CHAPTER ONE

Popular Hazards; or, How We Insist Similar Social Problems Are Different

Consider things people do that might—but usually don’t—result in harm. A partial list includes driving a car, owning or shooting a gun, drinking alcohol, smoking tobacco, having sexual intercourse, riding a motorcycle or a bicycle, using a credit card, owning a pit bull, gambling, eating junk food, consuming pornography, logging onto the Internet, and using illegal drugs. All of these are widespread activities. Some are legal, a few are or have been illegal, and several are regulated in various ways so that they are legal under some circumstances but not others. Lots of people do these things and cause little or no harm. Still, in some small proportion of cases, those engaged in these activities wind up harming—even killing—themselves or other people.

Think about cars. Automobiles are so ubiquitous that we measure traffic fatality rates per 100 million miles driven. In recent years, Americans have driven about 3 trillion miles annually. Although there are only about 1.1 fatalities per 100 million miles
driven, that still works out to a fairly high body count—more than 32,000 deaths each year. Put that another way: every year, there is a traffic fatality for every 10,000 Americans (National Center for Statistics and Analysis 2014). We make a trade-off: in exchange for the tremendous freedom and convenience that cars permit, we tolerate these deaths.*

How should we think about this traffic death toll? Imagine someone announcing a wonderful new invention that would make enormous improvements in virtually every person’s life but would kill more than 30,000 Americans each year. Would we be more likely to welcome this new invention or to ban it?

Of course, we have an array of social policies designed to minimize traffic fatalities. We license cars after inspecting them and certifying that they are in reasonably good condition, and license drivers after testing to make sure they understand and can follow basic traffic laws. We require cars to have safety features—not just seat belts and airbags but also electric turn signals, padded dashboards, and the like—and we require manufacturers to recall vehicles found to have dangerous equipment. We design roads to safely handle traffic at posted speed limits. We have raised the minimum ages at which drivers can be licensed, introduced graduated licenses imposing special restrictions on the youngest drivers, cracked down on drivers arrested for driving under the influence of alcohol, and made it tougher for aging drivers to renew their licenses. And these policies work. In 1966, there were 50,894 traffic fatalities. In the intervening half century, the U.S. popula-

* This trade-off can be seen in policy changes: Friedman, Hedeker, and Richter (2009) estimate that raising speed limits above fifty-five miles per hour increased fatalities by 3.23 percent—an additional 12,545 deaths over the first ten years that higher limits were in effect—without inspiring widespread calls for a return to lower limits.
tion grew, as did the number of drivers and the number of miles they drove, yet the national traffic death toll actually declined (and the fatality rate dropped 80 percent, from 5.5 per 100 million miles driven in 1966 to 1.1 in 2010; National Highway Traffic Safety Administration 2013).

Yet people continue to die on the roadways. Much of this reflects unwise, often illegal behavior: drivers speed and drive recklessly; they don’t buckle up; they drink and drive; or they text or allow themselves to be distracted in other ways. Those with good driving habits are undoubtedly at much lower risk than those who are more adventurous or foolhardy. Perhaps this is one reason we accept the highway death toll. While we know that tragedy can strike anyone who happens to be on the road in the wrong place at the wrong time, we also know that a car is usually a reasonably safe way to travel.*

Notice, too, that people continue to debate traffic policies. There are advocates who call for even safer cars or tougher laws, as well as those who worry about automobiles’ environmental harms and call for shifting to bicycles, mass transit, or greener cars. Others argue that current policies are too restrictive: teenagers resent today’s later legal driving ages and graduated licenses that did not apply to earlier generations; manufacturers

* Risks and policies for managing them have varied histories. Thus, Mohun (2013) traces the emergence of policies governing automobiles, guns, and amusement parks, among other risks. Vardi (2014) argues that the harms caused by early automobiles inspired moral outrage, but that those deaths came to be normalized by cars’ advocates who emphasized the relative infrequency of fatalities compared to the volume of traffic, thereby redefining these harms as a technical problem to be addressed through engineering improvements. The different histories of different risks help us understand how cultural and structural contingencies at different historical moments can help explain the range of ways popular hazards have been defined and addressed and how different social policies have been devised.
object to the costs of building cars that meet new safety standards; and some drivers call for higher speed limits. Because we live in, not just a car culture that celebrates automobility, but also a geographically big country in which most people's daily lives depend on having ready access to cars, these debates aren't all that loud. While the future may feature cars that drive themselves or don't burn petroleum, it is difficult to imagine that we will stop relying on cars of some sort anytime soon.

POPULAR HAZARDS

Cars are a popular hazard—popular in the sense that many millions of people own and use them, yet a hazard in that they also involve real dangers and harm some people. In calling them popular, I intend to convey two qualities: first, I am referring to common activities involving lots of people; and second, these activities often engage those people on some emotional level—they are things that people enjoy or value, and that they would prefer to continue doing. Cars, for instance, are popular in both senses: many millions of people drive cars; and, beyond valuing cars' utilitarian qualities, many of those people are attached to driving—they depend on being able to do it, but they also enjoy it and may even build their identities around cars (think of lowriders, hot-rodgers, sports car enthusiasts, and NASCAR fans). By referring to popular hazards, I acknowledge that these activities involve real risks, that they do lead to harm for some people, including those killed or injured in traffic accidents.

