Episode 1058: Killjoys: A Critique of the Nanny State

Guest: Christopher Snowdon

WOODS: Interesting book. I just got done reading it. Let's start off with paternalism, and it takes different forms. You have a chapter actually on hard paternalism, so can you start off just by giving an overview of what paternalism is and the different kinds of it that we see out there. There's nudging, which is different from what a hard paternalist would want. Can you just give us a lay of the land of sorts of the things people in the paternalist camp have advocated?

SNOWDON: Yeah, I mean, paternalism ultimately is about me thinking I know better than you, and coercive paternalism is about using force to make you behave the way I think you should. That's ultimately what it comes down to. There's been all sorts of forms of paternalism over the years. Generally, society has got less paternalistic. I mean, we don't have sort of Western theocracies. You can't be burned as a heretic anymore. But we do seem to have slipped back a little bit when it comes to activities that pose a risk to health, or at least some activities that pose a risk to health. And that's really what I focused most of the book on.

The nudging that you mentioned, aka libertarian paternalism, is not really that paternalistic actually, but the idea is that behavioral economists have shown that people do not always act within their real preferences. And I think it's true that there are some examples that you can give where people, or the vast majority of people, at least, would benefit from being nudged in a certain direction, and if you can nudge people in a direction while allowing the minority of people who really don't want to be nudged to carry on without bearing any cost for opting out, then you can do it. I think it's generally actually fairly trivial, the whole nudge agenda. The stuff that is genuinely libertarian and genuinely paternalistic you can probably count on one hand, so there's not many options for government.

And perhaps partly because of that, government tends to ignore it or it tends to use the word "nudge" when actually it means "shove," and we end up in a situation where governments, egged on by various single-issue pressure groups, are using coercion to make people act in what they assume is going to be a better way, doing what is good for them. And usually, that means things like cutting down on how much soda we drink or how much food we eat or what do we smoke or how much we drink. It's all health stuff, basically.

WOODS: I'm looking at a passage on page 54 of your book that you quote from Sarah Conly. As soon as you saw this passage, you must have thought, *This one's going in*

there. I cannot overlook this one. You're talking about her views on people who choose to eat too much and smoke, and here's the quotation from Sarah Conly, 2013. She says:

"The reason for intervention is that we don't trust you to choose rightly. We are taking away freedom in these cases because we don't think people will choose well themselves. We don't think preserving your autonomy, your freedom to act based on your own decision, is worth the costs, in part because your decision making is done so badly that your freedom is used very poorly."

That's about as blunt as I've ever heard it.

SNOWDON: Yes, and all credit to her for being blunt about it. I mean, that's from a book called *Against Autonomy*. You know where you're going to go with that book as soon as you look at the cover.

WOODS: I didn't know that was what it was called [laughing].

SNOWDON: [laughing] Yeah. And she's also since written a book about why people shouldn't be allowed to have more than one child, so, you know, she says what she thinks. And I personally prefer that kind of bluntness and overt endorsement of coercion for paternalistic ends rather than some of the mealy-mouthed excuses that nanny state campaigners tend to use in an attempt to pretend that they're not paternalists.

WOODS: The thing is, I think some of this stuff is actually hard to persuade a lot of people of. In other words, our position is hard to persuade them of because it would seem — Okay, you can find some non-libertarians who just have a gut instinct that people ought to leave them alone and let them make their own decisions when it comes to them. But when it comes to other people who clearly are not that bright and clearly are harming themselves, I think a lot of average people would think, well, what's the real harm if we in some way influence their decision-making by, let's say, in some way increasing the penalty of doing the dangerous or harmful thing? The only people who could object to this are going to be arguing from an extremely abstract and theoretical point of view, and when you compare that against the possibility of prolonging a person's life or saving the person's life, what are these abstract philosophical claims by libertarians, how are they to be weighed in this? I think a lot of people would think that way.

