

[Soylent Green is tasty!](#)



Become
extraordinary eats

kitchendaily

find out more

[Off to the Vets](#)

[What is the Point?](#)

08

Apr

The Overton Window on a Slippery Slope

by mistermix

Glen Whitman at Cato just published a [serious \(and long\) discussion of paternalism](#) society is moving from the question of whether we should be paternalistic, to how r es is state-mandated savings plans. Here's another:

Sound paranoid? Anti-smoking regulations followed a similar path. Once up smoking on airplanes seemed like the reasonable middle ground. Now that's faire position, smoking bans in bars and restaurants are the middle, and full-b have come to pass in some cities.

This is what libertarians always seem to get wrong—it isn't paternalism (or, at least paternalism) when the state is protecting me from direct harm caused by someone e a direct harm from inhaling second-hand smoke: emphysema and lung cancer. I can't make a similar claim about somebody else's lack of a savings plan.

I'd expect better from a guy at Cato, because I'm counting on them to help get pot, gambling and prostitution legalized everywhere.

(via [Sully](#))

[Going Galt](#) | 9:57 am | [Respond](#) | [Trackback](#) |

228 Responses to “The Overton Window on a Slippery Slope”

1. 1

[April 8th, 2010 at 10:01 am](#)

Calming Influence

I'd expect better from a guy at Cato, because I'm counting on them to help get pot, gambling and prostitution legalized everywhere.

I'm stealing this line.

2. 2

[April 8th, 2010 at 10:03 am](#)

inkadu

The Cato institute will help legalize pot and then prevent the government from regulating the growing, driving the prices so far down people will be using weed to spice their salsa.



And that's good from a lung cancer perspective, too, because if the USDA got involved with marijuana, bongos would be mandatory cafeteria equipment in all public schools.

3. 3

[April 8th, 2010 at 10:03 am](#)

Dave C

As a former smoker who has experienced pubs that don't allow smoking and pubs that do, the former are vastly more pleasant. It really isn't that great a burden to be forced to walk to the patio to light up.

4. 4

[April 8th, 2010 at 10:04 am](#)

WereBear

The right to be a total jerk shall not be infringed.

5. 5

[April 8th, 2010 at 10:04 am](#)

jeffreyw

Help! I've fallen down the slippery slope and can't get back up!

6. 6

[April 8th, 2010 at 10:06 am](#)

EconWatcher

I'm a nonsmoker, but I have to say: Chicago dive bars will never be the same without the penetrating stench of cigarette smoke. This is a loss for humanity.

7. 7

[April 8th, 2010 at 10:08 am](#)

Mike Kay

First they came for the smokers,

then they came for the hedge fund derivative traders

then they came for the shadow banking market

then they came for the robber barons

then they came for their think tank flaks.

It's a short step from banning carcinogens to banning bull shit.

8. 8

[April 8th, 2010 at 10:10 am](#)

mistersnrub

OT:

[Anyone else see that the dude arrested for threatening Pelosi lives in public subsidized housing?](#)

I submit this as an analog to the Craig/Haggard Theory whereby as one's visceral homophobia increases the probability that said person is a latent homosexual also increases. Under The Wingnut Welfare

corollary, as one's visceral hatred of health care reform increases the probability said person is a recipient of government-furnished largess of some sort accordingly increases.

9. 9

[April 8th, 2010 at 10:14 am](#)

AkaDad

I'd expect better from a guy at Cato, because I'm counting on them to help get pot, gambling and prostitution legalized everywhere.

Stop teasing me.

10. 10

[April 8th, 2010 at 10:16 am](#)

zmulls

Well, in a sense, you **can** make a case that someone's lack of a savings plan causes you harm. Someone who doesn't save, and can't afford food, shelter or medicine becomes a burden on society. But by providing Social Security to give a bare minimum standard, and Medicare and Medicaid to the elderly and the poor, we socialize that risk and make sure that we don't have to step over people starving and dying in the streets.

11. 11

[April 8th, 2010 at 10:16 am](#)

ChrisS

Two things can happen:

1) I can ask the offending smoker to refrain from blowing irritating, carcinogenic smoke in an enclosed area, crowding entryways, and leaving burn marks and stains on everything from car seats to sweaters ... when they refuse, which at least one will do, I can then exert physical pressure by punching them in the throat.

or

2) We, as a society, can regulate public places to reduce exposure to irritating, carcinogenic smoke.

"I can't even smoke in my own house now, fucking liberals." Really? Where's the law? "Well, there will be one soon, that's the way things are going."

12. 12

[April 8th, 2010 at 10:16 am](#)

IndieTarheel

@ [mistersnrub: http://news.yahoo.com/s/ap/201.....si_threats](#)

Fixed.

13. 13

[April 8th, 2010 at 10:22 am](#)

lockewasright

Libertarians, as far as I can tell, are a thing of the past or are at least fading fast. The ones that I talk to today aren't libertarians in the true sense, but people who have swallowed the intellectual b.m. that is Randian selfishness and Goldwater distraction. That is, they've either found and jump for joy at finding

Rand's socially acceptable rationalization for not wanting to pay any taxes as their country falls apart or gotten off track by thinking the enemy is big government. It's not. The whole "small enough to drown it in the bath tub" thing was clever, but it also sent them off of the rails. They should be guarding against *intrusive* government rather than obsessing over shrinking it to the point of incompetence.

The result has been a string of tax cuts that we can't afford and a group of people wrapping themselves in the flag under the moniker "libertarian", believing themselves to be defenders of liberty and joining forces with the republican base to elect people who favor intrusive government through the legislation of morality and that is a direct threat to individual liberty.

It's frustrating.

14. 14

[April 8th, 2010 at 10:22 am](#)

Zifnab

I can claim a direct harm from inhaling second-hand smoke: emphysema and lung cancer. I can't make a similar claim about somebody else's lack of a savings plan.

Yes you can. When you have to support destitute family members or when you watch your neighborhood fall into poverty as the residents all hit retirement age, you suffer material harm as your family and neighbors fall into poverty.

The social safety net – whether it be regulations against spewing toxic smoke into the air or mandates on personal savings – exists because it BENEFITS society.

The same Glen Whitman who shivers in fear at the idea of mandated savings through Social Security or hard limits on eating / drinking / smoking, probably has a fat 401(k) and avoids eating the crap food they serve at McDonalds because he doesn't want to die of heart disease when he's 50.

And when he sees a neighbor's house get foreclosed on, or a relative rushed to the emergency room for chronic health conditions, he's probably first in line to preach the doctrine of Personal Responsibility.

Republicans talk a big game about living smart, but the moment the government steps in to enact guidelines, they all freak out about losing their freedoms to act stupid.

15. 15

[April 8th, 2010 at 10:23 am](#)

cervantes

Exactly. It is a fundamental error to suppose that the only entity capable of restricting freedom is government. On the contrary, government is necessary to protect freedom. Otherwise we are all at the mercy of the most ruthless and powerful bullies, or the whims of psychopaths.

Smoking, in fact, is not a "personal choice." It's an addiction foisted upon vulnerable young people whose judgment is as yet ill formed by greedy, dishonest marketers. Once you are addicted, you have lost a modicum of freedom. Furthermore, if I am forced to encounter toxic tobacco smoke in public places, my freedom is reduced. Smoking bans in public places increase freedom.

That is fundamental to the theory of democracy. These people think they're terribly smart, but they just don't get something very basic and obvious.

16. 16

[April 8th, 2010 at 10:25 am](#)

JGabriel

@[cervantes](#):

These people think they're terribly smart, but they just don't get something very basic and obvious.

Laid?

.

17. 17

[April 8th, 2010 at 10:25 am](#)

[kommrade reproductive vigor](#)

As a smoker, allow me to say Whitman is blowing smoke from his nether orifice.

18. 18

[April 8th, 2010 at 10:26 am](#)

mistersnrub

@[JGabriel](#):

You win the day.

19. 19

[April 8th, 2010 at 10:27 am](#)

Chyron HR

Goddamn nanny-state liberals won't even let a man smoke on the airplane anymore! Wait, what? It was a raghead?

Kill him! KILL HHHHHHHHHHHHHHHHHHHH!

20. 20

[April 8th, 2010 at 10:28 am](#)

Persia

Were these assholes complaining about paternalism when the Stupak amendment came through? No? They can STFU.

21. 21

[April 8th, 2010 at 10:31 am](#)

Dan B

@[Chyron HR](#): Izzat you, Aravosis?

22. 22

[April 8th, 2010 at 10:31 am](#)

jibeaux

The example isn't "state mandated savings plans", it's an idea from the book Nudge. One of the themes of that book is about intelligent defaults, and one of the examples is that if a company is set up so that upon hire, the default is that you are enrolled in a 401(k) savings program at a certain percentage—but always with the option to change that or to drop out completely—you will get a much, much better participation rate in 401(k) savings, which is probably a good thing for the country if we save a little more than we do. Since a lot of companies have matching donations, it's a way of "nudging" people to do what they

probably should be doing but maybe haven't because they'd have to fill out paperwork to do it. It doesn't mandate anything, because if you fill out the paperwork not to do it, you're not in it. I don't really have a dog in that fight and I realize my mind isn't wired the way libertarian minds are, but I am not capable of working myself into a blind fury at the very notion that not all choices are of equivalent value and that possibly choices should be structured so that if you want to choose a "worse" option you should take some affirmative action to do that while the "better" option is the default. My employer deliberately structures health care benefits so that the default is the one that is cheaper for them, but with a easy switch online you can turn it to the option that is better for you and costs the same. They make you take that affirmative step to get the choice that is "better" for you but "worse" for them, and that's basically the same set up as companies have by requiring you to opt-in to 401(k)s. Nothing too evil about saying, hey, if that were reversed, it would be a better structure for the little guy.

23. 23

[April 8th, 2010 at 10:32 am](#)

PeakVT

His argument is that our society is moving from the question of whether we should be paternalistic, to how much.

Thank goodness there's a bunch of whiners on wingnut welfare with nothing better to than worry about such things.

24. 24

[April 8th, 2010 at 10:35 am](#)

ChicagoTom

This is what libertarians always seem to get wrong—it isn't paternalism (or, at least, it isn't the "bad" kind of paternalism) when the state is protecting me from direct harm caused by someone else's actions. I can claim a direct harm from inhaling second-hand smoke: emphysema and lung cancer. I can't make a similar claim about somebody else's lack of a savings plan.

Actually, this is where we liberals, I think, get it a bit wrong.

Obviously, one can claim direct harm from second hand smoke, but this statement seems to imply that you are somehow forced to inhale it. You don't have to go to an establishment that allows smoking. You aren't entitled to have smoke free establishments (without the government mandating it)—that isn't a "right". And in fact forcing people to not allow smoking in their place of business infringes upon the business owners right to run the business the way he sees fit (for better or for worse).

In fact, if I as an establishment owner want to cater to a clientele that smokes, I can't. Why not? Why shouldn't I be able to run a business that welcomes smokers, employees smokers and caters to them? And then the guy next door from me can compete by being smoke free and catering to the people that want that?

Some cities have banned smoking in cigar shops and tobacco shops. Some towns have banned smoking in one's own home if you live in a multi-tenant home.

The slippery slope argument isn't invalid. It's one thing to ban smoking in places where people don't have much choice or are in confined spaces with others (like in airplanes and in the work place)—but quite another to ban smoking in private homes and businesses that people aren't forced to go to and are there for leisure.

This idea that I should be entitled to go to any establishment I want, and be free from second hand smoke is ridiculous. You want a smoke free bar? Open one up. It is not the government's place to tell me I can't smoke in my establishment, and I can't cater to smokers or only employ people willing to work in a smoke free place. And you are free to avoid those places or petition/lobby/convince those places that

going smoke free is a smart business decision. But to have the government come in and say “no one gets to smoke anywhere where others are around” even if those others are smokers or aren’t bothered concerned with second hand smoke is some of the worst kind of “bad” paternalism there is.

And I say this as an ex smoker who quit years ago.

25. 25

[April 8th, 2010 at 10:36 am](#)

artemIs

@ [Persia](#):

this! until they start counting their interference with adult sex and reproduction as paternalistic they don’t get to complain.

also, the only people I know who complain about restricting smoking are the hopelessly addicted and those who don’t remember what it was like to walk down the aisle of a grocery store littered with cigarette butts, or visit a maternity ward or work in a place full of smokers. If you didn’t smoke you were expected to carry the stench of it around in your hair and cloths all day. It was vile. Don’t let the pseudo-libertarians tell you any different. They didn’t have any problem with big tobacco impeding on everyone’s rights just so they could sell more cancer sticks.

26. 26

[April 8th, 2010 at 10:38 am](#)

Culture of Truth

Wow, that is scary. Then there are the 30 year prison sentences for possession of non-tobacco-related drugs.

27. 27

[April 8th, 2010 at 10:38 am](#)

Bill Section 147

I think the point about smoking impacting us all can be applied to many of the other things that libertarians are afraid of.

Who pays the cost of emergency room care for the uninsured? Do countries that have universal health care pay less for health care?

OSHA? Look at old photos of the factory towns and mining towns. Safety? Damn regulations. Read some history. We lose a lot of “productivity” when people lose body parts or their lives in “incidents” and it sucks for the person who gets caught in a two-ton press.

Social Security? Is it cheaper to let old people die in alleys or live in a poor house? It might be – if we denied them access to the emergency room and if there was no cost to having unhealthy old people living under the freeway overpasses. All of the modern things that have created wealth in this country have removed us from an agrarian and small town society. Old people who cannot provide services in a modern work environment can no longer live out the end of their days on their grandson’s farm watching the kids and feeding the chickens.

There are actual freedoms and rights under siege in this country. The right to privacy, the right to assembly, the right to freely petition, the right to free speech by humans...but people who call themselves Libertarians spend very little time worrying about those issues. What? They would give their lives to protect our freedoms but not a few bucks. You know income drops to zero when you give your life.

If you want to see Libertarian and conservative utopia look at the history of this country from 1870-1920.

Hardly any taxes. Hardly any unions. No public mandates. No gun laws. No environmental regulations. The only thing missing are TV, refrigeration, cars, air conditioning and internet porn. Ahhh. The good old days.

28. 28

[April 8th, 2010 at 10:40 am](#)

jibeaux

Sunstein & Thaler also go to some lengths in that book to address the objections that their ideas are “paternalistic” by basically admitting that in a certain light, they are, if you consider acknowledging that not all choices are equally good for the person making the choice to be “paternalism”, but they point out that their philosophy is not about requiring or mandating the better choices, because they support opt-outs, but is instead about “nudges”. It is a real disservice, an entirely predictable one, to the effort they go to to explain the distinctions between mandates and defaults to have glibertarians just completely ignore all of that. Anyway, I think it’s a pretty interesting book and y’all should read it.

29. 29

[April 8th, 2010 at 10:41 am](#)

cervantes

Chicago Tom—you miss a basic point—restaurants and bars are workplaces. The main rationale for bans is that the protection of workers, not customers.

That said, there are further objections to your logic. There are many kinds of public places that we have little or not option about visiting, such as government offices, large stores with no real nearby competition, public transportation, etc. And, if the percentage of people who smoke or who are willing to tolerate smoke is too high, there will be too few options for those of us who aren’t willing to tolerate it, since the market will simply not produce them. In other words the choice is not of an individual product, but a place to buy it, which is in limited supply and often has characteristics of monopoly.

30. 30

[April 8th, 2010 at 10:42 am](#)

ChrisZ

I’ve never seen anything but crap come out of the Cato Institute, though admittedly I haven’t looked that hard.

31. 31

[April 8th, 2010 at 10:43 am](#)

Persia

@[ChicagoTom](#): *This idea that I should be entitled to go to any establishment I want, and be free from second hand smoke is ridiculous.*

Absolutely! Hospitals should be blue with the smoke from people lighting up. Especially in the lung cancer wards.

32. 32

[April 8th, 2010 at 10:43 am](#)

ChicagoTom

Smoking, in fact, is not a “personal choice.” It’s an addiction foisted upon vulnerable young people whose judgment is as yet ill formed by greedy, dishonest marketers. Once you are addicted, you have lost a modicum of freedom. Furthermore, if I am forced to encounter toxic tobacco

smoke in public places, my freedom is reduced. Smoking bans in public places increase freedom.

What horse shit. I started smoking when I was 19 years old. It wasn't foisted upon me, it was a personal choice. Maybe you should refrain from painting with such a broad brush? It makes you sound quite foolish and narrow minded. I would wager that you would be quite willing to support a complete ban on tobacco, right? Since no one who smokes is making a personal choice, but instead a victim of greedy sneaky marketeers.

Smoking bans only 'increase freedom' for non-smokers. They reduce freedom from smokers and business owners who want to cater to them. What makes the non-smoker's rights more important? Oh that's right. It isn't freedom. Non smokers are mindless rubes who can't resist the lies of marketeers who need to be saved from themselves. Way to prove the libertarian point about paternalism.

33. 33

[April 8th, 2010 at 10:48 am](#)

mistermix

For the people arguing that there's a direct harm from, e.g., lack of a savings plan, I was trying to keep the post short and sweet, and assumed the direct/indirect harm distinction was clear. It wasn't, so let me take a go at a little more explanation:

If you smoke a cig, and I inhale it, the harm to me is direct and immediate: some tar from your cigarette enters my lungs. It may well be that the tar from your cig might cause a mutation in one of my lung cell that causes cancer. (Unlikely, but possible.)

If you don't save, or don't insure yourself, there may well be multiple harms to me. Let's pick one: my taxes might go up to support your lack of financial planning. But that harm is indirect, because your lack of savings doesn't directly take a dollar out of my pocket. And it's mediated by a societal institution (the government, in this case).

