



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

fff@fff.org www.fff.org

Book Review **by Paul Armentano**

Drug War Crimes: The Consequences of Prohibition by Jeffrey A. Miron
(Oakland: The Independent Institute, 2004); 109 pages; \$15.95.

For the past several decades economists, perhaps more so than any other group of professionals, have been largely united in their criticism of American drug policy. On numerous occasions, prominent economists such as Milton Friedman, Gary S. Becker, and Walter Block have called publicly for the legalization of illicit drugs such as marijuana, cocaine, and heroin. Furthermore, opinion surveys have repeatedly found that most economists, if not in favor of outright legalization, do endorse a change in policy toward replacing criminal penalties for drug possession with civil fines. Most recently, a study published in the inaugural issue of *Econ Journal Watch* affirmed this consensus, noting, “Most economists [find] the current policy [of criminal drug prohibition] to be somewhat ineffective, very ineffective, or harmful [and] agree that the policy should be changed in the general direction of liberalization.” Disagreement, when it exists among economists, is generally based on the direction and degree of liberalization, with support existing for a range of policy alternatives, including decriminalization, medicalization (putting drug control in the hands of physicians rather than law enforcement), subsidized drug treatment, and legalization.

A Boston University economics professor and Independent Institute research fellow, Jeffrey Miron, falls squarely into the legalization camp, basing his determination on a “dispassionate ... economic analysis” of drug prohibition — using “economic reasoning to determine the likely effects of prohibition on drug use, crime, health, productivity, product quality, and other outcomes.” Miron’s assessment? U.S.-style drug prohibition increases violence and other societal harms (e.g., overdose deaths among drug users, the transfer of wealth to criminals, diminished respect for the law by the public, and an overall encroachment upon all citizens’ civil liberties) while only modestly reducing illicit drug consumption. “The bottom

line,” he writes in *Drug War Crimes: The Consequences of Prohibition*, “is that legalization, with drugs treated like all other commodities, is the best policy for society overall.”

While most discussions of drug policy “take as a given that reduced drug consumption is beneficial,” Miron argues that “this assumption does not follow from standard economic principles.” Rather, according to the author, “policies to reduce drug consumption make sense only if their benefits exceed their costs.” Therefore, the right question for policy analysis, he believes, “is not whether drugs are sometimes misused but whether policy reduces that misuse, and at what cost.” Judged by this standard, it’s clear that criminal prohibition “is almost certainly the wrong approach” because it fosters a plethora of undesirable and negative societal consequences, while only marginally decreasing use. Consequently, virtually any liberalization of existing policy will achieve a better balancing of costs and benefits, though “none is obviously better than simply legalizing drugs,” Miron concludes.

To further support this determination, Miron asserts that most negative consequences associated with drugs derive from their prohibition rather than their consumption. “Contrary to popular views, [illicit] drugs do not differ radically from a range of other commodities, and the distinctive characteristics do not explain the effects of drug prohibition on the market for drugs,” he writes. “The markets for commodities that display similar characteristics but are not prohibited (like cigarettes and coffee) fail to exhibit the features of the market for illicit drugs. Conversely, the markets for commodities that do not display these characteristics but are often prohibited (like gambling and prostitution) exhibit many of the same negative features as the market for drugs. Thus the case for [legalization] is strong.”

Of course, Miron’s rationale in no way suggests that all of the negative elements associated with drug use would dissolve under a system of legalization. Naturally, a small fraction of users would continue to harm themselves and occasionally others under such a scheme, as occurs now for any number of legal goods. However, Miron believes that most users “would obtain benefits that exceed any costs, and the enormous externalities imposed by prohibition would disappear.”

Lastly, he addresses his critics, many of whom will no doubt argue that none of the author’s arguments conclusively “proves” that legalization as a policy is preferable to prohibition. Miron admits as much, but rebuts, “Nevertheless, the arguments and data mustered for legalization are of far greater quality and objectivity than any brought to bear for prohibition. A critical question, therefore, is which side bears the burden of proof?”

The answer to this question, Miron maintains, is in fact conclusive. In a country based on founding principles of individual liberty, there is no reason to give prohibition the benefit of the doubt.

American tradition should make legalization — i.e., liberty — the preferred policy, barring compelling evidence prohibition generates benefits in excess of its cost.... A serious weighing of the evidence shows instead that prohibition has enormous costs with, at best, modest and

speculative benefits. Liberty and utility thus both recommend that prohibition end now; the goals of prohibition are questionable, the methods unsound, and the results are deadly.

Paul Armentano is the senior policy analyst of the [NORML Foundation](#) in Washington, D.C.

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