Three Cheers for the Nanny State

Sarah Conly

BACKGROUND
The term “nanny state” is a negative nickname for a welfare state, which is a model of government that takes direct responsibility for the protection and well-being of its citizens. Welfare states offer basic social support, such as free health care or low-income housing, but also create laws and policies that attempt to control or influence how people behave.

1 Why has there been so much fuss about New York City’s attempt to impose a soda ban,\(^1\) or more precisely, a ban on large-size “sugary drinks”? After all, people can still get as much soda as they want. This isn’t Prohibition. It’s just that getting it would take slightly more effort. So, why is this such a big deal?

   Obviously, it’s not about soda. It’s because such a ban suggests that sometimes we need to be stopped from doing foolish stuff, and this has become, in contemporary American politics, highly controversial, no matter how trivial the particular issue. (Large cups of soda as symbols of human dignity? Really?)

2 Americans, even those who generally support government intervention in our daily lives, have a reflexive response to being told what to do, and it’s not a positive one. It’s this common desire to be left alone that prompted the Mississippi Legislature earlier this month to pass a ban on bans—a law that forbids municipalities to place local restrictions on food or drink.

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\(^1\) **soda ban** In 2013, New York City passed a law prohibiting soda containers larger than 16 ounces in volume. The New York State Court of Appeals later overturned the law.

CLOSE READ
ANNOTATE: In paragraph 1, mark the questions that the author does not answer.

QUESTION: Why might the author have begun the article with several unanswered questions?

CONCLUDE: What effect do these questions have on the reader?
We have a vision of ourselves as free, rational beings who are completely capable of making all the decisions we need to in order to create a good life. Give us complete liberty, and, barring natural disasters, we’ll end up where we want to be. It’s a nice vision, one that makes us feel proud of ourselves. But it’s false.

John Stuart Mill wrote in 1859 that the only justifiable reason for interfering in someone’s freedom of action was to prevent harm to others. According to Mill’s “harm principle,” we should almost never stop people from behavior that affects only themselves, because people know best what they themselves want.

That “almost,” though, is important. It’s fair to stop us, Mill argued, when we are acting out of ignorance and doing something we’ll pretty definitely regret. You can stop someone from crossing a bridge that is broken, he said, because you can be sure no one wants to plummet into the river. Mill just didn’t think this would happen very often.

Mill was wrong about that, though. A lot of times we have a good idea of where we want to go, but a really terrible idea of how to get there. It’s well established by now that we often don’t think very clearly when it comes to choosing the best means to attain our ends. We make errors. This has been the object of an enormous amount of study over the past few decades, and what has been discovered is that we are all prone to identifiable and predictable miscalculations.

Research by psychologists and behavioral economists, including the Nobel Prize-winner Daniel Kahneman and his research partner Amos Tversky, identified a number of areas in which we fairly dependably fail. They call such a tendency a “cognitive bias,” and there are many of them—a lot of ways in which our own minds trip us up.

For example, we suffer from an optimism bias, that is we tend to think that however likely a bad thing is to happen to most people in our situation, it’s less likely to happen to us—not for any particular reason, but because we’re irrationally optimistic. Because of our “present bias,” when we need to take a small, easy step to bring about some future good, we fail to do it, not because we’ve decided it’s a bad idea, but because we procrastinate.

We also suffer from a status quo bias, which makes us value what we’ve already got over the alternatives, just because we’ve already got it—which might, of course, make us react badly to

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3. cognitive (KOG nih tihw) adj. related to thinking.
new laws, even when they are really an improvement over what we’ve got. And there are more.

The crucial point is that in some situations it’s just difficult for us to take in the relevant information and choose accordingly. It’s not quite the simple ignorance Mill was talking about, but it turns out that our minds are more complicated than Mill imagined. Like the guy about to step through the hole in the bridge, we need help.

Is it always a mistake when someone does something imprudent, when, in this case, a person chooses to chug 32 ounces of soda? No. For some people, that’s the right choice. They don’t care that much about their health, or they won’t drink too many big sodas, or they just really love having a lot of soda at once.

But laws have to be sensitive to the needs of the majority. That doesn’t mean laws should trample the rights of the minority, but that public benefit is a legitimate concern, even when that may inconvenience some.

