1. **Introduction**

Drug decriminalization and legalization are widely debated issues that are on the forefront of peoples’ minds in the current day and age. The debate is between those who believe that drugs should remain criminalized, and that even more effort should go into prosecuting those who break the drug laws, and those people who believe that drug prohibition is hurting society more than it is helping, and thus decriminalization, or even legalization, is the preferred policy in regards to currently illicit drugs. At the outset of this essay, it is important to explain the difference between decriminalization and legalization. Decriminalization means that drug production, possession, and consumption, though still illegal, are not criminal but civil offenses, and therefore, those who break the law by engaging in these activities are subject to fines and other minor penalties, not jail time. Legalization, on the other hand, would mean that drug production, possession, and consumption are all legal, and there is no penalty whatsoever for participating in these activities (Greenwald 2009, p. 2). When economic theory, application, cost-benefit analysis, and historical proof are all considered, a preferred policy should prevail.

 It is impossible using economic analysis, or any other kind of analysis for that matter, to develop perfect drug policies. There will always be questions that theory and analysis will never be able to resolve, thus any work regarding drug policy should be used solely to shed more light on the situation (Warner 1991, p. 642). We will only know the full effects of legalization when we have a concrete example of a country undertaking a policy of legalization and then tracking the outcomes for decades.

 There are several factors that must be taken into account in order to understand the economic side of the debate, such as consumption effects, addiction effects, drug substitutes, violence, social and economic freedom, social ethics, etc. All of these and more will be taken into account in the analysis of this debate. The forthcoming analysis will show that negative conditions that are a result of drug production, sale, and consumption will improve upon legalization. These negative conditions include violence as a result of drug trade, drug abuse levels, constricted freedom and more.

 To prove that drug legalization will result in better economic and social conditions, it is necessary to discuss several points: drug use as a moral failing and not a crime, the role the government plays in the drug market versus the role that it should play in the drug market, cost-benefit analysis of drug legalization, and arguments against legalization. Lastly, the drug decriminalization that took place in Portugal in the early 2000s will be analyzed as it relates to these points.

1. **History of Drug Prohibition**

It is a common belief that drugs were criminalized because of their negative effects on both individuals and society as a whole. This is also the reason that governments cite when they defend the criminalization of illicit drugs. Although this may be partially true, this view ignores the majority of the story. Prohibition became popular during the Progressive Era. Intervention in the United States was influenced by the German Historical School, and prohibition was supported by German romantic philosophy which saw the state as a means by which social reform can be achieved (Thornton 1991, p. 11). So prohibition was promoted in an attempt to achieve moral and social reform.

Prohibition of narcotics was determined state to state in the early 1900s, until the Harrison Narcotics Act of 1914 which made prohibition a federal law. It was enacted for three important reasons. First, there was a desire to curb increased addiction rates that resulted because of the Civil War. Secondly, the American Medical Association and the American Pharmaceutical Association exerted their influence in order to restrict entry into the drug dispensing industry. They did this by imposing standards which would keep the patent-drug industry from being able to compete with the doctors and pharmacists. Lastly, the Chinese railroad workers would smoke opium for medicinal and recreational reasons and use spread as they moved west. Laws banned the use of opium for discriminatory purposes (1991, p. 57-60).

Marijuana prohibition is interesting for two reasons: (1) It had great economic significance that far outweighed any problems that it caused and (2) recreational use was not widespread at the time the prohibition was enacted. There are two hypotheses to be considered when trying to understand why marijuana was criminalized. The first is the Anslinger Hypothesis. This hypothesis states that the Federal Narcotics Bureau under Harry Anslinger brought the attention of marijuana to the public and “developed the ‘killer-weed’ concept.” Second was the Mexican Hypothesis, which stated that prohibition was a reaction against Mexican and other immigrants who were undercutting American workers’ wage rates and thus, prohibition was the result of bigotry toward these immigrants (1991, p. 65-6).

