

GET 6 ISSUES FOR THE PRICE OF 4*



THE INDEPENDENT REVIEW is the acclaimed interdisciplinary journal devoted to the study of political economy and the critical analysis of government policy.

Edited by the noted historian and economist, **Dr. Robert Higgs**, **THE INDEPENDENT REVIEW** is thoroughly researched, peer-reviewed, and based on scholarship of the highest caliber. However, unlike so many other journals, it is also provocative, lucid, and written in an engaging style.

Ranging across the fields of economics, law, history, political science, philosophy, and sociology, **THE INDEPENDENT REVIEW** boldly challenges the politicization and bureaucratization of our world, featuring in-depth examinations of past, present, and future policy issues by some of the world's leading scholars and experts.

Undaunted and uncompromising, **THE INDEPENDENT REVIEW** is *the* journal that is pioneering future debate.



SUBSCRIBE

*NEW SUBSCRIBERS

**Get 6 issues for the price of 4.
Save 1/3 off the newsstand price.**

CURRENT SUBSCRIBERS

Renew your subscription.

YES! PLEASE SEND **The INDEPENDENT REVIEW**

INDIVIDUAL SUBSCRIPTIONS

\$28.95 / 1-year

\$50.95 / 2-year

INSTITUTIONAL SUBSCRIPTIONS

\$84.95 / 1-year

\$148.95 / 2-year

Check (via U.S. bank) enclosed, payable to The Independent Institute

VISA

American Express

MasterCard

Discover

(Foreign subscribers add \$28 per year for shipping; all prices applicable through Dec. 31, 2012)



Card No.

Exp. Date

Name

Telephone No.

Organization

Title

Street Address

City/State/Zip/Country

Signature

Email

SEE MORE AT independent.org/tiroffer

PROMO CODE IRA1204

The Independent Institute, 100 Swan Way, Oakland, CA 94621 • 510-632-1366 • Fax: 510-568-6040

Etceteras . . .

Puritanism, Paternalism, and Power

“LIVE AND LET LIVE” would appear to be a simple, sensible guide to social life, but obviously many Americans reject this creed with a vengeance. They find toleration so unpleasant that they support the imprisonment of hundreds of thousands of individuals whose personal behavior they regard as offensive. Why do so many Americans favor the use of coercive sanctions to enforce repression? The answer lies in our history.

Puritanism

Politicians and other patriotic posturers like to declare that the Europeans came to America seeking freedom. The claim is at best a half-truth. In the colonial era, most Europeans arrived in North America bound in some form of indentured servitude. Disregarding these servants, one finds that the free colonists sought mainly to improve their economic well-being.

To be sure, some of them, including the early arrivals in Massachusetts, were fleeing religious oppression. But the Pilgrim Fathers had absolutely no intention of establishing a community in which individuals would be free to behave according to the dictates of their own consciences. The Puritans had already seen the light, and by God they intended to use all necessary means to ensure that everybody comply with Puritan standards. Far from free, their “City upon a Hill” was a hardhanded theocracy.

For them, pleasure seemed the devil’s snare. Their vision of the good life was austere, and they looked askance on the possibility that others might embrace hedonism. In H. L. Mencken’s famous characterization, Puritanism was “the haunting fear that someone, somewhere, may be happy” (*A Mencken Chrestomathy*. New York: Vintage Books, 1982, p. 624). Moreover, if the Puritans suspected that someone might be having fun, they had no compunction about using government coercion to knock some sense into the offender. Mencken might have had this proclivity in mind when he observed, “Show me a Puritan and I’ll show you a son-of-a-bitch” (p. 625).

In view of the Puritans’ dispositions, it is unfortunate that they exerted an immense and lasting influence on American social and political affairs. Puritanism’s

“central themes recur in the related religious communities of Quakers, Baptists, Presbyterians, Methodists, and a whole range of evangelical Protestants,” and Puritanism “established what was arguably the central strand of American cultural life until the twentieth century” (Andrew Delbanco, “Puritanism,” in *The Reader’s Companion to American History*, edited by Eric Foner and John A. Garraty. Boston: Houghton Mifflin, 1991, p. 893). Even today, ghosts of the Pilgrim Fathers haunt the land.

Paternalism

Paternalists are more ambitious than Puritans. Whereas the latter are content to steer people away from sinful behavior, the former go further, seeking also to promote the worldly health, safety, and welfare of their wards, coercively if need be. Of course, paternalists direct their deepest compassion toward saving the children.

