sense in their own narratives and to attribute meaning freely to their activities and beliefs (Ryan and Deci 2000). It also stresses the importance of positive relationships with others and mutual learning (Pekarsky 1990; Ryff 2014). As such, we believe that the call of the authors to shift drug use resources from an incarceration-rehabilitation logic toward one of social and empathetic care is timely and a move toward a healthy reunification between human communities—and everything they represent.

Taking this into account, the welcomed legalization of cannabis in Canada stands as an incomplete realization in light of human flourishing. It exemplifies how legalizing drugs can be intended as a gesture of benevolence toward flourishing for all but is insufficient without reparative measures. A preliminary analysis of qualitative interviews carried with people with lived experience of addiction, clinicians and members of the public, suggests that one of the main issues people have with cannabis legalization is the lack of reparative measures and unaddressed long-term consequences for people who are or were incarcerated due to drug-related offenses (Barned 2020). This is particularly unfair given the racial prejudice that was built into the initial drug policies and refrains flourishing for all.

The War on Drugs is premised on covert and overt racism, rooted in European colonialism, and furthered by neo-colonial states such as the USA and Canada. This now deep-seated and economically supported ideology flies in the face of scientific evidence regarding its ability to curtail illicit drug use, its general ability to promote health and well-being, and its infringement on human freedoms and an open existence made of diverse life experiences (Gordon 2006). We do not understand the use of psychoactive drugs as being the core of a meaningful and healthy life, but it may be part of it (Csabonyi and Phillips 2020), most likely when such experiences are cultivated and part of an assemblage of cultural meanings and practices. Prohibiting such experiences is counter-productive, hypocritical, and an obstacle to the creation of new and growing culturally meaningful and reasonable practices of psychoactive substance use. Thus, decriminalization or legalization are incomplete answers: addressing the meaning-making activities associated with the use of psychoactive substances is also key. Therein, instead of perpetuating oppression, human beings and their various cultures could learn from each other.

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Ending the War on Drugs: Public Attitudes and Incremental Change

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"Racial Justice Requires Ending the War on Drugs" (Earp, Lewis, and Hart 2021) is an impressively well evidenced argument for the need for drug reform. The authors outline how the war on drugs causes direct harms to users (e.g., imprisonment and criminalization of users), indirect harms to users (e.g., by making quality control of drugs virtually impossible and making healthcare programmes harder to deliver due to stigmatization of users), and structural harms to wider communities (e.g., prohibitions on drugs are criminogenic, exacerbate existing racial and socio-economic inequalities, and divert law enforcement resources away from other crime prevention activities).

Ending the war on drugs (especially if pursued in conjunction with a policy of harm reduction) has the potential to massively reduce these harms and improve the lives of people who use recreational drugs, their loved ones, and their communities. If, as the authors suggest, the supposed justification for prohibiting access to recreational drugs is to protect people from harm and promote public health, it has surely failed.

The paper argues for decriminalization as a first goal, starting with cannabis, before eventually moving toward the "full legalization of MDMA (ecstasy), psychedelic drugs such as LSD and psilocybin, heroin and other opioids, methamphetamine, and powder and crack cocaine—that is, all drugs used for non-medical purposes that are currently deemed illicit" (Earp, Lewis, and Hart 2021, 5).

The authors make clear in the paper that they wish their proposals for change to be considered "in the domain of democratic politics" (Earp, Lewis, and Hart 2021, 6). They state that the arguments in the paper should not be read as an "attempt to argue for the constitutional protection of such rights enforced by the judiciary" (Earp, Lewis, and Hart 2021, 6). I also believe that drug liberalization needs to be pursued democratically. As I have argued elsewhere, this is because using the judiciary to enforce liberalization does not resolve the genuine uncertainty surrounding the effects of liberalization, nor does it allay the genuine concerns opponents of liberalization have, or answer the panoply of practical questions that need to be answered to implement a regulated drug market (Roberts 2020). My goal in this commentary is to expand on why a strategy of incremental change, starting with the liberalization of cannabis, is preferable to attempting to implement immediate liberalization of all drugs.

The first reason for starting with the liberalization of cannabis is that it is by far the most widely used

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