

Breaking Convention 2015

The 3rd International Conference on Psychedelic Consciousness

University of Greenwich, Old Royal Naval College, London, July 10-12, 2015

**Assessing 'serious evil'**  
Bioethical considerations  
of drug control



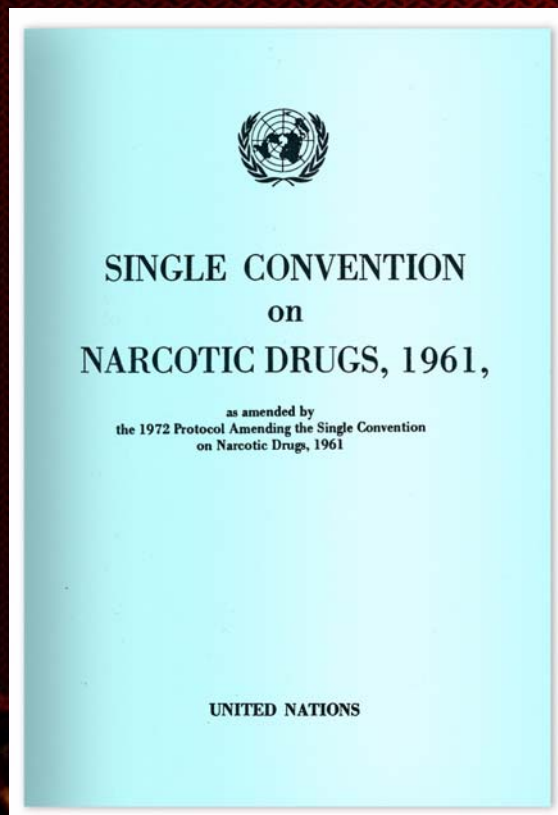
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# 1961 Single Convention on Narcotic Drugs



**Signed** 30 March 1961

**Location** New York City

**Effective** 8 August 1975

**Condition** 40 ratifications

**Parties** 185

**Except** Chad, East Timor, Equatorial Guinea, Kiribati, Nauru, Samoa, South Sudan, Tuvalu, and Vanuatu

# 1961 Single Convention on Narcotic Drugs

*The Parties,*

*Concerned* with the health and welfare of mankind,

*Recognizing* that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

*Recognizing* that addiction to narcotic drugs constitutes a **serious evil** for the individual and is fraught with social and economic danger to mankind,

*Conscious* of their duty to prevent and combat this **evil**, [...]

**EVIL**

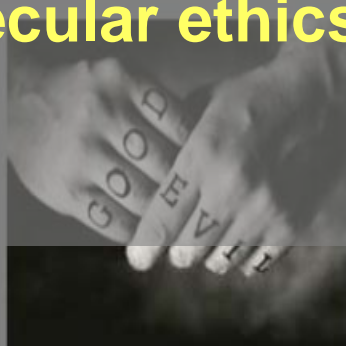
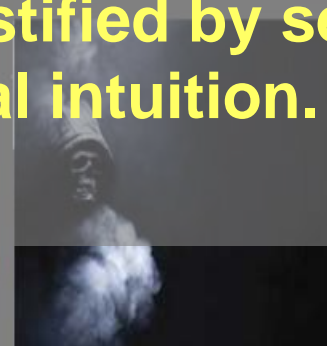
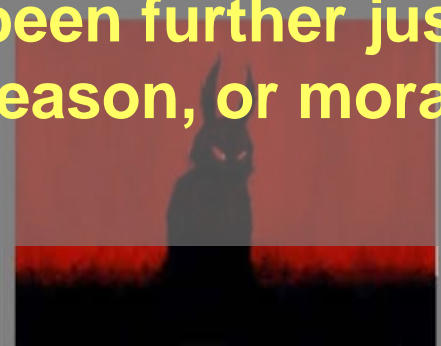
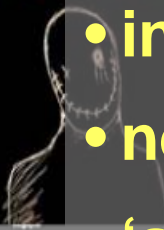


**EVIL!**

(according to Google)

- a moral judgement
- inviting a reaction to eliminate
- need to combat against 'addiction'
- 'addiction' as an abstract notion
- practically: '(addicted) drug users'
- Beside a sole reference to the religious concept of profound immorality, this international treaty has never been further justified by secular ethics based on logic, reason, or moral intuition.