The category of popular hazards includes many of the deviant exchanges Schur (1965) called crimes without victims, such as illegal drug deals and illicit sexual exchanges, but it is much
Popular Hazards

broader.* Many popular hazards are perfectly legal. Think about drinking alcohol or using credit cards: most people manage to do these things legally and without serious problems, but small proportions of drinkers and credit-card users wind up ruining their lives. Guns are not that different: there are probably more than 300 million working firearms in the United States (nearly half of Americans live in households with guns), yet only a tiny fraction of those guns wind up hurting people.

Describing popular hazards in this way might seem to emphasize their objective qualities, but of course these phenomena are understood—constructed—through subjective processes (Best 2017; Loseke 2003; Spector and Kitsuse 1977). All cognitive categories are produced through social interaction, including our definitions of what is a car—or a harm. Analysts necessarily bracket some categories and accept the relevance of social context. In order to proceed to more interesting issues, we

* While Schur’s analysis was influential, the very term crimes without victims invited critics to dispute the claim that no one was victimized by these crimes. Schur’s point—that deviant exchanges were organized differently from deviant exploitation—became lost as critics pounded the table and declared, “X is not a victimless crime! It has victims!” (cf. Martin 2015; Farley and Malarek 2008).

The concept of popular hazards is a way of circumventing two problems with Schur’s term. The first, of course, is that talking about victims—and particularly victimless crimes—proved to be a red herring, leading people to focus on debating who qualifies as a victim and the nature of various forms of victimization, and to search for evidence that deviant exchanges did indeed victimize some people. In contrast, speaking of hazards acknowledges that people run the risk of being harmed, and that if enough people take some risk, it is a near certainty that we will be able to point to people who have been harmed. The second problem with Schur’s term is that it speaks of crimes. This was appropriate for his analysis, in that he was criticizing what he saw as overreaching criminalization, but not all popular hazards are criminalized.
can agree that there are a great many cars, and that using them is understood to involve substantial harms. That is, we can accept that popular hazards are activities recognized as being both popular and hazardous, and move on to consider how, within that cultural context, people construct claims for dealing with such activities.

Analyses of social-problems construction tend to be case studies that focus on particular claimsmaking campaigns (Best 2015). Comparisons tend to be modest; they examine claims about the same troubling condition made at different times or in different places, or about different conditions that share some underlying theme (e.g., threats to children), or that are made by claimsmakers who share an ideology (e.g., feminism). But the concept of popular hazards invites us to compare the construction of cases that might seem to have very little in common. On the surface, popular hazards seem to be very different from one another: they span a continuum from legal to forbidden; some are the focus of active policy debates, while others seem to attract little attention, let alone concern; and different popular hazards are viewed as problematic—or not—by very different sectors of society. It is not uncommon for individuals to support restrictions on some popular hazards, even as they oppose restricting others.

The category of popular hazards draws our attention to the social context—the social organization of activities—within which social problems are constructed. Popularity and hazardousness can be understood in different ways. Is an activity’s popularity a sign that it is a legitimate part of our culture, or evidence that there is a major problem? Are harms a regrettable but inevitable cost of having a popular choice, or unnecessary and intolerable? The question is: How can we explain the very different ways we understand and deal with various popular hazards?
Discussions of popular hazards usually proceed on a case-by-case basis: we talk about regulating cars and about regulating guns, and we view each of those conversations as unrelated to the other. I want to consider whether we can understand these debates better if we think about them as instances of the broader category of popular hazards, and whether we can find patterns in the rhetoric adopted in advocates’ campaigns about apparently unrelated issues. We can begin by identifying some important similarities among these apparently disparate phenomena, then explore patterns in the rhetoric people use to understand popularity and hazardousness.

