

## More Government Does Not Mean Less Freedom

*Despite the claims of conservatives, there is no necessary trade-off between government size and the freedom of its citizens.*

"FREEDOM!" has always been a rallying cry of anti-government activists. Many conservatives embrace and extol the libertarian principle that "Individual freedom and government power are polar opposites. More government means less freedom."<sup>1</sup> For them, the trade-off between government size and individual liberty is inevitable, and this is the main reason they work to minimize government.

As Ronald Reagan once put it: "Runaway government threatens ... the very preservation of freedom itself."<sup>2</sup> Charlton Heston, speaking to a college audience in the 1990s, argued that the government had become more than just a threat, that it had already reached oppressive proportions in the United States:

**"The size and extent of government activity, by itself, tells us nothing about how free or oppressive a society is."**

There is now no aspect of American life, public or private, that the federal government does not invade, instruct and finally coerce to its will. Farm and factory, home and school, university and research center, club and playground – all are overlaid with a spidery network of laws, guidelines, restrictions and Draconian penalties that stifle the spirit, the energy, the creative capacity of what was once the freest nation on earth. In this hemisphere, now that Ortega and Noriega have fallen, the collectivists' sentiments discredited around the world fly best, I fear, in Cuba and Washington, D.C.<sup>3</sup>

Heston's views may seem extreme, but it is important to realize that many Americans are concerned about government impinging on their freedoms. Almost a third of us believe that the federal government "poses an immediate threat to the rights and freedoms of ordinary citizens." And many people resent it fiercely whenever the government prevents them from doing what they want to do – whether it is riding a motorcycle without a helmet, filling in a wetland on their property, or carrying a gun for their own protection.

Bashing the government in the name of freedom can be a very effective political tactic. After all, freedom is quintessentially American. It is our most basic political value and a fundamental part of our

national political identity. We are “the land of the free” as we sing in our national anthem. And so, to the extent that government can be portrayed as interfering with our individual rights and freedoms, it will be seen as bad – as anti-American.

The political right's ability to convince many Americans that there is an inevitable trade-off between government and freedom has been one of its greatest ideological victories. In one stroke, it renders illegitimate virtually all liberal policy initiatives. Any effort to expand social programs or increase regulation becomes seen as an attack on freedom. If you value freedom, it is argued, you should strongly oppose any increase in public sector activity. If you love freedom, you should hate government.

Or so it seems. But things are not always as they seem. In reality, this view of the relationship between freedom and government is incomplete, distorted, and often wrong. It relies almost entirely on a misleading stereotype: government as “Big Brother.” But if we can step back and look at the performance of our democratic government in a more objective and less dogmatic way, we begin to see that many of the basic conservative and libertarian assumptions about government and freedom are mistaken.

## **No Necessary Trade-off Between Government and Freedom**

Let's start by seeing what is wrong with the assumption that there is an inevitable trade-off between government and our individual rights and liberties. Former U.S. House Majority Leader Dick Armey put this assumption succinctly: “The sheer mass of our federal government is simply inconsistent with a free society.”<sup>5</sup> But it is a mistake to believe that the size or extent of government has anything to do with how oppressive it is. For example, you could have a country with a minimal public sector that was very repressive to its citizens. It would have low taxes, few social service programs, and hardly any regulations on business. But it could also be incredibly oppressive – allowing only one-party elections, banning free speech, muzzling the press, preventing freedom of assembly, jailing people arbitrarily, etc. On the other hand, we could have a society with a public sector much larger than we have now that has all the freedoms of a modern democracy. Belgium, for example, has a public sector almost twice the size of the United States as a proportion of GDP, and has much more extensive health care, unemployment, and pension programs. Yet Belgian citizens enjoy essentially the same rights and liberties as Americans. We see very few Belgian political refugees applying for asylum in the U.S. because they are oppressed in their homeland.

So the size and extent of government activity, by itself, tells us nothing about how free or oppressive a society is. The necessary trade-off between government size and citizen's freedom simply does not exist.

And the reason it does not exist is because many of the most common activities of the modern state – building roads and highways, putting out fires, fighting disease, treating our sewage, providing college loans, funding basic scientific research, providing medical care for the elderly, supplying clean water, feeding the poor, providing parks and recreational facilities, subsidizing farmers, educating our children, forecasting the weather, sending out Social Security checks, and so on – are not inherently coercive or oppressive at all. So it is simply mistaken to automatically equate more government with less freedom.

