

# Richmond Times-Dispatch

## Virginia could use a new birth of freedom

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In terms of “overall freedom,” Virginia ranks 13th of the 50 states, down three in the standings from 2014, the last time the Cato Institute in Washington issued its report on the subject. That’s not bad, one supposes, though the Birthplace of Presidents should do better than Florida, which comes in first.

Freedom is a slippery concept, as difficult to define as it is — in the administration of energetic and effective governments — to achieve. Ambrose Bierce, that old cynic, said it is “one of the imagination’s greatest possessions,” which is about what you’d expect from the kind of intellectuals who regard freedom as something of concern only to themselves and to those who receive the benefit of their company.

To people like that, it exists in the right to hold and express advanced opinions. Its true home is in the world of abstract ideas. The Constitution, to such as these, consists of the First Amendment, about which they profess to be absolutists, but not the Second.

But to those who think about freedom as a practical matter, and in a more expansive way, it means something else again. It includes a protection against meddlesome zoning laws, for example, and the burden of public debt. It includes the treatment of citizens as grown-ups who can make up their own minds about whether they gamble, use marijuana to ease the nausea caused by chemotherapy, distribute plastic straws in the bars they own, marry someone of the same sex, or home-school their kids. It also takes into account what Cato calls “the collateral costs of arrest and incarceration” for drug crimes.

Because the libertarians at Cato place a heavy emphasis on the freedom to conduct business without undue interference, its definition will not sit well with lots of Democrats and of course all true democratic socialists. That’s why New York and California — two of the most “progressive” states — ranked 50th and 48th, respectively, as the least free. Hawaii, at 49th, “does badly in almost every area of regulatory policy ... Eminent domain abuse is unchecked by law.”

Virginia, by contrast, scores pretty well in its approach to land use, “although local zoning rules have tightened slightly in recent years.” Where this is especially the case — no surprise here — is “in the northern part of the state.” In the area of occupational licensing, Virginia could do better: “Nurses and dental hygienists enjoy little practice freedom.” We do poorly as well in the area of “alcohol freedom,” and state liquor store markups “are still huge.”

The commonwealth could also improve in the area of criminal justice, but at least our policies “are not worsening. Victimless crime rates are below average, but incarceration rates are high.” Our approach to cannabis producers and consumers “is draconian. Even low-level cultivation gets a mandatory minimum sentence, and it is possible to get a life sentence for a single marijuana offense not involving minors.”

There's plenty to quibble over in the scoring, which is to be expected. Cato examined the records of state and local governments "across a range of more than 230 policy variables in 25 categories," and if you don't find something you disagree with in any such analysis, you're not trying hard enough.

We're still not sure what to think about one of Cato's recommendations. The libertarian think tank says we should shift spending and taxing responsibilities from counties to municipalities. Because there are so few competing jurisdictions per 100 miles — the argument goes — "counties raise much more in taxes than municipalities." Whether the idea is a good one or not merits further discussion. That's the value of reports like this one. They stimulate spirited conversation — which is something even First Amendment absolutists who care nothing about occupational licensing laws can support.