**EVIL**



# UN Conventions against...

- Bacteriological, biological and toxin weapons
- Discrimination against women
- Genocide (*„an odious scourge”*)
- Nuclear terrorism
- Nuclear weapons & weapons of mass destruction
- Racial discrimination (*„morally condemnable”*)
- Taking of hostages (*„an offence of grave concern”*)
- Terrorist bombings
- Torture (*„cruel, inhuman or degrading”*)
- Narcotic drugs

NOT EVIL

NOT EVIL

NOT EVIL

NOT EVIL

NOT EVIL

NOT EVIL

NOT EVIL

NOT EVIL

NOT EVIL

EVIL!



# Logic and scope

**Combat because of the problem of addiction**

**Addiction is a behaviour/property of addicts**

**...but...**

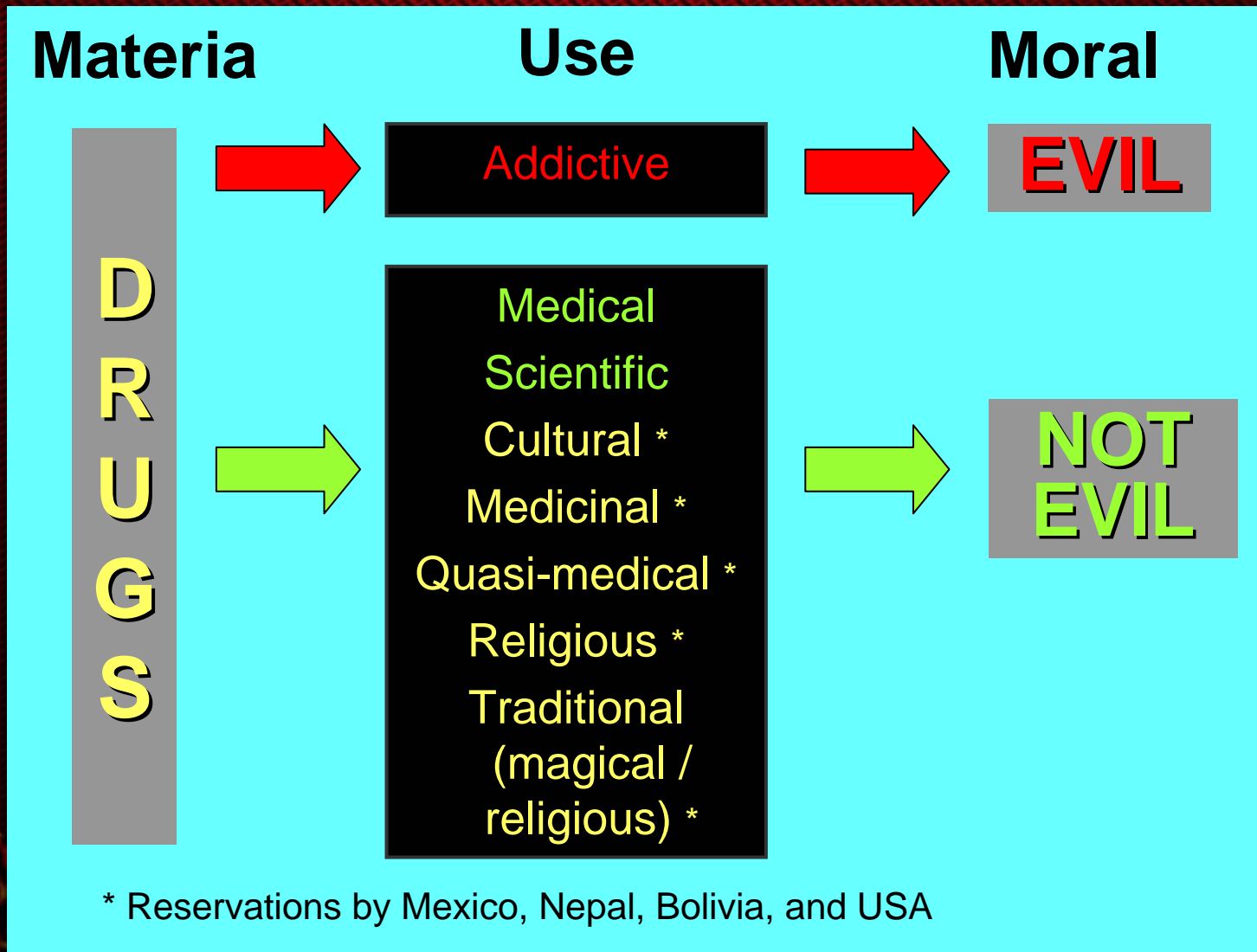
**The Convention is used to combat against non-addicts!**

