



How to Solve the Campus Rape Crisis: Lower the Drinking Age

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Neighbors / YoutubeLong have feminists warned that an epidemic of rape was spreading across American college campuses. Their concerns are eminently questionable—many experts who have [examined](#) the statistics believe rape is as uncommon on campus as it is everywhere else—but have nevertheless drawn the backing of governments, including the Obama administration and the state legislature of California. The latter has responded by passing SB 967, the "Yes Means Yes" bill, which will [force university administrators](#) to police intimate moments between students.

By tilting the burden of proof against the accused, the law will likely produce more accusations of rape, more rape convictions under due-process-free judiciary proceedings, and ultimately, more lawsuits. Since its most pronounced effect is to make sex more burdensome and hazardous, it's no wonder that [some social conservatives](#) have joined the far left in cheering its passage (the sexual revolution is being undone before their very eyes). But it's doubtful that the law will actually deter rape.

In his ludicrous defense of "Yes Means Yes," Vox Editor-in-Chief Ezra Klein [accepted](#) all these criticisms while still insisting that the campus rape problem is so serious that government action is required—even if that action constitutes passage of "a terrible law" (Klein's words). But why settle for a "terrible law" that comes with serious drawbacks and might not even impact sexual assault rates?

As it turns out, there *is* something state and national governments could do to combat the campus sexual assault crisis: lower the federally-mandated drinking age of 21.

What does the drinking age have to do with campus rape? Much. Most college undergraduates are under 21 and therefore unable to legally drink. And yet heavy alcohol consumption on the part of one or both students is a significant factor in nearly all sexual assault allegations. That's because the current drinking age doesn't actually stop teens from drinking. It merely changes where, and how much, they drink.

People who reach their 21st birthday may enjoy the right to drink casually: out in the open, during the day, at bars and restaurants, or anywhere else. But underage students who want to

drink must take their chances in less socially regulated environments, like a friend of a friend's dorm room, the basement of an older student's house, or a fraternity party. Fraternities, in particular, offer dangerous drinking scenes for the underaged. Since any amount of alcohol is illegal for underage students, they are averse to holding their drink without immediately downing it. Teens who never learned to drink leisurely—and have strong incentive to get drunk as quickly as possible—are throwing back shots and accepting red solo cups from strangers in dark fraternity basements and bedrooms. This environment fuels blackout binge drinking. And in the haze of alcohol-induced incapacitation, misinterpreted sexual cues, regret-filled couplings, and yes, outright rape, occur most frequently.

The National Minimum Drinking Age Act of 1984 (NMDAA), which compelled states to restrict alcohol consumption to the over-21 crowd, is to blame.

This argument will seem counter-intuitive to some—could lowering the drinking age really spell safer drinking? But, as libertarians know, the government produces curious and unintended consequences when it unilaterally bans things. It is widely accepted that Prohibition increased criminal activity, both by turning regular drinkers into criminals and by driving alcohol distribution and consumption underground, into more dangerous spheres of influence. Prohibition on college campuses has the same effect: It herds underage drinkers into risky situations.

A movement does exist to persuade lawmakers that the current drinking age isn't working and is arguably making matters worse. The Amethyst Initiative, a petition that asks Congress to revisit NMDAA, currently boasts 136 college presidents as signatories.

According to a recent [Reason-Rupe survey](#), a majority of millennials support lowering the drinking age, as do most Democrats. Republicans also want to ditch the current drinking age, though conservatives support it.

Last May, Mary Kate Cary—a former speechwriter for President George H.W. Bush—[proposed](#) a lower drinking age as a logical step to address the campus rape problem:

Lowering the drinking age will help slow the need for pregaming and bring the college fake ID business to a dead stop. It can't help but reduce the binge drinking, drug overdoses and sexual assaults.

Jeffrey Miron, a Harvard University economist and senior fellow at the Cato Institute, told *Reason* that he didn't know of any empirical research to support the claim that a lower drinking age would decrease sexual assault. He agreed it was plausible that the current drinking age promoted binge drinking and associated social ills, though whether the effect was statistically significant is unknown, he said. In any case, Miron is "totally against" the current drinking age, given that it undermines local autonomy and has been largely ineffective at reducing drunk driving, [he has argued](#).

Giving 18-year-olds back the right to drink alcohol is a worthy libertarian goal in and of itself. If lowering the drinking age had a negligible impact on the campus rape crisis, it would be worth pursuing anyway.

But, as *The New York Times*' Ross Douthat [noted](#) recently, blackout drinking is undeniably the common factor in sexual assault cases. Lowering the drinking age, he wrote, would mitigate "the key problem in college sexual culture... binge drinking, which is more likely to happen when a drinking culture is driven underground."

And as Ezra Klein [wrote](#), any policy is worth trying as long as it aspires to reduce rape. The libertarian policy of restoring sanity to teen alcohol consumption certainly seems more likely to succeed at that goal than the far-left progressive (and socially conservative) policy of convicting students for violating antiquated Victorian sexual norms. Lowering the drinking age will yield positive results for a free society, even if it fails to significantly curtail rape. "Yes Means Yes," on the other hand, [will be disastrous](#) for a free society—and it won't do a thing to prevent rape.

Activists are trying to turn the clock back 200 years on sexual norms. Instead, they should join libertarians in the year 1983, when the law last encouraged teenagers to imbibe responsibly.