

Forbes

Freedom's Just Another Word for Living in Minot?

By: Timothy B. Lee – March 29, 2013

The Mercatus Center has a new study out on “Freedom in the 50 States,” and it has some interesting conclusions. According to Mercatus, the freest states in the union are North Dakota, South Dakota, Tennessee, New Hampshire, and Oklahoma. The most oppressive states are New York, California, New Jersey, Hawaii, and Rhode Island.

Interestingly, the bottom two—California and New York—are two of the places I think I’d most enjoy living. That’s because they have three of the nation’s largest, richest, and most innovative metro areas. In contrast, I would hate living in North or South Dakota, and while people in those states are doing fine, their high level of freedom hasn’t produced a lot of jobs or innovation. (North Dakota is going through an oil boom but that probably doesn’t have much to do with state policies and hasn’t created many jobs in an absolute sense.)

Maybe New York and San Francisco are great places to live despite their lack of freedom. But in that case, it’s worth asking whether you’ve picked a sensible definition of freedom. Or, conversely, whether it makes sense to have a political ideology that’s focused on freedom, narrowly defined, to the exclusion of other values.

There are some obvious problems with Mercatus’s methodology. Theoretically, libertarians are “economically conservative and socially liberal,” but the libertarians at Mercatus have given economic policy more than twice as much weight as “personal freedom.” On top of that, it uses a pretty right-leaning conception of “personal freedom.” The right to smoke is given almost twice as much weight as marriage equality. The right to own a gun is given five times as much weight as the “civil liberties” category, described as a “grab bag of mostly unrelated policies, including raw milk laws, fireworks laws, prostitution laws, physician-assisted suicide laws, religious freedom restoration acts, rules on taking DNA samples from criminal suspects, trans-fat bans, and laws that can be used to prosecute people who audiorecord public officials in the performance of their duties.” Reproductive freedom isn’t taken into account at all. Little surprise that the top of the list is dominated by red states.

This simply doesn’t jive with the lived experiences of many Americans. To take an obvious example, gay people have flocked from states like Alabama, Idaho, and Oklahoma—all of which are in the top half of the Mercatus list—to allegedly unfree cities like New York and San Francisco. They did this partly because those states have fewer overtly antigay laws, but also because the size and anonymity of a city makes it much easier to associate with like-minded people and live as you please. And not just LGBT people. For centuries, racial minorities, people with unconventional religious or political views, and people with niche cultural tastes have flocked to cities—not only because they were more likely to find other people like themselves, but also because people in big

cities tend to be more tolerant in general. It's not a coincidence that unruly Americans like Aaron Swartz tend to live New York, California, and Massachusetts, not North Dakota or Oklahoma.

So if we're interested in identifying which parts of the country offer the most freedom, it's important to not only identify which states have the fewest laws that directly harm peoples' freedom, but also which states have taken steps to nurture the culture of tolerance and inclusion that is often found in large cities. For example, New York couldn't provide freedom and opportunity to so many people without its extensive subway system. Yet if I'm understanding the Mercatus methodology, public support for the subways actually *hurts* New York state's ranking. Similarly, a state that devoted more police resources to combatting domestic violence would likely improve the freedom of women but the spending would be counted against its Mercatus freedom score. The same point would apply to a state that hired more public defenders to ensure defendants receive a fair trial.

In any event, if your index of freedom says that Minot, North Dakota, is the freest place in the country and Brooklyn, New York, is the least free, you're doing it wrong. Either you chose a bad definition of freedom, or "freedom" isn't as important as you thought it was.