**E.g., possession of small amounts of listed drugs**

**Serious offences: punishment by imprisonment**

**Do criminal measures prevent addiction?**

# The UN Logic Box



# Outside the UN Logic Box

Materia

Use

Moral

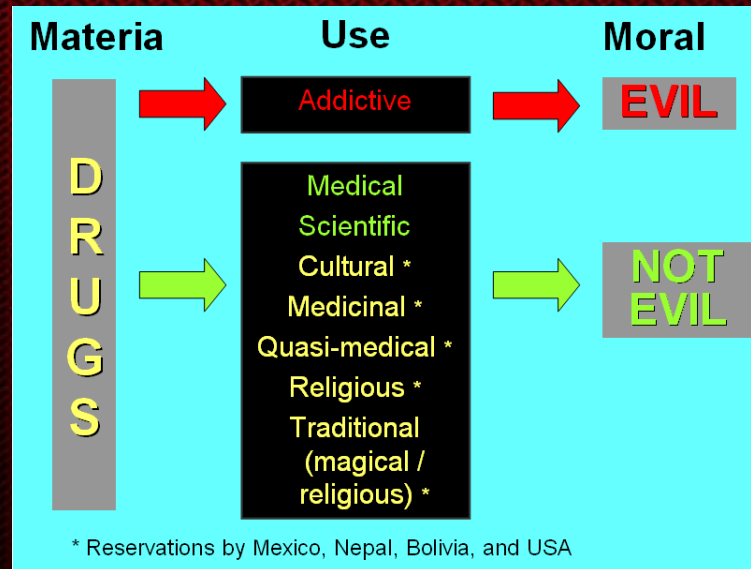
**SOME  
OTHER  
DRUGS**



**Addictive**



**NOT  
EVIL**



**Any**



**NOT  
EVIL**



$$X \leftrightarrow Y$$

X=drug, Y=use

$X \leftrightarrow Y$

X

Y

!

**EVIL!**

$$X \leftrightarrow Y$$

X=drug, Y=use

$X \leftrightarrow Y$	X	non-X #1	non-X #2	non-X #3	...	non-X #N
Y	!					

$$X \leftrightarrow Y$$

X=drug, Y=use

$X \leftrightarrow Y$	X	non-X #1	non-X #2	non-X #3	...	non-X #N
Y	!	?	?	?	...	?

$$X \leftrightarrow Y$$

X=drug, Y=use

$X \leftrightarrow Y$	X	non-X #1	non-X #2	non-X #3	...	non-X #N
Y	!	?	?	?	...	?
non-Y #1						
non-Y #2						
non-Y #3						
...						
non-Y #N						

$$X \leftrightarrow Y$$

X=drug, Y=use

$X \leftrightarrow Y$	X	non-X #1	non-X #2	non-X #3	...	non-X #N
Y	!	?	?	?	...	?
non-Y #1	?	?	?	?	...	?
non-Y #2	?	?	?	?	...	?
non-Y #3	?	?	?	?	...	?
...	...	...	...	...	...	...
non-Y #N	?	?	?	?	...	?

$$X \leftrightarrow Y$$

X=drug, Y=use

$X \leftrightarrow Y$	X	non-X #1	non-X #2	non-X #3	...	non-X #N
Y	!	?	?	?	...	?
non-Y #1	?	?	?	?	...	?
non-Y #2	?	?	?	?	...	?
non-Y #3	?	?	?	?	...	?
...	...	...	...	...	...	...
non-Y #N	?	?	?	?	...	?

[„a step in computing the chi-squared test for independence. Specifically, you seem to have calculated the expected count for each cell in the contingency table under independence”]

# Drugs <-> Use (purpose)

	R E L S P I	S- K N O W	S- M E D I	M O O D	B O R E D	D E F I C	S O C I A L	S E N S	A R T	P H Y S	R E B E L	M E M B E R
Alcohol				4			6	2			2	3
Tobacco					2	7	2				2	3
Depressant medication			2									
Ecstasy (MDMA)				2				2		2		
Amphetamine, stimulants				2						7		
Nitrous oxide (N <sub>2</sub> O)				2								
Marijuana, hashish		2		2				2	3			
LSD	3	3										
Psilocybe mushrooms	3	3										
Salvia divinorum	2	2										

