



Written by [Selwyn Duke](#) on June 28, 2024

Our Freedom-squelching, Time-sucking Nanny State

“A government big enough to give you everything you want,” goes a paraphrase of an apocryphal saying, “is big enough to take everything you’ve got.”

This includes too many free minutes.

As to this, we’ve all probably had the kind of experience commentator Kevin R. Kosar describes in an [article](#) recently featured on MSN.com. In “Our nanny state and the loss of everyday freedom,” Kosar details how he spent hours trying to help his teen son obtain a learner’s permit; this ordeal included being told, upon arrival at the DMV, that a passport was not acceptable identification. You can read all the excruciating minutiae [here](#) if interested, but his larger point is this:



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Having to jump through such red-tape hoops isn’t unusual now — it’s today’s norm.

It’s so bad that while *The New York Times* ran a 2013 article [titled](#) “Three Cheers for the Nanny State,” it just this year published a piece [called](#) “Death by a Thousand Paper Cuts,” which lamented “the growing bureaucratization of American life.”

The *Times* related that bureaucracy’s growth “costs America over \$3 trillion in lost economic output every year,” which is “about 17 percent of G.D.P.”; it has also made it so that “there is now one administrator or manager for every 4.7 employees.” One tangible example:

“Over a third of all health care costs go to administration,” the paper also informs, with a typical American paying over \$2,000 yearly for “useless bureaucracy.”

Returning to Kosar, he expounds further upon the big picture:

There are more than 60,000 pages of federal statutes and 186,000 pages of regulations explicating them. There also is an untold quantity of regulatory guidance that attempts to clarify what is licit, what is illicit and what must be done to engage in any number of activities, be it hunting, operating a day care center, running a farm or what have you.

Which is to say nothing of the laws and regulations issued at the state, county and municipal level, and the various agency policies. Both public and private colleges and universities gush rules and policies.

And speaking of the private sector, it too spews rules. When I took my daughter and some of her friends to an indoor climbing site, a liability waiver had to be completed for every child. When I turned on my cell phone recently, Samsung asked me to read and agree to its updated policies. Before I was allowed to visit my dentist, I had to review all the existing information on file to confirm its accuracy. Etc.



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This “current state of affairs comes from a 1960s legal revolution,” Kosar then relates, citing a [new book](#). “Expansive notions of rights and liabilities took hold in the courts, and filing lawsuits became an American pastime. Case law parsing right from wrong grew like kudzu and institutions began adopting rules to protect themselves against legal peril.”

Economic development also begets more rules, Kosar points out. He mentions that while we had no federal car safety regulations 100 years back, today they exist along with regulations governing drones and multitudinous other modern miracles.

But even insofar as some of these regulations may be necessary — we certainly don’t want rogue actors dumping waste in our waters — the problem is that rule-making becomes a habit. Just as builders build, bakers bake, and butchers butcher, legislators legislate; bureaucracies also take on a life of their own, justifying their existence by ever finding new reasons to create rules. As to the scary big picture this paints, consider:

As a general rule or, perhaps, even by definition, a law is the removal of freedom because it states that there’s something you must or mustn’t do; therefore, the more laws you have, the less free you are all other things being equal. And what happens continually?

Government creates more laws every year, but hardly ever rescinds any. This means that as time passes, we become progressively less free.

(Thus did I years ago propose a “[Defense Against Tyranny Amendment](#)” to place a cap on the number of laws, regulations, and mandates extant at any given time.)

Of course, though, lawmaking or anything else will appear wholly positive if one looks only at its pros, which is what nanny staters generally do. But as economist Thomas Sowell points out, in life there generally “are no solutions, only trade-offs.” So with everything having cons, what are rule-makings’ downsides?

One example is that, as late economist Walter E. Williams [informed](#), there is a “strong” positive correlation between countries’ level of economic liberty and protection for property-rights, and their wealth (and protections for human rights); i.e., greater economic freedom/property rights=greater wealth. As an example, Williams [elaborated upon](#) how Egypt’s lack of the aforementioned prerequisites helps explain its poverty.

Another problem relates to Kosar’s DMV story: Excessive rule-making eats up time. Since time is money, too, this is no small matter; reducing productivity diminishes wealth.

Finally, there’s that progressive loss of freedom mentioned earlier: Shouldn’t we worry that at some point down the road of law-making and liberty-taking, we’ll have descended into an actual state of tyranny?

As to what breeds the nanny state, here are a few points to ponder:

- As modern society and technology make people safer and more comfortable, their tolerance for risk decreases. They then vainly try to legislate it out of existence.
- A lack of a “loser pays” law removes the risk from filing frivolous lawsuits.
- There’s what I call The Phenomenon of the Bathroom. Live alone and the bathroom is all yours. Have a roommate and it’s often available, but not always. Live with nine other people, however, and it’s rarely free. Moreover, some will be inconsiderate and monopolize it, leading to calls to *regulate the bathroom*. Lesson: Overpopulation begets regulation. (This is a good reason to



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suppress immigration.)

The last point brings us to the big one: As virtue diminishes, inconsideration grows. This lack of personal control from within ever and always leads to governmental control from without. As philosopher G.K. Chesterton put it, “When you break the big laws, you do not get freedom; you do not even get anarchy. You get the small laws.”

The moral of this story: You can’t have small government without big morality.



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