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Don't Legalize Drugs, Decriminalize 'em

Portugal's example suggests that de-escalating the war on drugs might create a new sort of peace dividend.

By Michael Scott Moore

When Portugal took a leap into the unknown in 2000 and decriminalized drugs, people howled. Abuse would soar, they said, and the little nation on Europe's Iberian coast — already a summer dumping ground for drunken Germans and Brits — would become a haven for drug tourism.

"I am against liberalization of drugs," one conservative opposition leader in Portugal told a documentary maker at the time.

"Why?"

"Because I am against," he repeated. "I don't want the state giving signs of weakness [on] drug policy."

But in 2000, the Casal Ventoso slum in Lisbon — "20 hectares of hell you won't find in the tourist brochures," according to the same documentary — was already known as Europe's biggest drug bazaar. Heroin use, for example, was a crime; but people lined up for it on the street like American shoppers at Costco. Portugal's drug policy was not just weak but broken.

The solution wasn't "legalization." Even now you can't buy coke or heroin at a Portuguese corner store. It was decriminalization: People charged with drug abuse are treated medically for drug abuse, rather than thrown in jail.



It may seem like semantics, but Portugal's experiment in decriminalizing drugs (not legalizing them) has had some pretty impressive results. (Mark Wragg / istockphoto.com)



EUROPEAN DISPATCH

Michael Scott Moore complements his standing feature in Miller-McCune magazine with frequent posts on the policy challenges and solutions popping up on the other side of the pond.

Glenn Greenwald, the lawyer and columnist for Salon who wrote a 2009 study on the results of Portugal's experiment, said drug use in Portugal was "completely removed from the criminal sphere. . . . Instead, it's deemed to be an administrative offense only." And Brendan Hughes, at the European Monitoring Center for Drugs and Drug Addiction, clarified to *The Economist*, "Drug use remains illegal in Portugal, and anyone in possession will be stopped by the police, have the drugs confiscated and be sent before a commission," which then decides on treatment.

The results are impressive: A drop in HIV rates, a drop in street overdoses and a drop in overall drug abuse (except marijuana). People don't flock to Portugal from across Europe to abuse drugs. "The apocalypse never came," Brendan Hughes said. And Casal Ventoso has converted from a slum into a working-class neighborhood.

Trafficking drugs is still a criminal offense. But now, to curb usage, Lisbon sends groups of medical counselors — not vice squads — to neighborhoods like Casal Ventoso, handing out sterile needles, condoms and bringing people in for help. A lot of people, it seems, would rather not be addicted. And when they're not criminalized, they don't mind being helped.

The most fascinating part of the policy is that no political party in Lisbon developed it. Portugal was not pushing through a "libertarian ideology based on the idea that adults should be able to use whatever substances they want," Greenwald told *Reason* magazine — dodging an opportunity himself to offer lip service to libertarianism, though he wrote the study for the Cato Institute.

"Nor was it because there's some idyllic upper-middle-class setting. Portugal is a very poor country" compared to the richer nations of Europe, he went on. "They were taking this step out of desperation. They convened a council of apolitical policy experts and gave them the mandate to determine which optimal policy approach would enable them to best deal with these drug problems."

It would be nice if someone in Washington could show enough level-headed sanity and courage to do the same. A Mexican drug war is lapping at the southern border of the United States in a way that communism never did, but no one (south of the U.S.-Canada border) has the guts to quell its driving force, which is the American lust for drugs. Meanwhile, the prisons fill up with "drug felons."

Whether Portugal's policy in America would be enough to end the Mexican violence is a question for a separate column; but treating drug abuse as a public-health problem would, at least, free up American tax money now spent on criminalizing people for their desires. Experience from around Europe shows that a public-health policy aimed at rehabilitating people — and even handing out clean syringes — is cheaper than throwing abusers in jail.

There are a few signs of thaw in the U.S., like the expansion of drug courts (also grist for another column). But the first step is changing the nation's vocabulary about drugs. It's all too easy to argue against "legalization" — to say we shouldn't do it, or to say no American politician could promote it and expect to have a career.

Fully legal heroin, paid for by Obamacare, as in Britain's National Health experiments? Or hash cafés in New Orleans, modeled on the ones in Amsterdam? Probably not!

But decriminalization is something else.

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