1. **Government’s Role In Prohibition**

Because drug prohibition was born out of an attempt at social reform for ethical reasons and also for reasons that were essentially to promote bureaucracy and/or were a result of bigotry against immigrants, serious economic problems developed in the relationship between government and society. To begin discussing these problems it is helpful to look at a quotation from Ludwig Von Mises’ book *Liberalism*:

There are people who consider that society is justified in resorting to coercive measures to set such a person on the right path and to correct anyone whose heedless actions imperil his own life and health. They advocate that alcoholics and drug addicts be forcibly deterred from indulging their vices and compelled to protect their good health. The question whether compulsion really answers the purpose in such cases we shall reserve for later consideration. What concerns us here is something quite different, namely, the question whether people whose actions endanger the continued existence of society should be compelled to refrain from doing so. The alcoholic and the drug addict harm only themselves by their behavior; the person who violates the rules of morality governing man's life in society harms not only himself, but everyone (Mises, 2002 [1985] p. 35).

People may argue, however, that when individuals are under the effects of drugs they are more likely to commit harms against other individuals. It must be realized, however, that when harms are committed against others, there are already institutions in place to deal with this. For example, although there is a possibility of harming someone other than yourself when you are driving under the influence of drugs and alcohol, there are penalties in place for committing this crime, therefore it is not unlike any crime that is committed when the perpetrator is in his right mind. The main point that must be taken from the Mises quote is summarized in this way: when the government imposes prohibitions on peoples’ actions, and these actions affect only themselves, such as the prohibition on drugs, this constriction of liberty is far more destructive to society than the negative effects of drug use by each individual on society.

 It is important to understand that this argument is not saying that drugs are wholesome, good, or even neutral. Drug use is a moral failing, however, the role of the government is not to control people in their moral failings. If this were the case, much more than drugs would be illegal including premarital sex, strip clubs, and the use of profane language, to name a few. Mises continues in *Liberalism* to explain that addiction to drugs and alcohol are “deadly enemies of life, of health, and of the capacity for work and enjoyment.” While this is true, for the government to intervene in an attempt to suppress or prevent this action is a crime against a person’s liberty (2002, p. 53). The government’s only legitimate role is to protect its citizens from crime. This means that whenever an individual is pursuing an end that does not infringe on any other individual’s right to their person, property, or liberty, the government should not prevent the action of this individual.

 Many of the attempts to keep drugs criminalized are initiated by individuals who have been negatively affected by drug use. It makes sense that these people would want the government to increase penalties for doing drugs; however government intervention is not the appropriate answer. One example of a group that feels this way is the Community Anti-Drug Coalitions of America (CADCA). In their stat sheet called *Arguments Against Marijuana Legalization and/or Decriminalization From a Prevention Standpoint,* CADCA uses statistics regarding the negative effects of marijuana use as a means to promote their ideas against legalization. Some of these statistics include: “The NSDUH has reported that youth with an average grade of D or below were more than four times as likely to have used marijuana in the past year than youth with an average grade of A.” Or, The “NSDUH has substantiated this fact as it reported that youth who first smoke marijuana under the age of 14 are more than five times as likely to abuse drugs as adults” (Arguments Against Marijuana Legalization, CADCA).

 While this is a noble effort at helping those people who have higher likelihood of becoming drug addicts and earning lower income because of smoking marijuana, the government is not the vehicle that should be used to promote this effort. It is important to note that all of the statistics that were used to promote the continuation of criminalization were statistics about the effect of drugs on each individual who used the drugs. As it has already been explained, instances where moral vices are practiced by and only hurt the individual who is practicing them should not be a cause for government intervention (i.e. drug prohibition).

1. **Cost-Benefit Analysis**

Before any specific cost-benefit analyses are regarded in the analysis of drug legalization, it will be beneficial to discuss the strengths and weaknesses of cost-benefit analysis in this realm of policy. Cost-benefit analysis (CBA), as can be deduced from its name, is analysis that compares the positive and negative consequences of enacting a certain policy (Warner 1991, p. 644). There are a few common mistakes that are commonly made when undergoing CBA that must be understood before any specific cost-benefit arguments for legalization are looked at. One such error is the error of transfer, or redistribution. A common example of this error is when those who are proponents of legalization cite the tax revenues that will be collected as a benefit of legalizing drugs. Essentially, what this means is that more money will be pumped into the economy because taxes will be collected when drugs are sold. This is not actually the case. These tax revenues, however, are equivalent to the revenues collected by the dealer under the policy of prohibition. Under legalization, this revenue will just transfer to the government, so although the government will receive the benefit of revenues under legalization, there will be no general societal benefit (1991, p. 647).

