

On Morality and Legality: In Defense of *Civil* Libertarianism

by Norm R. Allen Jr.

Recently, the trials and tribulations of Ashley Madison have been in the news. That is the agency catering to those that want to cheat on their spouses. A hack list containing a whopping 32 million names has been released. The company's CEO Noel Biderman resigned. Biderman had always claimed that he had no extramarital affairs behind his beloved wife's back. However, there are reportedly emails showing that (surprise!) he *has* had several such affairs.

The September 2015 issue of *GQ* magazine has an article titled "Searching for Sugar Daddy." The article is about rich men who use women for sex and beautiful women who use rich men for money. The men give the women expensive gifts such as cars, and as much as \$10,000 per month.

This all raises the question: Should any of this kind of behavior be illegal? Furthermore, should the behavior of consenting adults *ever* be curtailed by the government?

Many people are of the opinion that much, if not all, immoral behavior should be illegal. However, this simply will not work in ostensibly democratic societies. After all, many people consider homosexuality, bisexuality, pansexuality, premarital sex, extramarital sex, freaky sex, and so on, to be immoral. However, none of these practices are illegal in the U.S. any more, and that is as it should be.

Some people argue that there are many practices in which consenting adults engage that are bad for society. For example, eating bad foods causes cancer, hypertension, heart attacks and other health problems. Consuming soda pop causes obesity. Smoking cigarettes causes lung cancer and other health problems. (Consuming sugar causes cavities, lost teeth, and so forth.) Such health problems, it is argued, bring about dangerously high health costs for nations. Therefore, drinking to excess, and so on, should be illegal.

However, the bottom line is that paying higher health costs is the price we must pay for living in a society where people have the right to pursue happiness in their own way. There is simply no society or socio-economic system in which people will always make the right choices, or in which there are always going to be simple

solutions to complex problems. People certainly need and deserve good health education. However, they must not have the government controlling what they eat, drink, smoke, and so forth.

All human beings engage in practices that other human beings deem immoral. Moreover, all human beings engage in practices which they *themselves* consider to be immoral. Or as the Bible says: "All have sinned and come short of the glory of God." Better still, as the great R&B singer Curtis Mayfield once noted, "If there's a hell below, we're all gonna go." For that reason alone it makes sense to permit consenting adults to do as they please as long as they are not forcing others to participate.

This brings up the notion of collective suffering. Many conservative religionists believe that God punishes even basically good people for the sins of others. They believe that God sends hurricanes into allegedly sinful towns in which LGBT people are welcomed, and so forth. They therefore believe that it is their duty to work to pass laws that force all citizens to conform to their moral dictates.

However, they have no right to force their religion on everyone. These kinds of believers should do as the Amish do and form their own communities to protect themselves from God's wrath. Or they should live on their own island or in their own nation and leave everyone else alone. They should feel free to preach and warn sinners of their impending doom. Then they should go on about their business.

In theocratic and authoritarian nations, morality is legislated. Men are forced to wear beards, women are forced to cover their bodies, alcohol and music are forbidden, the morality police are everywhere, and so on. Obviously, in these kinds of societies, happiness is very hard to come by.

Our right to choose how we want to live does not come from God. It is a right we have granted to ourselves. We human beings have decided that the right to pursue happiness in our own way is the surest way to individual happiness. That is why it is important to always be on the lookout for authoritarianism disguised as something that is good for us.

Do-gooders and crusaders often *interfere* with consenting adults that are pursuing happiness in their own way. These same do-gooders would fight tooth-and-nail were someone to advocate laws that would interfere with *their* right to pursue happiness as *they* see fit.

Consensual “crimes” are simply not the same as those crimes to which people do not consent. For example, smoking marijuana and gambling are consensual crimes. However, no one consents to being brutally murdered, sexually harassed, tortured, and so forth. In other words, some “crimes” simply should not be crimes.

There are already laws against non-consensual crimes. If necessary, those laws should be strengthened and certainly enforced, and perhaps more laws should be added. However, grown women and men do not need Big Brother, Big Momma or anyone else treating them like children and passing laws curtailing their consensual behavior. The best way to combat immoral behavior among consenting adults is through *education*. Authoritarianism, on the other hand, only leads to resentment and repression that could erupt in many negative ways.