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We should just say ‘no’ to new era of Prohibition

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These are weird times (aren't they all?), but I've lived long enough to see a resurgence of atrocious ideas that I thought had been debunked years ago. Apparently, humanity can only learn lessons for a short time before a new generation needs to re-learn them. "Freedom is never more than one generation away from extinction," Ronald Reagan said. Perhaps he wasn't exaggerating. For instance, the Cold War was a backdrop to my formative years with the collapse of communism marking a great advance in the freedom and prosperity of vast swaths of humanity. Despite the gulags, oppression and deprivation, many left-wing thinkers now spend their days – with full beliefs and from the comfort of their suburban homes – raging against the evils of American capitalism. Just check your Twitter feed.

Likewise, right-wing provocateurs have crept out from under their rocks. I can't fathom how anyone can fall prey to fascistic and bigoted philosophies these days. I also can't understand how some self-styled "conservatives" can champion Hungary's authoritarian leader as a model. There's nothing new under the sun, I suppose, but I naively thought such illiberalism had largely gone away.

The revanchist idea that has really left me flummoxed, however, involves Prohibition. Some serious thinkers have surveyed the American landscape and decided that America's key problem is we don't have enough laws regulating personal behavior. They see vice everywhere – and perhaps they're right on that point. Instead of engaging the culture, they turn to the tried-and-failed method of empowering the government.

In a recent Atlantic column criticizing the legalization of online gambling and marijuana, physician Matthew Loftus argues that these moves embrace the idealistic idea that "responsible, independent adults (should) be able to make decisions for themselves about how they spend their money or use their body." He believes we overlook the degree to which "our habits ... are just as often inexplicably self-destructive as they are reasonable."

His solution is to pass laws requiring that "gambling should take place in casinos, not on smartphones, and marijuana should be used only under a health-care provider's supervision." He even offers a nuanced defense of the Eighteenth Amendment's alcohol Prohibition, which he credits with reducing alcohol-related illnesses and domestic violence. We should structure our laws to provide "guardrails to help people from driving off cliffs of vice," he adds.

Debates about virtue and vice have been around since the dawn of humanity. I'm no personal fan of online gambling or any form of gambling, for that matter, nor do I have any particular interest in cannabis. But, as Jacob Sullum noted in a Reason column debunking Loftus' arguments, only 1

percent of the nation's gamblers have severe gambling problems and only 1.7 percent of marijuana users have a substance-related disorder related to weed.

It doesn't make sense – at least not in a relatively free society – to create laws that restrict activities enjoyed (rightly or wrongly) by the general populace to protect a tiny minority that will undoubtedly partake in those activities anyway, albeit in a less-regulated way. When I was a teenager, it was no doubt a bit harder to access marijuana, but it was widely used nonetheless. We've all heard the term “bookies,” who facilitate illegal bet making. We also know about black markets. The first problem with the New Prohibitionists is they have an almost childish faith in government regulation. Trying to stop vice is like trying to stop water from flowing down a hill. It finds its way somehow. The world's oldest profession remains illegal yet, I'm betting, takes place pretty much everywhere. Those open-air drug markets that one might find near any homeless encampment involve the sale of drugs that are not – nor likely to be – legal.

The second problem is they focus almost entirely on the ill effects of problem gambling and drug use, but ignore the ill effects of using law enforcement approaches to control people's deep-seated and “inexplicably self-destructive” desires. There were some (mostly temporary) health benefits to Prohibition, but the Cato Institute notes that, “alcohol became more dangerous to consume; crime increased and became ‘organized’ ... and corruption of public officials was rampant.”

More recently, the Drug War led to appalling erosions of our civil liberties, as the government gained wide-ranging powers (e.g., civil asset forfeiture) to fight drug cartels – something they promptly used against ordinary citizens. One might argue that personal “vices” are problematic, but no-knock raids and government property thefts seem far more evil.

“Puritans argue against the goodness of creation, finding the source of evil in material things of pleasure (as tobacco, alcohol, art, and so on) rather than in the disordered human will to misuse the good things nature affords us,” wrote the great Christian author G.K. Chesterton. Indeed. If they want to make us more virtuous, today's Puritans need to spend less time changing laws and more time changing hearts.