

Press Release

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South African Institute of Race Relations
The power of ideas

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Constitutional Court ruling on dagga a welcome step towards freedom for individuals – IRR

The Institute of Race Relations (IRR) welcomes the decision yesterday by the Constitutional Court to allow the possession or smoking of cannabis in private.

Deputy Chief Justice Raymond Zondo ruled: ‘It will not be a criminal offence for an adult person to use or be in possession of cannabis in private space.’ The court has given Parliament two years to amend the relevant legislation on possession of the substance.

This decision is an important step in affirming the rights of individuals to make decisions on issues that affect them and their lives. People should be free to decide without interference from the state whether or not to use a substance such as cannabis in the privacy of their own home, in the same way as they can choose whether or not to consume alcohol at home. This right is legitimately restricted only when it impinges on others, such as by driving a vehicle while under the influence of alcohol.

The ruling shows the court believes individuals are better equipped than the state to make decisions about their own lives. In the same way, we argue, individuals should be further empowered to make decisions about their children’s education, their healthcare, and who represents them in Parliament.

South Africans should have a greater say on what happens in their children’s schools, greater choice in meeting their medical needs (which the proposed National Health Insurance scheme will take away), and be allowed to directly elect people to represent them in Parliament (rather than being compelled to rely on MPs foisted on them by party bosses).

The Constitutional Court ruling on the use of cannabis is the thin edge of the liberty wedge, which makes South Africans freer.

However, the ruling will be fairly meaningless if the country continues to erode property and other rights and fails to trust South Africans to make their own decisions on important choices, such as meeting their healthcare needs, and seeking the best education for their children.

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