Now you can argue that the indirect, mediated harms are just as important, or nearly as important, as the direct harms. And that's an interesting argument to have. But this guy didn't even acknowledge that there's a difference in those two kinds of harm. He just smeared them together to try to make his point.

By smearing them together, he undermined his argument, because if he wants to make a case against paternalism, he should pick the mediated, indirect harms rather than the direct, unmediated ones, because there's more of a case to be made there, if such a case can be made at all.

34. 34

[April 8th, 2010 at 10:49 am](#)

ChicagoTom

@[cervantes](#):

Chicago Tom—you miss a basic point—restaurants and bars are workplaces. The main rationale for bans is that the protection of workers, not customers.

i didn't miss it. in fact I addressed it directly when I said :

It is not the government's place to tell me I can't smoke in my establishment, and I can't cater to smokers or **only employ people willing to work in a smoke free place**

What if the workers don't care to be protected from second hand smoke? What if they are smokers themselves?

It is absolutely paternalism when you try to protect people who maybe not want to be protected or try to protect people from themselves or their own bad decisions.

35. 35

[April 8th, 2010 at 10:52 am](#)*MBunge*

“if the percentage of people who smoke or who are willing to tolerate smoke is too high, there will be too few options for those of us who aren’t willing to tolerate it”

And that’s the government’s problem because...?

Mike

36. 36

[April 8th, 2010 at 10:52 am](#)*Davis X. Machina*

Cato seems to consistently view the state as something apart from, and different from, the people who comprise it. And so it acts from without, and we are just objects upon which it acts.

Only it isn’t 1715 any more. *L’etat, c’est nous.*

37. 37

[April 8th, 2010 at 10:54 am](#)*ChicagoTom*

@[Persia](#):

If that’s what passes for rational discussion around here, then maybe I’ll refrain from discussing anything.

Hospitals aren’t places of leisure, and most people aren’t there by choice. They are captive and sick. No one is arguing against smoking bans in places like hospitals or even airplanes—although I would say that if a smoking airline wanted to exist, and it employed smokers or people who don’t mind smoking and smokers were willing to pay to fly on it, I don’t see why that shouldn’t be allowed. That’s how it should work in a free country with a functioning marketplace.

38. 38

[April 8th, 2010 at 10:54 am](#)*Chyron HR*

@[ChicagoTom](#):

It is absolutely paternalism when you try to protect people who maybe not want to be protected or try to protect people from themselves or their own bad decisions.

If you don’t want the government to engage in “paternalism”, then stop acting like children.

39. 39

[April 8th, 2010 at 10:55 am](#)*El Cid*

Maybe some of the anti-government anti-totalitarian types worried about jackbooted thugs could give a damn about [this](#), but they won’t, because it isn’t about taxes or health care, it wasn’t federal authorities, it was real, and it happened to black people.

NEW ORLEANS — A former New Orleans police officer told federal authorities he saw a

fellow officer shoot and kick unarmed, wounded civilians in a deadly incident on a bridge in Hurricane Katrina's aftermath, marking the first time an officer has provided federal authorities with an eyewitness account of the events.

...

The former officer, Michael Hunter, pleaded guilty Wednesday to helping cover up the shootings on the Danziger Bridge less than a week after the August 2005 storm.

...

A court filing Wednesday that describes Hunter's account of the shootings contradicts a police report that said civilians shot at officers before the police opened fire, killing two people and wounding four others.

...

Seeing no danger to officers, Hunter says he shouted "Cease fire!" after **an unidentified sergeant with an assault rifle and other officers opened fire on a group of unarmed civilians who took cover behind a concrete barrier on the bridge.**

...

After they stopped firing, Hunter says he saw several civilians who appeared to be unarmed, injured and subdued.

...

"(The sergeant) suddenly **leaned over the concrete barrier, held out his assault rifle, and, in a sweeping motion, fired repeatedly at the civilians lying wounded on the ground,**" the filing says. "The civilians were not trying to escape and were not doing anything that could be perceived as a threat."

...

Moments later, Hunter saw two men later identified as Lance Madison and **his 40-year-old mentally disabled brother, Ronald, running away** near the bottom of the bridge.

...

Hunter's statement said an unidentified officer shot Ronald Madison in the back with a shotgun.

...

"As Ronald Madison lay dying on the pavement, (the sergeant) ran down the bridge toward Ronald and asked an officer if Ronald was 'one of them.' When the officer replied in the affirmative, (the sergeant) **began kicking or stomping Ronald Madison repeatedly with his foot,**" the filing states.

In the officers' defense, the black victims of flooding fleeing to safer areas drove them into it because they looked like the type of people who might vote for health care reform unapologetically.

Also, being deeply offended by this and thinking it means anything significant means you hate cops and are trying to hide the fact that this is an aberration.

40. 40

[April 8th, 2010 at 10:55 am](#)

scav

Funny thing is ChicagoTom, air moves out of the sanctified and holy smoking environs and, besides, half your arguments could be made against infringing on the rights of those that enjoy a good murder. How **dare** we infringe on them! (yes, being a bit silly there, intentionally. I'm still giddy over flashing on pink elephants as what you get when you put too much lipstick on pigs while having the DTs.) I personally wouldn't go so far as banning it in houses and all businesses, but I can say I damn well enjoy going out in Chicago more recently. Can't visibly tell the difference in Moody's but that's just because they've always saved on lightbulbs. Everything's always a bloody compromise between competing rights.

41. 41

[April 8th, 2010 at 10:56 am](#)

Don

I am sympathetic to your argument, ChicagoTom, but I think it runs up against the fact that we're pretty comfortable mandating other standards of healthy environment in workplaces.

Those same restaurants have to meet certain guidelines about fire exits, kitchen gear, emergency lighting, etc. Requiring them to meet a certain air quality doesn't seem a stretch to me.

Some smoking bans go beyond that, but many – including the one here in Virginia – allows businesses willing to make the investment in equipment and space to continue to provide smoking area.

42. 42

[April 8th, 2010 at 10:56 am](#)

Sentient Puddle

@[ChicagoTom](#):

What makes the non-smoker's rights more important?

The fact that non-smokers have made the decision that they don't want to deal with smoker's shit?

If you're trying to make this point, you better be ready to argue that government should not be regulating air pollution from industry. Externalities and all.

Non smokers are mindless rubes who can't resist the lies of marketeers who need to be saved from themselves. Way to prove the libertarian point about paternalism.

What the fuck is this supposed to mean?

43. 43

[April 8th, 2010 at 10:57 am](#)

mistermix

@[ChicagoTom](#):

This idea that I should be entitled to go to any establishment I want, and be free from second hand smoke is ridiculous. You want a smoke free bar? Open one up. It is not the government's place to tell me I can't smoke in my establishment, and I can't cater to smokers or only employ people willing to work in a smoke free place.

You need to acknowledge some practical matters. For example, as a practical matter, people need to eat, and restaurants with smoking sections just can't keep smoke from polluting the air for non-smokers.

So, for example, it might make sense that the restaurant district of a mid-sized town can have smoking restaurants, as long as non-smoking restaurants exist as an alternative for non-smokers. But it doesn't make sense to give restaurant owners the absolute right to allow smoking in any restaurant location when people don't have a choice in restaurants, because people have to eat. (Drinking-only bars might be a bit different, but almost every bar is a restaurant nowadays.)

Also, spare me the "not the government's place" rhetoric. The government's place in regulating restaurant cleanliness and safety is long-established and huge, for practical reasons, and they've got every right to police smoking, which is a health hazard, like dirty dishes or cockroaches.

44. 44

[April 8th, 2010 at 10:57 am](#)

MBunge

"If you smoke a cig, and I inhale it, the harm to me is direct and immediate"

And also extremely limited unless you live or work with a smoker.

Mike

45. 45

[April 8th, 2010 at 10:58 am](#)

ChicagoTom

@[Chyron HR](#):

Way to keep proving the libertarian point.

Making a decision that you disagree with is acting like a child?

You are the baby in this scenario. Crying for the government to ban others from doing something you disagree with. Adults understand that people get to make their own decisions right or wrong.

Freedom means being free to be wrong or to make mistakes.

46. 46

[April 8th, 2010 at 11:00 am](#)

MBunge

“Also, spare me the “not the government’s place” rhetoric. The government’s place in regulating restaurant cleanliness and safety is long-established and huge, for practical reasons, and they’ve got every right to police smoking, which is a health hazard, like dirty dishes or cockroaches.”

So, the government should start regulating sexual practices that increase the risk of AIDS? That’s certainly a public health issue.

Mike

47. 47

[April 8th, 2010 at 11:00 am](#)

Persia

@[ChicagoTom](#): You missed the laughing helicopters.

But more seriously, there are plenty of people with disabilities in environments outside hospitals who get sick when exposed to cigarette smoke. There are plenty of kids who get sick or sicker when exposed to cigarette smoke—the connection between ear infections and secondhand smoke is well-documented. People who want to work, especially in this economy, don’t always have a lot of choice about *where* they work. Your right to make yourself sick does not necessarily overrule my right not to be made sick.

48. 48

[April 8th, 2010 at 11:00 am](#)

ChrisZ

And in fact forcing people to not allow smoking in their place of business infringes upon the business owners right to run the business the way he sees fit **(for better of for worse)**.

I want to highlight this little bit of Libertarian-think from ChicagoTom because I think it highlights the primary difference between Libertarians and Liberals.

Libertarians don’t care about the consequences of various policies; Libertarians don’t care about making

the world a better place; and most importantly Libertarians don't have to do any work in order to argue their position. They come up with a set of "rights" and say that any violation of them, no matter how small and no matter the good that could come from that small infringement, is unacceptable. It is an incredibly easy debater's political position, because it requires no research and no nuance and has the rhetorical power of absolute rules. I suspect this is the primary reason it's so popular among college-age students and assholes.

Liberals, on the other hand, actually try to make the world a better place, and so have to concern themselves with facts and expected consequences. It takes work to decide what the best course of action is and it takes work to defend courses of action you have decided are right, because it requires being familiar with facts and analyses and actual expected consequences.

49. 49

[April 8th, 2010 at 11:01 am](#)

tc125231

@[ChicagoTom](#): Well, ChicagoTom your post is also horse shit.

I agree that the current hatred of smoking may very well be an aversion fad (e.g. a new group whom it's OK not to like, e.g. liberals and hippies).

Nonetheless, a smoker has no more natural right to blow smoke in my face than I have to piss in his outmeal. In either case, the only right possible is based force majeure, usually enforced by custom. Can you or I do it? Perhaps, under some circumstances. Do either of us have a right to expect the other party to like it? Absolutely not.

In a civil society like ours, whether either of us gets our way is driven by a complex brew of shared prejudices, votes, and disproportionate (read lobbying) clout with the government.

Is that process fair? Hell no. If it was fair, the progenitors of the last financial crisis would have experienced severe consequences. Did your mommy and daddy leave with the illusion that life was fair? How negligent of them.

But as unfair goes, prohibitions on smoking where other people have to breathe it, or pissing in other people's food, strikes me as being at the very low end of the scale. Complaints about them are essentially the meat and drink of whiners.

This society has far more serious problems.

50. 50

[April 8th, 2010 at 11:01 am](#)

Brett

I've met a lot of libertarians who didn't really believe in externalities, or believed they were vastly overstated, so this isn't really a surprise coming from the Cato Institute.

Smoking bans only 'increase freedom' for non-smokers. They reduce freedom from smokers and business owners who want to cater to them. What makes the non-smoker's rights more important?

The lack of smoke in a public area from banning smoking doesn't harm anyone except smokers who might be discomfited, and if it really is such a "personal choice", then refraining from it is also a choice and not a great pain (in reality, of course, cigarettes are physically addictive, so restraint *is* a great pain).

By contrast, allowing smoking in an area may increase smoker comfort, but it also exposes everyone else in that area involuntarily to second-hand smoke.

Since no one who smokes is making a personal choice, but instead a victim of greedy sneaky marketeers.

You're either that, or a victim of peer pressure. Particularly since nicotine is physically addictive (unlike marijuana), meaning that for most smokers it is *incredibly* difficult to permanently quit. Did you think "You know, this will increase my chance at lung cancer, and I probably won't be able to quit when I want to, but I'm gonna do it anyways" when you started up, or were you just a stupid kid who thought it would be fun and cool?

51. 51

[April 8th, 2010 at 11:03 am](#)

ChicagoTom

You need to acknowledge some practical matters. For example, as a practical matter, people need to eat, and restaurants with smoking sections just can't keep smoke from polluting the air for non-smokers.

If you want to go down this road I will.

You need to eat? Yes. Do you NEED to eat at a public restaurant? Not so much. You aren't entitled to that. That isn't a right.

So go to the market and buy food and make it in your non-smoking home. Or open your own non-smoking restaurant. Or organize a protest of restaurants that allow smoking and get them to change their policy by convincing them it's bad for business.

You aren't entitled to go to any restaurant you want nor do you get to tell a restaurant owner how to run their business. (And that is borne out by the fact that a restaurant can refuse to serve you for whatever reason they want—assuming you aren't a protected class and are discriminating against you for that reason)

Non-smokers need to stop acting like their preferences should be encoded into law, and that their beliefs are the "right ones"

52. 52

[April 8th, 2010 at 11:04 am](#)

Chyron HR

@[ChicagoTom](#):

Making a decision that you disagree with is acting like a child?

No, incessantly whining on somebody's blog about your Constitutional right to smoke is acting like a child. Thanks for asking.

(P.S. I heard you were leaving forever. Bye! Or was your threat completely empty, just like every time a Libertarian vows to "Go Galt"?)

53. 53

[April 8th, 2010 at 11:08 am](#)

ChicagoTom

Libertarians don't care about the consequences of various policies; Libertarians don't care about making the world a better place;

Of course they do. They just have a different value system.luel

I value freedom. You value forcing others to live an approved lifestyle.

You aren't making the world a better place by restricting peoples freedom and choices. You are making it a place that you prefer, but that isn't objectively better. It's quite arrogant to believe that by taking away other peoples choices and making them act the way you want you are "making the world a better place"

54. 54

[April 8th, 2010 at 11:09 am](#)

El Cid

I value freedom. I value freedom more than proprietarians, because I also believe that humans should be free of domination from authoritarian economic power as well.

55. 55

[April 8th, 2010 at 11:11 am](#)

ChicagoTom

@[Chyron HR](#):

No, incessantly whining on somebody's blog about your Constitutional right to smoke is acting like a child. Thanks for asking.

My bad. I thought the reason for comments were to exchange ideas.

So bringing up an opposing viewpoint is "incessantly whining", eh?

Go fuck yourself you self-righteous little baby. Just because you can't debate the merits of things doesn't give you the right to call others children and whiners.

56. 56

[April 8th, 2010 at 11:12 am](#)

mistermix

@[ChicagoTom](#): Yes, sometimes I NEED to eat in a public restaurant, such as when I'm traveling down the road during a storm, it's late, I'm tired, and I'm hungry. Or should I have planned better and packed a lunch on the off chance that the weatherman was wrong?

Also, by your logic, I'd be organizing protests against cockroaches in restaurants, because I don't NEED to eat there, and the right of the restaurant owner to run his restaurant in any way he sees fit trumps my right to eat healthy food.

We've collectively chosen to make the health and safety of food prepared in restaurants the business of the state. If you want to imagine a counterfactual libertarian paradise where that's not the case, get on with your bad self. But realize that argument occurs in your imagination rather than the real world.

57. 57

[April 8th, 2010 at 11:13 am](#)

Sentient Puddle

@[ChicagoTom](#):

[ramble]

Non-smokers need to stop acting like their preferences should be encoded into law, and that their beliefs are the "right ones"

But do you see what you're doing here? You're acting like the preferences of smokers are the "right ones" and should be encoded into law (in the sense that having no law caters to the smokers). There's winners and losers in dealing with this stuff. Many cities have put the policy up to debate, and have decided that the non-smokers win.

So you lose some of your freedom. Boo fucking hoo. We're all losers in regard to some policy out there. The rest of us deal with it rather than whine about it.

58. 58

[April 8th, 2010 at 11:13 am](#)

scav

mmm. CTom going on and on is frankly making me more in favor of banning a lot more things in public spaces. Must be one of those unintentional externality sort of things.

59. 59

[April 8th, 2010 at 11:14 am](#)

ChrisZ

@[ChicagoTom](#):

Go fuck yourself you self-righteous little baby. Just because you can't debate the merits of things doesn't give you the right to call others children and whiners.

Ah, so the right to call people children and whiners is not one that the Libertarians think we have? And here I thought libertarians supported free speech.

Or is it just that the Libertarian vocabulary is limited to the words "rights," "free-market" and "freedom" so you just couldn't think of another way of expressing your ideas there?

60. 60

[April 8th, 2010 at 11:14 am](#)

L Boom

@[ChicagoTom](#): Since you're clearly in favor of the slippery slope argument here, how can you justify the government being able to enact and enforce any public health standards at all?

Compare smoking to public urination, setting aside the social mores; it seems childish, but if you think about it they're not that dissimilar apart from the public display of private parts. Both leave behind a powerful smell that's offensive to many, and people can suffer serious long-term consequences from being in confined spaces with the by-products.

If the government can stop me from peeing wherever I want, what else can they try to legislate me from doing? It's my body and I'll do what I want to and with it.

61. 61

[April 8th, 2010 at 11:15 am](#)

David in NY

"It's quite arrogant to believe that by taking away other peoples choices and making them act the way you want you are "making the world a better place""

Depends on the "choice". Lots of people make choices that either harm others or that, if engaged in by large segments of society, would cause real problems. Society can restrict those choices. To believe otherwise is hopeless utopianism (indeed, in its purest modern forms, verges on anarchism).

