

## GOOD INTENTIONS, UNINTENDED CONSEQUENCES, AND SPECULATIVE HARM: CURRENT AMERICAN SCOURGES

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***By Stephen M. Krason***

*The author notes how American public policy typically springs from good intentions, but brings unforeseeable consequences that cause new social problems. It also increasingly seeks to address speculative, not actual or certain, harms. He gives numerous examples and argues that the effect is increasingly expansive state power and heightened intrusion into private areas of individual and family lives. He also argues that all three public policy trends grow out of modern utopian tendencies and secularism.*

Three important phenomena are frequently witnessed in contemporary American public policy, and help explain why it is increasingly confused, oppressive, and unjust: good intentions, unintended consequences, and a concern with speculative harm.

To be sure, not every poor or threatening public policy results from good intentions. Some result from the cynical pandering of policymakers to interest groups or the rigid, unreflective—"come hell or high water"—pursuit of ideological predispositions. Still, much of American public policy aims to bring the supposedly benevolent power of government to bear on what some people, or many people, believe to be genuine social problems. That the old adage "the road to hell is paved with good intentions" is still valid, however, is clearly seen in Paul Craig Roberts and Lawrence M. Stratton's recent book, *The Tyranny of Good Intentions*. In it, they show how American law and citizen rights are being repeatedly subverted for the sake of combating economic and environmental crimes, even when the law is not clear about its demands or when actions are not intentional.

In 1974, Congress passed the Child Abuse Prevention and Treatment Act (CAPTA)—the Mondale Act—for the laudable purpose of stopping the supposed crisis of child abuse (a term that it never clearly defined). It has had the effect of fashioning a tyrannical "child protective" system that mostly intrudes into innocent families and has made the state, instead of parents, the arbiters of child rearing practices. Again, it was all for a good intention.

It is hard to know where to start when one talks of unintended consequences. How about welfare programs designed to help people get over tough times leading to the subsidization of—and, effectively, encouragement of—out-of-wedlock pregnancies? Or what about civil rights legislation, which was aimed to end the oppression of Jim Crow, now being used to protect sodomy and buggery? One doesn't have to even go that far: What about the fact that civil rights legislation helped to ignite—and enforces—the abject leveling of the sexes? Or (again) child abuse laws used to stop spanking? Who expected that the “alternative minimum tax” enacted in the 1970's to insure that loophole-savvy multimillionaires pay at least some federal tax would wind up robbing blue collar workers with seven children from taking advantage of child tax credits? And who could have foreseen when the earliest federal bureaucracies were set up that they would one day lead to a permanent special-interest group of government employees?

Unintended consequences occur because, despite the contrary pretensions of the political and bureaucratic classes, policymakers are not omniscient. Public policy simply may not solve problems in the way suggested, or may not solve them at all, or may lead to new problems. The message of unintended consequences is that government should legislate only when necessary, and then only after sufficient reflection and study. Unfortunately, quick reaction, not reflection, is the order of the day for contemporary government. The usual response to a singular well-publicized abuse is a sweeping new law.

Then we come to speculative harm, the new kid on the block that is driving public policy. A well-publicized abuse almost isn't even necessary for new legislation. The testimony of experts that a new crisis is upon us—invisible to most people—is enough. Ever increasing government regulation—nay, regimentation—is the result. So, parents must strap their children into a car seat and make health decisions about them in a way that satisfies someone else—even if the children experience no actual harm—or else they are guilty of a crime. A farmer's mistake leads to a small wildfire on his land, and he is guilty of a strict liability offense. Building codes—supposedly to check the possibility of fire—are so strict that average people cannot afford to construct a home. Stiffer air and water quality regulations are imposed even though there is no hard scientific evidence that the allowable level of pollutants under the old rules is harmful. And now, government is on the verge of telling people what they can eat because of a new crisis of “obesity,” which came about partly because of a sudden transformation of the word's meaning.

It should be obvious that the notion of speculative harm is an open door for virtually unrestricted government intrusion into peoples' lives. It is like the new doctrine of preemptive war, which provides a basis for virtually unrestrained military intervention.

A certain philosophical, social, and political outlook stands behind these three phenomena. It betrays a distorted view of human nature in thinking that those granted sweeping state power to cure social ills will not abuse it or try to further other ends than those intended, and to paraphrase one old Catholic writer, in failing to recognize the tendency of men overburdened by laws to lose all respect for law. It also implicitly grants a godlike omniscience to government (suggested above), believing that it can make sweeping changes in American life and affairs that will necessarily have the expected results and a happy conclusion. In other words, not only is a fear of unintended consequences lacking, there is an obliviousness to the very possibility. In the reach of contemporary social policy initiatives and legal changes—always seeking to achieve a “good outcome” and thwart any possible harms—one witnesses the great bugaboo of modern thought: the aim of creating a utopia on Earth. With men having downplayed or dispensed with God and their no longer looking to the next life, they try to make all things right here and now (or what they often erroneously think is “right”).

There is another way that men's secularized outlook is involved with all this. In fact, it helped spawn it. Man's refusal to exert inner control over himself—by putting his soul in right order—means that external (i.e., state) control has to be imposed. That control grew and grew over time, with powerfully placed men sometimes imposing it to an excessive degree or for unnecessary or exaggerated purposes. Tocqueville dreaded to think what would happen to democracies if men dispensed with the inner sanction of religion.

*The author initially wrote this article for the Catholic Social Commentary Service (CSC), which features op-ed type articles that are posted on the web site of the Society of Catholic Social Scientists.*