SNOWDON: Maybe, but I'm not sure the arguments in the book, which are not new arguments — I mean, they're borrowed from people going back to John Stuart Mill. I'm not sure that they're abstract. Ultimately, it just comes down to: do you want people to be able to pursue happiness in their own way or not? And you might be right about people's views of certain activities, but no one's safe in this.

And so you can meet people who, for example, like drinking and they don't want the government to be putting more tax on their alcohol or limiting when they can buy alcohol, but then at the same time they really object to gambling. They think it's stupid or even immoral. They object to smoking because they think it's disgusting, or

whatever it may be. And one of the reasons I wrote this book was to try and make people see the bigger picture, really, so they're not just narrowly self-interested and protecting the things that they do and don't care about what other people do. There is obviously a very big slippery-slope aspect to this kind of stuff. You know, it started with smoking; it's moved on to diet; it's moving on to alcohol increasingly. So nobody, unless they lead a very dull life, is really safe from the nanny statists.

And so I'm not sure that the idea of people being free to enjoy themselves as they see fit is really that abstract; it's just that people have a kind of bias, which means that, although they might believe in freedom in the abstract — and I think most people do — they just have a black spot when it comes to certain things that they dislike. And I'm trying with this book to stop people being the kind of person who says, "I'm a liberal, but..." or, "I believe in freedom, but..." There shouldn't be a "but." These things are indivisible, in my opinion.

WOODS: But as Conly argues — and I'm citing her only to play devil's advocate — if you're not alive — this is what she says — if you're not alive to enjoy your freedom, then all this talk about freedom is indeed abstract. If I can prolong somebody's life by 10 or 20 years, you're really going to hold that against me? I think most people would cheer. I think that's her answer.

SNOWDON: Yeah, and that is indeed her answer, that any talk about liberty is irrelevant if you're dead. But the logical extension of that is just assuming that somebody who lives to the age of 90 has had a better life by definition than somebody who lives to 80 or 75. That's the inescapable conclusion, as far as I can see, from what she's saying, that longevity and liberty are essentially the same thing. And I think that's patently absurd. I think you can have a more fruitful and better life if you die at the age of 70 or 75 or even 60 than if you live a boring life that is not really your own life, it's a life that somebody else has chosen for you, to the age of 100.

WOODS: When you use the term "neopaternalism," is that a reference to the nudge theorists or is that something else?

SNOWDON: Not really, because I haven't got a big problem with the nudge theorists as such. No, it's about the nanny statists, if you want to call them. I mean, paternalism today lives on primarily through the public health movement, which in my view is really just a reheated version of old moral crusades. And you can see this in the fact that they don't just stick to things like obesity and smoking, neither of which are genuine public health issues anyway, by the way. But they also include things like gambling in it. It's the usual list of activities that Puritans have had a problem with for centuries.

WOODS: I thought that study, the David Halpern study that you cite in that neopaternalism chapter was kind of interesting, and it's the sort of thing that could justify the nudge position. Because there you had this case where Danish workers were presented with a choice: they could have chocolate or fruit. And initially it was, well, what would you want if it were right this minute and what would you want if it was delivered a week from now. A week from now, they want the fruit. They want the chocolate now. And likewise for movies. You can watch this high-brow movie or you can watch this more, I don't know, low-brow movie. And for the movie they

wanted to watch tonight, it was the low-brow one. They'll get to the high-brow one next week — which is just an interesting result and I'm rather inclined to accept your response to this, which is that when they put off the decisions that, let's say, some economists or some behavior theorists wish they would make, maybe that means they really don't want to make those decisions at all. Maybe under those constraints, yeah, I'd rather watch it a week from now than today, but really, I'd rather not watch it at all.

SNOWDON: Exactly, and putting it off until next week is just the next best thing to never doing it at all. He uses that as evidence that people should be nudged and the government should get involved. As you say, I think it shows the exact opposite. He's inferring that what people really want is to watch a high-brow movie and eat their celery or whatever, but clearly, they don't. These things are free as well. I mean, some of the nudging and some of the public health stuff is supposedly justified by the fact that, oh, the unhealthy food is cheaper or it's more accessible or something like that. In this instance, you've got people coming to your door and saying you can have the chocolate bar or the lettuce. What do you want? And basically, they want the chocolate bar. To me, that shows that that is exactly what they want.