62. 62

[April 8th, 2010 at 11:16 am](#)*ChicagoTom*@[tc125231](#):

Nonetheless, a smoker has no more natural right to blow smoke in my face than I have to piss in his outmeal. In either case, the only right possible is based force majeure, usually enforced by custom. Can you or I do it? Perhaps, under some circumstances. Do either of us have a right to expect the other party to like it? Absolutely not.

Burn that straw tc, burn it good.

That's quite a leap from ... a bar should be able to allow smoking and non-smokers can go elsewhere to....smokers should be able to blow smoke in your face.

Jesus Christ, it's like some people are incapable of nuance.

Your whole post reads like a hysterical rant.

It's really very simple.

Some places can allow smoking and others not allow it, and then people get to choose where they want to go.

63. 63

[April 8th, 2010 at 11:16 am](#)*moe99*

@[ChicagoTom](#): Let's take your hypothetical one further—if people don't care about living in their own shit, then we can forget about sewage services and garbage collections. Unfortunately, at some point it begins to infringe on the lives of those who do care about this stuff. You might be able to find passengers to fly in your smoke filled airlines but you probably could not make the payments on your industrial insurance premiums for your staff because of the high rate of disease that will follow. And what about allowing pregnant women on your plane? You going to subject the unborn to this sort of poison? What if your smoky airline was the only ride to a certain destination or the only one flying out at a certain time?

As someone who has Non small cell lung cancer, stage IIIB, and as someone who quit smoking 30 years ago after a 9 year, half pack a day habit, I think you are an idiot for trying to foist your selfish, unhealthy and unproductive views on smoking on the rest of society.

64. 64

[April 8th, 2010 at 11:18 am](#)*Balloon-Juice Platinum Member*

Conflicted here. I want to donate to a \$250K fund to run ads against [Bart](#).

Problem is, it's a Teahadi group.

What Would Jesus Do?

65. 65

[April 8th, 2010 at 11:19 am](#)*debit*

@[ChicagoTom](#): I used to be a pack a day smoker. After I quit, I found the smell to be noxious and

disgusting. Then I was laid off when my company downsized. After months of fruitless job hunting, I was finally offered one at less pay, no benefits and in an office that smelled suspiciously of smoke. I took the job, since it was that or lose my home. And my suspicions were confirmed; the owner and my coworkers smoke in the office. I've asked them to at least go into the other room; sometimes they do, most times they don't. When a customer reported the office to the city of Minneapolis, the owner somehow convinced the inspector smoking only took place in the back room where it was "private." Afterward, I was told that if I ever called the city again (I hadn't) I would regret it. Oh, the owner didn't use my name, or even look at me, so I wouldn't be able to say I personally was threatened with termination, but it was clear that as the only non smoker in the office, I MUST be the culprit.

The whole argument about hiring only smokers is a crock of shit. There are going to be people who would take a job working in a filthy, disgusting smoke filled bar because they have no other option.

66. 66

[April 8th, 2010 at 11:19 am](#)

El Cid

I remember how many argued and still argue that it was a hideous abrogation of business and transportation owners' "rights" of keeping out patrons of an ethnic group they didn't like, such as African Americans, or in an earlier era and different part of the country, Irish.

OMG THOSE POOR OPPRESSED RACISTS WHERE IZ R FEEEDUM?

67. 67

[April 8th, 2010 at 11:21 am](#)

ChicagoTom

@[Sentient Puddle](#):

But do you see what you're doing here? You're acting like the preferences of smokers are the "right ones" and should be encoded into law (in the sense that having no law caters to the smokers). There's winners and losers in dealing with this stuff.

I am doing no such thing. I never said smoking is the right position. I don't want anything encoded into law. I just don't think this is something that should be regulated one way or another.

I am saying that it's up to the owner to decide what is right for them and their business. Why is that so offensive to people?

Many cities have put the policy up to debate, and have decided that the non-smokers win.

So majority rules is your position?

In a free society the rights of the minority need to be protected. I don't think I want to live in a world where a simple majority gets to dictate to others how to live.

68. 68

[April 8th, 2010 at 11:22 am](#)

ChicagoTom

There are going to be people who would take a job working in a filthy, disgusting smoke filled bar because they have no other option.

And there are people who are going to work in mines even though it's a dangerous and high risk job and they have no other options.

Should that be forbidden too?

69. 69

[April 8th, 2010 at 11:23 am](#)

[kommrade reproductive vigor](#)

Well, that didn't take long. Where can I place a bet on the comments topping 200 by noon?

70. 70

[April 8th, 2010 at 11:23 am](#)

jrg

Why don't we ban alcohol, too? It is addictive, carries health risks, and can have adverse health and safety consequences for bystanders.

...and don't give me that "you can smoke outside" junk. The next step is 20 feet from the building, then 100 yards from any dwelling. Everyone knows that's on the way.

I'm with ChicagoTom... Not as much over a concern for smoking, but rather where logic you all are using ultimately leads.

71. 71

[April 8th, 2010 at 11:23 am](#)

El Cid

Let me know when people start carrying around their mining in public, such that in a restaurant I have to eat around other peoples' mine work.

72. 72

[April 8th, 2010 at 11:24 am](#)

Scott P.

The lack of smoke in a public area from banning smoking doesn't harm anyone except smokers who might be discomfited, and if it really is such a "personal choice", then refraining from it is also a choice and not a great pain (in reality, of course, cigarettes are physically addictive, so restraint is a great pain).

By contrast, allowing smoking in an area may increase smoker comfort, but it also exposes everyone else in that area involuntarily to second-hand smoke.

Precisely. So what we have to do is weigh the convenience to non-smokers against the inconvenience to smokers. The usual way we do that is we vote on it. Now, that doesn't always work when the level of inconvenience is skewed against the minority (Jim Crow was a small convenience to the majority, a massive inconvenience to the minority), but I think you'd be hard put to put smoking in the same category.

It is absolutely paternalism when you try to protect people who maybe not want to be protected or try to protect people from themselves or their own bad decisions.

Perhaps, but I don't think there is an absolute right to make bad decisions. We have obligations to the society we live in and if your decisions mean that you are or might become unable to meet those obligations, there is a societal interest in deterring that behavior. Not an absolute interest, since the benefit to society needs to be weighed against any harm to the individual, but an interest nonetheless.

To take the classic libertarian hobby horse, seat-belt laws are a *de minimis* inconvenience to the driver, but save society medical resources, lost productivity, the cost to families who lose their father or mother,

etc. Saving life is in the interest of society.

73. 73

[April 8th, 2010 at 11:24 am](#)

Sentient Puddle

Ugh. I sort of touched on this in my last post, but I should elaborate, seeing as it might've gone over ChicagoTom's head...

One of the lazier aspects of libertarianism is that they tend to see freedom as a one-dimensional meter. Some policy either gives people more freedom or less freedom. This is hogwash.

Freedom has to be divided into the positive/negative terms. This is "freedom to..." and "freedom from...". To put it in a straw man example, think "freedom to go about and murder anyone I want" and "freedom from being wantonly murdered." Both are freedoms, but they quite obviously collide with each other. You can't have one if you have the other.

Where the laziness of libertarian thought comes in is that they seem to always ignore the latter freedom. "My freedom to murder whoever the hell I want should not be infringed!" Everyone else thinks about this in terms of freedom from being murdered and disagree vehemently. And for good reason.

This one's pretty easy to resolve obviously, but this is the kind of stuff that non-libertarians are thinking about whenever a libertarian asserts that their freedom to do X should not be infringed upon. You may have a point, but really, we gotta look out for ourselves in this too. If you don't even pretend to act like you understand where *our* freedom comes into play in any of this, then we're just going to ignore you.

74. 74

[April 8th, 2010 at 11:25 am](#)

Persia

@[ChicagoTom](#): Pissing on the dead. You're a class act.

75. 75

[April 8th, 2010 at 11:25 am](#)

ChicagoTom

Lots of people make choices that either harm others or that, if engaged in by large segments of society, would cause real problems. Society can restrict those choices. To believe otherwise is hopeless utopianism

Absolutely. But I don't allowing some places of business to exist that allow smoking falls into that category.

Would you support alcohol prohibition? Lots of real harm there and negative consequences on people who don't partake? Should alcohol only be allowed to be consumed in a private residence? If not, why not? What's the difference?

76. 76

[April 8th, 2010 at 11:25 am](#)

[themann1086](#)

PA's law is actually fairly reasonable. To allow smoking, you have to get a smoking license and not allow people under the age of 18 in. I don't have a problem with that, and I don't usually go to those places. Other states/cities have different laws. The government definitely has the right to regulate things which affect the health of others; whether or not they should, or how they should do it, is a different question, but

of course not one libertarians usually entertain.

77. 77

[April 8th, 2010 at 11:26 am](#)

mistermix

@[jrg](#): No, the reason for banning public smoking is direct harm to others, always, in normal use. The reasons you give for banning drinking are harm to self and rare harm to others with abuse.

See, just like the guy at Cato, you get it mixed up.

78. 78

[April 8th, 2010 at 11:26 am](#)

RSA

@[ChicagoTom](#):


It is absolutely paternalism when you try to protect people who maybe not want to be protected or try to protect people from themselves or their own bad decisions.

I'm fine with that definition, and I'm also fine with the distinctions mistermix makes about the justification for some forms of paternalism. Here are a few areas of paternalism I like: laws against job discrimination (even if some libertarians argue that they infringe on rights of free association), laws against sexual harassment in the work place (ditto—the argument is that people can just quit if they don't like being felt up by the boss), laws about seatbelts and motorcycle helmets, ...

79. 79

[April 8th, 2010 at 11:27 am](#)

BC

Shorter Chicago Tom: If I want to pollute the air in every restaurant and bar I enter, then that's my right, dammit 

80. 80

[April 8th, 2010 at 11:27 am](#)

scav

@[kommrade reproductive vigor](#): That's the problem when you're sledding down a slippery slope on an Overton window. Broken glass everywhere. Best to abandon the wreckage while people try to erect a utopia where no-one ever has to compromise on anything, ever. Should keep them happily occupied for a while.

81. 81

[April 8th, 2010 at 11:29 am](#)

khead

I don't think I want to live in a world where a simple majority gets to dictate to others how to live.

I would start looking for a gun or tall building this very afternoon.

82. 82

[April 8th, 2010 at 11:29 am](#)

flukebucket

The one thing I will never complain about is second hand pot smoke.

83. 83

[April 8th, 2010 at 11:31 am](#)

jrg

@[mistermix](#):

No, the reason for banning public smoking is direct harm to others, always, in normal use.

Not everyone exposed to second-hand smoke will get emphysema, just as not everyone who rides in a car will get hit by a drunk driver.

84. 84

[April 8th, 2010 at 11:33 am](#)

Mnemosyne

@[ChicagoTom](#):

Obviously, one can claim direct harm from second hand smoke, but this statement seems to imply that you are somehow forced to inhale it. You don't have to go to an establishment that allows smoking. You aren't entitled to have smoke free establishments (without the government mandating it)—that isn't a "right". And in fact forcing people to not allow smoking in their place of business infringes upon the business owners right to run the business the way he sees fit (for better or for worse).

That's why anti-smoking laws are very rarely enacted for the benefit of the patrons. In most states—including California and Illinois—they're actually *worker protection laws*. That's because a restaurant patron can choose to not go to a restaurant, but someone who wants a job as a server or bartender not only doesn't have the same free choice, they generally have to stand around in the smoke for 8 hours straight.

The funny part is, when they survey restaurant and bar owners two or three years after these laws go into effect, they absolutely *love* them and do not want to have them repealed, because they cut way down on employee absenteeism, health insurance claims, and employee turnover. Not to mention the additional business that many of them see from non-smokers who can now sit at their bar for an extra hour or two (with accompanying drinks and appetizers) because they can breathe.

Anti-smoking laws in public places actually end up benefiting the business owners in a major way. Who knew?

85. 85

[April 8th, 2010 at 11:33 am](#)

ChrisZ

@[jrg](#):

And yet we ban drunk-driving anyway. Your point?

86. 86

[April 8th, 2010 at 11:35 am](#)

ChicagoTom

@[BC](#):

Shorter Chicago Tom: If I want to pollute the air in every restaurant and bar I enter, then that's my right, dammit

Wow—reading must be really hard.

It isn't my choice, or your choice. It's the owner of the establishment's choice. And I can choose to go there or not.

Really it isn't hard. Unlike most people on this thread I am not trying to tell others what they have to do or what they can and can not. I am merely saying that the government shouldn't be doing it.

If I want to go to a bar but that bar doesn't allow smoking, I am fine with that. I don't want to force anything on anyone. But I don't want to be forced either.

There is no reason why smoking and non-smoking establishments can't live side by side, and no societal reason to restrict those choices. No one is forced to go to any place of business, and no one is entitled to have that place of business be smoke free or smoke full.

Unless what your goal really is, is to make it so hard/expensive/inconvenient to smoke that you are trying to do a back door ban.

87. 87

[April 8th, 2010 at 11:36 am](#)

Mnemosyne

@[ChicagoTom](#):

And there are people who are going to work in mines even though it's a dangerous and high risk job and they have no other options.

Should that be forbidden too?

So you're arguing against worker protection laws? Because that's what happened in West Virginia—the mine owner ignored the regulations and forced the workers to keep going until the damn thing exploded. That mine was cited just last month for safety violations.

So now you're saying it was the *workers'* fault for continuing at the job and not the owner's fault for creating dangerous working conditions?

Jesus, you're an asshole.

88. 88

[April 8th, 2010 at 11:39 am](#)

ChicagoTom

The funny part is, when they survey restaurant and bar owners two or three years after these laws go into effect, they absolutely love them and do not want to have them repealed, because they cut way down on employee absenteeism, health insurance claims, and employee turnover. Not to mention the additional business that many of them see from non-smokers who can now sit at their bar for an extra hour or two (with accompanying drinks and appetizers) because they can breathe.

Anti-smoking laws in public places actually end up benefiting the business owners in a major way. Who knew?

And if you repeal those laws, I would wager some places would stay smoke free and others would allow smoking. And that would be a better outcome for everyone involved.

Personally, I think we were going to see an uptick in non-smoking establishment without the law. Already there were more and more places banning smoking on their own, couple with the fact that less people are smoking, and that smoking education campaigns seemed to working, it m makes financial sense to go smoke free.

The law may have hastened that transition, but I think it was a sledgehammer solution. Heck I would even support a tax credit for going non-smoking or something like that to encourage places to go non-smoking rather than an outright ban.

89. 89

[April 8th, 2010 at 11:40 am](#)

El Cid

Why should these rights to emit particulates and gases into the local environment be restricted to smoking? Where's my right to carry around room deodorizer and spray it anywhere I want, whenever I want? I'm sure there would be many to agree with me. Or canisters of body odor-smelling gases? Why should my freedom to spray body odor gases be restricted by people who could choose to work or shop elsewhere?

90. 90

[April 8th, 2010 at 11:42 am](#)

ChicagoTom

So you're arguing against worker protection laws? Because that's what happened in West Virginia—the mine owner ignored the regulations and forced the workers to keep going until the damn thing exploded. That mine was cited just last month for safety violations.

No i am acknowledging the reality that some jobs have higher risks than others. That's the way it goes.

All the safety regs in the world won't make mining a "safe" job. It might mitigate certain risk, but it won't eradicate black lung or many of the other health effects that occur in high risk occupations.

91. 91

[April 8th, 2010 at 11:44 am](#)

Martin

And in fact forcing people to not allow ~~smoking~~ *sex with boys* in their place of ~~business~~ *worship* infringes upon the ~~business owners~~ *priests* right to run the ~~business~~ *church* the way he sees fit (for better of for worse).

Fixed. Winning argument you have there.

92. 92

[April 8th, 2010 at 11:45 am](#)

jh

It isn't my choice, or your choice. It's the owner of the establishment's choice. And I can choose to go there or not.

Tom you are missing the point.

The resturaunt is not the proprietor's home.

The resturaunt is in the business of providing a public accomodation.

As such he is required to follow certain rules.

Having a workplace in which his employees are not subjected to second hand smoke (and by extension his patrons) is one of those rules.

Just like he has to meet certain standards for the preparation, storage and handling of food, as well as the overall cleanliness of his establishment, he is not permitted to allow other patrons to pollute the air in his establishment.

This is a health and air quality issue, which in the case of our society trumps the rights of the smoker and the restaurant owner.

To reiterate, the restaurant owner is subject to regulation because he has employees and because he is providing a public accommodation.

This isn't rocket science.

93. 93

[April 8th, 2010 at 11:46 am](#)

Darkmoth

Yes, sometimes I NEED to eat in a public restaurant, such as when I'm traveling down the road during a storm, it's late, I'm tired, and I'm hungry. Or should I have planned better and packed a lunch on the off chance that the weatherman was wrong?

No, you don't really *need* to. You want to. What if the restaurant you planned to stop at burned down the previous day? Now you can't indulge your "need". What are the consequences?

You're not going to starve. You can pee on the side of the road, or sleep in your car. You could even drive 5 more miles to a restaurant that hasn't burned down. So you don't need that particular restaurant. You could make the case that you need some restaurant, somewhere, before you starve. But unless you're a week from civilization, you aren't going to starve before you find someplace to eat. Even given an aggregate "need", you can hardly make the case in each instance.

You are conflating necessity with convenience, which unfairly weights your rights against the rights of the person providing that convenience. If you **need** to eat at my restaurant, am I morally bound to keep it open an extra 10 minutes so you can get a table? Clearly I'm not bound if you're just peckish, but if you are dizzy and fainting, my onus is magnified.

Some of this smoking debate IS about need (banning smoking in a public building). But some is about convenience and fashion, and that distorts the perceived rights of those involved.