Another important shortcoming to note in CBA is the question of how qualitative consequences of drug policies can be included in the quantitative CBA approach (i.e. how do we compare things like liberty and virtue in a quantitative manner?) (1991, p. 648). Problems such as this that make it impossible, using economic analysis alone, to define a perfect drug policy. What CBA can do, however, is “improve the caliber of the drug policy debate. . . .[and] it encourages a thoughtful weighing of negatives and positives” (1991, p. 651). For this reason it is important to include CBA in the discussion of drug legalization policy. When the Portugal drug decriminalization is considered, the historical economic facts will prove the ensuing CBAs to be valid.

Milton Friedman, although he did not use the term cost-benefit analysis specifically, was the first economist to use CBA to analyze drug policies (1991, p. 645). His CBA begins in a Newsweek article from May 1, 1972. First, he discusses the ethical implications that were discussed earlier in this essay. He then goes on to describe the costs of drug prohibition. Prohibition is very bad for the addicts because drug prices are driven through the roof, quality is unknown, and they are forced into criminal activity to acquire drugs and also must risk health and well-being by associating with criminals. Another point is that between 1/3 and 1/2 of all street crimes in the United States are drug related; therefore, if drugs were legalized, crime would drop immensely. Another common negative consequence from the prohibition of drugs is that low level government officials and police officers are corrupted into committing drug crimes to make quick money. If drugs were legalized this would no longer occur (Friedman 1972).

Now it is necessary to look at Randy Paige’s interview of Friedman from "Friedman & Szasz On Liberty and Drugs" which was a talk show appearing on public television. Paige’s first question essentially asks how America will change under legalization. Friedman’s answer follows:

I see America with half the number of prisons, half the number of prisoners, ten thousand fewer homicides a year, inner cities in which there's a chance for these poor people to live without being afraid for their lives, citizens who might be respectable who are now addicts not being subject to becoming criminals in order to get their drug, being able to get drugs for which they're sure of the quality. You know, the same thing happened under prohibition of alcohol as is happening now (Friedman 1991).

This is a bold statement. How did he come to these conclusions? His calculations of the number of prisons and prisoners are obvious in a theoretical sense. Any criminal who is charged with breaking any drug law and is prosecuted will end up as a prisoner in a prison. If half of the people in prison are in prison for a violation of this sort, then there will be half the number of prisons needed because there will be half of the number of prisoners.

The decrease in violent crimes (i.e. homicides) that will take place is due primarily to systemic violence. Friedman looks at the prohibition of alcohol to form this theory. During Prohibition, Friedman was a teenager, and he recounts that it was very easy to get alcohol. There was also a very high violent crime rate. Al Capone and his hijackings and gang wars were prevalent, and everyone could see that Prohibition was “doing more harm than good” (1991). What happened to violence after Prohibition was repealed? Friedman discusses this as well. There is very little violence, he says, in the alcohol market. All of the remaining violence, he goes on, is due to the fact that alcohol is prohibited to children, as he believes it should be, and to the fact that the government places high taxes on alcohol, creating an environment in which people will commit crimes in order to be able to afford the artificially overpriced good(1991). The reduction in violence which accompanied the end of Prohibition is exactly what will happen regarding violence when the prohibition of drugs is repealed.

Friedman only sees one potential cost to legalizing drugs. This cost is the increase in drug use that may go hand in hand with legalization. Because lifting the prohibition would decrease the price of drugs, and in economics the lower a price is the higher the demand will be, it is possible that there would be more people taking drugs. It is not necessarily true, however, that it would be as bad as this may sound. The first reason for this is that frequently, when prohibition is enacted, people switch from mild drugs to more potent drugs. This is because a mild drug, like marijuana, is bulkier and therefore easier to interdict than hard drugs such as cocaine or heroin which are easier to conceal (1991). For this reason, if drugs are legalized, there will be people switching back to marijuana from the hard drugs, and the new drug users will be using marijuana instead of hard drugs. Harm to the individual drug user would be much less if the milder drugs were used instead of the hard drugs. The second reason legalization may not have as large of an effect on consumption as may be expected is because of the idea of the forbidden fruit. Friedman says that it is possible that if drugs are legalized, fewer individuals would partake because people find doing illegal things fun. He admits that this may not be the best explanation, but it is definitely feasible (1991).