The only thing of interest I think is it shows what people think they should want. It shows their second-order preferences. People know that they should really watch a high-brow movie, but the reality is that's not the kind of person they are. They know that they should eat the salad, but they really prefer to eat the chocolate bar. So I don't see any reason at all to take people's second-order preference, the preference that they are explicitly rejecting and putting off to another day at best. I don't see any reason to take that as their true preference at all. It's pretty obvious to me from that experiment what people's true preference is.

WOODS: And this all boils down in some cases to people say, really, we're not trying to impose our elite preferences on you. What we're simply trying to do is draw out your own deep-seated preferences to help you be more you, to be a more fulfilled you; not a more fulfilled me, the observe, but really we're trying to make you more you. And I think your thought experiment about your desire to learn the piano was a really helpful one. So that is to say, maybe you might want to learn how to play the piano, but — and it would be fulfilling for you on some level, but —

SNOWDON: I want to do other things as well, and people have time pressures and competing preferences. So yeah, I would like to be a great pianist. I'd like to be a virtuoso on every instrument. Why not? I'm sure it's very satisfying. But there are lots of other things I might want to do instead. The effort of practicing to become a great pianist is effectively just too much. I don't know in reality how much benefit I would get from being a great concert pianist, and I'm certainly not prepared to risk spending hundreds of thousands of hours to find out.

So yeah, in the abstract I'd like to be good at that. I'd like to be good at lots of things. And the reality is that I could if I wanted to set my heart on doing any number of activities, and presumably like most people I could be pretty competent after a while. But I have chosen not to do that because I get pleasure from other things. Now, just because I've said that I'd like to learn to play the piano, does that mean that the paternalists in the government should get involved somehow and force me to play the

piano or maybe force taxpayers to pay for a free piano to be delivered to my house to nudge me in the direction of practicing on it? No, of course not. If I wanted to play the piano, I could play the piano. I've chosen not to.

WOODS: And I like your point that, really when you're saying I would like to learn to play the piano, you're kind of saying I wish I were the kind of person who could be bothered to learn to play the piano, because at any time, I could learn it. I could be learning it right now if I really, really wanted to.

SNOWDON: Right.

WOODS: So all right, let's talk about the public health — you've got a couple of sections on public health here. Now, this is another case I think for a lot of us, there are phrases that sound extremely benign to people and yet they make our skin crawl. So public health, well, who's against that? You're against the spread of disease? So what's the problem with public health paternalism? And what do you mean by public health versus "public health" in quotation marks?

SNOWDON: Right, well, I had to kind of put public health in quotation marks because most of the public health that I'm talking about isn't actually about public health. Public health is about the spread of diseases. It's about issues like air pollution, where you have to have some kind of policy that has to be agreed collectively. It's unavoidable. You can't opt out of it. If you're living in a city next to a factory that's belching out dangerous smoke, you can't deal with that yourself. You have to have some kind of government regulation. Certainly, if you've got people marching into your country infected with Ebola or something, then you can justify government coercion; in other words, having that person quarantined and possibly vaccinating the general public. But there is a genuine public interest there, and as an individual you can't protect yourself from these risks by just making different life choices.

That is completely different to issues like smoking or obesity or liver cirrhosis from drinking too much, things that you can completely control yourself. If you don't want to become obese, you can just exercise more and you can eat less. If you don't want to smoke, then don't smoke. There is no collective issue to be addressed by the government. So when they call all these things public health issues, I think they do it to bring in the association with genuine public health stuff, which people understand requires government intervention, and they blur the distinction between those real issues which are collective action problems and these issues of private behavior and private health problems.

So that's my beef with calling it public health. It's really preventive medicine, I guess would be a slightly more appropriate term. It's about preventing people from adopting risk factors that might or might not lead to chronic health problems, usually quite late in life.