MEASURING THE MAGNITUDES OF POPULARITY AND HAZARDOUSNESS

Just how popular—and how hazardous—are popular hazards? Table 1 gives some rough estimates, located through online searches. These statistics come from a variety of sources, and they need to be handled with care. Some data are counts, collected or compiled systematically by government agencies, and should be fairly accurate, but even here caution is in order. For instance, we can probably have reasonable confidence in the number of licensed drivers because we know that states make an effort to ensure that all drivers are licensed and keep records of the number of active licenses (if only to collect the licensing fees), and there are penalties for driving without a license. Still, even this pretty-good figure has problems. Some states have had debates about whether undocumented immigrants should be eligible to receive licenses (Stewart 2012). Prohibiting individuals from receiving driver’s licenses is no guarantee that they will not drive, and enough unlicensed drivers escape notice to
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<th>Hazard</th>
<th>Estimates of Popularity</th>
<th>Estimates of Serious Harms</th>
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<tr>
<td>Automobiles</td>
<td>Licensed drivers: 210,000,000 (2010)&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Traffic fatalities (includes motorcyclists): 32,719 (2013)&lt;sup&gt;b&lt;/sup&gt;</td>
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<td>Gambling</td>
<td>Americans who gamble: &gt;80% (~192,000,000 adults) (2012)&lt;sup&gt;c&lt;/sup&gt;</td>
<td>Pathological gamblers: 2,500,000 (1999)&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>Credit cards</td>
<td>Americans with a credit card: 72.1% (~173,000,000 adults) (2012)&lt;sup&gt;e&lt;/sup&gt;</td>
<td>Adults rolling over more than $10,000 in credit card debt: 6% (~15 million adults) (2014)&lt;sup&gt;f&lt;/sup&gt;</td>
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<td>Alcohol</td>
<td>Those 18+ who had a drink in the previous year: 70% (~172,000,000 adults) (2014)&lt;sup&gt;g&lt;/sup&gt;</td>
<td>Deaths from alcohol-related causes: 88,000 (2013)&lt;sup&gt;g&lt;/sup&gt; Adults with an alcohol use disorder: 16,600,000 (2013)&lt;sup&gt;g&lt;/sup&gt;</td>
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<td>Marijuana</td>
<td>Adults reporting having used marijuana: 49% (~122,000,000) (2015)&lt;sup&gt;h&lt;/sup&gt;</td>
<td>Primary substance abuse treatment admissions for marijuana: 321,648 (2008)&lt;sup&gt;i&lt;/sup&gt;</td>
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<td>Firearms</td>
<td>Americans who own a gun: 34% (~81,000,000 adults) (2011)&lt;sup&gt;i&lt;/sup&gt;</td>
<td>Deaths from firearms: 33,636 (2013)&lt;sup&gt;k&lt;/sup&gt;</td>
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<td>Households with a gun: 47% (2011)</td>
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<td>Pornography</td>
<td>18–39-year-olds viewing pornography during previous year: males—69%; females—40% (~49,000,000 plus older adults) (2015)&lt;sup&gt;l&lt;/sup&gt;</td>
<td>Pornography addicts: 200,000 (2012)&lt;sup&gt;m&lt;/sup&gt;</td>
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<td>Cigarettes</td>
<td>Cigarette smokers: 40,000,000 (2014)&lt;sup&gt;n&lt;/sup&gt;</td>
<td>Deaths from cigarette smoking: 480,000 (includes 40,000 caused by secondhand smoke) (2014)&lt;sup&gt;n&lt;/sup&gt;</td>
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<td>Bicycles</td>
<td>Number riding bicycle at least six times in previous year: 40,000,000 (2010)&lt;sup)o&lt;/sup&gt;</td>
<td>Number of fatalities in bicycle-related traffic accidents: 743&lt;sup&gt;p&lt;/sup&gt;</td>
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<td>Popular Hazards</td>
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<td><strong>Motorcycles</strong></td>
<td><strong>Pit bulls</strong></td>
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<td>Motorcyclist fatalities: 4,668 (2013)</td>
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<td>Registered pit bulls: 5,000,000 (2014)</td>
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<td>Fatal pit bull attacks: 22 (2011)</td>
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| c Research Institute on Addictions (2012). |
| e Schuh and Stavins (2014). |
| f Swift (2014). |
| g National Institute on Alcohol Abuse and Alcoholism (2015). |
| h National Institute on Alcohol Abuse and Alcoholism (2015). |
| i Motel (2015). |
| j Center for Behavioral Health Statistics and Quality (2010). |
| k Saad (2011). |
| l Centers for Disease Control and Prevention (2015a). |
| m Regnerus, Gordon, and Price (2016). |
| o Centers for Disease Control and Prevention (2015b). |
| q Centers for Disease Control and Prevention (2015c). |
| r Morris (2009). |
| s Flanagin (2014). |
| t DogsBite.org (2015). |

account for about one-eighth of drivers involved in fatal crashes (Foundation for Traffic Safety 2011).

Other statistics are clearly rough estimates. Because firearms need not be registered, it is impossible to know the number of guns in working order. Nor do gun owners need to be licensed, so statistics on gun ownership come from surveys asking whether the respondent—or someone in the respondent’s household—owns a gun. But we can imagine that some people may not answer such questions honestly, either refusing to acknowledge that they own a gun or claiming to own guns when they do not.

Some of these figures are contentious, and estimates may come from advocates likely to favor numbers that seem to support their positions (Best 2012). In general, those who endorse
some popular hazard are likely to favor high estimates of its
popularity and low estimates of its harms, while critics of the
same hazard may prefer estimates that minimize its popularity
and maximize its harms. In short, none of the numbers in table 1
can be considered perfectly accurate, yet we can still use them
to get a general sense of the extent of the popularity and hazard-
ousness of various popular hazards.

This is because the overall pattern in table 1 is quite clear. The
left-hand column shows that, for each of the popular hazards
listed in the table, the estimates of popularity are in the millions;
for the most part, tens—if not hundreds—of millions of people
are involved with each of these popular hazards. The number of
people exposed to the hazards’ risks must be even larger: roughly
two-thirds of Americans are licensed drivers, but the vast major-
ity of those who do not themselves drive find themselves passen-
gers riding in motor vehicles or pedestrians walking on or near
roads. Some estimates of harm specifically include those who are
not directly involved in the hazard; for instance, table 1’s estimate
for tobacco-related deaths includes victims of secondhand smoke.

Neither a popular hazard’s popularity nor its associated risks
need be distributed evenly across society. People make deci-
sions to smoke tobacco or drink alcohol, or to own a gun—or to
not do those things—and there are large social scientific litera-
tures showing how age, gender, race and ethnicity, social class,
religiosity, and other variables affect rates of involvement in dif-
ferent popular hazards (cf. Slovic 2000, 2010). Risks and harms
also are unevenly distributed. For many popular hazards, a dis-
proportionate share of harms are experienced by young males
(sometimes identified as being most “at risk”), and there are
other large literatures offering explanations for the varying pro-
pensities to take—or at least be exposed to—risks. For instance,
inexperience with a popular hazard may make it harder to assess and manage its dangers. This helps explain the many programs designed to give the young formal instruction in risks and the need for thoughtful decision-making, such as sex education, driver education, and alcohol and drug education.