94. 94

[April 8th, 2010 at 11:46 am](#)

jrg

And yet we ban drunk-driving anyway. Your point?

...Is that people still drive drunk, and using the logic presented above, the best way to prevent drunk driving is to outlaw alcohol. This is also the best way to prevent children from growing up with an alcoholic parent.

I'm not arguing that people should be able to smoke in restaurants and bars. Outside is fine with me. I'm just saying that there has to be a limit to how much personal freedom we are willing to surrender for the greater good.

Should we outlaw red meat? Normal use of it is not healthy, and outlawing it would probably reduce healthcare costs for everyone.

There is a tradeoff here that no one seems to recognize because the proximate discussion is about smoking, which is a habit most people despise.

95. 95

[April 8th, 2010 at 11:47 am](#)

Zifnab

ChicagoTom, proudly standing up for the poor, oppressed billion dollar Tobacco Companies.

Can we get another firm denial that cigarettes are a cause of lung cancer next? Perhaps a rousing cry of, "It's my freedom to blow smog in your face."

@[ChicagoTom](#):

The law may have hastened that transition, but I think it was a sledgehammer solution. Heck I would even support a tax credit for going non-smoking or something like that to encourage places to go non-smoking rather than an outright ban.

Why use a sledgehammer when the world's tiniest chisel will do?

Sorry, but you're preaching to the wrong crowd. With a uncle dying a slow and painful death of emphysema, I've got absolutely no pity for the "I have a right to smoke!" crowd.

96. 96

[April 8th, 2010 at 11:47 am](#)

ChicagoTom

@[Mnemosyne](#):

So now you're saying it was the workers' fault for continuing at the job and not the owner's fault for creating dangerous working conditions?

What the fuck is wrong with you? Are you so quick to demonize anyone who doesn't conform to your world view that you choose to put words in peoples mouths.

Mining is a dangerous job. Period. FULL STOP. That doesn't mean we should outlaw mining – in the name of protecting workers though.

I didn't blame anyone. Please show me where I blamed the miners for what happened.

97. 97

[April 8th, 2010 at 11:47 am](#)

slippy

@[cervantes](#):

These people think they're terribly smart, but they just don't get something very basic and obvious.

I've noticed that when they are on the wrong side of a debate, libertarians and Republicans often become instantaneous "experts" on just about every subject imaginable. Over on Flickr there is an hysterical thread of mis-spelled teatard signs, and inevitably in the comments for each photo you find some teatard who is an "expert" at photoshop but curiously calls it "photo shop" as if they've only heard of it and never used it.

98. 98

[April 8th, 2010 at 11:49 am](#)

slippy

I'd expect better from a guy at Cato

I don't. I keep my expectations of Cato Institute emissions' quality, integrity, and credibility *quite* low because it is very disappointing otherwise. Generally if Cato says it I can safely believe the exact opposite.

99. 99

[April 8th, 2010 at 11:50 am](#)

ChicagoTom

@[Zifnab](#):

With a uncle dying a slow and painful death of emphysema, I've got absolutely no pity for the "I have a right to smoke!" crowd.

It is absolutely terrible that your uncle is dying from emphysema. But that doesn't mean your uncle didn't/doesn't have the right to choose to smoke (even though i don't think people should smoke and that it is a stupid and disgusting habit) nor does it mean that because your uncle is sick, that others should be forbidden from smoking.

100. 100

[April 8th, 2010 at 11:52 am](#)

jh

You're not going to starve. You can pee on the side of the road, or sleep in your car. You could even drive 5 more miles to a restaurant that hasn't burned down. So you don't need that particular restaurant. You could make the case that you need some restaurant, somewhere, before you starve. But unless you're a week from civilization, you aren't going to starve before you find someplace to eat. Even given an aggregate "need", you can hardly make the case in each instance.

These are the exact same arguments that were made when people were telling my grandparents and parent why they couldn't eat at certain restaurants, or use certain facilities.

After all, there was the Green Book

http://americanhistory.si.edu/.....t_583.html

Which provided negroes with a handy guide to where they could eat, shit and lay their heads.

Under that system, there was no need to infringe upon the rights of owners of dining and lodging facilities to run their businesses as they saw fit.

Inanity like CT and Darmouth above is why I have very little patience with Libertarians.

101. 101

[April 8th, 2010 at 11:52 am](#)

El Cid

Why again weren't the Ferengis more widely seen as the good guys in that Star Trek series, instead of the mean old conformist soshullist Federation? Weren't those interstellar tradesmen the only free beings in the whole series?

102. 102

[April 8th, 2010 at 11:55 am](#)

DougL (fmrly: Conservatively Liberal)

@[jh](#): “Just like he has to meet certain standards for the preparation, storage and handling of food, as well as the overall cleanliness of his establishment, he is not permitted to allow other patrons to pollute the air in his establishment.”

We have a local restaurant where the public BATHROOMS are accessed via the KITCHEN. Yes, patrons have to pass through the KITCHEN to use the BATHROOM and then pass through once again to return to their table. I guess it makes it easy to see what’s for dinner, eh?

But at least nobody is smoking there.

103. 103

[April 8th, 2010 at 11:55 am](#)

ruemara

@[jrg](#):

So, you’re saying we should just sit there and calculate our chances?

Look, to you, ChicagoTom and all the new glibertarians who have shown up to defend your freedoms. There is no absolute right freedom in the public sphere. Period.

If a restaurant is large enough, they can create a smoking area to accommodate smokers. The reason why there are smoking bans-it has been proven, beyond any shadow of a doubt, that smoking is a health hazard. Since you cannot direct your smoke to a specific egress and all persons near you cannot explain to the smoke that they do not wish to inhale it, for the public good, governments directed by an overwhelming majority of the voting public (key phrase) have instituted bans. Why? Because the ensuing loss if health, burden on public systems etc., etc. has been deemed by that public as not worth the “freedom” to light up tobacco in every place you can think of that is not your house.

Your entire loss of freedom thing is dependent on you not being willing to walk a few feet outside to smoke or not liking that you may have to smoke in a specific section. Which isn’t exactly all that lossy to freedom. Unfortunately, non-smokers can’t enjoy the same freedom of movement to not smoke in a restaurant and a bar. It’s not like non-smokers are forcing themselves on cigar bars, this is just simple pleasures of food & alcohol, so man up & walk outside.

104. 104

[April 8th, 2010 at 11:58 am](#)

flukebucket

Back before it was against the law in Georgia to smoke in restaurants anytime we were asked whether we preferred the smoking or non-smoking section my wife and I always chose smoking because

- a) you could always get a seat quicker
and
- b) very rarely did anybody ever light up a smoke

It was a win / win.

105. 105

[April 8th, 2010 at 11:58 am](#)

Chad N Freude

@[ChicagoTom](#):

I value freedom. You value forcing others to live an approved lifestyle.

I infer from that that being able to smoke in public places is freedom and going to public spaces and businesses that solicit my patronage without being subject the odor and carcinogens of smoke is not.

Is it possible that two individuals each exercising a particular freedom might lead to conflict? If so, how do we resolve such conflicts? I kind of like the force majeure approach cited above, especially if the bigger individual is exercising the freedom I like.

The word “freedom” is tossed around pretty glibly, without any consideration that exercise of the freedom to do some particular thing may have significant negative affects on other individuals or society as a whole. If I am free to carry a gun, am I not also free to carry an atomic bomb? If my freedom to drive without a seat belt is not restricted, do the taxpayers of my community have the unrestricted freedom not to pay for the ambulance, police, and emergency room required if I have an accident? Exercising a freedom cannot be absolute and unlimited. It has to subject to a risk analysis: if some action is unconstrained, what is the likelihood of a negative event? What are the potential costs that would result from that negative event vs. the cost to the individual of putting some constraint on the freedom at issue? Is not imposing a constraint worth the potential cost to other individuals?

But it’s so much easier to blather on about “freedom” than it is to think about the complexities of interactions and consequences, so let’s just keep asserting that we value freedom and stop there.

106. 106

[April 8th, 2010 at 11:59 am](#)

Zifnab

@jrg:

...Is that people still drive drunk, and using the logic presented above, the best way to prevent drunk driving is to outlaw alcohol. This is also the best way to prevent children from growing up with an alcoholic parent.

Historically, that’s proven to be untrue. People want to drink, and if you outlaw it entirely, they’ll drink anywhere they don’t think they’ll be caught.

Sane and sensible regulations – requiring people to drink in their homes or in licensed establishments, limited activities that alcohol would make dangerous, offering social services to help combat addiction and encourage responsible use – go a long farther in preventing drunk driving and alcohol abuse than blanket bans.

It’s the same argument progressives have been pushing in repealing or softening drug crimes laws. I completely support decriminalization of marijuana AND I completely support banning smoking in public places like bars and restaurants. How do I reconcile this? Because I support what I believe will do the greatest good at the smallest cost.

Extremes – like blanket bans – are very expensive and don’t achieve the blanket extermination of use. And unlimited, unregulated use lets people foist externalities – pollution, crime, etc – off on non-participants.

Sensible, regulated, nuanced systems work better than all-in / all-out mentality.

107. 107

[April 8th, 2010 at 12:02 pm](#)

burnspbesq

@Chicago Tom:

“I would wager that you would be quite willing to support a complete ban on tobacco, right?”

I won't presume to speak for the author of the comment to which you were responding, but I could enthusiastically get behind a ban on the growing, distribution, and sale of all forms of tobacco. We ban the use of highly effective pesticides, because the negative externalities (widespread damage to human and animal health) are perceived to outweigh the benefits and there is no market mechanism that can efficiently move the costs associated with those externalities to where they belong. We mandate the use of helmets by motorcycle riders for the same reasons.

The only meaningful difference between tobacco and DDT is that there are more smokers than farmers, so the political will to impose an outright ban on tobacco probably won't exist anytime soon. Under those circumstances, an increasingly stringent regulatory environment that reduces the number of places where smoking is permitted, and a marketing campaign aimed at turning smokers into pariahs, seem like perfectly OK second-best solutions.

108. 108

[April 8th, 2010 at 12:02 pm](#)

El Cid

@[ruemara](#):

Your entire loss of freedom thing is dependent on you not being wi[l]ling to walk a few feet outside to smoke or not liking that you may have to smoke in a specific section

Having to go outside to smoke or move booths is *just like being sent to Stalin's Gulags*.

109. 109

[April 8th, 2010 at 12:03 pm](#)

twiffer

@[ChrisS](#): when i lived in Bethesda, there was an ordinance proposed that would have banned you from smoking in your own home if your neighbors could smell it. didn't pass, but it's not a far fetched claim, because it's been attempted.

then again, the was that recent proposed bill in NYC to ban the use of salt by chefs.

anyway, my anecdotal experience is that most people are worried about the smell of cigarette smoke than getting cancer from it (as a [non-smoker](#), you are more likely to get lung cancer from radon anyway). i say this as a pipe smoker and former cigarette smoker. people honestly don't seem to mind the pipe smoke, yet it is just as much second-hand smoke as cigarette smoke. frankly, it's weird.

anyway, yes, i know smoking is bad. second-hand smoke isn't great for you either, but most of the harm is from long-term exposure. i miss smoking in bars, not so much restuarants. i do still think it should be up to the owners though: there were plenty of smoke free places prior to bans and if people want to expose themselves, informed, to the risk, so be it. moot point though, and i'm not going to spend much time arguing it. then again, i'm also the sort of person who will ask those i'm with if they mind my smoking. i tend to get out of the way to smoke, so it does irk me if someone comes to where i am already smoking and then complains about it. but, smoking makes me an evil person, so i guess they are justified or whatever.

110. 110

[April 8th, 2010 at 12:04 pm](#)

Darkmoth

@[jh](#):

These are the exact same arguments that were made when people were telling my grandparents and parent why they couldn't eat at certain restaurants, or use certain facilities

Oh my god, really? *Really?* Let's conflate these:

- 1) Run into my smoky restaurant, order a burger to go, wait outside til it's done, and
- 2) Run into my whites-only restaurant, get dragged out and arrested, beaten or both.

Seriously, what the fuck? When you cast your need for a quick snack as the equivalent of Jim Crow, you have lost sight of some important shit.

111. 111

[April 8th, 2010 at 12:05 pm](#)

jrg

There is no absolute right freedom in the public sphere.

I'm not arguing that, I'm just asking where the line is drawn.

Your entire loss of freedom thing is dependent on you not being willing to walk a few feet outside to smoke or not liking that you may have to smoke in a specific section.

I don't see this as a discussion about smoking outside. I see this as a step towards a back-door ban of smoking... Soon it will be 20 feet from the entrance of the bar, then it will be 100 feet from the entrance, then you won't be permitted to smoke in your car (such a law was recently introduced in Britain).

I don't even have a problem with a smoking ban, per se. I'm simply stating that the same logic used in this thread can be applied to damn near anything, and no one seems to care because the discussion is about smoking.

112. 112

[April 8th, 2010 at 12:09 pm](#)

burnspbesq

And oh by the way, there is no doubt that an outright ban on tobacco would be found Constitutional under the currently prevailing modes of Commerce Clause analysis. Rational basis? I got your rational basis right here.

113. 113

[April 8th, 2010 at 12:10 pm](#)

jh

Oh my god, really? Really? Let's conflate these:

No one is conflating anything.

Chicago Tom clearly stated

I am saying that it's up to the owner to decide what is right for them and their business. Why is that so offensive to people?

The answer being, because if you are providing a public accomodation, your right to run your business as you see fit does not override the public's need not have harm done to them.

But thanks for missing the point.

114. 114

[April 8th, 2010 at 12:12 pm](#)

ruemara

@[jrg](#):

Um, you're not asking where the line is drawn. You're throwing in conflated examples to create the idea that smoking regulation on issues of public health and safety are a theft of personal freedom. Asking where the line is drawn would be "I can see why people may wish to have smoke free bars & restaurants, but I think it is wrong to try to control what happens in people's homes. I also am concerned that there may be attempts to increase the distance a smoker must go in a public place as an incremental ban attempt. Where do we balance individual freedom versus tyranny of the majority?" Then I could say, yes, sometimes people do go to far, but most of those attempts have failed, but excellent point.

Right now we're at "But ZOMG, fire burns so why not ban lighters and fire! If you're so concerned about health!"

& jh, dude, you just said that smoking bans are like Jim Crow laws. You're not just conflating, you're hyperventilating. I can't tell if I'm offended or about log into Facebook and tell every person I know about this exchange.

115. 115

[April 8th, 2010 at 12:15 pm](#)

Zifnab

@[ChicagoTom](#):

But that doesn't mean your uncle didn't/doesn't have the right to choose to smoke (even though i don't think people should smoke and that it is a stupid and disgusting habit) nor does it mean that because your uncle is sick, that others should be forbidden from smoking.

And if he put a gun in his mouth, he should have the right to pull the trigger. Blah blah, freedom. Ask him today if he regrets his pack-a-day habit, and he'd drop it in a heartbeat. But it's a bit late for that.

Seriously, do you walk the halls of hospitals, telling car wreck victims they should have the right to not wear seat belts? Do you try and rabble rouse guys with food poisoning against the FDA?

Are you being deliberately dickish, or are you really this stupid?

116. 116

[April 8th, 2010 at 12:17 pm](#)

Martin

I don't see this as a discussion about smoking outside. I see this as a step towards a back-door ban of smoking... Soon it will be 20 feet from the entrance of the bar, then it will be 100 feet from the entrance, then you won't be permitted to smoke in your car (such a law was recently introduced in Britain).

You seem very concerned.

It's always easy to make the case for what hasn't happened, isn't it? The fact is that smoking in cars hasn't been banned, nor has smoking 20 feet from the entrance of the bar, nor has smoking been banned altogether. Why don't you come back when those things happen.

117. 117

[April 8th, 2010 at 12:19 pm](#)

jrg

@[Zifnab](#):

I agree with your views 100%, but I also believe that the steps being taken to prevent smoking in public are part of a wider attempt to ban smoking altogether.

If we're going to ban smoking, the discussion should be about the adverse affects on the user, rather than the "think of the children"-style approach that pushes the threshold for third-party damage further and further and further out.

The lower that threshold becomes, the more we establish the greater good as a trump card for individual choice... And before someone reminds me that *addiction robs choice*, I'd like to re-iterate that this could very well establish precedent for non-addictive behaviors, as well.

118. 118

[April 8th, 2010 at 12:21 pm](#)

The Moar You Know

Libertarians don't care about the consequences of various policies; Libertarians don't care about making the world a better place; and most importantly Libertarians don't have to do any work in order to argue their position. They come up with a set of "rights" and say that any violation of them, no matter how small and no matter the good that could come from that small infringement, is unacceptable. It is an incredibly easy debater's political position, because it requires no research and no nuance and has the rhetorical power of absolute rules. I suspect this is the primary reason it's so popular among college-age students and assholes.

@[ChrisZ](#): I have \$1000 in a savings account that I would spend on having this chiseled into a granite monument and placed squarely on top of Ayn Rand's grave. Anyone want to join me?

119. 119

[April 8th, 2010 at 12:22 pm](#)

Darkmoth

@[jrg](#):

I don't even have a problem with a smoking ban, per se. I'm simply stating that the same logic used in this thread can be applied to damn near anything, and no one seems to care because the discussion is about smoking.

I think that's exactly right. It's the "smoking" part of the discussion that muddies the waters.

A better example would be something we all do – peeing. In most cities, it's illegal to urinate in a public place. At the same time, many businesses (certainly in my area) only allow customers to use their bathrooms.

So, should businesses be mandated to allow the public to use their restrooms? If so, you are imposing costs on those businesses by forcing them to clean up after random strangers. If not, you are forcing people to grit their teeth and plan better next time, the exact mantra of personal responsibility that gets people so, uh, pissed off. Or, do you let people pee on the streets?