WOODS: Well, if you can believe it — see, when you have — this is Episode 1,058. When you have 1,058 episodes, chances are you've hit on just about everything there is. So we actually have Episode 270: "How Would Libertarians Deal with Ebola." We actually hit that, if you can believe that.

SNOWDON: [laughing]

WOODS: So we have that. And then Murray Rothbard has a pretty good article on air pollution and how we might think about it in a libertarian society. But all the same, I get the distinction you're making. Would an example of public health policy have to do with, for instance, secondhand smoke?

SNOWDON: Not very much, actually, because you're dealing with private property rights.

WOODS: Yeah, but these people don't seem to care about that, I find.

SNOWDON: Oh, no, no —

WOODS: They can still make a law saying that in this bar, in this pub, you can't smoke because other people will be harmed. I mean, they've done that in the U.S.

SNOWDON: Yeah, they've done it in Britain as well. They've done it all over the place, and it's illiberal and it's morally unjustifiable. You can justify doing it in a government building. If the government owns particular places and you've got to have a policy on smoking, you could maybe justify — on the basis of nuisance apart from anything else, you could justify having a ban in state libraries, for example. What you can't justify is having a ban in a cigar bar or a pub, which is owned by a guy who either smokes or doesn't mind people smoking.

WOODS: So what are the problems here from what you're seeing? For example, they will complain — "they" being advocates of these policies — will complain about advertising, because advertising is manipulative and it makes us desire things that are not good for us. Or it generates desires that wouldn't have existed in the absence of the advertising. And this complaint about advertising of course goes way beyond issues of public health. This has been a complaint for many years, that it generates wants that were not there before.

SNOWDON: Yeah, this was the Galbraith argument back in the 1950s with *The Affluent Society*. People who hate advertising really exaggerate how significant it actually is, for a start off.

WOODS: Yeah.

SNOWDON: It generally doesn't create aggregate demand for activities.

WOODS: It shuffles demand around, generally.

SNOWDON: It shuffles demand around most of the time. But even if it did lead to more people taking up an activity or doing something, so what? If you let somebody know about something that they'd never previously heard of, you would assume that will happen. So that's one of the few cases where advertising actually does increase demand: when it's for a brand-new product. How could it otherwise? But so what?

What's wrong with that? I mean, you're still dealing with free people, free grownups, most of the time.

WOODS: Yeah, what, are we going to have a government newsletter informing us of all the new products that come onto the market [laughing]? I mean, how else would you find out?

SNOWDON: Yeah, so there's nothing wrong at all with advertising trying to create wants. But it so happens with these areas that I'm talking about, smoking and obesity and so on, that really the impact of advertising is negligible, if it exists at all. And there's loads of evidence showing this, but the public health people just ignore it or they create their own evidence because they've got this obsession with advertising. And I think it comes down to a certain sense of self-righteousness amongst these people. They don't do something, they don't engage in an activity, and they can't see why anybody else does, and so they have to scrape around looking for excuses, looking for reasons that these stupid, easily-manipulated plebs would decide to drink soda or smoke cigarettes. And advertising's a pretty good bogeyman for that.

But in practice, actually, advertising has very little effect on overall demand, but banning it does have very negative consequences for consumers because it tends to keep the incumbent industry frozen in time, effectively. It makes it very difficult for any newcomers to enter the market with a better or cheaper product. And it prevents consumers from getting what could be quite useful information.

WOODS: More with Christopher Snowdon after we thank our sponsor.

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I think the idea of sin taxes is maybe the public policy that's associated most often in people's minds with this kind of approach, that this is going to do two wonderful things. On the one hand, it's going to discourage behavior that pretty much everybody agrees, even the people engaged in the behavior in the abstract might even agree, is undesirable and should be avoided. And it generates revenue for the government, which we can then use to educate people further about the dangers of this particular practice. So again, the benefits seem so intense that how could we really have a strong objection to it? Our focus on autonomy is just — I think they would think it's just juvenile compared to the scope of the benefits we can get.