The next CBA that must be discussed is presented by Miron and Zwiebel, who focus on four main points with regards to legalization of drugs: (1) the direct effects of prohibition on the drug market, (2) violence, (3) cartels, and (4) accidental poisonings and overdoses. They discuss how prohibition causes the negative conditions that surround these phenomena in the drug market (Miron and Zwiebel 1995).

Starting with the direct effects on the drug market, Miron and Zwiebel explain that prohibition leads to an upward shift in the supply of drugs and a downward shift in the demand for them. The upward shift in supply occurs because law enforcement due to prohibition acts as a tax on the price of drugs (1995 p. 176-7). As the study of economics will show, any time a tax is enacted, the supply curve will shift upwards. The reason that law enforcement acts the same way a tax does is because increased law enforcement will create additional costs to the supplier of the drug which will raise the market price of the drug.

The downward shift in the demand for drugs occurs for a number of reasons: the existence of legal penalties, uncertainty about drug quality, danger associated with transactions in an illegal market, and respect for the law all play into this downward shift in demand. It must be noted that the downward shift in demand is substantially smaller than the upward shift in supply. The reason for this is because legal penalties that are incurred due to drug trade/use are much stronger for suppliers (drug dealers) than they are for consumers (drug users) (1995, 177-8).What this upward shift in supply and downward shift in demand mean with respect to the drug market is that, under prohibition, drugs are more expensive than they are in the free market.

The next cost that prohibition creates in the drug market is that of violence. Prohibition will lower marginal costs and raise marginal benefits for violence. The reason for this is because those in the illegal drug trade cannot use the judicial system to settle their disputes. This means that they have to enforce their own law so as to not get cheated out of drugs and/or money. Another reason that the marginal cost of violence is lower during prohibition is because, in prohibition, those in possession of drugs must evade the punishments doled out by the legal system. It becomes more expedient to commit a violent crime than to be thrown in jail for a period of time (1995, p. 177-8). For example, say that a man is under the influence of drugs or in possession of drugs and is under suspicion by the police, and a policeman approaches him. It is more beneficial for the individual to commit a violent crime against the policeman and get away than to be arrested, prosecuted, and incarcerated.

An interesting point brought up by Miron and Zwiebel is that non-drug related violence will increase as a result of prohibition. The reason for this is that when ordinary law-abiding citizens see the increased violent crime rate due to increased law enforcement in the drug market in the news and other media outlets, many will buy a weapon, most likely a gun, to protect themselves from these crimes. This gun may accidentally discharge and injure or even kill an innocent person. It is also possible that the owner of the gun will use it in a domestic dispute, injuring or killing someone, whereas, had he never bought the gun, he never would have used it and never would have injured or killed anybody (1995, 177-8).

The last analysis these two authors make regarding violence is that historically, the movement in violent crime rates is directly related to the increase in law enforcement. For example, when the Harrison Narcotics Act of 1914 was passed, violent crime rates in the United States increased. Then, when Prohibition was enacted, violent crime rates increased once again. In 1933, when prohibition was repealed, violent crime plummeted, and finally in the late 1960s to early 1970s, when the “war on drugs” began and law enforcement increased substantially, there was a substantial increase in violent crime rates as well (1995, 177-8). The discussion about this systemic violence is very important as it relates to the legalization argument and will be discussed later in this exposition.

The last two points that are discussed by Miron and Zwiebel are that of cartels and of the purity of drugs. Regarding cartels, because under prohibition the drug market is a black market, cartels form without being broken up by any governmental law. Cartels dominate the illegal drug market and keep smaller scale drug dealers out of the market. Cartels are inherently more violent because they must protect their higher quantity and quality of drugs from being interdicted. Finally, in an illegal market there is no regulation system in terms of drug purity. For this reason, drug consumers can never be sure how much of a drug is in the product they buy or if there are any harmful substances in the drug. For this reason, the consumer can accidentally overdose or die because of a harmful substance added to the drug (1995, 178-9). In a market where drugs are legalized, there would naturally be regulation of the quality and purity of the drugs. People would not buy drugs from those producers with reputations for selling poor quality drugs. The government could also have some control over the regulation process as they do with pharmaceuticals.