So do these laws mean that some people will be kept from doing what they really want to do? Probably—and yes, in many ways it hurts to be part of a society governed by laws, given that laws aren’t designed for each one of us individually. Some of us can drive safely at 90 miles per hour, but we’re bound by the same laws as the people who can’t, because individual speeding laws aren’t practical. Giving up a little liberty is something we agree to when we agree to live in a democratic society that is governed by laws.

The freedom to buy a really large soda, all in one cup, is something we stand to lose here. For most people, given their desire for health, that results in a net gain. For some people, yes, it’s an absolute loss. It’s just not much of a loss.

Of course, what people fear is that this is just the beginning: today it’s soda, tomorrow it’s the guy standing behind you making you eat your broccoli, floss your teeth, and watch *PBS NewsHour* every day. What this ignores is that successful paternalistic laws are done on the basis of a cost-benefit analysis: if it’s too painful, it’s not a good law. Making these analyses is something the government has the resources to do, just as now it sets automobile construction standards while considering both the need for affordability and the desire for safety.

Do we care so much about our health that we want to be forced to go to aerobics every day and give up all meat, sugar and salt?

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5. *paternalistic* (puh tuh ruh LIHSH ihk) adj. protective, but controlling; in the manner of a parent.
No. But in this case, it's some extra soda. Banning a law on the grounds that it might lead to worse laws would mean we could have no laws whatsoever.

In the old days we used to blame people for acting imprudently, and say that since their bad choices were their own fault, they deserved to suffer the consequences. Now we see that these errors aren't a function of bad character, but of our shared cognitive inheritance. The proper reaction is not blame, but an impulse to help one another.

That's what the government is supposed to do, help us get where we want to go. It's not always worth it to intervene, but sometimes, where the costs are small and the benefit is large, it is. That's why we have prescriptions for medicine. And that's why, as irritating as it may initially feel, the soda regulation is a good idea. It's hard to give up the idea of ourselves as completely rational. We feel as if we lose some dignity. But that's the way it is, and there's no dignity in clinging to an illusion.
Comprehension Check

Complete the following items after you finish your first read.

1. What new law was proposed in New York City?

2. What is a “cognitive bias”?

3. According to the author, what do people fear they will lose as a result of the new law?

4. According to the author, what will most people gain from the soda ban?

5. Notebook Write a summary of “Three Cheers for the Nanny State.”

RESEARCH

Research to Clarify Choose at least one unfamiliar detail from the text. Briefly research that detail. In what way does the information you learned shed light on an aspect of the text?

Research to Explore Write a research question that you might use to find out more about the concept of the “nanny state.”
Close Read the Text

1. The model, from paragraph 16, shows two sample annotations, along with questions and conclusions. Close read the passage, and find another detail to annotate. Then, write a question and your conclusion.

   **ANNOTATE:** The author begins the paragraph with the transition phrase *Of course.*
   **QUESTION:** Why might the author have chosen this specific transition?
   **CONCLUDE:** The author uses this phrase to show that she recognizes and, to some degree, understands opposing views.

   Of course, what people fear is that this is just the beginning: today it's soda, tomorrow it's the guy standing behind you making you eat your broccoli, floss your teeth, and watch *PBS NewsHour* every day.

   **ANNOTATE:** The author lists activities.
   **QUESTION:** Why does the author list these activities?
   **CONCLUDE:** Each activity is considered "good" for people, and is something we usually do at home. The list exaggerates the idea of government control of our behavior.

2. For more practice, go back into the text and complete the close-read notes.

3. Revisit a section of the text you found important during your first read. Read this section closely, and annotate what you notice. Ask yourself questions such as "Why did the author make this choice?" What can you conclude?

Analyze the Text

**Notebook** Respond to these questions.

1. (a) **Distinguish** What is the author's tone, or attitude toward her subject and audience? (b) **Support** What words and phrases does the author use that create that tone?

2. (a) **Deduce** What is the larger issue that the author is addressing in this opinion piece? (b) **Interpret** Why do you think the author uses the soda-ban debate as a catalyst, or motivating force, for addressing this issue?

3. **Essential Question:** *When is it right to take a stand?* What have you learned from this text about when it is right to take a stand?