The right-hand column of table 1 reveals two things: first, in most cases substantial numbers—tens or even hundreds of thousands, and in some cases millions—of people can be considered harmed by each of the popular hazards; but, second, the numbers harmed are relatively small fractions of those involved.* Thus, compared to the ubiquity of automobiles, relatively few people die in traffic accidents. Debates over popular hazards revolve around this basic issue: What should be done about things that are extremely popular but which also cause substantial damage? How should we weigh their costs and benefits? That is, we must consider the rhetoric people use in policy debates about popular hazards.

**ARRAYS OF HARMS**

Critics of popular hazards often invoke melodramatic warnings. Figure 1 presents a classic 1846 print from Currier and Ives titled *The Drunkard’s Progress.*† It depicts a deviant career, an arc of nine stages.

* There are various ways to conceptualize harm, some of which may make a popular hazard seem more or less harmful. For example, over a lifetime of exposure to some popular hazard, the cumulative risk of harm can seem substantial. It is estimated that smoking contributes to the early deaths of between one-third (Mattson, Pollack, and Cullen 1987) and two-thirds (Banks et al. 2015) of smokers. On the other hand, Gusfield (1993: 67) suggests that presenting absolute risks (the increased chance that a smoker will die within a particular time period) produces smaller numbers that make the risk seem less impressive.

† Such depictions of destructive deviant careers were not new: a century earlier William Hogarth published the series of engravings *The Harlot’s
stages through which a drunkard proceeds, beginning with “A glass with a Friend” and ending with “Death by suicide”; in the background we see an abandoned wife and small child, their home in ruins. This plot of self-destruction is familiar: when advocates warn about the seductive, corrupting experiences that endanger youths who experiment with alcohol, tobacco, sex, gambling, or marijuana (“the gateway drug”), they are warning that first mis-steps may—perhaps quite often—lead to terrible consequences.

Obviously, Currier and Ives’s drunkard represents a worst-case scenario. Many, many people share a drink with a friend, but relatively few go on to kill themselves. Suicide is not a certain, or even a particularly likely, outcome of drinking. A drinking career should not be conceptualized as a sort of railroad track that leads inevitably to the next, ever-more-terrible station. There are options—every opportunity to drink offers a choice, and people’s choices lead to a broad array of outcomes. Some people never drink alcohol, others drink on rare occasions or in limited amounts; some may drink enough to become impaired, but only infrequently. And we also speak of functioning alcoholics who drink regularly and may depend on alcohol yet manage to avoid wrecking their lives, as well as of recovering alcoholics who halt their drinking and focus on not resuming. Every popular hazard involves a similar range of outcomes.

The drunkard’s suicide is certainly a devastating consequence, as are fatal outcomes of other popular hazards, such as gunshots and traffic accidents. But most popular hazards involve a range of harms. As a general rule, the more devastating the harm, the rarer it is. For any popular hazard, we can envision a pyramid of harms,

*Progress* and *The Rake’s Progress*, which tracked the self-destructive paths of a young woman and a young man, respectively.
with a broad base denoting the most common but least serious harms, with successive layers, each narrower and representing increasingly serious but decreasingly common harms, until we reach a fairly narrow peak representing the relatively small number of devastating harms. Figure 2 illustrates this pattern using motor vehicle accidents and firearms as examples.

Again, all of the numbers in figure 2 are likely to be flawed, although the number of deaths in each case—the most serious category of harms in both cases—is likely to be fairly accurate, because dead bodies tend to be noticed and counted. On the other hand, we can suspect that even large numbers of the least serious incidents—traffic accidents without injuries and crimes
involving firearms, respectively—might never come to the attention of the officials trying to tally these incidents. In other words, both pyramids may well be considerably broader at their bases than figure 2 suggests.

It is also worth remarking that, although the two graphs in the figure use different measurement scales, the absolute numbers of deaths attributed to traffic accidents in 2013 (32,719) is very close to that year’s number of firearm deaths (33,636). However,
when comparing the least serious harms, there are vastly more instances involving motor vehicle accidents without injuries (5.6 million) than firearms-related crimes without injuries (332,950). In other words, while it seems likely that all popular hazards will feature this pyramid of harms, the ratio of the most serious to the least serious harms may vary a great deal. Even when the number of devastating harms seems impressive, it will be dwarfed by cases involving less serious harms.

In some cases, it may be hard to agree on just what constitutes harm. For instance, many people who have credit cards pay their full balance each month, so they never pay interest on their credit card purchases. We can argue that credit cards offer them convenience without harm (so long as we ignore the higher prices merchants must charge to cover the fees that the credit card companies exact from each purchase and the ways cards promote a culture of consumption). But other people carry over a portion of their balance each month, and they can wind up paying substantial interest charges. At what point should we declare this to be harmful? Table 1 estimates that about 6 percent of adults with credit cards carry over balances that exceed ten thousand dollars. Some of those folks will wind up declaring bankruptcy (and no doubt a few may, like our drunkard, take their own lives in the face of overwhelming debts), but many others will manage to pay off their balances without lasting consequences.