# UK Psychoactive Substances Bill 2015

X=drug, Y=use

X<->Y	'drugs'	alcohol	tobacco / nicotine	caffeine	medicines	foods
<b>addiction</b>	<b>EVIL</b>	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL
<b>medical</b>	<b>EVIL</b>	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL
<b>spiritual</b>	<b>EVIL</b>	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL
<b>recreational</b>	<b>EVIL</b>	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL
...	<b>EVIL</b>	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL
<b>Any</b>	<b>EVIL</b>	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL	NOT EVIL





# The evidence shall be ...

...the truth, the whole truth and nothing but the truth.

$X \leftrightarrow Y$  ✓

plus its contexts of:

$X \leftrightarrow \text{non-}Y$  ✓

$\text{non-}X \leftrightarrow Y$  ✓

...not only a biasedly selected subset of psychoactive substances + ignore all other circumstances, outcomes, forms, and functions of drug use!

# Substance use may cause harms

Needs regulation for individual, community, society

- Consequences of regulation vs. non-regulation?
- Prevalence reduction vs. consequence reduction?
- Less users with high risk vs. more users with low risk?
- Right to risk-taking?
- Right to self-harming?
- Bigger risk taking -> more punishable?

**These are ethical questions!**

# Principles of Biomedical Ethics

by Beauchamp & Childress

- **Respect for autonomy**

respecting the decision-making capacities of autonomous persons; enabling individuals to make reasoned informed choices

- **Beneficence**

the balancing of benefits of treatment against the risks and costs; the healthcare professional should act in a way that benefits the patient

- **Non-maleficence**

avoiding the causation of harm; the healthcare professional should not harm the patient. All treatment involves some harm, even if minimal, but the harm should not be disproportionate to the benefits of treatment.

- **Justice**

distributing benefits, risks and costs fairly; the notion that patients in similar positions should be treated in a similar manner.

*(Beauchamp & Childress; Principles Biomedical Ethics, OUP, 5th ed., 2001)*

# Principles of Biomedical Ethics

## ...questions raised by drug control

- Respect for autonomy
  - legitimacy of self-medication and self-enhancement?
- Beneficence
  - efficiently/beneficently combatting addiction?
- Non-maleficence
  - not causing more “social evil” than it prevents?
- Justice
  - problem vs. non-problem use – probability transfer?

# Principles of Biomedical Ethics

## ...applied to the 1961 convention

- Respect for autonomy
  - No; victimless crimes by autonomous individuals
- Beneficence
  - No; the problem of addiction has not decreased
- Non-maleficence
  - No; grave environmental and social consequences
- Justice
  - No; similar use of other substances are exceptioned

# Drug policies

- Feasibility of ethics-based drug policies
- Closer to scientific mechanisms
- Process: self-correction, feedback, “legalovigilance”
- Evidence-based risk assessment (Nutt et al.)
- Drug policy ratchet (Stevens & Measham)

# New Psychoactive Substances



UR-144



5F-UR144



THJ018



AKB48



AB-FUBINACA



ATX 70



Ketchup



BPEF



Pentobarbital sodium



Polystyrene(PS)



FEC

# New Psychoactive Substances

- Consequence of failed drug policy?
- Analogue laws: effects similar to other substances
- Generic laws: structure similar to other substances
- Molecular racism / discrimination!
- Long-term effects: unknown vs. well-known negative?
- Ethical basis for using the precautionary principle?



# 1961 Single Convention on Narcotic Drugs

## Resolution III

### Social conditions and protection against drug addiction

*The Conference,*

[...]

Considering that, while drug addiction leads to personal degradation and social disruption, it happens very often that the deplorable social and economic conditions in which certain individuals and certain groups are living predispose them to drug addiction,

Recognizing that social factors have a certain and sometimes preponderant influence on the behaviour of individuals and groups,

*Recommends that the Parties:*

1. Should bear in mind that drug addiction is often the result of an unwholesome social atmosphere in which those who are most exposed to the danger of drug abuse live; [...]

# Parameters

**Drug**

**Dose**

**Set**

**Setting**

**Behaviour**

**Outcome**

# SUMMARY

This presentation assessed the “fitness to purpose” to combat addiction as “serious evil”.

It does not fit.

So...

Revise **or** Reform **or** Repeal!

THANK YOU



FOR YOUR ATTENTION! 😊

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