

NAGGING IN AMERICA

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[Assignment: In 6 to 8 pages, take a stand on a public issue and convince your readers that your position is right. This issue can be related to areas of education, family life, gender, and popular culture, or it can concern a new, unrelated area.]

(1) De minimis non curat lex--The law does not concern itself with trifles (famous legal maxim: Bartlett 1010). This sounds wonderful (especially in Latin), and is a lovely sentiment, but it has apparently lost something in translation. Or take one of the most sacred beliefs of Americans--that this country cherishes "life, liberty, and the pursuit of happiness." Obviously such sentiments include the understanding that one's pursuit of happiness must not interfere with another's. Yet, this too is rapidly being forgotten or ignored. We have in this country a twisted group of people who seem to feel that their only source of happiness consists of maliciously interfering with someone else's. Their cruel philosophy has spread all across this country. I call this movement paralegal neo-Puritanism (simply because such a nomenclature sounds impressive), but what I am referring to is, of course, Public Nagging.

(2) I suppose that this development should be expected, for were not the Puritans among the first American immigrants? From what I recall, they had left England because their soon-to-be-ex-countrymen smoked, drank, gambled, and used occasional foul language. It was either that or religious persecution; authorities are undecided. Thomas Babington Macauley offers an interesting illustration of the Puritan mentality: "The Puritan hated bear-baiting; not because it gave pain to the bear, but because it gave pleasure to the spectators" (quoted in Emerson 155). And Puritanism lives on.

(3) The habit of cigarette smoking has recently been the obsession of these pleasure-haters. Smokers are beginning to be considered moral lepers. Allen Fotheringham explains the situation:

Today's bullies are the New Puritans, vigorous crusaders who would save everyone with their righteousness. They have found a cowering group to whip and they are doing it with a tight smile of glee. (80)

The naggers will, of course, claim that smoking has been found to be harmful to them. I'm sure that sidestream smoke has been found to cause cancer in laboratory animals (as has saccharine, auto exhaust, television, and anything else that can be inhaled, ingested, worn, or looked at). It would be interesting to discover whether there is anything on this planet that doesn't cause cancer, emphysema, heart disease, or at least an occasional crick in the neck. Cigarette smoke may very well be unhealthy, but I hardly think that it is equivalent to spraying the immediate vicinity with machine-gun fire. Nevertheless, it is the motives of these health-Nazis, rather than their evidence, that should arouse concern. If health were truly the only driving force behind this war against smoking, we

should expect to find these same people marching against pollution in general with the same enthusiasm. We would also expect to find the words "filthy," "disgusting," and "immoral" taking up a much smaller percentage of their vocabulary.

(4) The truth of the matter is that smoking is inconvenient and irritating to those who do not smoke. Conversely, not smoking is inconvenient and downright uncomfortable to those who do smoke. But the staunch enemies of vice are uncompromising in their quest for purity, seemingly convinced that theirs is the morally superior view. A local expert on law and Christian ethics, John M. Lyons, offers the following solution:

I am not entirely insensitive to this problem, and what is needed is to reach a compromise. Therefore, in the interest of my fellow human beings, I pledge to spend at least fifty percent of my time in public not smoking.

It is clear that one side of this battle is willing to do the Christian thing and seek a compromise.

(5) One (at least) of the main reasons for this brutal attack against smoking is that cigarette smoke stinks. We live in a country full of people intolerant of inconvenience. But do we have any right to criminalize inconvenience? Yes, smoking stinks, but so do a lot of other things. Where will this end? Lyons also tells a story from when he was Chief Deputy Prosecuting Attorney: A certain woman wanted her husband arrested because he refused to take a shower. (Incidentally, had this woman been a smoker, her sense of smell would have been lessened, and her life might have been more pleasant.) But should we ban body odor? It is every bit as unpleasant as cigarette smoke and easier to prevent. Of course, if it is the law's duty to concern itself with the way people smell, why not limit the amount of cheap perfume a person can legally wear? Why stop there? There are plenty of other things offensive to the senses --like silk shirts with ridiculously large collars, Adolf Hitler-style moustaches, and the word "groovy." Perhaps the Beautiful People would like to have these banned as well (although I might agree with them concerning the word "groovy").

(6) Next in the list of vices under moral attack is drinking. In Indiana, public intoxication is punishable by up to \$100 in fines and up to 6 months in jail. This is simply for being drunk in public. The law reads: "It is a Class B misdemeanor for a person to be in a public place . . . in a state of intoxication" (West 332). The law does not qualify (or quantify) "intoxication." This law is unlike the DUI law, where the potential criminal is subjected to a Breathalyzer test to see if the intoxication level meets the legal limit. It is also unlike this law in that, with drunken drivers, innocent people are in danger. This is not the case with drunken walkers. Walking (or sitting or even falling down) under the influence of alcohol is generally not dangerous to anyone else. Those who are fond of this law will probably claim that drunks are more likely to be loud and obnoxious than are sober people. This presumptuous notion is sometimes the case, but even so, why not simply let these people be arrested for disorderly conduct? It certainly wouldn't be very American

to toss people in jail because they are likely to commit a crime. Why must the public be so eager to contrive a label of immoral behavior for someone else's behavior, as if being obnoxious in public wasn't embarrassing enough? Concerned citizens might claim that drunks are a menace to themselves, and so, for their own welfare, should be locked up. I hope they don't take this theory too far or we might have special jail cells for the stupid. It might become a Class B misdemeanor to have a chronic propensity for stepping out in front of Greyhound buses. The worst of it is that a drunk is often less conspicuous operating a motor vehicle than walking; at least it takes less time to get home that way, and in many areas there are fewer potential encounters with the police on the roads than there are along them.

(7) The point is that smoking and drinking are vices; they are not crimes. The amount of damage inflicted upon society is trivial at best. If the chronic grippers have no legitimate claim to social improvement, then they must either be confused or after self-aggrandizement. How can we escape this legislative fingerpointing? Will these self-styled moral authorities stop at nothing, until all vices are scrubbed from the face of the Earth? Fingernail biters beware!

(8) It seems that in the big cities one can hardly take a step without accidentally treading upon a beggar. This is the way it's beginning to sound, in any case. Panhandling is now illegal in some parts of New York ("Begging the Question" 33). Beggars "just don't want to work for a living" claims the philanthropic mayor, Ed Koch (Gibbs 68). Panhandlers probably say the same thing about politicians. Koch, though, is not the only one who finds the beggars too great an inconvenience to tolerate. Many who live or work in the big city seem to agree. Where are those grim but harmless Puritans now? It seems that they have taken a bit too seriously Jesus' advice to not make a big display out of almsgiving (Matt.6:1-4). Some claim that the beggars are getting too aggressive. That this way of begging isn't begging; it's mugging, which, by the way, is already illegal in most states. The mayor of Martinsburg, West Virginia, tackles this problem with an interesting sense of humor: his solution is to charge panhandlers \$50 a year for a begging license ("A License to Beg" A 1).

(9) Beggars are obviously inconvenient and irritating, as may be drunks and smokers, but if the Beautiful People have their way, all these petty inconveniences will be legally removed from society. It seems that if something is annoying to a large (or loud) enough group of people, then it ought to be cavalierly criminalized. In some ways, these perennial eyebrow-raisers are a perfect target for ridicule, but in other ways, they are becoming dangerous.

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