A Utilitarian Case for Incompetent Traffic Cops

"Speed checked by detection devices"

If you've driven through Georgia, you've probably seen these signs. Fortunately, it turns out that they *don't* actually mean that the roads have embedded smart detection devices monitoring drivers' speed, or all of us Atlanta drivers would be in trouble.

Benign signage aside, it still seems that more and more technology is making it hard to break the law. In the case of traffic legislation, we'll likely see within our lifetimes cars manufactured with built-in speed limits. At the very least, police will acquire more thorough and far-reaching speed detection devices. No more driving 80 miles per hour in a 65 mile per hour zone.

In traffic and beyond, we're heading toward a future of perfectly efficient law enforcement – and a lot of Atlanta drivers who will be late for work.

A change like this is all well and good if you assume your government has discovered the optimal maximum speed for cars (or the optimal medical regulations, or the optimal housing rules, etc). In a broader legal sense, a goal for full efficiency in law enforcement assumes that current legislation* is fully correct. And that is a dangerous idea. People who like progress should (ironically) be against most progress in law enforcement technology and efficiency.

Now, look – I don't believe in legislation at all. I believe in liberty. But I'd like to set my radicalism aside and make a purely utilitarian case for those people who still believe in democratic/republican governments. And I'll rest my argument on similar observations from 19th century liberal thinker John Stuart Mill.

Mill made a classic defense of the importance of freedom and toleration in *On Liberty*, arguing (among other strands of thought – and I admit I have not read the book) for the importance of unauthorized speech and expression:

> ***"The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the***

***clearer perception and livelier impression of truth, produced
by its collision with error."***

"If the opinion is right, they are deprived of the opportunity of exchanging error for truth." This "if" observation is at the root of Mill's argument for toleration and freedom. There is always an "if" in regard to what we consider to be true and right and good for society. Someone has to speak an unpopular opinion for us to learn that we're wrong. And it's a good thing when free speech is codified in a culture's laws, because this toleration of unpopular speech allows societies to discover things they didn't know.

But sometimes it takes someone going further – breaking the rules – for us to discover that we're missing something. Someone had to light up a joint for us to realize that marijuana might have health benefits. Someone had to escape from slavery for us to realize that African-Americans are people. Someone had to break a bunch of taxi monopoly restrictions for us to get Uber and Lyft.

But if all of the people who broke these rules were just carted off to jail by all-seeing, all-knowing (and highly efficient) law enforcement agents, we wouldn't have very much innovation. So when toleration isn't the state's policy – as, for example, in the case of speed limits – inefficient law enforcement can serve almost as well. Drivers aren't able to squeeze in that extra 20 mph because of a tolerant police force or liberal traffic laws, but because police forces can't monitor and penalize every driver at once.

If we were to have fully efficient law enforcement, we would have no traffic violations: no more jaywalking, no more speeding, no more phones in hands, no more driving without seatbelts. And as a result, we might never bother to develop faster or lighter modes of road transportation. We might never discover that 100 mph is actually a perfectly safe speed limit for self-driving cars (or that taking a nap in a self-driving car might be safe one day). We might never develop the scooter revolution taking over the sidewalks (helmet laws, we must presume, will be perfectly enforced). Commuters stuck in standstill Atlanta traffic will lose hundreds of hours per year in productive time because they won't be able to even touch their phones.

And worst of all, we wouldn't even have *Smokey and the Bandit*.

So thank your lucky stars for inefficient law enforcement. When toleration fails, you'll always be able to count on some room for social innovation. But when inefficiency fails, we'll be in a much tighter spot.

*I differentiate law – deeper justice – from legislation – man-made rules.

Intellectual influences: Friedrich Hayek, John Stuart Mill, Isaac Morehouse, Aleksandr Solzhenitsyn have all inspired bits of this. I first heard the idea of cars with built-in speed limits on the tech podcast Sovryn Tech.