The minimal-government crowd uses this “more government = less freedom” formula to make all sorts of alarmist claims. For example, some suggest that every increase in government power is a step down the road to totalitarianism and repression. This is a favorite argument of many conservatives and they use it to oppose even small and seemingly reasonable increases in government programs or regulations. For example, they argue that if we allow the government to insist on background checks to buy guns, this will lead to mandatory gun registration, which will eventually lead to confiscation of guns, and this will put the government in a position to repress a disarmed and helpless citizenry. Or they suggest that legalizing assisted-suicide for terminally ill patients will only set the stage for government euthanasia programs aimed at the handicapped and others. Or they fear that mandating non-smoking areas is merely a step toward outlawing cigarettes altogether. Or they contend that if we allow environmental regulations to restrict how an owner deals with wetlands on their property, we are going down a road in which property rights will eventually be meaningless because the state will control all property. This seems to be the view of the conservative judge Janice Rogers – one of George W. Bush’s appointees to the federal judiciary. In one of her opinions, she railed against local restrictions on the rights of real estate developers in California and concluded that “Private property, already an endangered species in California, is now entirely extinct in San Francisco.”<sup>6</sup>

In his book, *Defending Government*, Max Nieman has labeled this argument the “Big Brother Road to Dictatorship.” It suggests that the expansion of government powers in the U.S. during the last 75 years has been inevitably leading us down the path toward totalitarianism. But as he has noted, there is really no valid evidence for this theory. If we look at how modern dictatorships have come about, they have not been the product of gradually increasing social programs and regulations over property and business. As Neiman explains:

It is common among conservative critics of public sector activism to characterize government growth in the arena of social welfare, environment, consumer and worker protection, and income security as steps toward the loss of liberty and even totalitarianism. Many critics of the emergence of the modern social welfare state ... have tried to convey the sense that the road to totalitarian hell is paved with the good intentions of the social democratic program. ...There is no record, however, of any oppressive regime having taken power by advancing on the social welfare front. Lenin and Stalin, Mussolini, Mao Tse-tung,

Fidel Castro, and Chile's Pinochet did not consolidate power by gradually increasing social welfare programs, taxes, and regulation of the environment or workplace. Rather, these assaults on personal freedom and democratic governance involved limitation on civil rights and political rights, the legitimization of oppression and discrimination against disfavored or unpopular groups, and the centralization and expansion of military and policy forces. Hitler did not become the supreme ruler of the Nazi state by first taking over the health department.<sup>7</sup>

## **Government Coercion Can Be Good**

So there is not an inherent trade-off between government and freedom. Much of what government does is not coercive at all, and expansion of government programs is not going to lead us down a slippery slope to totalitarian rule. But all of this is not to deny that some government activities do curtail our freedom. Conservatives are correct to say that many laws and regulations are inherently coercive – they prevent people and organizations from doing what they want to do. But anti-government conservatives seem to think this coercion is a bad thing. It is not.

What anti-government zealots fail to appreciate is that when our democratic government restricts people's behavior, this is usually a *very good thing*. We *want* the government to restrict the freedom of many people – people who would otherwise do a great deal of damage to us, our families, and our society. We don't want burglars free to rob, or rapists free to attack women, or murders free to kill people. Nor do we want shady businessmen free to defraud investors and customers, or factories free to dump poisons in our air and water, or drug companies free to sell dangerous or worthless medicines. To create an ordered, prosperous, and just society – something we all want – we inevitably have to have a government that will not let everyone do what they want. In short, restricting some people's freedom is in the public interest. Naturally, we don't always agree on when these coercive measures are justified. Sometimes the harm to individuals may not be worth the gains to the public interest. But while we can disagree on such matters, what is not disputable is that oftentimes it is entirely legitimate to restrict people's freedom in pursuit of the public interest – and that we are all much safer and better off for it.

While most conservatives will readily admit that the government is legitimate in restricting criminal behavior, they do not think it is legitimate for it to restrict the freedom of normal, law-abiding citizens. For example, they believe it's wrong for the government to use zoning laws to restrict how people use their private property, and for it to force people to wear motorcycle helmets or to prevent them from smoking in public facilities. They invoke the specter of "Big Brother" intruding into the private lives of citizens – telling us what to do in our everyday lives. But in virtually every case in which government

tries to regulate the behavior of ordinary citizens, it does so for the same reason it restricts the freedom of criminals – to prevent harm and to promote the good of society as a whole. When people's actions only affect themselves, we usually could care less what they do. But when individuals' actions begin to harm others, then we do care and we want to stop it. No one cares if you smoke in your own home; but if you do it in a public place your secondhand smoke can harm others – as has been shown by numerous studies.