Understanding these patterns is important, because people who call attention to a social problem are likely to typify that problem by pointing to fatalities and other instances of devastating harm (Best 1990, 2017). But this does not necessarily help us devise social policies or even think clearly about these issues. Even if it is the case that some drinkers who begin their drinking
career by sharing a glass with friends do in fact go on to kill themselves, it is not clear what we ought to do about this: Develop alcohol education programs to warn people about the risks of drinking? Offer counseling and other services to individuals who have trouble managing their drinking? Or perhaps ban alcohol altogether? Acknowledging the drunkard’s suicide does not help us choose among the array of policy options.

RHETORIC ABOUT POPULAR HAZARDS

The harms and the benefits of popular hazards become the subject of social-problems claims. While these tend to take the form of problem-specific claims (e.g., Because popular hazard X has beneficial/harmful consequence Y, we should adopt policy Z), we can recognize that many popular hazards inspire analogous claims with similar rhetoric among both those who defend some popular hazard (who tend to emphasize its popularity and downplay its hazardousness) and those who call for policies to restrict or ban the hazard (who tend to highlight its harms even as they discount its popularity).

In order to illustrate the sorts of rhetoric common in these debates, I use claims from two contemporary debates about social issues: whether recreational marijuana use should be legalized; and whether tighter gun control policies should be implemented. My examples present rhetoric from popular sources—websites, articles in the press, and trade books aimed at general audiences. Both issues have also inspired scholarly literatures that feature debates between proponents and opponents, but these claims tend to be obscured by academic language. Claims in the public square are more overt, so it is easier to recognize the rhetorical moves being made.
I chose the examples of gun control and legal marijuana precisely because many people are inclined to favor allowing access to one of these popular hazards but not the other: that is, many political liberals are likely to favor relaxing restrictions on marijuana while tightening restrictions on guns; and many political conservatives are more likely to favor maintaining the restrictions on marijuana while opposing tighter restrictions on guns.* This suggests that people may find the same line of reasoning—a rhetorical device—convincing when it is presented in one debate yet unpersuasive in the other. Such inconsistent reactions reveal that social-problems claims rely on something more than straightforward argumentative logic or coherent philosophical principles.

Claims Defending Popular Hazards

Those who advocate decriminalization of, or defend, some popular hazard tend to invoke a fairly standard set of arguments:

A. that it is indeed popular: that it is used/enjoyed by large numbers of people;
B. that most of those people are respectable and use it responsibly;
C. that they may depend on being able to use it;
D. that it involves minimal risks, so long as it is used responsibly;
E. that it is possible to discourage its irresponsible use;
F. that people should have the right to use/enjoy it;
G. that it has long had a place in the larger culture;

* Compare Pew Research Center (2013, 2014) data showing that more Democrats than Republicans favor both legalizing marijuana (59 to 37 percent) and controlling gun ownership (65 to 24 percent).
that it is similar to other popular hazards that are socially accepted; and

I. that trying to ban it is likely to do more harm than good.

Consider our two examples. For decades, advocates for legalizing marijuana have pointed to evidence showing that many millions of Americans have smoked marijuana (A); that most of them are otherwise law-abiding citizens (B); that this widespread use has continued for many decades (G); that some people depend on marijuana for its medicinal benefits (C); that marijuana’s effects resemble and are no more harmful than those of alcohol (D, H); that people should have the right to choose whether they use it (F); that efforts to ban marijuana have had many deleterious consequences (e.g., turning many smokers into criminals who feel contemptuous of the law, increasing prison populations, and fostering organized criminality to supply the drug [I]); and that a wiser policy would be to legalize the drug while penalizing irresponsible use (e.g., to prohibit driving while high [E]; cf. Kaplan 1970; Fox, Armentano, and Tvert 2009).

Similarly, the National Rifle Association and other pro-gun advocates make a parallel set of claims: that there are millions of law-abiding gun owners (A, B); that many of them depend on guns to protect themselves (C); that guns are safe when used responsibly (D); that laws can discourage irresponsible use (e.g., by having stricter penalties for those who commit crimes involving the use of a firearm [E]); that the Second Amendment guarantees the right to bear arms (F); that owning guns is an American tradition (G); that guns are not that different from other popular hazards (H); and that banning guns would have harmful consequences (e.g., depriving law-abiding citizens of the ability to protect themselves [I]; cf. LaPierre 1994; Poe 2001).
Thus, there are clear rhetorical parallels between those working to make marijuana use more acceptable (a cause that tends to enlist politically liberal supporters), and those opposing greater restrictions on gun ownership (usually viewed as a politically conservative position). This means many individuals find one of these sets of claims persuasive, even as they reject the other set as unfounded—so consistent principles of political ideology rarely guide thinking about popular hazards. (Libertarianism seems to be an exception, in that libertarians generally favor policies that permit access to popular hazards.) Nor is there anything atypical about the arguments used to defend marijuana and guns; it is easy to identify analogous claims among those defending gambling, tobacco, alcohol, and so on. Those who defend some popular hazard tend to acknowledge the risks but argue that they are manageable and that the popular hazard’s benefits outweigh its costs.