One doesn't have to be a glibertarian to be able to acknowledge that the behavior regulation of is fraught with complexity.

120. 120

[April 8th, 2010 at 12:22 pm](#)

FlipYrWhig

Hey, I just realized, you know what's fascinating? Different people have different opinions about the

balance between liberty and regulation! If only there were some sort of *institution* that would make determinations about these things, whose composition we might somehow affect...

121. 121

[April 8th, 2010 at 12:22 pm](#)*jrg*@[Martin](#):

The fact is that smoking in cars hasn't been banned, nor has smoking 20 feet from the entrance of the bar, nor has smoking been banned altogether. Why don't you come back when those things happen.

[Uhh, OK.](#)

122. 122

[April 8th, 2010 at 12:24 pm](#)*FlipYrWhig*@[ChrisZ](#):

It is an incredibly easy debater's political position, because it requires no research and no nuance and has the rhetorical power of absolute rules. I suspect this is the primary reason it's so popular among college-age students and assholes.

That was fuckin' *righteous*. I'm very tempted to fling it at my millionaire libertarian friend.

123. 123

[April 8th, 2010 at 12:24 pm](#)*L Boom*

Can I just get a quick answer from the glibertarians?

Here's my question: does the government have the right to legislate public health standards?

I just want a simple answer as to whether or not my local government has the right to tell me when and how to process the human waste of a hypothetical family of a husband, wife and two kids.

I'd also be very interested to know why or why not, if you can be bothered for an explanation.

124. 124

[April 8th, 2010 at 12:28 pm](#)[russell](#)

This idea that I should be entitled to go to any establishment I want, and be free from second hand smoke is ridiculous.

Why the f*** not?

I'd say the idea that somebody should be able to smoke around non-smokers in any public place is ridiculous.

OTHER PEOPLE'S SMOKE WILL KILL ME.

So I should be able to go into any public place with the default expectation that people will not be smoking there.

And I say that as a former very avid smoker.

125. 125

[April 8th, 2010 at 12:29 pm](#)

ruemara

@jrg:

See, that law, or attempt at one, I feel it goes too far. If you don't like the smoke, move away. No harm no foul. I don't think it will happen. I'm not likely to rise up in the streets to save the smokers because it's a crappy habit, but, yes, that is an overreach.

126. 126

[April 8th, 2010 at 12:30 pm](#)

Zifnab

@jrg:

I agree with your views 100%, but I also believe that the steps being taken to prevent smoking in public are part of a wider attempt to ban smoking altogether.

I don't think we're ever seriously going to try and ban smoking again. But we may approach this Grover Norquist style, hoping we can shrink smoking down and drown it in the bath tube.

127. 127

[April 8th, 2010 at 12:33 pm](#)

jl

For desparing Reason-style glibertarians information, there is no consensus advocacy for banning tobacco smoking in the tobacco control community that I know of. Since I am a death-panelist, I deal with the jack-booted thugs of the anti-tobacco Stalinists.

Also, IM not very H O in this matter (since I understand the statistics and the studies) the movement to protect the population from passive smoking followed the evidence that it was harmful. The evidence was not manufactured in order to torment smokers.

There is controversy in public health about what to do if passive smoke in apartment buildings leaking into different rooms turns out to be harmful, since regulations against smoking there could be a de facto ban on smoking for many people.

Many in public health understand bans, de facto or otherwise, can be counterproductive, especially with addictive drugs.

My theory has been that glibertarians really admire force. If a smoker whips out a cigarette and starts to smoke anywhere any time, and blows off people who object, for whatever reason, then that is his or her right. That, IMHO, is how their system of entitlements and exercise of personal rights works. Might makes right, unless it is the government, in which case it is always very bad, no matter how many benefit from it.

128. 128

[April 8th, 2010 at 12:35 pm](#)

Mayur

Wow, this is the most disingenuous sets of arguments I've heard from posters on this blog.

Martin: Don't be ridiculous. Having sex with little boys is CRIMINAL conduct, whereas smoking is not.

Or is the issue that you would just like to criminalize smoking... in which case, why not just be honest about it?

Look, if smoking is criminal conduct, period, that's one thing. If, OTOH, it's a legal activity (as it currently is in our society), then it seems to make sense to have *private* establishments that allow smoking on the premises... provided it can be shown that the establishment doesn't endanger non-patrons with secondhand smoke and uses ventilation that mitigates smoke buildup, and that all employees of the establishment have explicitly stated their support for and acceptance of smoking on the premises. (One could actually insert a requirement that the establishment be owner-operated; that's one solution that was on the books for a while in NYC, for example.)

There are numerous bars that have an overwhelming majority of smoker employees and have customers who are both willing to entertain secondhand smoke and want the ability to smoke themselves. Why not allow those places to exist?

As to the existence of choice and the nightmare scenario of stopping in on a deserted roadside in bad weather only to find a smoke-filled establishment: Resolve it through zoning restrictions. I can as easily create an analogous scenario with oversalted food, or fatty food, or goodness-knows-what other health hazard. Rest stop restaurants should almost certainly be non-smoking only... but they also don't, say, have the option of serving only alcohol and no food (which a late license here gives you). Tie smoking to late licenses or whatever other restriction makes sense, but making smoking illegal by baby steps is really just a poor alternative to banning it entirely and criminalizing cigarettes. If that's what you want, just do that.

129. 129

[April 8th, 2010 at 12:36 pm](#)

Darkmoth

@jh:

The answer being, because if you are providing a public accomodation, your right to run your business as you see fit does not override the public's need not have harm done to them.

But thanks for missing the point

I didn't miss it at all, I simply strongly object to you basicly Godwinning a simple point with an amazingly insulting and fraught equivalence. The paragraph I quoted made your point just as clearly.

But to your actual point, the issue isn't whether my right to cause harm overrides your safety, it's whether I am actually causing harm. You're trying to say I'm harming you by allowing smoking, because your desire to come into my restaurant provides you with an unalienable right. I'm not coming to your house and smoking. I'm not sitting in your back seat. I simply have a building that, if you enter, will subject you to smoke.

Now you will note that I'm not even barring you from the premises. I am giving you a choice. Your contention is that the choice to inhale secondhand smoke, or eat at my restaurant, is not one that anyone should ever have to make. It's that contention that I find indefensible, especially considering that the government allows the choice to smoke in the first place.

130. 130

[April 8th, 2010 at 12:36 pm](#)

FlipYrWhig

@jl:

My theory has been that glibertarians really admire force.

Certainly suits the asshole demographic.

131. 131

[April 8th, 2010 at 12:37 pm](#)

jl

jrg @117

“I agree with your views 100%, but I also believe that the steps being taken to prevent smoking in public are part of a wider attempt to ban smoking altogether.”

I have to deal with these anti-tobacco crusaders. There may be some extremists who have that agenda. But for most of them, I firmly believe jrg’s statement is categorically false.

Most in the public health community realize that banning anything that a large number of people want to consume, especially addictive substances, is counterproductive.

Anti-tobacco workers, non-profit advocacy, researchers and gummint, have their blind spots and problems, like any other community. Hidden agendas to ban smoking is not one of them, from everything I know in dealing with them.

132. 132

[April 8th, 2010 at 12:38 pm](#)

jrg

I’ve never seen so much disingenuous crap on this site as I’ve seen on this thread.

I’ve heard arguments that smoking should be banned outdoors – not because of second-hand smoke, but because kids might see you. The other day on NPR I heard a British doctor argue that smoking alone in your car should be outlawed – not because of the health risks of smoking, but because of driver distraction (like a radio isn’t).

A lot of people on this thread hate smoking so much (many for good reason – no doubt), that they are willing to establish any precedent at all to eliminate it.

Pointing this out does not make me a fucking libertarian.

EDIT: this was not directed at jl above. Maybe what he’s saying is true.

133. 133

[April 8th, 2010 at 12:39 pm](#)

Martin

My theory has been that glibertarians really admire force. If a smoker whips out a cigarette and starts to smoke anywhere any time, and blows off people who object, for whatever reason, then that is his or her right. That, IMHO, is how their system of entitlements and exercise of personal rights works. Might makes right, unless it is the government, in which case it is always very bad, no matter how many benefit from it.

So the libertarian solution would be a standoff where the smoker in Denny’s in the next booth should be able to freely exercise their right, even if some stray smoke might find its way into my lungs, and I, as a gun owner should be able to freely exercise my rights, even if some stray bullets might find its way in the smokers lungs.

134. 134

[April 8th, 2010 at 12:42 pm](#)

Martin

@[jrg](#):

I've heard arguments that smoking should be banned outdoors – not because of second-hand smoke, but because kids might see you.

I've heard arguments that we should nuke countries engaging in cyber attacks against us. From a lawmaker even. Anyone who takes that seriously is a retard. To use it as a cudgel against trying to reduce the likelihood of a nuclear war would also make them a fucking douchebag.

135. 135

[April 8th, 2010 at 12:43 pm](#)

djork

I just quit smoking a little over 2 months ago (Go me!). I'm pretty much at the point where I can't stand the smell. However, I think that businesses should be allowed to choose. Here in Georgia, they can allow smoking if they limit their clientele to the legal smoking age and above. I'm fine with that. Most of the restaurants I eat at these days don't allow smoking, mostly because my girlfriend never smoked and she doesn't like going to smokey places. The few I still frequent that do allow it are basically a rock club that I only go to for occasional shows and my favorite dive bar, which frankly wouldn't be the same without smoking. I've frequented both a lot less since I quit and that's a loss for the business owners, but I believe that's a choice they should be able to make. I'm choosing to go to their places less and less because they're choosing to allow smoking. It bums me out that I won't spend as much time at the dive bar, but I should probably work on my drinking next anyway.

Damn, now I want a smoke. Where's my (non-nicotine) gum?

136. 136

[April 8th, 2010 at 12:43 pm](#)

scav

Quick Quick! We've identified the new ACORN! It's the Humane Society with their SECRET PLAN to REMOVE ALL MEAT from Red Blooded American Plates! All hail [Rep King \(R-IA\)](#)! We've clearly slid on the broken glass down to the next terrifying mogul on this slippery slope!

137. 137

[April 8th, 2010 at 12:43 pm](#)

Darkmoth

@[ruemara](#):

See, that law, or attempt at one, I feel it goes too far

Which is the underlying argument of slippery slopes. The fear that *this* application of law is fine, but the **next** might go too far.

138. 138

[April 8th, 2010 at 12:44 pm](#)

recklessrodent

There seem to be two arguments being made by those who favor banning smoking: 1) it is not about the customers, but about the employees (I think the question of mine work settles this one nicely); and 2) It is about my right as a customer to not inhale second hand smoke.

When I lived in Portland, OR the law (since changed) allowed smoking in bars and clubs. The funny thing is, most of the popular bars and clubs were non-smoking or had a smoking area in a seperate room away from everyone (akin to airports). Free enterprise seemed to work.

The prevalence of smoking in the 50s meant that there were hardly any establishments free of smoke. If smoking were that prevalent and a non-smoking bar or restaurant could not succeed – smoking bans would make sense. Protecting the rights of a minority that could not protect them themselves. Since now the situation is different and non-smoking businesses prosper with or without bans, proponents of argument 2 are infringing on the right of a minority of people to go to or run the kinds of establishments they wish.

To me, it seems that argument 1 is most compelling (this may have to do with working in labor) in that while a non-smoker can patronize or open another establishment, an employee cannot always find work in a non-smoking one. I think it is here that proponents of banning smoking indoors have a good point. But why is it that when the example of miners' work and conditions comes up, the response is not "along with smoking bans we should have incredibly strict and punitive laws ensuring workplace safety in mines" but "I want to have a beer with no smoke". Decide why you think the ban is justified and argue you are right.

If your goal in banning smoking to make one group of customers feel like they would like to (healthy, not breathing smoke, etc.) then the libertarian argument makes sense. Go to another restaurant/bar or open your own. As non-smokers are more than 2/3rds of the population there should not be much of a problem getting a business going.

If your goal is workplace safety then you're right (much as I'd like to have my beer and smoke at the same time). But then stay with your ideals. Push for miners to have better protection that is enforced by huge fines levied on negligent owners. Agitate about the fact that OSHA is often so understaffed that they take the word of employers that employee complaints aren't genuine. Throw a fit about maids in your hotel being asked to clean rooms so quickly that they end up with permanent back and hand injuries.

If you want to work to protect those without the economic power to protect themselves – do so. But don't limit your passion or sense of right to the one area where you are inconvenienced if no action is taken and where the broad opinion of the public (again – the majority are non-smokers) is already with you.

139. 139

[April 8th, 2010 at 12:44 pm](#)

The Moar You Know

So the libertarian solution would be a standoff where the smoker in Denny's in the next booth should be able to freely exercise their right, even if some stray smoke might find its way into my lungs, and I, as a gun owner should be able to freely exercise my rights, even if some stray bullets might find its way in the smokers lungs.

@[Martin](#): Ahhh, at long last. You finally understand true libertarianism.

140. 140

[April 8th, 2010 at 12:45 pm](#)

Micah616

As both a negro and a smoker, I have to say that the conflation of smoking and Jim Crow era racism is abhorrent.

141. 141

[April 8th, 2010 at 12:47 pm](#)

jl

@[Martin](#):

Damn straight. That is a good argument for public campaign to allow people to pack heat in Denny's.

As for jrg: Too bad you have heard silly arguments. As I said, there are extremists and too bad that NPR got a doc who said silly things. Actually, there is evidence that passive smoking in a car can hurt kids (cause asthma attacks, trigger development of asthma etc.) if they are chronically exposed for half an hour or more, which is quite often in cars.

I will not defend all the stuff you hear from any or all anti-smoking organizations. They have some bad addictive mental habits, like any other groups.

I can testify from having to sit in meetings with serious public health type people yammering about tobacco, that they realize that nicotine is very addictive, and banning it would cause problems. Most of them do not have any hidden agenda that I have ever heard.

I grew up around cheap ceegar smokers on a farm, and I like the smell of Roi Tan in the morning, brings back fond farm memories. I used to smoke and liked it, and dearly wish it did not kill you. I am not be any means an anti-tobacco fanatic. Grown-ups should be allowed to take risks if they want, but they should not be allowed to harm others as people go through their daily routines.

I readily admit that if, say, passive smoke exposure in apartments leaking into different living units proves to be harmful, that will pose a very knotty public policy dilemma. Not sure what the solution should be.

142. 142

[April 8th, 2010 at 12:51 pm](#)

jibeaux

Sheesh, I try to start a perfectly good conversation about 401(k)s and the psychology of choices, and everyone just has to pay attention to the shiny (well, probably more sooty) smoky troll. Smoking's fucking nasty and any of you doing it should quit, so let's talk about something else or maybe we could get a nice new smoke-free, healthy thread.

143. 143

[April 8th, 2010 at 12:54 pm](#)

Lisa

I was in the food court in a mall in West Palm Beach a few months back and I saw a guy using one of those Blu electronic cigarettes. He was exhaling some kind of steamy vapor that immediately dissipated. It kind of looks like a cigarette but clearly isn't as it has a bright blue light at the tip. It looked fascinating. As I was staring at him and wondering if I could stick some hash oil in there and use it to get high, I noticed that he was getting a lot of attention and the people watching this guy seemed to break down into two camps: 1) The curious camp that was likely wondering whether they could vaporize their weed in that thing and 2) The people who were really uncomfortable and pissed off – though it was CLEAR that that was not a regular cigarette and he was not actually “smoking”. Eventually, a woman at the table next to me (who was clearly having a very hard time watching him enjoy his contraption) finally said “Using that thing was setting a bad example for children – he might as well be working for a cigarette company” and also that she was not sure it was safe for his nicotine vapors to be in the air near others.

While most non-smokers just don't want to smell stankass smoke (ugh, hate when it settles in my hair), there are quite a few that do have some sort of paternalistic streak and just want to tell someone that they are gross and unhealthy and need to stop doing what they are doing. Since it is still considered bad form to publicly berate fat people and/or a person eating a quarter pounder with cheese, smokers are a good outlet for that nanny compulsion.

144. 144

[April 8th, 2010 at 12:54 pm](#)

Brachiator

@[mistermix](#):

For the people arguing that there's a direct harm from, e.g., lack of a savings plan, I was trying to keep the post short and sweet, and assumed the direct/indirect harm distinction was clear. It wasn't, so let me take a go at a little more explanation:

If you smoke a cig, and I inhale it, the harm to me is direct and immediate: some tar from your cigarette enters my lungs. It may well be that the tar from your cig might cause a mutation in one of my lung cell that causes cancer. (Unlikely, but possible.)

The harm to you is neither direct nor immediate. The risk that you will get cancer some years in the future might increase some degree, but it's not as though you are going to drop dead on the spot from second hand smoke.

(and I'm a non-smoker who does not work for or own stock in a tobacco company).

In the spring especially on windy days, my allergies go wild. I've had to take all kinds of crazy ass antihistamines and antibiotics to deal with inflammation and inability to breathe. Shouldn't I be able to have every dangerously offending tree and push yanked out of the freaking ground?

And by the way, soon the good people of Detroit will have to put up with [the stench of city workers](#). Or become French.

Detroit officials will be placing placards in three city buildings warning of various scented products to avoid from now on after a 2008 federal lawsuit filed by a city planner was settled last month.

...

Detroit city planner Susan McBride filed a lawsuit under the Americans with Disabilities Act after complaining about a co-worker's perfume, and claiming that made it hard for her to breathe and to do her job.

...

McBride was awarded \$100,000 in the federal case agreement on February 12. She will receive the amount within 60 days of that date.

...

