

In a recent Op-Ed article in the New York Times Professor Kelly D. Brownell, Director of the Yale Center for Eating and Weight Disorders, wrote the following:

Laboratory rats given convenience store delights – cheese curls chocolate bars, marshmallows, cookies - will ignore available nutritious food, even as their body weight doubles and triples. Yet we do not fault these animals for a lack of discipline, or need we change their biology. Remove bad foods and the rats stay thin. Environment is the real cause of obesity. Congress and state legislatures could shift the focus to the environment by taxing foods with little nutritive value per calorie or gram of fat; the least healthy would be given the highest tax rate. Consumption of high fat food would drop, and the revenue could be used for public exercise facilities, bike paths, and running tracks, or nutrition education in schools.

From an ethical standpoint, does a government have the right to use its taxing powers in the way that Dr. Brownell proposes to try to improve the nutritional habits of individuals?
If so, why? If not, why not?

MODERATOR'S ANSWER: A government has the right to use its taxation powers along the lines that Dr. Brownell proposes. Granted, a decision to do so, in all likelihood, would be extremely unwise. In this regard, one need only recall the experience of the United States in the 1920's and 1930's with the "unoble experiment" of prohibition. The issue of whether a social policy would be wise or unwise, however, is different from the issue of whether a government has the right to implement it. In connection with the latter issue, one needs to ask whether the policy would violate fundamental rights of the individuals subject to the government's authority. In this case there is no more fundamental right to consume junk food than to consume alcoholic beverages or drugs such as marijuana or cocaine.

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