In general, inertia (Becker 1995) favors those who would defend widely popular hazards that are well integrated into existing social arrangements. Popular hazards such as these are unlikely to be banned outright, although they may be subjected to additional restrictions designed to minimize their harms.* For example, the ubiquity of cars, the centrality of automobility in contemporary culture and social structure, and the huge costs and other practical obstacles to eliminating motor vehicles make it difficult to envision campaigns against cars succeeding. At the same time, there have been many successful efforts to regulate driving in order to reduce the harms cars cause. Or, to take a second example, tobacco smok-

* The obvious exception is Prohibition (cf. McGirr 2016). However, the campaign to make drink illegal took decades and involved establishing an unstable political coalition with disparate elements. The policy cut—but fell far short of eliminating—alcohol consumption and was abandoned as unworkable about a dozen years later.
ing has not been banned, but it has been discouraged through countless federal, state, and local policy changes, such as higher tobacco taxes, restrictions on where cigarettes can be purchased and smoked, and limits on tobacco advertising. The percentage of people who smoke has been cut roughly in half, just as highway traffic-death tolls have fallen dramatically. These successful campaigns have set modest goals: they have sought to reduce the harms from these very popular hazards rather than to ban them.

In contrast, those defending popular hazards that are officially forbidden find that inertia works against them. For instance, advocates calling for legalizing marijuana have been making the same, heavily publicized arguments for half a century—efforts that only now seem to be gaining some traction. Most states have adopted medical marijuana programs, and a handful have decriminalized recreational marijuana possession, sale, and use (although it seems unlikely that federal law is about to change in the near future). This suggests that efforts to end bans against popular hazards also face the constraints of inertia.

**Claims Opposing Popular Hazards**

In general, those who advocate tougher restrictions on popular hazards are particularly likely to emphasize the harms they cause. They point to evidence of people killed, injured, or otherwise harmed. This is not difficult. Popular hazards are popular, often engaging many millions of people, and if only a small fraction of those millions suffer harms, this may still add up to tens or hundreds of thousands—even millions—of people being harmed. The issue is how to present these harms in a compelling manner.

The simplest method for constructing a popular hazard’s harmfulness is to offer typifying examples of people harmed by
the popular hazard (Best 1990, 2017). For example, the website for Citizens Against Legalizing Marijuana (CALM 2015a) declares, “Sure, marijuana may have never killed anyone as proponents often claim—just as a bottle of whiskey has never killed anyone,” and then offers links to several news reports illustrating instances of marijuana use leading to serious harms:

Here’s some examples of people killing and maiming others when under the influence of marijuana with or without combining with alcohol:

- 16 year old Teen Dies after Rolling Car off Cliff—Marijuana in System . . .
- Woman Kills Self and 7 others While High on Marijuana . . .
- Man Attacks Flight Crew after Eating Marijuana Cookies . . .
- “Psychotic Pothead” Shoots Pentagon Police . . .

Similarly, advocates for gun control routinely point to heavily publicized mass shootings, such as Columbine and Sandy Hook. Of course, both sets of typifying examples are chosen primarily because they offer compelling stories; they almost always feature extreme, atypical incidents.

A second method is simply to emphasize the large number of people harmed by the popular hazard.† Thus, gun-control advocates point to the more than 30,000 annual firearm fatalities (a total that includes homicides, suicides, and accidental shootings). They present this as a big number, indicative of a big prob-

* Note the parallel claim by gun control’s opponents: “Guns don’t kill people. People kill people.” In general, opponents of some popular hazard are more likely to speak of it as though it directly causes harm, while proponents are more likely to challenge such language.

† On the importance of big numbers, see Best (2012). It is also possible to make much of less common harms. Fatalities caused by dog bites are rare. However, claims about the dangers posed by pit bulls emphasize that the
lem, even offering comparative statistics to suggest that this is a much larger number than fatalities from some other serious problem. Thus, in the aftermath of a shooting at an Oregon college, President Obama (2015) made this request: “I would ask news organizations … [to] tally up the number of Americans who have been killed in terrorist attacks over the last decade and the number of Americans who’ve been killed by gun violence, and post those side by side on your news reports.” CNN, for instance, responded by calculating that there had been 406,496 “deaths by firearms on U.S. soil” versus 3,380 “deaths by terrorism” (United States and overseas attacks targeting Americans) between 2001 and 2013 (Jones and Bower 2015; see also Qui 2015). The choice of comparison makes all the difference; those seeking to highlight guns’ hazardousness are of course much less likely to contrast firearm fatalities to deaths caused by auto-mobility (more than 500,000 over the same period).

Opponents of marijuana legalization also use statistics to evoke the magnitude of the problem legalized marijuana poses. Thus, CALM claims, “In 2006, there were 290,563 marijuana-related emergency room visits, more than for all [other] drugs combined,” and “26.9% of seriously injured drivers test positive for marijuana and 20% of all vehicle crashes are attributed to drugged driving” (CALM 2015c,d). But such claims also ignore comparable statistics about the obvious comparison drug—alcohol (e.g., drinking accounts for more emergency-room visits for those under twenty-one than marijuana and all other drugs combined [Mothers Against Drunk Driving 2013]). Thus, we can see a straightforward

breed accounts for a disproportionate share of these deaths: “31 U.S. dog bite-related fatalities occurred in 2011. . . . [P]it bulls contributed to 71 percent (22) of these deaths. Pit bulls make up about 5 percent of the total U.S. dog population” (DogsBite.org 2015).
rhetorical strategy: pointing to comparisons where the popular hazard in question appears larger, while neglecting to mention comparisons that make the harms seem relatively less harmful.