The placards will soon be seen in the Cadillac Square Building, Coleman A. Young Municipal Center and First National Building. Employees will be asked to not wear "scented products, including ... colognes, aftershave lotions, perfumes, deodorants, body/face lotions ... (and) the use of scented candles, perfume samples from magazines, spray or solid air fresheners ..."

...

According to the lawsuit settlement notices will also go into the employee handbook and be part of the ADA training.

By the way, I'm not saying that some of these laws are unreasonable. But the claims about harm, public good, etc. aren't the slam dunks that some might wish.

145. 145

[April 8th, 2010 at 12:56 pm](#)

Mnemosyne

@[ChicagoTom](#):

And if you repeal those laws, I would wager some places would stay smoke free and others

would allow smoking. And that would be a better outcome for everyone involved.

Everyone except the employees and patrons, of course. In other words, it would be a better outcome the people who you think are important (the owners) but not for anyone else.

Mining is a dangerous job. Period. FULL STOP. That doesn't mean we should outlaw mining – in the name of protecting workers though.

Nobody's talking about banning people from owning bars and restaurants in the name of protecting workers. They're talking about banning a dangerous practice—smoking—inside those workplaces to protect the workers.

That's a pretty nice strawman, though—“You want to ban people from owning restaurants just because they want to let people smoke in them!”

I didn't blame anyone. Please show me where I blamed the miners for what happened.

You said, “And there are people who are going to work in mines even though it's a dangerous and high risk job and they have no other options.” When you compare smoking bans in the workplace to mining, you're saying that workers don't deserve to be protected from workplace dangers. You're also saying that the government shouldn't be allowed to interfere and insist that companies reduce workplace hazards to their employees if they interfere with the freedom of business owners to run things the way they like.

In other words, you said that miners (and servers/bartenders) know what the risks of the job are when they take the job, and if something bad happens *even if it's because of the company's neglect*, well, the worker should have thought of that before s/he took the job. That's what we call “blaming the worker,” dear.

146. 146

[April 8th, 2010 at 12:57 pm](#)

Viva BrisVegas

@[ChicagoTom](#):

And if you repeal those laws, I would wager some places would stay smoke free and others would allow smoking. And that would be a better outcome for everyone involved.

And I'd wager that you would be wrong.

If smoke free bars and restaurants were made voluntary then they would almost certainly disappear through competitive pressure.

For obvious reasons smokers are more motivated to seek smoking areas than non-smokers are to seek smoke free areas.

Since most people who frequent such establishments do so in small social groups, and since any small group is very likely to contain one or more smoker, the incentive for the smokers to ensure that the group attends a smoking establishment will be greater than the incentive for the non-smokers to do otherwise.

So non-smoking establishments will tend to be limited to non-smokers and smoking establishments will be patronised by both smokers and those non-smokers willing to put up with smoke for the sake of conviviality.

For a business owner it does not take much of a competitive disadvantage to put you out of business. If I was running a bar in a unregulated environment, I would certainly make sure it was a smoking bar.

The thing is that people will undertake harmful activity, i.e. breathing second hand smoke, for social benefit, i.e. sitting with your mates and getting pissed.

Is it the job of government to discourage such self destructive behaviour? It depends. In this case, which involves addicts inflicting their poison on others, I'd say the case is a slam dunk.

147. 147

[April 8th, 2010 at 1:11 pm](#)

AhabTRuler

Um, one more time for the dim: it's about the employees. And anyone that thinks that you can ask employees if they approve of smoking and can get a straight answer doesn't really understand economic coercion.

Oh, and the correct term is 'slippery slope fallacy'.

148. 148

[April 8th, 2010 at 1:13 pm](#)

Quackosaur

I, for one, welcome our paternalistic overlords' back-handed attempts at outlawing smoking. You'd think that of all the hills that libertarians could die over, they wouldn't choose something as socially useless, physically addictive, and personally harmful as smoking. Not to mention that many smokers seem to think that the world is their ash tray...

I'm sorry for these inexplicable defenders of smoking that alcohol consumption has been ingrained into human culture for thousands of years.[1] Tough shit. Life isn't fair. Magical free-market unicorns don't exist. Mama Rand won't swoop down from her perch atop the Invisible Hand to smite your ideological enemies.

Would banning smoking become the slippery slope toward the systemic banning of everything? Unlikely. Note that governments didn't really get serious about doing something about smoking until public opinion and consumption turned noticeably sour. It's not like these government officials run around looking for things that they should ban out of spite.

Here's a thought. Put some effort into electing people to public office who agree with you. Convince your elected leaders that they shouldn't ban your favorite, wholesome activity because it would be un-American or something. Guess what? Somehow, politicians are people too, and they do stuff, just like you. They're not going to outlaw things they do themselves (unless they like lying to themselves and those around them).

Yeesh, by the way you people are complaining about this, you'd think we were well on our way to a freedom-less hellhole governed by an artificial intelligence that hates humans or something. Get a grip. You are not Chicken Little. The sky is not falling. You might be Chicken Licken, as told in *The Stinky Cheese Man*, but we won't know until the Table of Contents falls on you.

[1] And before you complain, I know that smoking has also been around for thousands of years, but to claim that the general practice was as wide-spread geographically or as popular (and commonplace) as alcohol consumption would be a stretch, never mind that tobacco consumption is a relatively recent phenomenon for most of the world.

149. 149

[April 8th, 2010 at 1:14 pm](#)

Shygetz

If smoking bans in private establishments should be left to the proprietor, so should bans on assault. You're infringing on the owner's right to run his business as he sees fit! Maybe the owner thinks the occasional bar-fight will make his establishment more exciting...who are you to complain! If you don't

want to get punched in the nose, only go to assault-free bars and don't infringe on my Fight Club. Free market across the face, bitches!

Society has never worked this way. No owner of a public business has the power to allow one customer to injure another customer. And secondhand smoke injures people.

150. 150

[April 8th, 2010 at 1:16 pm](#)*djork*

If smoking bans in private establishments should be left to the proprietor, so should bans on assault. You're infringing on the owner's right to run his business as he sees fit! Maybe the owner thinks the occasional bar-fight will make his establishment more exciting...who are you to complain! If you don't want to get punched in the nose, only go to assault-free bars and don't infringe on my Fight Club.

Smoking is legal. Assault is not.

Other than that, great point!

151. 151

[April 8th, 2010 at 1:18 pm](#)*Comrade Kevin*[@Brachiator:](#)

In the spring especially on windy days, my allergies go wild. I've had to take all kinds of crazy ass antihistamines and antibiotics to deal with inflammation and inability to breathe. Shouldn't I be able to have every dangerously offending tree and push yanked out of the freaking ground?

Are you trying to be stupid with that comment? Trees are part of the natural environment, cigarette smoke is not. Perhaps you would like to have auto emission standards abolished, while you're at it?

152. 152

[April 8th, 2010 at 1:19 pm](#)*jh*

No owner of a public business has the power to allow one customer to injure another customer. And secondhand smoke injures people.

/this

153. 153

[April 8th, 2010 at 1:24 pm](#)*Mnemosyne*[@djork:](#)

Smoking is legal.

Well, it's legal for some people (ie adults). It's illegal if you're under 18.

Not quite sure why it's illegal to take a kid into a bar but it's perfectly legal to take them someplace where people smoke since the rationale for not letting them into the bar is that it's illegal for them to drink before they're 21.

154. 154

[April 8th, 2010 at 1:25 pm](#)*Keith*

A bit off-topic, but is this site crashing IE8 for anyone else? I've had it crash a Win7/IE8 machine at home every time, and it's doing it on an XP machine at work, too. (setting the rendering mode to IE7 or quirks mode from the DevToolbar seems to fix it)

155. 155

[April 8th, 2010 at 1:25 pm](#)*Adrienne*

Here's the bottom line: Your rights (as a smoker) end where my rights (as a non-smoker) begin. Period.

Your right to smoke does not give you the right to pollute common enclosed areas w/ smoke that physically harms others. Similarly, you can swing your fists around all you want but the moment that your fist hits my face your rights have ended. You can smoke all you damn well please, just not in enclosed public spaces. That's more than fair.

156. 156

[April 8th, 2010 at 1:28 pm](#)*Very Reverend Crimson Fire of Compassion*

@[The Moar You Know](#): I'm in.

157. 157

[April 8th, 2010 at 1:29 pm](#)*djork*

Well, it's legal for some people (ie adults). It's illegal if you're under 18.

True, which ties back into my thought that if a bar / restaurant owner wants to limit his customer and employee base to those over the age of 18 who don't mind sitting in stench-filled, smokey hole, then more power to him.

158. 158

[April 8th, 2010 at 1:37 pm](#)*Adrienne*

Smoking is legal. Assault is not.

Being forced to inhale YOUR smoke is literally, an assault on my lungs. I'm asthmatic and prolonged exposure to cigarette smoke can send me into uncontrollable coughing fits. Does that mean that I should be forced to live a life where I can't enjoy a meal out w/ my family or enjoy a drink w/ a friend...all because you can't be bothered to smoke outside? You CHOOSE to smoke, knowing all the risks and regulations it entails. If you don't like the rules that come along w/ it, there's an option: QUIT.

159. 159

[April 8th, 2010 at 1:40 pm](#)*Quackosaur*

@[Mnemosyne](#):

It is my understanding that (in the US) it was simply illegal for minors to *buy* tobacco products, *not* to

consume them. I certainly remember minors publicly smoking in a prominent place (conveniently not on school property) day after day when I was in high school only 5 years ago.

160. 160

[April 8th, 2010 at 1:42 pm](#)

Mnemosyne

@[djork](#):

True, which ties back into my thought that if a bar / restaurant owner wants to limit his customer and employee base to those over the age of 18 who don't mind sitting in stench-filled, smokey hole, then more power to him.

And if employment was completely elastic and it was easy for people to find jobs wherever they like at any salary they please, then your solution would make sense. However, until that day arrives, people will take jobs based on needing to have a job and not based on the working conditions. It's more than a little unfair to expect people to work under any conditions that their employer requires because, hey, they knew what they were getting into when they took the job, amirite?

161. 161

[April 8th, 2010 at 1:43 pm](#)

Micah616

@[Adrienne](#): In a similar vein, why would you just not go to a non-smoking restaurant? I'm not asking to be a smart ass. The way I see it if restaurant A has smoking, and restaurant B does not, it would make far more sense to go to B rather than trying to suffer with A. Why not just vote with your dollar?

162. 162

[April 8th, 2010 at 1:43 pm](#)

The Moar You Know

This thread sucks. I'm off to the next one.

163. 163

[April 8th, 2010 at 1:45 pm](#)

Mnemosyne

@[Micah616](#):

Here's a somewhat similar question: most airlines charge you to check a bag these days. Why do people still fly on those airlines rather than booking all of their trips on Southwest? Why has there not been a huge consumer revolt?

164. 164

[April 8th, 2010 at 1:46 pm](#)

schnooten

Lurker, upset with the framing of this argument. Libertarians think that the market will resolve these sorts of "rights" issues, because, for instance, those who do not want smoking in establishments can always go somewhere else, or open their own establishment. That's stupid. We have places of leisure because we want leisure. If every time I wanted to go (let alone work) somewhere to eat, drink, watch a movie, etc that did not allow smoking I either had to find someone who was risking financial ruin by limiting their choice of customers or open my own establishment, then my leisure options would either be wholly limited (in the former case) or not actually leisure (in the latter). There are also externalities in time, effort, and risk

behind opening up a business. Maybe on a long enough timeline the market will sort itself out and we will get those non-smoking bars, but in the meantime, workers' and customers' health is being endangered by other people's irresponsible behavior.

I'm all for the entrepreneurial spirit of this country, but relying on it alone to advance the public welfare is misguided and dangerous.

165. 165

[April 8th, 2010 at 1:48 pm](#)

djork

Being forced to inhale YOUR smoke is literally, an assault on my lungs. I'm asthmatic and prolonged exposure to cigarette smoke can send me into uncontrollable coughing fits. Does that mean that I should be forced to live a life where I can't enjoy a meal out w/ my family or enjoy a drink w/ a friend...all because you can't be bothered to smoke outside? You CHOOSE to smoke, knowing all the risks and regulations it entails. If you don't like the rules that come along w/ it, there's an option: QUIT.

No one is forcing you to go to the smoking restaurant. I've clearly stated that I think it should up to the business owner, similar to the law here in Georgia. Believe me, all of the nicer restaurants here don't allow smoking, meaning you still have plenty of choices.

PS - I did quit, but I believe in accomodation. I've already lamented the fact that I have been visiting some of my favorite places less because I quit, but oh well. I don't feel the need to force business owners and patrons to bend to my lifestyle choices.

166. 166

[April 8th, 2010 at 1:48 pm](#)

Brachiator

@[Comrade Kevin](#):

Comrade Kevin

RE: In the spring especially on windy days, my allergies go wild. I've had to take all kinds of crazy ass antihistamines and antibiotics to deal with inflammation and inability to breathe. Shouldn't I be able to have every dangerously offending tree and push yanked out of the freaking ground?

Are you trying to be stupid with that comment? Trees are part of the natural environment, cigarette smoke is not.

I live in Southern California. Very few trees are native to the area, but even if they are, I'm talking about trees on people's property. Maybe even a few city/county planted trees.

So, again, shouldn't I be able to get a law passed saying that neither an individual nor the city, county or state should be allowed to plant or maintain a tree, bush, or shrub that gives me a runny nose?

Perhaps you would like to have auto emission standards abolished, while you're at it?

Give me a break. One of the great triumphs in reasonable environmental regulation in California has been related to dealing with smog and emissions. There was a time when kids and older adults were warned to stay indoors because 2nd stage smog alerts could cause immediate breathing problems and you could see the freaking bad air trapped in the valley basins. Far, far, fewer of incidents like these today.

167. 167

[April 8th, 2010 at 1:50 pm](#)

Micah616

@[Mnemosyne](#): Nonsense. The local waste management guys make more money than me, and they have way better benefits. Yet, because I would prefer not to deal with the smell of trash and the various hazards of sewer work, I don't work for waste management. by your logic, I should be able to get a job there, but not be exposed to trash or sewage.

168. 168

[April 8th, 2010 at 1:50 pm](#)

flukebucket

I certainly remember minors publicly smoking in a prominent place (conveniently not on school property) day after day when I was in high school only 5 years ago.

I can remember when high school had a courtyard where students could smoke. But that was a lot more than 5 years ago.

169. 169

[April 8th, 2010 at 1:51 pm](#)

djork

And if employment was completely elastic and it was easy for people to find jobs wherever they like at any salary they please, then your solution would make sense. However, until that day arrives, people will take jobs based on needing to have a job and not based on the working conditions. It's more than a little unfair to expect people to work under any conditions that their employer requires because, hey, they knew what they were getting into when they took the job, amirite?

Having worked in the restaurant industry for many years, knowing the turnover rates and the general pay structure, and the proportion of food service workers who already smoke, I can say quite comfortably that not many people are being economically coerced into unsafe jobs by some restaurants allowing adults to smoke.

I will grant that this is the strongest argument, but it is one I do not agree with.

170. 170

[April 8th, 2010 at 1:52 pm](#)

Lisa

What if people were allowed to have a smoking only establishment? An establishment where you had to be a smoker to work or be a customer. Would that be unconstitutional?

171. 171

[April 8th, 2010 at 1:52 pm](#)

Micah616

@[Mnemosyne](#): I honestly couldn't tell you. Some people will accept whatever you put in front of them. A lot of Americans would rather whine about it than work to get the policy changed.

172. 172

[April 8th, 2010 at 2:00 pm](#)

Joel

@[JGabriel](#): Win!

173. 173

[April 8th, 2010 at 2:05 pm](#)*Sentient Puddle*@[Micah616](#): Here's a [hint](#).

174. 174

[April 8th, 2010 at 2:05 pm](#)*Mnemosyne*@[Micah616](#):

by your logic, I should be able to get a job there, but not be exposed to trash or sewage.

No, by my logic you should be able to get a job there but not have your employer endanger your life by refusing to mitigate the dangers of handling trash or sewage.

If you don't like the idea of restaurants not allowing smoking because it endangers their employees, then you should be all in favor of requiring restaurants to supply gas masks to their employees if the restaurant does allow smoking since that would be the actual analogue to your comparison to waste management employees.

175. 175

[April 8th, 2010 at 2:05 pm](#)*Shygetz*@[djork](#):

No one is forcing you to go to the smoking restaurant.

No one is forcing you to go to an assault-friendly restaurant. But, that's not how society works. A proprietor cannot authorize one customer to injure another, no matter how much that helps his bottom line. I don't get why this is such a difficult concept.

@[djork](#):

Smoking is legal. Assault is not. Other than that, great point!

If we're talking about what's legal, then smoking in a public restaurant is not legal. But I thought this discussion was about what SHOULD be legal. And if you're saying that assault is never legal, then I would point out that various martial arts establishments have sparring. The key difference is that both people must actively agree to participate. You can't just jump a guy who walks into your dojo, and then claim "Well, what do you expect? This is an assault-allowed establishment!" I do not agree to actively participate in smokers' assaults on my lungs.

176. 176

[April 8th, 2010 at 2:09 pm](#)*Mnemosyne*@[djork](#):

Having worked in the restaurant industry for many years, knowing the turnover rates and the general pay structure, and the proportion of food service workers who already smoke, I can say quite comfortably that not many people are being economically coerced into unsafe jobs by some restaurants allowing adults to smoke.

Really? You've never seen any unsafe conditions in any of the restaurants you worked in? No failed health inspections? No grease landing on the floor? No food left out too long that someone took a risk on hoping that the customer wouldn't get food poisoning?

Saying, "Well, we'll get rid of some of the preventable risks but not all of them," is not acceptable when it comes to workplace safety, and smoking in workplaces is a workplace safety issue.