There is another cost to criminalizing drugs that is not mentioned by either of these two CBAs. Naturally, when drugs are illegal, people look for other substances that will bring about the same or similar effects as the drugs do. This has led to people developing chemical substances that are legal at the time of creation and cause the desired effects on the brain. An example of this is synthetic marijuana which was created for a study of the effects of cannabinoids on the brain. The process by which this synthetic marijuana was created was included in the publication of the study, and people began to produce it in order to smoke it as they would marijuana. At first, it was legal because governments did not really know its effects and potential dangers. After some very serious incidents regarding the effects of the drug, various countries began to ban it. There are loopholes in these bans, however, because manufacturers are able to change the chemical formula very slightly and stay one step ahead of the government bans. The side effects of synthetic marijuana are much worse than the side effects of marijuana. Chemicals in synthetic marijuana are up to five times more potent than THC and can lead to high blood pressure and a racing heartbeat. People have been known to begin “freaking out” under the effects of synthetic marijuana. It is also very hard to know how to treat these negative effects because there has not been much research into the treatment of the side effects of synthetic marijuana (Burke, Marcher, and Owen 2012). Had marijuana never been criminalized, this synthetic marijuana would have never been created and the deaths and other very serious problems related to the use of synthetic marijuana would have never occurred.[[1]](#footnote-1)

1. **Arguments Against Legalization**

It is important now to discuss some arguments that are in opposition to drug legalization and promote the continued prohibition of all drugs. The first of these is the argument by Sara Markowitz in her paper *An Economic Analysis of Alcohol, Drugs, and Violent Crime in the National Crime Victimization Survey*. In her paper, Markowitz spends some time discussing violence as it relates to the debate about drug legalization. First she discusses what kind of effect drug consumption has on violence. The answer to this question is that consumption does not have a great effect on violence. She shows this by presenting data from 1989 where 414 murders were examined in New York City. Of these 414 murders, 218 were drug related and of these 218 only 10 were a result of consumption (Markowitz 2009, p. 4).The basis of her argument in the whole paper is that because of the negative outcomes that result from consumption, drugs should continue to be criminalized. This argument does not make sense with the data that she presents. If only 10 of 218 drug related murders were a result of consumption, then there is obviously a bigger problem. This problem is the systemic violence that Friedman and Miron and Zwiebel talked about in their cost-benefit analyses. The remaining 208 drug related murders in 1989 must have been a result of systemic violence which will be eliminated if drugs are legalized. Additionally, fewer murders involving drug consumption will probably occur, due to the improved overall environment surrounding drug sale, purchase and use.

Markowitz eventually does talk about systemic violence, but her analysis is far from sound. Her line of argument is that when the prohibition is lifted and drugs are legalized, this will increase the number of sellers, prices will fall, and the quantity of drugs demanded will increase. Because of this increase in the size of the market, systemic violence will increase because “dealers will be using violence to enforce codes of conduct within their organizations or to punish debtors” (2009, p. 14). What Markowitz fails to recognize is that when drugs are legalized drug dealers will be replaced with businesses that sell drugs, and these businesses will be able to use the judicial system to deal with any legal issues they have with debtors. There will be no more need to punish the debtors through illegal means. If we use the terminology already discussed in the CBA of Miron and Zwiebel, once drugs are legalized, the marginal cost of violence will increase substantially and the marginal benefit of violence will decrease. This is because now that the judicial system is at the disposal of the companies selling drugs, it would be foolish of them to employ illegal means to attain their desired results.

 The second and final opposition to the legalization of drugs that will be discussed in this paper is a commentary by James Q. Wilson called *Against the Legalization of Drugs*. Wilson was the chairman of the National Advisory Council for Drug Abuse Prevention. His job was to lead and coordinate the war on drugs. Wilson’s evidence for the success of the increased law enforcement that was a result of the war on drugs is that two decades after the war on drugs began, there were the same number of heroin addicts as there had been when the war on drugs began. Heroin was the popular drug of the time, and people had predicted that there was going to be a “heroin epidemic.” Because the epidemic was “avoided” and there were no new heroin addicts Wilson believed the war on drugs to be successful. He argued that heroin lost its appeal because of the high costs of heroin use. These costs all existed because of the increased law enforcement due to the war on drugs. Included in these costs were the money costs, punishment costs, and health costs (Wilson 1990, p. 21). Wilson then discusses Friedman’s article in Newsweek and says that although he cannot say for sure what would have happened, there would have most likely been more addicts after legalization than before. The problem with this argument is that Wilson is only taking into consideration the number of addicts, even though there are other and seemingly more important problems surrounding the drug world, such as the violence which has already been discussed.

