

Essay:

14th century philosopher priest Jean Buridan developed the Buridan Ass paradox, which is about a donkey, situated equally distant between water and food. If the donkey were to go for the food, it would die of thirst; likewise if it heads towards water the donkey would die of hunger. The Buridan paradox provides an excellent allegory towards government policy, especially in regards towards controlled substances such as tobacco. In the two prevailing schools of thought, the government can either see itself as a sort of parent, creating a moral determinism for society. On the other hand, the other prevailing school of thought is that government exists in order to protect an individuals civil liberties and to ensure order. Just as in the Buridan Ass paradox, neither choice allows for an end-all solution, but a choice must be made because indecision is the worst

solution of all. I believe that the city of Calabasas, California has overstepped its boundaries in banning public smoking. The ideology that America is founded on is based off of a number of enlightenment philosophers, but special credence is paid to John Locke's *Treaties on Governance*. These *Treaties on Governance* stressed among other ideas, the individual's sovereign right to property, including property over himself or herself. In the *Declaration of Independence*, Thomas Jefferson reflected these notions of individuality laid out by John Locke when he wrote "...all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." In other words, just as the Buridan Ass had to choose whether to have food or water, the United States of America had to choose whether government set the moral determinism of society or whether it views itself as a protector of the natural rights of man, our founding fathers chose the latter for our nation. Due to the fact that our founding fathers created our government to protect the natural rights of man, the city of Calabasas, California overstepped its' rights and responsibilities. Although modern day lawmakers and jurists have failed to uphold a proper jurisprudence, the original intent of the founding fathers was to create a government that would ensure that our rights of property, including the property of the individual. Moreover, our founding fathers wrote about the right to happiness. If smoking outside makes one happy, what right does Calabasas California have to deny one of their right to happiness?

In the Buridan Ass Paradox, the donkey actually had three choices. The donkey could either eat and die of thirst, drink and die of hunger or be rife with indecision as to what path to take and die of both. There are negatives to all options. If the donkey were to

choose either the water or the food, it will suffer from the adverse ailment. Likewise, as a society we have to choose whether we want to be a society where government determines the lifestyle we live, or government can safeguard the rights of individuals to make decisions for themselves. If the government sends mixed messages, it will suffer from both ends just as donkey suffers from both hunger and thirst. Due to the fact that our country is based upon the facet of individual morality the government of Calabasas has no right to legislate moral determinism.