Advocates seeking to establish statistical evidence of harm may also choose to focus on the victimization of sympathetic figures.* Children, because they are considered innocent, vulnerable, and therefore in need of adult protection, are particularly useful in this regard, and gun control advocates emphasize, not just school shootings, but also the number of children harmed by firearms. Thus, one blogger posted: “I’ve found at least 43 instances this year of somebody being shot by a toddler 3 or younger. In 31 of those 43 cases, a toddler found a gun and shot himself or herself” (Ingraham 2015; see also Brady Center to Prevent Gun Violence 2016). According to the blogger’s data, these incidents resulted in 15 deaths (as well as 28 injuries); since he published his statistics in mid-October, with roughly a quarter of the year remaining, we can estimate the annual toddler death toll from guns fired by themselves or another toddler at about 20. Each of these deaths is, of course, a tragedy, a product of terrible adult carelessness in leaving a gun where a small child could reach it. However, this claim seems strongest when presented in isolation. Small children suffer all sorts of fatal accidents. For example, in 2013, 214 children

* On the rhetorical importance of children, see Best (1990). Special restrictions seeking to protect young people from popular hazards are common. In the early 1970s—the same time that the voting age was reduced to eighteen—many states lowered their minimum drinking age. In the face of mounting evidence that there had been a dramatic increase in traffic fatalities among eighteen-to-twenty-year-olds, Mothers Against Drunk Driving and other advocates successfully campaigned to raise the national drinking age to twenty-one (although many states’ laws allow younger people to drink under some circumstances). Research suggests that one effect of this policy change has been to reduce traffic fatalities by about nine hundred per year (DeJong and Blanchette 2014).
aged three or younger died in traffic accidents; at least 53 of those were not properly restrained in car seats and also might be constructed as victims of adult carelessness (National Center for Statistics and Analysis 2015); or, to take another example, during the period 2005 to 2009, more than 500 children aged four or under—about 100 per year—drowned in swimming pools (Centers for Disease Control and Prevention 2012). All of these deaths can be viewed as tragic failures of adult supervision. The point is not that guns kill fewer toddlers than cars or swimming pools, but that claims about popular hazards’ dangers tend to zero in on particular risks to highlight those harms in isolation. In a society with lots of guns—and cars and swimming pools—there will inevitably be some harms, even to small children.

Similarly, opponents of legalizing recreational marijuana use also emphasize harms to the young. After all, marijuana smoking commonly begins during adolescence. For example, CALM warns: “Marijuana adversely affects memory, maturation, motivation and can cause irreversible impact on young brains that aren’t fully developed until roughly age 25. It is a contributing factor in California’s alarming high school drop-out rate…. More young people ages 12–17 entered drug treatment in 2003 for marijuana dependency than for alcohol and all other illegal drugs combined” (CALM 2015b). Another critic argues, “Both subtle and acute changes in emotional and intellectual development occur in young marijuana users because the arc of their brain’s structural development becomes recalibrated by marijuana use” (Sabet 2013: 40), and cites a study which reports that “using marijuana regularly before age eighteen resulted in an average IQ of six to eight fewer points at age thirty-five” (42; see also Bennett and White 2015). In short, legalizing a drug that is commonly used by the young would imperil both the individual users and the larger society’s human capital. Of
course, these reported harms have occurred during a period when marijuana was illegal, and any laws legalizing recreational marijuana are likely to incorporate some sort of age limit on consumption. Therefore, it is hard to assess the degree to which legalization is likely to increase harms to the young. But, again, advocates rarely acknowledge—let alone confront—such critiques.

Other arguments may talk about broader—albeit less easily measured—harms. They may even acknowledge that the popular hazard in question has many users, and that relatively few of them wind up being harmed, while insisting that the harms are nonetheless severe enough to justify their opposition. For instance, one marijuana opponent argues, “It is true that most people who will one day smoke a joint will not become addicted or have major problems with marijuana—indeed many stop after using it once or twice. But the fact that a minority of users will experience significant negative health ramifications, including a significant loss in IQ and poor learning outcomes, lung damage, mental illness, motor skills impairment, and even addiction, offers plenty to worry about” (Sabet 2013: 26).

Similarly, the Brady Center to Prevent Gun Violence (2016) warns, “Keeping a gun in the home increases the risk of injury and death. Gun owners may overestimate the benefits of keeping a gun in the home and underestimate the risks.” Such claims may briefly acknowledge popularity—that most people who smoke a joint will not become addicted, or that many gun owners believe that there are benefits to keeping a gun in the home—but opponents place the emphasis on demonstrating hazardousness.

Like the proponents of popular hazards, opponents must deal with inertia. Gun control advocates find themselves confronting a well-entrenched, politically influential gun lobby committed to blocking any further regulations, while marijuana's opponents
must try to slow a pro-legalization movement that seems to have momentum, by warning against a “rush to legalize marijuana” (Bennett and White 2015).

