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## Drug Decriminalization in Portugal

[Nick Gillespie](#) | July 2009 [Print Edition](#)

Glenn Greenwald is a civil rights attorney, a blogger for *Salon*, and the author of a new Cato Institute policy study called “Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Policies.” The paper examines Portugal’s experiment with decriminalizing possession of drugs for personal use, which began in 2001. Nick Gillespie, editor of [reason.com](http://www.reason.com) and [reason.tv](http://www.reason.tv), sat down with Greenwald in April.

**Q:** What is the difference between decriminalization and legalization?

**A:** In a decriminalized framework, the law continues to prohibit drug usage, but it’s completely removed from the criminal sphere, so that if you violate that prohibition or do the activity that the law says you cannot do you’re no longer committing a crime. You cannot be turned into a criminal by the state. Instead, it’s deemed to be an administrative offense only, and you’re put into an administrative proceeding rather than a criminal proceeding.

**Q:** What happened in Portugal?

**A:** The impetus behind decriminalization was not that there was some drive to have a libertarian ideology based on the idea that adults should be able to use whatever substances they want. Nor was it because there’s some idyllic upper-middle-class setting. Portugal is a very poor country. It’s not Luxembourg or Monaco or something like that.

In the 1990s they had a spiraling, out-of-control drug problem. Addiction was skyrocketing. Drug-related pathologies were increasing rapidly. 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. The council convened and studied all the various options. Decriminalization was the answer to the question, “How can we best limit drug usage and drug addiction?” It was a policy designed to do that.

**Q:** One of the things you found is that decriminalization actually correlates with less drug use. A basic theory would say that if you lower the cost of doing drugs by making it less criminally offensive, you would have more of it.

**A:** The concern that policy makers had, the frustration in the 1990s when they were criminalizing, is the more they criminalized, the more the usage rates went up. One of the reasons was because when you tell the population that you will imprison them or treat them as criminals if they identify themselves as drug users or you learn that they’re using drugs, what you do is you create a barrier between the government and the citizenry, such that the citizenry fears the government. Which means that government officials can’t offer treatment programs. They can’t communicate with the population effectively. They can’t offer them services.

Once Portugal decriminalized, a huge amount of money that had gone into putting its citizens in cages was

freed up. It enabled the government to provide meaningful treatment to people who wanted it, and so addicts were able to turn into non-drug users and usage rates went down.

**Q:** What's the relevance for the United States?

**A:** We have debates all the time now about things like drug policy reform and decriminalization, and it's based purely in speculation and fear mongering of all the horrible things that are supposedly going to happen if we loosen our drug laws. We can remove ourselves from the realm of the speculative by looking at Portugal, which actually decriminalized seven years ago, in full, [use and possession of] every drug. And see that none of that parade of horrors that's constantly warned of by decriminalization opponents actually came to fruition. Lisbon didn't turn into a drug haven for drug tourists. The explosion in drug usage rates that was predicted never materialized. In fact, the opposite happened.

**Bonus Video:** Click below to watch Glenn Greenwald and Reason.tv's Nick Gillespie discuss both the lessons from Portugal and Barack Obama's disappointing performance so far on drug policy, executive power, and civil liberties.

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