In the nineteenth and early twentieth centuries, when American social life was more rigidly hierarchical and dominated by WASPs, the paternalistic impulse came naturally to those who took themselves to be the respectable class in society. But in their efforts to uplift the rabble, they perceived a need to rid the poor wretches of their vices. Hence the succession of campaigns against, among other things, drinking alcohol, smoking cigarettes, and engaging in all unseemly sexual activity, including autoeroticism. A century ago, groups such as the Woman’s Christian Temperance Union and the Anti-Saloon League had legions of supporters. The Anti-Cigarette Movement campaigned vigorously, especially against smoking by women and children, and the Social Purity Movement, followed shortly after 1900 by the Social Hygiene Movement, strove to stamp out pornography, prostitution, marital infidelity, and masturbation.

Government Power

As the Eighteenth Amendment of the U.S. Constitution (1919) reminds us, the better sorts did not hesitate to employ government coercion to promote their rehabilitation of society. Previously, they had saddled the nation with the Comstock Act (1873), which forbade sending sexual information through the mail, and the Mann Act (1910), which banned taking women across state lines for immoral purposes. In many local jurisdictions they had obtained legal prohibitions of smoking by women and of commerce in liquor.

In these and many other ways, the respectable campaigners shamelessly combined Puritanism, paternalism, and government power. As David Wagner has succinctly expressed the matter in his recent book *The New Temperance: The American Obsession with Sin and Vice* (Boulder: Westview, 1997),

the Victorian and Progressive Period movements were characterized by what scholarly observers consider an exaggerated...notion of their ability to

change behavior, by a huge faith in government's ability to regulate every aspect of private life, and by a strong ethnocentric belief in the correctness of white, Protestant, middle-class social norms. (p. 18)

These crusaders labored under no burden of doubt about the rectitude of their own standards of personal behavior or about their right to impose these standards on everybody else at gunpoint. Although they ceaselessly proclaimed their Christianity, they overlooked some of Christ's admonitions, especially, "judge not, that ye be not judged" and "he that is without sin among you, let him first cast a stone."

Respite and Calamity

In 1933, after a decade of gang warfare and growing disrespect for law, Americans abandoned the "great experiment" and repealed the Eighteenth Amendment. The homicide rate, which had risen by about 50 percent during the previous fifteen years, immediately began a secular decline that continued until the 1960s (U.S. Bureau of the Census, *Historical Statistics of the United States*. Washington: Government Printing Office, 1975, p. 414). Mark Thornton, a careful student of these events, concludes that "the repeal of Prohibition appears to be the best explanation for the dramatic reversal in 1933 and the return to the long-run decline in crime rates" because "alternative theories have a difficult time explaining the continuous decrease in crime during the remainder of the 1930s" (*The Economics of Prohibition*. Salt Lake City: University of Utah Press, 1991, p. 124).

Despite the continuation in force of the Harrison Narcotic Act (1914) and passage of the prohibitory Marijuana Tax Act (1937), the crusading class largely shifted its attention away from domestic uplift and toward resistance to fascism and communism during the 1940s and 1950s.

In the 1960s, however, the tidy world of the self-righteous came crashing down as antiwar protesters, hippies, and other elements of the counterculture flaunted their disrespect for the bourgeoisie and its standards of conduct. The long-haired, free-loving, dope-smoking scorn of youths, poor people, and blacks—the very groups traditionally regarded as most in need of strict supervision and control—goaded the guardians of respectable society unbearably.

War on Drugs

In response, government officials pandering to the ire of the well-behaved "silent majority" declared a "war on drugs," which meant of course the punishment of selected individuals for the crime of offensive personal behavior regardless of any harmful effects on nonconsenting parties. As a political tactic, this offensive was a no-brainer. "For political leaders, temperance wars, like foreign wars, are mobilizations that can serve as strategies to excite the masses of people and, for this reason, enjoy

continued use” (Wagner, p. 59), which explains the Comprehensive Drug Abuse Prevention and Control Act (1970), the Comprehensive Crime Act (1984), and the Anti-Drug Abuse Act (1988), among many other enactments. The drug war helped to divert citizens from dwelling upon such annoyances as a futile foreign war, high taxes, obnoxious regulations, poor government services, and dwindling protection of life and property.

In this war the police needed no postgraduate training to discern how to promote their own interests. Drug arrests can be arranged virtually at will to bulk up the score sheet of police accomplishments, and once civil forfeitures became an option in the war on drugs the police had the added opportunity of wantonly seizing private property to enhance their resources (see Bruce L. Benson and David W. Rasmussen, “Predatory Public Finance and the Origins of the War on Drugs: 1984–1989,” *The Independent Review* 1 [Fall 1996]: 163–89).