Perhaps the best example of this kind of issue has been motorcycle helmet laws – which have become a lightning rod for pro-freedom/anti-government activists. For them, this is the archetypal example of government bureaucrats interfering with our right to make our own decisions about our lives. If riders want to increase their chances of dying in a crash, that's their own business – the government should mind its own business. But the problem here is not so much the preventable deaths of these riders. The problem is that often they don't die. Motorcycle riders without helmets typically experience more frequent and more severe head injuries in accidents, which can often mean prolonged and expensive stays in hospitals and nursing homes. And this doesn't just affect them; it affects all us in terms of higher insurance costs, and increased government health care expenditures. For example, before enacting its universal helmet law in 1991, California's state medical program paid out \$40 million for treatment of motorcycle-related head injuries. After passage of the law, that figure dropped to \$24 million. Also, a National Highway Traffic Administration study has shown that if all states had mandated 100% helmet usage between 1984 and 1996, the total cost savings over those 13 years would have been \$4,638,173,956.<sup>8</sup> This is money that came out of all our pockets and could have been put to better use. As Judith Lee Stone, president of Advocates for Highway and Auto Safety, has observed: "Citizens must fight for every penny at the state government level and recognize the trade-offs where they exist. In the case of motorcycle helmet laws, clearly the money spent on head injuries means that less money will be available to pay police officers or teachers."<sup>9</sup> And as one state senator, John Cullerton of Illinois, has concluded: "On behalf of the taxpayers I represent, I must ask: Is it worth spending these millions of dollars to pay for the wind in the hair of motorcyclists? My answer is No."<sup>10</sup> And yet in spite of the large public costs being imposed on taxpayers by the absence of these laws, the Republican Congress repealed federal incentives to the states to adopt these laws in 1995. As a result of this action and the growing power of conservatives in state legislatures, more states have been repealing and weakening their helmet laws, and now only 20 states have laws that cover all riders. We are all worse off for this.

Ironically, coercive government policies can sometimes actually have *liberating* effects on us and society as a whole. For many people this may seem counter-intuitive: How can having more rules increase our freedom? But it is true. This point has been made very effectively by the political commentator Garry Wills. He has argued that government restrictions on our behavior can often work to increase our freedoms. He uses a very common example to make his point – traffic laws. These laws, he points out, are often incredibly intrusive and restrictive:

One must stop on the command of an inanimate red light or stop sign, yield to other drivers in a number of circumstances, drive at prescribed speeds (a maximum speed imposed everywhere, though at different levels place by place, and a minimum speed set on some highways). We are told where we *cannot* drive (the wrong way on one-way streets, the sidewalk, certain bus lanes, certain downtown areas at certain times). ...The very vehicle must be licensed, and the license periodically renewed. A car must have a mandated quantity and kind of lights, mirrors, windshield wipers, and unobstructed windows. Its width and turning capacity are determined by the state. It must have functioning brakes, mufflers, horn, and other parts. It must pass pollution tests. The car itself and its action upon others must be insured to prescribed levels. The accumulation of minor impositions is really quite staggering when one stops to add them up. ... How can we really be free when we are continually triggered to obey on so many fronts?<sup>11</sup>

But then Wills concludes, “Actually, these rules are immensely liberating.” He explains that without these elaborate controls on our behavior, the traffic system would break down and we would not be free to drive anywhere. “If we all woke every morning, took out cars of uncertain performance, and tried to drive every which way, not heeding (nonexistent) signs or a right-side requirement, any speed laws or rules of precedence at crossings, we would either be crashing constantly, or would be immobilized by a fear of crashing or being crashed into.”<sup>12</sup> In other words, without all those coercive traffic laws, we really wouldn’t be free to drive. And such rules are not an example of “Big Brother” telling us what to do, but of “us” telling us what to do. They are not a form of dictatorial coercion; but a form of mutual coercion, decided on in a democratic manner. Without these kinds of democratically generated rules, we would lack the social order necessary for us to be free to go about our business.

We can see a similar liberating function of government rules at work in many other areas. For example, we are free to breathe clean air and drink untainted water only because environmental laws prevent the numerous private activities that could pollute those vital common resources. And our venerated “free” market would not work at all without elaborate government rules governing economic behavior, including complex laws about contracts, property rights, fraud, debt collection, and so forth. (See [Capitalism Requires Government](#).) Without these legal rules, markets would descend into chaos and cease to function effectively. We are free to participate in market activities precisely because acceptable economic actions are so highly circumscribed by government.

## Conclusion

It is clear, then, that two of the central conservative assumptions about the relationships between

government and freedom are wrong. There is no logical reason to assume that a growing government inevitably threatens the freedom of its citizens. Also, when the government does restrict the behavior of individuals, this is not necessarily a bad thing. These forms of “mutual coercion” are usually in the public interest and work to our common benefit.

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*To see why government is often the most effective way for us to defend and expand our freedoms, go to the next article, [“Government as the Primary Protector of our Rights and Liberties.”](#)*

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3. Charlton Heston, Speech, September 9, 1990, Hillsdale College.  
  
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5. Dick Armey, *The Freedom Revolution* (Washington D.C.: Regnery Publishing, 1995), p. 291.
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8. National Highway Traffic Safety Administration, “Universal Motorcycle Helmet Laws Reduce Costs to Society,” <http://www.nhtsa.dot.gov/people/injury/pedbimot/motorcycle/safebike/costs.html>
9. National Highway Traffic Safety Administration, “A Helmet Law is Not a Stand Alone Issue.”

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10. NHTSA, “Universal Motorcycle Helmet Laws.”

11. Garry Wills, *A Necessary Evil* (New York: Simon and Schuster, 1999) pp.305-06.

12. Ibid.

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