177. 177

[April 8th, 2010 at 2:24 pm](#)

djork

No one is forcing you to go to an assault-friendly restaurant. But, that's not how society works. A proprietor cannot authorize one customer to injure another, no matter how much that helps his bottom line. I don't get why this is such a difficult concept.

Assault friendly restaurants don't exist now and won't exist until assault is made legal. Until then, you may retire this false equivalency. On your second point, by entering a smoking establishment, the customer is knowingly making a choice to pollute his lungs. He is always free to frequent somewhere else.

If we're talking about what's legal, then smoking in a public restaurant is not legal. But I thought this discussion was about what SHOULD be legal. And if you're saying that assault is never legal, then I would point out that various martial arts establishments have sparring. The key difference is that both people must actively agree to participate. You can't just jump a guy who walks into your dojo, and then claim "Well, what do you expect? This is an assault-allowed establishment!" I do not agree to actively participate in smokers' assaults on my lungs.

Actually, in my state smoking is legal in some restaurants, provided only those over the age of 18 are allowed in. In practice, this means something like 90% (warning: stat pulled from my ass, but I truly it is the majority) of them are smoke free. The ones that allow smoking require the customer to actively participate in lung assault by CHOOSING a smoking establishment. Since I've quit smoking, I choose smoking establishments less. In that respect, I think the smoking ban as it is practiced here works fine, which is rare as I think most other laws in Georgia are fact.

178. 178

[April 8th, 2010 at 2:29 pm](#)

Shygetz

@[djork](#): So it would be fine with you for an owner to authorize brawling in his bar, as clients would be "actively participate in assault" by simply being there. How about rape clubs where a woman's mere presence constitutes "active participation in sex"?

Seriously? You want to go there?

179. 179

[April 8th, 2010 at 2:31 pm](#)

djork

Really? You've never seen any unsafe conditions in any of the restaurants you worked in? No failed health inspections? No grease landing on the floor? No food left out too long that someone took a risk on hoping that the customer wouldn't get food poisoning

Saying, "Well, we'll get rid of some of the preventable risks but not all of them," is not acceptable when it comes to workplace safety, and smoking in workplaces is a workplace safety issue.

Once again, I think this is the strongest argument. I really get what you are saying. However, it is not something I personally agree with. I think business owners should have a choice like they do in this state. Prospective employees should make note if the establishment allows smoking or not.

180. 180

[April 8th, 2010 at 2:32 pm](#)*djork*

So it would be fine with you for an owner to authorize brawling in his bar, as clients would be “actively participate in assault” by simply being there. How about rape clubs where a woman’s mere presence constitutes “actively participation in sex”?

Seriously? You want to go there?

Read the thread title again and get back to me.

181. 181

[April 8th, 2010 at 2:35 pm](#)*Darkmoth*

@ [Mnemosyne](#):

Saying, “Well, we’ll get rid of some of the preventable risks but not all of them,” is not acceptable when it comes to workplace safety, and smoking in workplaces is a workplace safety issue.

Going to have to disagree. Perhaps this is unique to Pittsburgh, but we have Cigar Bars here – places, usually smallish enclosed rooms, where people explicitly go to smoke. Obviously employees of these places are exposed to secondary smoke, and fairly high levels of it.

Clearly, different industries have different hazards. A steelworker is subject to risks that would be illegal for an accountant in a firm to be exposed to. I don’t think smoking poses any absolute limit on workplace safety.

182. 182

[April 8th, 2010 at 2:35 pm](#)*Micah616*

@ [Sentient Puddle](#): Your hint sucks. I have more dive bars within 5 minutes of my house than there are destinations on that map. Shit, there are more crappy takeout Chinese joints and pizza places than there are destinations on that map. Restaurants and bars are a whole different animal than airports.

183. 183

[April 8th, 2010 at 2:42 pm](#)*Micah616*

@ [Mnemosyne](#): There are some jobs that require a certain level of risk. You take the job and accept the risk, or you don’t. You have to assess that risk and come to your own decision as to whether or not said risk is acceptable.

184. 184

[April 8th, 2010 at 2:56 pm](#)*Sentient Puddle*

@ [Micah616](#): Well then dear god, you should’ve said that restaurants and airports are different beats

before getting too tied up into the analogy. It's not like the point was that hard to grasp in the first place.

Anyway, I still call bullshit. I once lived in a small town where all the eateries (not many to begin with, even fewer that were actually worth going to) had incredibly odd hours. Throw in the smoking considerations, and it basically became impossible to get a reasonable bite to eat anywhere without dealing with smokers for 23.5 hours of the day.

Now I'm not complaining that there was not a perfect place to eat out. I can deal with trade-offs quite alright. But really, I'm calling bullshit on this free market masturbatory idea that if one firm doesn't provide the goods/service/atmosphere/whatever that you want, you can always find something else. No.

185. 185

[April 8th, 2010 at 2:56 pm](#)

Catfish N. Cod

@ChicagoTom:

You aren't entitled to go to any restaurant you want nor do you get to tell a restaurant owner how to run their business.

OK, so let's consider the case of Hot'or'not Cafe (Barth Bagge, proprietor), following ancient Elbonian cooking traditions, which include, among other things, pounding dung into their burgers.

Now, by strict libertarian rules: if Elbonian aficionados want to eat dung-filled burgers, that's their right. And if Mr. Bagge wants to serve unhealthy food, even knowing that his patrons will most likely be sickened, that too is his right. And if someone else walks in not knowing that dung-pounding is an Elbonian tradition, well, *caveat emptor*.

In other words, health and safety regulations should be voluntary only, if they should exist at all. At least, if you apply libertarian rules strictly.

Of course, there is a strain of libertarianism that would argue that the world is not perfect: that consumers do not always have infinite choices to apply their freedom to, that infinite information and infinite time to choose are not always available, and that there are higher-order effects and externalities that *in practice* constrain reality and make it desirable to have less than full, perfect, and Hobbesian freedom. But that sort isn't flashy and easy to argue in debates and doesn't easily act as a more reasonable alternative to trolling.

It just, you know, solves problems with a minimum of regulation—but not less.

186. 186

[April 8th, 2010 at 3:00 pm](#)

malraux

@[Micah616](#): Inhaling smoke is not an inherent risk to food service.

187. 187

[April 8th, 2010 at 3:05 pm](#)

colby

Do you NEED to eat at a public restaurant?

Do smokers NEED to smoke in public restaurant? Do bar owners NEED to allow smoking? Not so much.

I understand you think they should be FREE to do so. But likewise, some people think you should be free to go to any restaurant or bar you want without the health risks that accompany smoking. And these two

“freedoms” just can’t coexist. Someone has to lose, and the political process in many states has chosen the smokers.

Go ahead and argue that that’s wrong because it’s illogical. Argue that second-hand smoke isn’t really a risk, or that it’s better for the economy, or something. But don’t pretend that it’s all about “liberty”, because you’re just choosing to limit a different person’s choice.

188. 188

[April 8th, 2010 at 3:08 pm](#)

binzinerator

@[Chad N Freude](#):

The word “freedom” is tossed around pretty glibly

Well, we don’t call ‘em glibertarians for nothing.

189. 189

[April 8th, 2010 at 3:10 pm](#)

colby

You aren’t entitled to go to any restaurant you want nor do you get to tell a restaurant owner how to run their business.

And that’s fine, so long as we acknowledge that smokers aren’t entitled to smoke on any private property they want or dictate what restaurants other patrons can go to.

190. 190

[April 8th, 2010 at 3:12 pm](#)

Micah616

@[Sentient Puddle](#): I’m not a libertarian, so visions of Ayn Rand and Alan Greenspan having a sexytime 3 way with the Invisible Hand don’t do it for me. Out of all the bad arguments, you probably stumbled on the best in the actual lack of availability of alternatives in some places. I’m quite spoiled in that I live 5 minutes outside of Philly. There’s nothing but option here.

191. 191

[April 8th, 2010 at 3:15 pm](#)

Micah616

@[malraux](#): It is if the place where you apply for a job already allows smoking on the premises.

192. 192

[April 8th, 2010 at 3:16 pm](#)

Chuck Butcher

In OR you cannot smoke in a business that serves the public (or has employees), period. Some bars and restaurants have set up patios for smoking. I’m a smoker and, yes, outside can be uncomfortable at 20F and snowing. I also don’t figure you have to “enjoy” my Camel straight with me.

We do have a tobacco hysteria going on and you can see it in proposals like SCHIP which fun general health on the backs of smokers. I get the argument about increased health costs associated with smoking – I also get that they don’t match the social/economic costs of alcohol which is not treated in the same manner in relation to taxes involving another voluntary vice.

If you want to play that game then play it straight, but then there is the matter of numbers involved in the vice, isn't there?

193. 193

[April 8th, 2010 at 3:17 pm](#)

malraux

@[Micah616](#): That's pretty weak sauce. Under that logic, any level of worker safety concerns are ignorable.

194. 194

[April 8th, 2010 at 3:25 pm](#)

Martin

@[malraux](#): But that's the crux of the libertarian argument.

Let's run the argument in reverse. If the current law (which we can tolerate) might lead to the next law (which is intolerable) due to 'slippery slope', leaving the current law intolerable by extension, then all prior laws become intolerable as well.

Basically, the libertarian logic is that since good laws might lead to bad laws, the only solution is no laws.

195. 195

[April 8th, 2010 at 3:25 pm](#)

Little Dreamer

Ya know, I've never understood, what is the problem with having smoking bars/restaurants and non-smoking bars/restaurants and each type as advertising such?

Some bar owners (and restaurant owners too) were complaining when I lived in Florida after the state instituted the smoking ban. Their clientele went downhill very fast and all of a sudden you didn't need reservations to get into the local favorite restaurants.

As a person who smokes myself (I don't smoke inside at home because TZ doesn't smoke anymore – and I have plans to quit one day) I really hate that I have to go outside every time I want to smoke in the middle of winter and sit in the cold. I understand that I have to do that at home for TZ's health, but, I should be able to choose a place that I can sit inside and smoke and be surrounded by others that do too.

Arizona charges about 50% of the cost of a pack of cigarettes (I'm paying astronomical amounts for my smokes here, about twice as much as I did in Florida) on taxes. Why is it I can play about \$4.00 a pack in taxes, yet I can't smoke anywhere but outside?

I'm pro-choice! That means that I believe people should have the right to choose if they want to sit in a smoke-filled room or not as well. Indian casinos aren't held to the state instituted smoking ban.

If I could afford to gamble, I'd go there, but, I can't afford to do that. The taxes take the income I could have used for that purpose. That's not to say I don't agree that cigarettes should be taxed, I am not making that argument, simply that if I pay that tax, I should be able to find establishments where I can smoke in public.

196. 196

[April 8th, 2010 at 3:25 pm](#)

Lisa

Wow arguments about fatness, smoking, and parenting seem to bring out both the libertarian concern-

trolls as well as the self-righteous, crunchy assholes.

Good times.

Can we have our next thread on women who breastfeed in public or maybe why veganism sucks/is morally better?

197. 197

[April 8th, 2010 at 3:27 pm](#)

Little Dreamer

Not sure what I did to earn a moderation warning, but okay.

:(

198. 198

[April 8th, 2010 at 3:27 pm](#)

AhabTRuler

Also, I think (and Mill agrees) that Tobacco sin taxes are more offensive than smoking bans.

199. 199

[April 8th, 2010 at 3:31 pm](#)

Little Dreamer

@[Chuck Butcher](#):

I also get that they don't match the social/economic costs of alcohol which is not treated in the same manner in relation to taxes involving another voluntary vice.

Thank you for making this point. ;)

200. 200

[April 8th, 2010 at 3:34 pm](#)

[moe99](#)

My earlier comment appears not to have made it through the gauntlet. So, to reiterate:

When I have to walk past the lineup of sad sacks who are smoking in front of the entrance to my building every day, my lungs are being assaulted by their cigarette smoke.

201. 201

[April 8th, 2010 at 3:37 pm](#)

Llelldorin

@[Lisa](#):

Only if the discussion includes claims that veganism, breast feeding, and attachment parenting make vaccination unnecessary, which is why they're being suppressed by Big Pharma. We really ought to see what this database can take.

202. 202

[April 8th, 2010 at 3:41 pm](#)

Little Dreamer

@[moe99](#):

Arizona implemented a law when they went non-smoking that you have to stay away from entrances (20 feet I believe, although my employer at the time tried to institute 50 feet instead). I realize that people may ignore it, but, that is a way to make that situation work for you. You can try to enforce it if you had that.

203. 203

[April 8th, 2010 at 3:48 pm](#)

Little Dreamer

@[Sentient Puddle](#):

Well, if you choose to stay in a place where you have so few options, that's a choice you make.

Why does your choice trump others' choice? Why should a business owner watch his establishment suffer because people can't sit and smoke (and this did happen as I stated above in a currently moderated post, when I lived in Florida and the smoking ban went into effect, the businesses suffered and the owners were complaining of lost business)?

204. 204

[April 8th, 2010 at 3:54 pm](#)

terry chay

@[jrg](#): There's a state where it's legal to drive drunk?

205. 205

[April 8th, 2010 at 3:59 pm](#)

Micah616

@[malraux](#): I have to assume that most people who walk into a smoke filled bar and requests an application realizes that s/he is in a smoke filled bar. At that point, you make a decision as to whether or not this is a place where you want to work.

Similarly, if you go to your nearby metal shop and see that everybody's missing a few fingers, then you make a decision.

It's not like sub-prime mortgages, predatory loans, or credit cards. There is no small legal text that you need 4 years of law school to understand.

It's not as though you've spent a few years working somewhere, then all of the sudden the company has decided to ignore safety protocols or adopted a policy of "fuck your safety."

You knew what it was when you got there.

206. 206

[April 8th, 2010 at 4:02 pm](#)

Sentient Puddle

@[Little Dreamer](#): **I SAID I AM NOT COMPLAINING ABOUT NOT HAVING PERFECT OPTIONS. I AM NOT ASKING FOR MY CHOICE TO TRUMP OTHERS' CHOICES. THIS IS NOT A DIFFICULT POINT TO GRASP.**

Come on guys. Less lazy thinking/reading comprehension here.

207. 207

[April 8th, 2010 at 4:07 pm](#)

colby

Why does your choice trump others' choice?

It shouldn't, but the smoker's choice shouldn't trump mine, either.

And that's the problem here, it's an either-or proposition, someone's choice is gonna get trumped.

208. 208

[April 8th, 2010 at 4:14 pm](#)

Mnemosyne

@[Micah616](#):

And those 25 mine workers deserved to die because they knew what they were getting into. Gotcha.

209. 209

[April 8th, 2010 at 4:22 pm](#)

Micah616

@[Mnemosyne](#): Assuming you're the same Mnemosyne, you made some really excellent remarks about the Civil War fetish over at Pandagon yesterday or the day before. If that was you, I commend you.

As far as the mine workers, try actually reading what I wrote. That teabagger asshole adopted the "fuck your safety" policy. He violated the trust of a whole community of people. That violation took the lives of 25 men.

If I were a religious person, I would say that there's not a hell hot enough. Unfortunately, the best I can hope for is that they bury him underneath the jail.

210. 210

[April 8th, 2010 at 4:40 pm](#)

Brachiator

@[Zifnab](#):

It's the same argument progressives have been pushing in repealing or softening drug crimes laws. I completely support decriminalization of marijuana AND I completely support banning smoking in public places like bars and restaurants. How do I reconcile this? Because I support what I believe will do the greatest good at the smallest cost.

There will be a California ballot proposition to legalize and tax (as opposed to just de-criminalize) marijuana.

I'll bet good money that if it passes and the feds ease up on enforcement, opponents will use second hand smoke laws to attempt to eliminate pot smoking.

211. 211

[April 8th, 2010 at 4:45 pm](#)

flukebucket

I'll bet good money that if it passes and the feds ease up on enforcement, opponents will use second hand smoke laws to attempt to eliminate pot smoking.

Will somebody just please think of the god damn children?

212. 212

[April 8th, 2010 at 4:47 pm](#)*Little Dreamer*@[colby](#):

Well, unfortunately, I have a post that's been in moderation forever, which would address this. I don't believe it has to be an either/or solution.

Personally, I believe that it should be the establishment owner's choice to decide whether their business is smoking or non-smoking and announce it/advertise it heavily. That way everyone could have choices and options. Granted, you might have to forgo your favorite seafood establishment because they have smoking and you don't want it, but, unless you live in a place with absolutely NO choices (and remember, you chose to live there), you should have other places that you could go to instead.

Gay bars do this. You don't see gays sitting, kissing, holding hands, slow-dancing in straight bars. You go to gay bars to do this sort of thing. The straights (for a large part) are even afraid to walk in the door usually, so you don't have to worry about a lot of gawkers who just want to see how the other segment lives.

Why can't we have that for smokers too?

213. 213

[April 8th, 2010 at 4:57 pm](#)*Little Dreamer*@[Sentient Puddle](#):

But really, I'm calling bullshit on this free market masturbatory idea that if one firm doesn't provide the goods/service/atmosphere/whatever that you want, you can always find something else. No.

This was what I was addressing.

You made the choice to live where you do. You made the choice to have so few options (for whatever reason you chose, that's your decision, you chose it) – why should others suffer for the fact that you made that choice?

That's what I was saying.

You gave an emphatic “No” that you can't always find something else – you could if you made different choices. Maybe you should find a way to establish new business in your area (encourage someone to open an establishment, or open one yourself). You can't expect that others are going to have to live by your preferences simply because you CHOSE to live in a place that had so few options. What I hear you saying is “because there are so few restaurants here, I believe they should be smoke free” – what about your neighbor, who might be saying “because there are so few options here, I believe we should be able to smoke in at least one restaurant”? I hear no sharing or reciprocation, I hear “my way or the highway” because you CHOSE to live in a place with few options. But wasn't that really YOUR choice?