SNOWDON: Well, you're only shuffling money around. If it's so good to spend taxpayers' money on advertising, we can raise that money from general taxation rather than targeting particular deviant groups in society who are generally drawn from the lowest income strata anyway. I'm not convinced actually that this paying for education is that worthwhile, because I'm not sure there are that many areas where people are uninformed to begin with.

There is a justification for taxing products if they are demerit goods in some instances, and I acknowledge that in the book. The Pigovian tax is a perfectly adequate way to tackle negative externalities, be it pollution or health care costs or whatever. And

certainly in the case of alcohol, there are excess negative externalities and it's quite right that we tax alcohol.

However, that's not the reason paternalists want to bring this stuff in. They're not looking to increase the price to such a level that consumption is optimal, which is how an economist would look at it. They're looking to deter people from buying these products at all, engaging in these activities at all. So the aims and objectives of paternalists are completely different actually to the aims of a liberal economist, even though the paternalists often borrow economic language and talk about the excess costs to the health service or to the police of people drinking or getting fat or whatever it may be. These costs can be real and we can deal with them with a Pigovian tax, but most Western countries have gone far beyond a Pigovian tax.

WOODS: Okay, but let's think of a guy like me. I don't drink that much, and when I do, I drink very responsibly. How is it fair that I pay more for a product that I am perfectly capable of using in moderation? Why is that justified?

SNOWDON: Well, that's one of the problems with these kinds of taxes, is they're not very well targeted to begin with. It's the same thing with the soda tax. Most obese people, if they drink soda they tend to drink the diet ones, which are usually not taxed in the first place. Whereas you've got very healthy people going down to the gym burning off 4,000 calories a day weightlifting and they're drinking a lot of sugary drinks and they're having to effectively subsidize obese people. So they're not very well targeted, but I do think it's better to target drinkers than non-drinkers in that particular example, even if that means that moderate drinkers have to pay a little bit. Because even then, of course the heavy drinkers are going to be by definition the ones paying more of that tax. So yeah, it's not brilliantly targeted, but it's probably the only practical way of having a Pigovian tax on that issue.

WOODS: Let's talk about the overall negative consequences of what you call hard paternalism, because it's not just that it interferes with people's autonomy. You've got a laundry list of problems that result from this, so name me a few of them.

SNOWDON: Well, whenever you're getting in the way, standing in the middle between a free individual who wants to buy something and the company that wants to sell them something, you're going to create distortions in the market. Ultimately, you can create a black market in which the product is totally unregulated and all the stuff that health people say about selling to kids and the product being dangerous, all these issues are made much worse. When the market is driven completely underground, the sin taxes that we've just mentioned do disproportionately hit people on low incomes. You're pushing people into secondary poverty on the basis of unfashionable lifestyle choices.

In some instances — I give a few examples in *Killjoys*. In some instances, the government is simply wrong about what's healthy and what's unhealthy to start with, which is bad enough that they're just giving advice, but it's really quite damaging to people's health if they start legislating to try and push people in a direction that turns out to be the wrong direction. So there are all sorts of things that can go wrong when the government decides it knows better than the individual.

WOODS: Well, here may be my favorite part of all this: how can people get your book, *Killjoys: A Critique of Paternalism*?

SNOWDON: It's free to download. If you're happy reading PDFs, put it on the Kindle or whatever, it's free to download from the Institute of Economic Affairs' website; that's IEA.og.uk. You can buy it if you want a paperback. You can buy it from Amazon and the usual online places. But no, it's free. I work for a free-market think-tank. We have no price mechanism to control demand, so feel free to download it.

WOODS: Yeah, how about that? Isn't that great? So I'll link to both ways because there are people, even when you give them a chance for a free electronic book, they say, "Pshh," to that. "Give me the thing I can hold in my hand." At TomWoods.com/1058 I'll have a link to how you can download it for free and also a link if you want to get it in the hard copy or whatever else, Kindle, whatever else you like. All right, well, Chris, great talking to you and I'm glad you did this and best of luck.

SNOWDON: Thank you very much. It's been great talking to you again.