Wilson then goes on to discuss what the world would be like had the government taken Friedman’s advice. There are five outcomes that Wilson believes would have resulted from following this advice: (1) a decreased price of heroin, (2) Assured quality of drugs, (3) sterile needles, (4) safe drug transactions (drug users would not have to travel to unfamiliar neighborhoods or big cities to acquire drugs), and (5) there would be no financial or medical reasons not to use heroin (1990, p. 22). Although using drugs is not good, it is good if society and the government can make the conditions surrounding drug use safer for the drug users so that they do not die due to reasons that could have been prevented. To purposely make drug use more dangerous than it naturally is (to increase the cost of drug use) just in an attempt to deter people from using drugs is foolish policy because a majority of drug users will not be deterred by this but will assume the risks that come with drug use.

1. **Portugal Decriminalization**

In 2001, Portugal changed its drug policy and decriminalized all drugs. To reiterate, decriminalization means that drugs remain illegal but are not punished as a criminal offense but as a civil offense, and the punishments can range from fines to compulsory rehabilitation attendance. The terms of the criminalization in Portugal include all drugs in a quantity that does not exceed the amount necessary for one person’s consumption for a period of ten days. For those found in possession of this amount of drugs, the punishment varies depending on the individual circumstance. For example, for a first time offender of this drug policy, there will most likely be no punishment. However, for an individual who has violated the policy numerous times the punishment will become more severe every time (Greenwald 2009, p. 2-4).

The outcomes of the decriminalization followed very closely what the economic theory and application that has already been discussed in this paper would seem to explain. Overall, drug usage decreased, and in the age ranges where it did not decrease, the increase was only slight to mild. Usage rates of those individuals in grades 7-9 decreased from 14.1% to 10.6% from 2001-2006. In grades 10-12, usage rates decreased from 27.6% to 21.6% in that same time period. For those two critical groups of youth (13–15 years and 16–18 years), prevalence rates have declined for virtually every substance since decriminalization. For those older categories of people (19-24) usage has increased slightly. Newly reported cases of HIV and AIDS among drug addicts has declined significantly every year since 2001, and the percentage of newly diagnosed HIV and AIDS patients who are drug addicts has steadily decreased. Arrests for drug trafficking have been declining since decriminalization (2009, p. 11-4).

Attendance in drug abuse treatment programs has improved substantially since the decriminalization. “The number of people in substitution treatment leapt from 6,040 in 1999 to 14,877 in 2003, an increase of 147% . . . .The number of places in detoxification, therapeutic communities and half-way houses has also increased. . . . The national strategy has led directly to increases in the scale of treatment and prevention activities in Portugal” (2009, p. 15-6). This increase in those seeking treatment is remarkable given the fact that drug use and abuse decreased significantly during the same time period. One explanation for this increase is that addicts are no longer afraid to seek treatment due to the fact that they will not be punished in the judicial system. This is a very important point that must be emphasized. It is because of decriminalization that drug addicts are seeking help. The rate of drug addicts who sought treatment was not happening at nearly as high of a rate as it had been before the decriminalization was enacted. Drug related mortality rates also decreased (approx. 400 in 1999 down to 290 in 2006) (2009, p. 17). Drug related violent crimes have reduced significantly since decriminalization, and the murder rate has as well (Lassieur 2012, p. 42).

Now if these results are discussed in light of the theory and applied economics that were discussed earlier in this paper, it is apparent that Mises is correct in his assertion that giving the government the power to regulate morality is more detrimental to society than when the government gives its citizens the freedom to act in whatever way they see fit. The results of the Portuguese decriminalization also closely follow the predictions made by Friedman and Miron and Zwiebel. The following is a quick summary of the results of the Portugal decriminalization and the theory behind why decriminalization brought about these specific, positive results.

The overall decrease in usage rates in Portugal is slightly ambiguous in terms of its causes. As was noted earlier, Friedman thought that the only possible negative effect of decriminalization or legalization would be a possible increase in the number of addicts. He believed, however, that the idea of the forbidden fruit (people are attracted to things that are forbidden to them) might come into play in this situation. That was the only theory he could come up with. It seems as though this idea may have some validity as usage rates decreased overall, and included in those whose usage rate decreased were the young people in middle school and high school who are especially susceptible to “forbidden fruit.”