214. 214

[April 8th, 2010 at 4:59 pm](#)*DBrown*

@[ChicagoTom](#): Boy are you blowing smoke! The right to injury and even kill others is ok but a law that saves not just other people but you, too is “getting it wrong”? Its true anyone can justify stupidity.

The right to smoke stops when it causes harm to others including your own children – child abuse is abuse no matter how you view it when harm is being done (NOT sexual in this case.)

Even other smokers need to be protected, too. Harm is harm and wrong when another does it to you.

215. 215

[April 8th, 2010 at 5:03 pm](#)

[russell](#)

nor do you get to tell a restaurant owner how to run their business.

There are probably hundreds of pages of regs in any given locale, explaining in detail exactly what restaurant owners may and may not do in the course of running their business.

Yes, we collectively freaking well do get to tell restaurant owners how to run their businesses. We get to tell most public license holders, and most folks who own and operate any kind of public facility, how to run their business.

If go into a place where smoking is allowed, I can't not smoke. The smoke is in the air.

If a smoker is in a club or restaurant that doesn't allow smoking and they want to light up, they just need to step outside. I did it for years, it's not a very big deal.

If some cities and towns want to have smoking and non-smoking bars and restaurants, mazel tov.

But the basic idea that smoking bans in public places is some kind of creeping nannyism is horseshit.

It became obvious that second hand smoke could make you ill. So, the default (and in some places only) option was no smoking in public places.

You can't take a shit in a public water supply, and you can't smoke in a public building. Get over it.

216. 216

[April 8th, 2010 at 5:20 pm](#)

Little Dreamer

@[DBrown](#):

Interesting. My mother both smoke and drank when I was a child (and I'm sure she did these things when I was in utero as well). I don't think often about the fact that she smoked when I was in utero, but I think an awful lot about how much she may have drank.

I worry more about fetal alcohol syndrome (because it affects brain activity for one thing) than I do about being small birth weight. That's not to say that I am advocating that pregnant women should smoke, but, I think the danger of them drinking is far worse.

They claim that smoking can cause reading/language problems, but I don't have that situation, I excelled at reading and language (and my mother had a very heavy smoking habit when I was growing up, heavy drinking also).

I do however have some cognitive development issues that I believe were due to my mother's drinking (I tend to be slow, and don't perform at the rate that others do, and while TZ thinks I understand problem solving well, I really don't, I just have spent a lot of time challenging myself with problem solving techniques because I did so horribly at it as a child). I have to over-compensate even in my adulthood for the fact that I had some developmental impairment. I choose low wage jobs as a result. I can read well, I can spell (as you can see), but I can't perform tasks to the ability that others do, and I believe it has to do with the alcohol my mother pumped into my system. I do have some of the physical characteristics of Fetal

Alcohol Syndrome as well.

I smoke myself. I've been smoking for years. I've never developed a smoker's cough, and quite honestly, I've never had any negative chest x-rays that indicate any problems. I just had one recently, in fact, it came up clean.

I realize my situation may not describe everyone's.

The one person who died of cancer in my family didn't smoke cigarettes. He smoked an occasional cigar or pipe (non-inhaling, of course).

My mother died of cirrhosis of the liver. She never quit drinking and did it right up until the day she died.

Of course, I'm just citing my own situation. I'm not a doctor. Sorry to go all meta on you, but Fetal Alcohol Syndrome is a problem that I have a more difficulty understanding.

217. 217

[April 8th, 2010 at 5:53 pm](#)

[Uriel](#)

@[Shygetz](#):

A proprietor cannot authorize one customer to injure another, no matter how much that helps his bottom line. I don't get why this is such a difficult concept.

Small point, but actually [they can and do](#). Thus far, it doesn't seem to be hurting the assault free bars terribly.

(Just in case it matters- I really don't care about the topic one way or the other. Just thought I'd point that out.)

218. 218

[April 8th, 2010 at 6:41 pm](#)

[moe99](#)

@[Brachiator](#):

Except, as far as I know, marijuana has not been shown to cause the same sorts of physical ills that tobacco has. But I assume that the same laws that prohibit smoking in public places such as restaurants would apply to marijuana smoking were it legalized. That doesn't bother me any.

219. 219

[April 8th, 2010 at 7:06 pm](#)

[Joel](#)

@[ChicagoTom](#): On the flipside, the overall effect of mandating non-smoking bars and restaurants has tons of benefits that outweigh the costs of "forcing" smokers to partake outside. That, fundamentally, is the liberal argument on that particular issue.

To follow up on another comment;

What gives the state the right to restrict my ability – under punishment of law – to masturbate in public? No direct harm caused to anyone. Given that slippery slopes are valid and all...

220. 220

[April 8th, 2010 at 8:09 pm](#)

Lisa

@[Lelldorin](#): LOL!!

221. 221

[April 8th, 2010 at 8:44 pm](#)

Twisted_Colour

Ah, state paternalism, one of the pillars of the Australian Settlement.

It works for us, it can work for you.

222. 222

[April 8th, 2010 at 9:15 pm](#)

colby

Granted, you might have to forgo your favorite seafood establishment because they have smoking and you don't want it

Well then that IS an either-or proposition. Either the owner's "right" to have a smoking establishment is infringed, or my right to eat where I want without smoke- or, much more importantly, the employee's "right" to WORK where she can, without risking cancer- is infringed. Granted, the employee's "right" might not be the kinda thing people stand in front of tanks for, but then, neither is the owner's. I'm completely unconvinced that his right is more important than the worker's, or even mine.

“(and remember, you chose to live there)”

Did I? I chose to go to school where I currently live, but my career has now made it damn near impossible to move. For that matter, most of the people I went to high school with never even left home- not 'cause of any affection for the place, but just because they didn't have the opportunity.

“You don't see gays sitting, kissing, holding hands, slow-dancing in straight bars.”

Granted, I live in a fairly cosmopolitan area, and my best friend is gay, but actually, I see this all the time.

“Why can't we have that for smokers too?”

Because no one gets cancer from watching gay people kiss.

Honestly, you walked right into that one. ;)

223. 223

[April 8th, 2010 at 9:26 pm](#)

colby

You can't expect that others are going to have to live by your preferences simply because you CHOSE to live in a place that had so few options.

Nor can you expect people to move to a different town or go without work simply because you CHOSE to let people smoke in your establishment.

And you're still playing pretend if you're acting like people never face Hobson's Choices in where they live and work. Especially in this economy, that just sounds hilariously out of touch.

224. 224

[April 8th, 2010 at 9:27 pm](#)

colby

BTW, you don't see gay people "sitting"? Where do you live, man, inside Michelle Bachman's brain?

225. 225

[April 8th, 2010 at 9:41 pm](#)

[David Moisan](#)

@[mistersnrub](#):

Yeah I've noted that. I have no love for the teahadists whatsoever, but there is something about being stuck in public housing, on disability, on knowing your life will be just the way it is until St. Peter gets your paperwork (or forwards it downstairs), that can really alienate someone.

I really feel it is this alienation that Beck and company are feeding on, with purpose, as psychic vampires.

I remember that McVeigh had washed out of special forces and mustered out of the Army, and felt such alienation and hopelessness that he came to do what he did—our own Mohammed Atta.

Who's our next Atta? Our next Hamas? Our next AQ?

226. 226

[April 8th, 2010 at 11:04 pm](#)

[Brachiator](#)

@[moe99](#):

Except, as far as I know, marijuana has not been shown to cause the same sorts of physical ills that tobacco has. But I assume that the same laws that prohibit smoking in public places such as restaurants would apply to marijuana smoking were it legalized. That doesn't bother me any.

Smoke is an irritant, period. Zero tolerance folks could probably make a reasonable case that pot smoke would be unhealthy for people with asthma or emphysema. Hell, here in California, we regulate outdoor barbecues lest the smelt fragrant smoke waft to some ultra-sensitive bonehead.

And in California, maybe elsewhere, there are attempts to ban smoking *anywhere*. A couple of cities flirted with, but backed away from, attempts to ban smoking in apartment buildings, on the theory that the smoke might find its way into someone's apartment.

And banning pot or cigarette smoking in public places can become broad. Banning smoking in parks, beaches, outdoor stadiums where the smoke is clearly diffused, is boneheaded, and is more about nebulous notions of offense more than real harm.

And people who smoke pot for medical reasons may collide with the sensibilities of people who aren't bothered by pot smoking being banned in public places.

This is going to be fun.

227. 227

[April 9th, 2010 at 6:15 am](#)

[Cerberus](#)

I'm perfectly happy making a compromise with smokers.

We can do [this](#) or you can step a handful of paces outside and smoke there.

It's always obscene to me as a woman when a bunch of men whine and complain about how having to walk several paces to engage in their addictive behavior in the context of an actually paternalistic political culture that often requires women to go to several pharmacies to get emergency contraception, occasionally cross state lines to get abortion services, etc...

I may be skewed because I'm several minorities that have real problems (I mean, I'm even trans which means I have to make sure I go to the bathroom before heading out anywhere because public restrooms could be fraught with danger, yes, peeing is fraught) in the world so hearing a bunch of rather privileged men act like it is the Trail of Tears to step outside to smoke is rather bizarre.

I mean, I get that it's an addiction and it can be psychologically unsettling to go long periods without smoking, but there's a lot of places to smoke. Being asked not to smoke indoors seems like a small no-brainer request. Especially when there is direct harm where there is a lot of smoke trapped in a small space (not just second-hand smoke, but the smoke itself can be downright lethal to asthmatics).

I think the problem is that libertarians and privileged people in general seem to think the only fundamental freedom is the freedom from having to consider other people.

And well no, you have to pay attention to when you're offending people, can be offended by people, and may have to slightly change behavior to accommodate others. You don't get to stumble through life willy-nilly doing whatever you want, wherever you want without having to think.

Sometimes you have to make small adjustments in order to co-habitate with other people. That's the price of civilization.

Libertarians don't want to pay that small price, but want the benefits of civilization anyways.

They are otherwise known as assholes.

228. 228

[April 9th, 2010 at 6:57 am](#)

Hypnos

Smoking bans in public places weren't enacted in Europe until very recently. Some countries resisted more than others. I think Spain only banned it in 2009 or even 2010.

There never was, in any country where smoking in public places was allowed, a single voluntary non-smoking pub or restaurant or theater. Not one. Despite 60 to 80% of the population being non-smokers.

Someone explain to me this abysmal market failure?

Also, since the smoking ban came into effect, nobody complained, smokers included. It was a law met with almost universal approval. And business actually improved for bars and restaurants.

I have plenty of smoker friends. They all agree the law was the right thing. But would have they chosen voluntarily not to smoke in a public place, or would have they accompanied me to a non-smoking place (if it ever existed)? Nope. Never in the world.

Completely free markets don't work, because people are irrational fucks. They don't behave according to marginal utility.

Leave a Reply

Name (required)

Mail (will not be published) (required)

Website

XHTML: You can use these tags: <abbr title=""> <acronym title=""> <blockquote cite=""> <cite> <code> <del datetime=""> <i> <q cite=""> <strike>

Comments

b **i** **del** **link** **b-quote** **code** **Close Tags**

Submit

- Premium Blogads



[This space reserved for your ad.](#)



-

-

- Google Search

- Donate Via Paypal



- Teh Great Gizoogle



**OPTION
STUDENT
LOAN[®]**

[> Save About 34%](#)

SallieMae[®]

- Project Wonderful One



**POP ART
MINIS
PRINTS
T-SHIRTS
GIFTS & MORE**

Ads by Project Wonderful! Your ad here, right now: \$1.70

- Project Wonderful Two



Ads by Project Wonderful! Your ad here, right now: \$1.20

- Project Wonderful Three



Ads by Project Wonderful! Your ad here, right now: \$0.70

- Project Wonderful Four

How to Get Perfect Abs!

How to Get **PERFECT ABS**
Learn All About
Weight Machines
Protein
Supplements
and More!

- ✓ What to eat
- ✓ Exercises to do
- ✓ And More!

Click Here!

For More Information!

Ads by Project Wonderful! Your ad here, right now: \$1.30

- Project Wonderful Five

**LOVE
YOUR
LAPTOP?**



**The weakest
part of your
Laptop is the
fragile power
connection.**

**Without Power
Your Laptop
is
USELESS!**

Inexpensive Insurance
www.jerkstopper.com

Ads by Project Wonderful! Your
ad here, right now: \$1.40

- Sitemeter
- Support this site- Shop Amazon



- Contact
 - [John](#)
 - [Tim F](#)
 - [Doug J](#)
 - [Anne Laurie](#)
- Change.org Petitions

Loading...

[Start a Petition »](#)

- **Balloon Juice Store**



- **Pages**

- [Balloon Juice Lexicon \(A-H\)](#)
- [Balloon Juice Lexicon \(I-P\)](#)
- [Balloon Juice Lexicon \(Q-Z\)](#)
- [FAQ](#)



- **Standard Blogads**

Standard Blogads Advertise here

[Your ad could be here.](#)



- **Recent Posts**

- [I'm Going To Use This Thread To Bitch Because I Can](#)
- [Stupak out](#)
- [And Another Round of Bonuses for Everyone!](#)
- [The Lose-Lose](#)
- [Nuclear Weapons, Fuck Yeah!](#)

- **Recent Comments**

- BenA on [Someone Has a Book To Sell...](#)
- [Laura W.](#) on [I'm Going To Use This Thread To Bitch Because I Can](#)
- Nutella on [I'm Going To Use This Thread To Bitch Because I Can](#)
- barbara on [I'm Going To Use This Thread To Bitch Because I Can](#)
- Face on [I'm Going To Use This Thread To Bitch Because I Can](#)



-
- Blogs John Reads
 - [538](#)
 - [American News Project](#)
 - [Amygdala](#)
 - [Atrios and Co.](#)
 - [August J. Pollak](#)
 - [Avedon](#)
 - [Barry Eisler](#)
 - [Bob Cesca's Allegedly Awesome Blog](#)
 - [Calculated Risk](#)
 - [Cleek](#)
 - [Critters by Britty](#)
 - [Crooked Timber](#)
 - [Crooks and Liars](#)
 - [Dan Savage](#)
 - [Digby](#)
 - [Driftglass](#)
 - [Eunomia](#)
 - [Evelyn DeHais](#)
 - [Ezra Klein](#)
 - [FarrFeed](#)
 - [Fifth Column](#)
 - [First Door On The Left](#)
 - [Greg Sargent](#)
 - [If I Ran the Zoo](#)
 - [Incertus](#)
 - [Jack and Jill](#)
 - [JedReport](#)
 - [John Scalzi](#)
 - [Jonathan Turley](#)
 - [Lawyers, Guns, and Money](#)
 - [League of Ordinary Gentleman](#)
 - [Mahablog](#)
 - [Mario Piperni](#)
 - [Ned Raggett](#)
 - [News America Now](#)
 - [Oliver](#)
 - [Orcinus](#)
 - [Outside the Beltway](#)
 - [Pandagon](#)
 - [Pat Lang](#)
 - [Photodude](#)
 - [Poliblog](#)
 - [Postbourgie](#)
 - [Prose Before Hos](#)
 - [Pufferfish](#)
 - [Roy Edroso](#)
 - [Rump Roast](#)
 - [Sadly, No!](#)

- [Shakes and Company](#)
- [Skippy](#)
- [Stiftung Leo Strauss](#)
- [Ta-Nehisi Coates](#)
- [Talk Left](#)
- [TBOGG](#)
- [The Agitator](#)
- [The Booman Tribune](#)
- [The County Fair](#)
- [The Daily Howler](#)
- [The Field](#)
- [The Politburo Diktat](#)
- [The Political Carnival](#)
- [The Slacktivist](#)
- [The Street](#)
- [The World According to Meh!](#)
- [This Modern World](#)
- [TRBC \(Mark Kleiman and Co.\)](#)
- [TREX](#)
- [Washington Independent](#)
- [West Virginia Blue](#)
- [Wil Wheaton](#)
- [Wonkette](#)
- Blogs Tim Reads
 - [Needlenose](#)
 - [The Newshoggers](#)
 - [The Reaction](#)
 - [Tom Levenson](#)
- Blogs We Both Read
 - [Andrew Sullivan](#)
 - [Belgravia Dispatch](#)
 - [Daily Kos](#)
 - [Donklephant](#)
 - [Glenn Greenwald](#)
 - [Kevin Drum](#)
 - [Kung Fu Monkey](#)
 - [Matt Yglesias](#)
 - [Obsidian Wings](#)
 - [Steve Benen](#)
 - [Talking Points Memo](#)
 - [The Moderate Voice](#)
 - [The Poorman](#)
 - [Unqualified Offerings](#)
- Blogs We Monitor And Mock As Needed
 - [Con. Yankee's Beauchamp Bugaloo](#)
 - [Hugh Hewitt](#)
 - [Mark Halperin's Drudge Report Wannabe](#)
 - [Michelle Malkin](#)
 - [Red State](#)
 - [The Corner \(AKA K. Lo's House of Crazy\)](#)
 - [The Politico](#)
- Science
 - [Mesothelioma Cancer](#)
 - [Nature Newsblog](#)
 - [Pharyngula](#)

- [Real Climate](#)
- [ScienceNOW](#)
- [The Panda's Thumb](#)

• Categories

• Archives

• Meta

- [Log in](#)
- [Entries RSS](#)
- [Comments RSS](#)
- [WordPress.org](#)

•



[Powered by WordPress](#) | [Entries \(RSS\)](#) | [Comments \(RSS\)](#) | Design by [Sekimori Design](#) | Hosted by [Hosting Matters](#)