

Can We Legislate Against Sin?
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From the beginning of human society, control of behavior was essential to cohesion. You cannot have a community of human beings living in anarchy; they would be at each other's throats. Nor can you have an individual surviving for long in isolation. We are tribal, and need each other to survive.

There are several ways to control behavior: first, training the children with rules, rewards (affection), and punishment; brute force from leaders (or male punishments on women who defy rules); or banishment, which was once a sure recipe for death. Religion was also harnessed, the idea that the gods punish certain actions. Fear and force are effective safeguards.

In today's world, three methods of controlling behavior predominate: religious law (only in Islam), secular criminal law, and taxation (sin tax).

- o Islamic Sharia Law punishes bad behavior (whipping, amputation of limbs for thieves, execution or murder of women and girls accused of violating sexual purity).
- o Modern secular law arrests, tries, and imprisons the violent and murderer s, thieves, and traitors. Violators are imprisoned or (infrequently) executed as punishment.
- o Selective taxation, sin taxes, are the newest way to discourage bad behavior.

In our most recent off-year elections, legislators found taxation unpopular, except for being taxed for behaviors deemed bad for society (drugs, alcohol, cigarettes, and gambling). The intention is good: to let citizens know that such vices will cost them, in the hope that they will abandon such practices. Such a tax was added to cigarettes years ago, with the result that fewer people smoke today than in the past.

But what happens to the revenue that the state formerly got? What has happened to the revenue that states reaped from gasoline tax? This money was earmarked for roads and bridges, but today these beneficiaries are being starved for funding. People just drive less, and automobiles have better mileage. Alas, an unexpected consequence.

Taxing smokers' use of tobacco has long been a source of education money. Now smoking is in decline, and where will education money come from?

Ross Douthat, a conservative columnist who writes for the New York Times, raised this issue thoughtfully in \342\200\234Pot and Jackpots\342\200\235 (November 6, 2013). When we try to deal with one problem by taxing it, we often get other problems that we had never anticipated. Sanctioning certain sexual behaviors was once seen in our society as a good thing. But now we have increasingly removed such restraints: sex out of wedlock, homosexual decriminalization and now marriage, and contraception and abortion rights new to women.

There is no doubt that these new permissions have greatly benefitted the autonomy of women, recognizing that some of us wired differently from the usual. These are good things. But these freedoms also have had consequences for family stability, affecting children in their most vulnerable ages.

Pot smoking is another issue that is increasingly moving from criminal to permitted in state after state. For a long time, liberalizers have noted that pot is often less detrimental to human health and behavior than alcohol, so why should it not be treated the same way, by taxing and regulating its purity? States are increasingly looking to this new revenue source, but once again, there are consequences. Pot is probably benign for adults, but brain science is finding it detrimental to the still developing brains of young people. Is that a consequence that a voting democracy can afford? Are we really cultivating more stupid voters?

Gambling used to be a special sin harbored in urban undergrounds, but legally and regulated only in Las Vegas and Atlantic City. Now it is spreading like a plague, and although revenue flows to the state, what does this particular sin do to people without the means to support their families?

With pot and slots (says Douthat), are we blurring liberty and license? Are these new bread and circuses making us easier to control?

647 words

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