

If this saying -- "You can't legislate morality" -- is taken to mean that you can't make people who are bad on the inside into people who are good on the inside by passing laws with appropriate penalties, then there is a substantial amount of truth in it. But if this cliché is taken to mean that you can't influence people to be good citizens rather than bad citizens by passing laws with appropriate penalties, then there is a substantial amount of error in it!

Underlying the latter meaning is the assumption that laws and appropriate penalties do not deter people from harming other people or encourage people to watch out for the external well-being of other people. But is this assumption really true?

For example, when drivers on interstate highways or turnpikes see signs warning them of radar or unmarked patrol cars or monetary penalties for speeding; or when drivers who are considering having another drink think about the possibility of losing their license or spending a term in prison if they maim or kill a pedestrian or another driver while under the influence; do these considerations deter them from driving in a manner that endangers their own lives or the lives and property of their fellow citizens? For most drivers they do! In such cases, the laws and their penalties do operate to discourage them from being bad drivers, and to encourage them to be good drivers.

It is possible to legislate morality in the sense of requiring and enforcing outward obedience to law; and it is possible to legislate against immorality and restrain a certain amount of wrongdoing.

Even if laws and penalties cannot make people good on the inside, they can accomplish quite a bit:

They cannot make sinful people good on the inside

They cannot make sinful people do things from a good motive

They can influence sinful people not to harm one another externally

They can influence sinful people to cooperate with one another so as to minimize the frictions of life

They can influence sinful people to live externally peaceful, orderly, and just lives

How do laws secure external morality? Laws and penalties cannot prevent all immorality, and cannot influence people perfectly in a positive direction, but in a society where laws are just, where they are enforced by people who are themselves subject to the same laws, and where penalties are assessed fairly and executed speedily, a great deal of immorality is restrained and a great deal of external morality is secured.

How then shall we answer the cliché, "You can't legislate morality"? We can state that the cliché is true if we are speaking of producing internal morality and extinguishing internal immorality by means of laws and penalties. But we can also state that the cliché is false if we are speaking of securing a large degree of