Meanwhile the police and others could blame the use of drugs for the growing violence among youths, especially big-city blacks, when in reality the increased violence occurred mainly because the drug trade was illegal. As Thornton observes,

violence is used in black markets and criminal organizations to enforce contracts, maintain market share, and defend sales territory. ...Street gangs profit and expand based on their role in organizing retail drug sales. Their violent criminal activity has been a growing and very visible result of the war on drugs during the 1980s and 1990s. (pp. 112, 125)

As the prohibition of commerce in “controlled substances” has spawned a vast, global black market, recently estimated by the U.N. International Drug Control Program at \$400 billion in annual sales (“U.N.: Drug Dealing Is 8% of All Trade,” *Seattle Times*, June 26, 1997), opportunities for government officials—everyone from street cops to heads of state—to enrich themselves have grown enormously. In several countries, governments appear to be, from top to bottom, in league with the drug traders. In the United States, the news media routinely report the arrests and convictions of police and other government officials for services to drug dealers, and these reports surely represent only the unlucky tip of an iceberg of corruption. David E. Sisk has written, “If the true consequences of such laws [and the extent of] police corruption...were well publicized, supporters of such laws could no longer hide behind a shield of morality” (“Police Corruption and Criminal Monopoly: Victimless Crimes,” *Journal of Legal Studies* 11 [June 1982]: 403).

Endless Crusades

Sisk may be right, but I am inclined to think that, no matter how horrible the consequences, the desire to butt into other people’s personal affairs, employing the police and even the military as agents, is deeply ingrained in the American national character.

Gerald Klerman aptly indicts “pharmacological Calvinism”; J. Weeks refers to “apple pie authoritarianism”; Ellen Willis likens the contemporary drug test to the McCarthy-era loyalty oath: “When I say pee, you pee” (cited in Wagner, pp. 76, 162, 171). A 1995 Gallup poll found 85 percent of the respondents opposed to legalizing drugs and 87 percent in favor of greater funding for drug police (cited by Nick Gillespie, “Uncompromising Position,” *Reason* 28 [July 1996]: 31). Search the Western world and you will find no other nation similarly obsessed. Europeans, themselves no strangers to government intervention, often view the United States as a nation of lunatics. Notwithstanding its changing forms and temporal fluctuations, the penchant for acting as self-righteous busybodies has animated the bourgeoisie of this country ever since the Pilgrims set foot on Plymouth Rock in 1620. Because it provides an irresistible opportunity for politicians to promote their own interests at public expense, one must expect that we Americans are doomed to an endless procession of costly, futile, and destructive crusades.

It hardly comes as a surprise that the government has not stopped with a war on heroin, cocaine, and marijuana. It is now whooping up, among many other offensives, a jihad against tobacco. Inasmuch as this, like virtually all contemporary attacks on individual liberty in America, comes disguised as a program for “saving the children,” who would object? Once the do-gooders condemned “demon rum”; now they demonize cigarettes.

Though the First Amendment of the Constitution enjoins that Congress “make no law...abridging the freedom of speech, or of the press,” the Food and Drug Administration has issued detailed regulations governing the advertising of tobacco products, and the agency has ambitious plans for more extensive controls. In this



disregard for the Constitution, pusillanimously condoned by the courts, the government follows a pattern set earlier in fighting the war on narcotics. As Judge James P. Gray has distinguished himself by saying, “Our present [drug] policy is directly responsible for the material and demonstrable reduction of our cherished liberties under the Bill of Rights” (“A Fresh Approach to the War on Drugs,” *Seattle Times*, September 20, 1996). The war on tobacco pushes us farther down the same oppressive path.

Upshot

Alexis de Tocqueville foresaw our present condition when, in the penultimate chapter of *Democracy in America* (edited by Richard D. Heffner. New York: Mentor, 1956), he considered “What Sort of Despotism Democratic Nations Have to Fear.” There he envisioned

an immense and tutelary power...absolute, minute, regular, provident, and mild...like the authority of a parent, if, like that authority, its object was to prepare men for manhood; but it seeks, on the contrary, to keep them in perpetual childhood...it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd. (pp. 303–4)

As if these conditions were not bad enough, Americans in true Orwellian fashion “have often come to identify with powerful social control as being in their own interest. They often want the state to expurgate drugs or cigarettes” (Wagner, p. 173).

At the end of his provocative booklet, *Smoking and Liberty: Government as a Public Health Problem* (Montreal: Varia in cooperation with the Texas Public Policy Foundation, 1997), Pierre Lemieux contrasts two possible worlds. One is the world of invasive paternalism to which governments in the United States—and likewise in Lemieux’s homeland, Canada—progressively consign us. In this world, physical and moral dangers are everywhere, and because individuals are too foolish and weak willed to protect themselves, government must micromanage everybody’s personal affairs. The alternative world differs starkly. In it “every individual lives his life as he sees fit, assuming the risks of his joys and the anguish of his death” (p. 92). Lemieux points out that “there is a common denominator between these two worlds: the mortality rate is 100% in both. But the men who live and die are not the same: in the first case, they are slaves; in the second, free individuals” (p. 93).

ROBERT HIGGS