The next outcome that must be discussed is the severe decline in new cases of HIV and AIDS in drug users. The reason for this most likely comes from the outcome that Wilson talked about, even though he was against decriminalization and legalization. Recall that one of the “negative” outcomes of relaxed law enforcement in the drug trade would be sterile needles. It is still shocking that he believed that this is a negative outcome; however, it is something that can be seen in the Portugal decriminalization which has led to very positive results. With that many fewer cases of HIV and AIDS the quality of life of all these people who would have contracted the virus is substantially better than if they had used unsterile needles and had contracted the virus.

The greatly improved percentage of drug addicts who attend drug abuse treatment programs, as was stated earlier, is due to the fact that these addicts know when they go to treatment, they will not face any penalties as a result of law enforcement. Friedman discussed how, when drugs are criminalized, a negative consequence for the drug user is that he is then a criminal. It is for this reason that when criminalization is the observed policy, the rate of users who attend treatment programs is so much lower. This is one of those negative consequences to the drug users that Friedman predicted would improve if criminalization were rescinded. In the Portugal decriminalization, this is exactly what took place.

Lastly, the decrease in drug related mortality rates, violent crimes and the declining murder rate are all due to decriminalization. Recall that Friedman and Miron and Zwiebel in their respective cost benefit analyses argued that when drug related law enforcement was decreased or eliminated, the number of murders and violent crimes committed as a result of systemic violence would decrease. This is precisely what is seen in the data collected in Portugal after the decriminalization. It also shows that the outcome argued by Sara Markowitz is exactly opposite what took place. She argued that as law enforcement decreased systemic violence would increase. Friedman and Miron and Zwiebel’s theories, however, are backed up by the data from post-decriminalization Portugal.

1. **Conclusion**

There has been a great deal of information regarding the drug legalization debate presented in this paper. It is important to summarize what the drug policy in every country should be in order to achieve the best results for society as a whole. It is true that if drugs remain criminalized, the government will be able to have increased tax revenue so that it can fight the war on drugs. This may be an incentive to the government to keep drugs criminalized as they will be more able to direct where money is allocated in the economy as a whole. This, however, produces negative results.

With all the positive results that are seen in the decriminalization in Portugal, it would be easy to believe that all countries should adopt this policy of decriminalization. This is not the case. Logically, if decreasing the law enforcement in the drug market through decriminalization had positive results, then taking the next step in freeing the drug market from law enforcement (legalization) should have even more positive effects than did decriminalization. Thornton, Friedman, and Miron and Zwiebel all promoted legalization as opposed to decriminalization and it was because of the reason that was just mentioned. When law enforcement is eliminated in the drug market, then usage rates should decrease, new cases of HIV and AIDS as a result of drug use should be essentially eliminated, a majority of addicts would enter drug abuse treatment programs, and violent crime rates and homicides related to drug use would all continue to decrease further than under decriminalization.

One effect of decreased law enforcement that was not discussed in the data regarding post-decriminalization Portugal is the fact that if drugs are legalized, there will be a decrease in drugs such as synthetic marijuana because there will be no reason to use the synthetic version when the natural version has been legalized. This will result in safe drug usage and fewer fatalities and ruined lives due to brain damage.

To keep the policy of criminalization intact is to make an inappropriate appeal to morals over common sense. Morality must not be regulated in a just society. One last interesting discussion looks at the reason for criminalization. Suppose governments believed that criminalization was a good policy choice because it protects the health of drug users from the drugs they are using. This would be the most pure motive for continuing criminalization. The fact is, however, that when drugs are criminalized, the overall health of the drug users is severely compromised because of the facts previously mentioned regarding drug purity and sterile needles and the production and use of synthetic drugs. Drug criminalization, then, is a policy that creates far more negative consequences than it prevents. For this reason, governments should adopt a policy of legalization where the market is allowed to operate freely. Usage rates, disease rates, violent crime rates, and overdoses will all decrease significantly, and the health of users will increase dramatically.

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1. For more reading on synthetic marijuana: http://www.fbi.gov/stats-services/publications/law-enforcement

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