

Say 'No!' to Moral Legislation

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There has been a lot of attention lately regarding bans of all kinds: smoking bans, bans on online gambling, bans on same-sex marriage and even bans on Trans Fats in food. These moral and paternal laws and regulations have no place in our society. They rank alongside drinking ages, seat belt requirements, alcohol sales restrictions on Sundays, drug laws and prostitution bans as further superfluous regulation and criminalization. They are the efforts of concerned citizens using the law to impose their moral opinion on society.

The function of civil government is to maintain social order and provide secure structures and institutions that its citizens can rely on. The local government should make sure the garbage is picked up, streets are maintained and police and fire protection are provided. The state government should maintain highways, education standards and make sure its citizens have decent healthcare. The federal government should regulate trade with other countries and conduct war when appropriate. These layers of government should not be used by protestors and social reformers to legislate their moral ideas or protect people from themselves.

More and more people in the United States seem to look to government institutions to protect them, both on the right and left sides for the political spectrum. This is a dangerous mindset wherein personal responsibility has all but vanished from the debate. If someone is hurt, the automatic assumption is that there ought to have been a law to prevent it. Anyone who dares suggest the victim could have done something to prevent the injury is demonized as "blaming the victim."

Law and morality are so intertwined in this country that it's assumed everything we find hurtful or distasteful should be illegal. People need to understand that just because a behavior is allowed by law does not mean we condone that behavior. The fact that I personally detest smoking is not affected by whether or not smoking is banned on campus or elsewhere. Likewise, I choose to wear my seatbelt because I like the added protection, but why should I want to punish someone with state enforced fines for not seeing it the same way?

The government cannot be our parent or baby-sitter, and we cannot continue to weigh down the justice system with unnecessary laws. If you think a behavior is bad, by all rational means try and persuade the world to think the same, but don't take the easy path and criminalize the behavior. By enacting laws banning things like smoking in public places, you are not only saying that you disagree with the behavior, you are saying that anyone who disagrees with you and breaks the ban is a criminal, and that is a perilous road to go down.