

Viewing policy and regulation from an ethical standpoint, the prohibition of certain drugs and criminalization of users does not fulfil any of the requirements in protection of the rights of individuals to freedom of choice, reducing risks or promoting well-being of communities

**Governance
Public health
ethical
considerations**

Policy decisions and action in relation to the provision, selling and marketing of addictive substances or activities are typically plagued by moral overtones: e.g. “Why should taxpayers’ money be spent on treatment for people who just want to get high?” “It is wrong to interfere in lifestyle choices.”

Ethics, rather than moral reasoning, being more objective and impartial and based on validated evidence and agreed social goals, provides a more adequate basis for policy making, where the common good of the population should be the driving objective of the whole process and institutions of governance. Specific characteristics of the heavy use over time of addictive products (HUOT) mean that the regulation of this behaviour in the population is subject to some very unique ethical considerations.

Characteristics of HUOT which influence ethical considerations

- **HUOT is one of several *lifestyle choices*** - these are often seen as a part of a person’s identity and, as such, to be defended against intervention or manipulation, especially where the consequences of the choice are primarily seen as affecting only the individual (a debated point in HUOT, with a growing evidence base for the harm to others)
- **The determinants and impacts of HUOT can be found in a *wide variety of sectors*** - the drivers of harm due to HUOT span the private commercial, public and civil society sectors, each with specific myriads of ethical issues and nuances.
- **Because of concurrent intoxication, HUOT has been the subject of *extreme levels of social control*** e.g. as a basis for incarceration, which, it has been argued here and elsewhere, has been used as a tool of social injustice and perpetuates inequalities in societies.
- **Because of psychoactive effects and the compulsive nature of the behaviour, HUOT has a *parallel impact on individual freedom of choice*** - brain changes and neurological bias brought about by heavy use could be balanced against public health interventions and also exploited by marketing campaigns.
- **Economic returns on the sales of addictive products result in a *high degree of influence from the corporate sector*** in policy to address HUOT - It is important to note that individuals’ right to freedom of choice is impacted similarly by private producing and retailer companies’ marketing techniques, as well as ‘nudging’ public health policies.

Adopting a wellbeing framework for drug policy (see Science Finding on well-being) , where regulations and legislation are created with the aim of maximising population wellbeing and capital, can be seen as an effort to ensure that citizens and societies are treated ethically with regards to this behaviour.

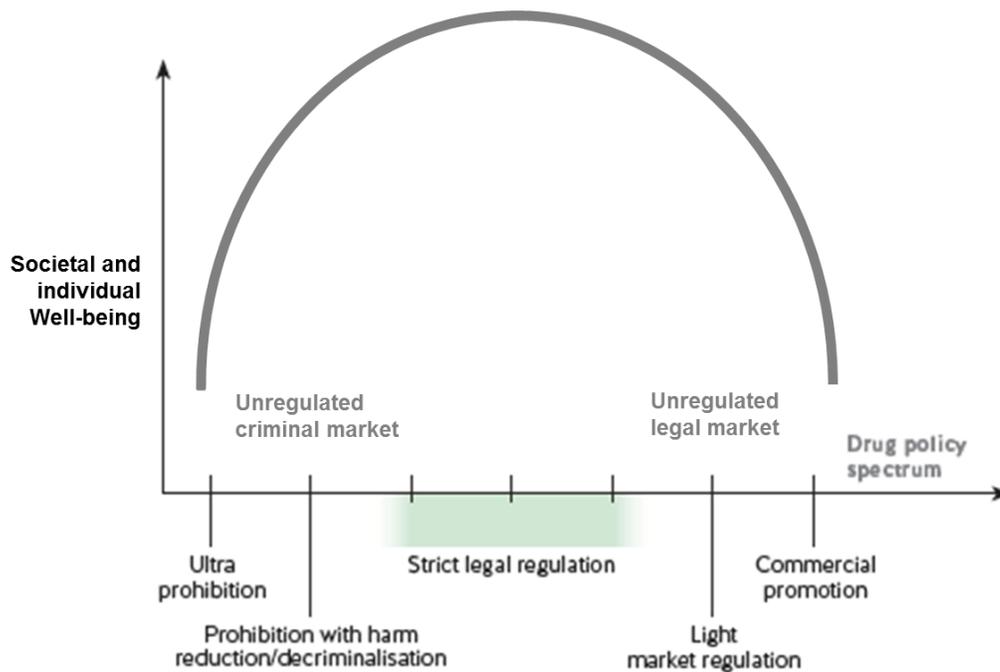


Figure: Well-being and the drug policy spectrum. (Adapted, with permission, from Rolles & Murkin, 2013)

However, if we adopt a well-being framework, we immediately have to call into question criminalisation and incarceration penalties for the consumption of psychoactive drugs which can lead to their heavy use, given that prison time detracts so greatly from well-being and contributes to entrenching stigma and discrimination.

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Anderson P, Braddick F, Conrod P, Gual A, Hellman M, Matrai S, Miller D, Nutt D, Rehm J, Reynolds J, Ysa T (2016, In press). The New Governance of Addictive Substances and Behaviours. Oxford: OUP

Nuffield Council on Bioethics. (2007). Public Health: Ethical Issues. Nuffield Council on Bioethics. London. ISBN 978-1-904384-17-5

Rolles S, Murkin G. (2013) How to regulate cannabis: a practical guide. Transform Drug Policy Foundation. <http://www.tdpf.org.uk/resources/publications/how-regulate-cannabispractical-guide>

Saghai, Y. (2013). Salvaging the concept of nudge. J Med Ethics, 38: 487-493