**Debates about Social Policies**

The rhetorical similarities across issues extend to debates about social policies, even those that, at first glance, might seem to revolve around very different issues. Currently, opponents of legalizing the recreational use of marijuana warn of substantial social costs, while proponents insist that there will be minimal harms. This has led opponents to monitor the states that first legalized recreational use, watching for reports of harms. Thus, former federal drug czar William J. Bennett reports, regarding Colorado, that injury-causing explosions in laboratories for extracting THC have increased; that “two Denver deaths” have occurred, “one of a nineteen-year-old who jumped to his death while high, the other of a woman whose husband shot her after eating ‘Karma Kandy’”; that children have wound up in emergency rooms after consuming edible marijuana; and that the state has seen “a sizable increase in marijuana-related DUI admissions to treatment centers.” Lest this list of harms seem insufficient, he concludes: “The truth is that Colorado is about to wreak a great deal of havoc” (Bennett and White 2015: 74–75, emphasis added). In contrast, a blogger for NORML evaluated Colorado’s policy after its first six months far more positively: “This policy has not only failed to cause the reefer madness social breakdown predicted by prohibitionists, it appears that this new industry is starting to positively impact the state and its communities” (Fendrick 2014). Thus, popularity and hazardousness remain central to the evolving policy debate.
Similarly, opposition to gun control is fueled by warnings that any reform will lead down a slippery slope toward the abolition of guns. (Chapter 4 discusses slippery-slope arguments in more detail.) Gun control advocates play into the opponents’ narrative, not only by sometimes suggesting that eventually eliminating—or at least dramatically restricting—gun ownership is their goal, but also by pointing to other countries that have much more stringent limits on gun ownership, and by trying to institute bans against particular types of guns (such as Saturday night specials, all handguns, assault rifles, and .50 caliber rifles).* In contrast, polls show widespread support, even among gun owners and members of the National Rifle Association, for tighter regulations regarding background checks (Public Policy Polling 2015; Swift 2015). Thus, debates over both existing and prospective policies emphasize issues of popularity and hazardousness.

* For decades, sociological analysts who have examined gun issues—many of whom have reported their personal histories of having opposed guns—have concluded that guns’ popularity makes eliminating guns an impractical goal (Jacobs 2002; Wright, Rossi, and Daly 1983).

The Importance of Rhetorical Similarities

I’ve compared claims by individuals who oppose legalizing marijuana with those calling for tougher gun control policies in order to show rhetorical similarities: both use troubling typifying examples to illustrate harms; both emphasize the special vulnerability of the young to harm; and so on. A moment’s thought reveals that arguments opposing all sorts of popular hazards can be—and are—constructed in analogous ways. Thus, protecting the vulnerable young figures into all sorts of claims about the dangers of pit bulls, tobacco, alcohol, automobiles, bicycles, the
Internet, and other popular hazards. Such reasoning is culturally resonant: it draws from idealized, romanticized visions of childhood and youth as life stages characterized by innocence and vulnerability, overlaid with biomedicalized claims about the inability of immature brains to properly assess risks.

Advocates’ claims are inevitably selective, in that they choose to emphasize lines of reasoning that seem to support their conclusions, even as they downplay or ignore arguments that might call those conclusions into question. As a result, debates over social policies toward popular hazards tend to feature proponents and opponents talking past one another, with the former emphasizing popularity, and opponents highlighting hazardousness.

This leads those who oppose various popular hazards to draw on parallel arguments, even when very different political realities confront the issues they address. Thus, firearms currently are subject to a fairly limited regulatory structure that gun control advocates seek to expand, while federal and most states’ laws banning marijuana are under attack by those seeking to legalize the drug’s recreational use. Guns are generally legal and marijuana is generally illegal; guns’ opponents call for tougher regulations, while marijuana’s opponents want to maintain the laws that exist. Yet, however different the two causes and their political contexts may seem, opponents of both popular hazards make parallel arguments in their efforts to persuade the public and policy makers. And, as noted earlier, the same sorts of similarities can be found in the claims of proponents of different popular hazards.

In sum, debates over popular hazards tend to revolve around differing assessments of their popularity and their hazardousness. Identifying popular hazards as an analytic category helps us identify parallels in the ways people talk about what are usually understood to be unrelated, even completely different,
DISCUSSION

Sociological analyses of social problems and social policies, like the claims made by advocates, tend to be issue-specific. That is, sociologists usually collect and analyze data from particularistic case studies—focused on a particular problem or even particular aspects of that problem, perhaps at some specific time or place. They may, however, generalize and make broader statements about that problem—or about limited aspects of it—in other times and places (Best 2015). They are less likely to consider parallels across different social problems, such as the similarities in the rhetoric used by advocates of gun control and opponents of legalizing recreational marijuana use.

While issue-specific case studies have advantages, they also have limitations. Specifically, it is easy to get caught up in particulars and miss larger patterns. Popular hazards—a seemingly diverse range of activities—share two important features: they are very common, and they pose real risks. However, what are defined as the policy implications of these risks differ wildly across time and space. Credit cards are not seen as especially problematic, while cars, alcohol, and tobacco are subject to elaborate regulatory apparatuses. Swimming pools and bicycles, once largely unregulated, are increasingly subject to regulations designed to minimize risks. While some people continue to find pornography troubling, its spread to the Internet poses seemingly insurmountable challenges to would-be regulators. Appropriate policies toward other issues—such as marijuana legalization and gun control—continue to be hotly debated. Although it is easy to
get caught up in the apparent differences among all of these issues, it is also important to appreciate the common underlying dilemma that they pose. That is, they all involve many people and, as a practical matter, will harm some of them: a society with lots of cars will have traffic accidents; a society with widespread alcohol consumption will have lives damaged by drinking; and a society with many firearms will have people struck by bullets.

The parallels among popular hazards have consequences. In spite of their apparent differences, the structural similarities among different issues tend to shape the terms of debate, to evoke some of the same rhetorical themes. Within the larger culture, topics such as freedom or the vulnerability of the young tend to resonate. Even though not everyone favors the same policies across all popular hazards, there will still be similarities in what is being debated across issues. This means that disagreements about, say, whether individual freedom or minimizing harm should be the central concern in shaping policy are likely to appear in arguments about many popular hazards. Yet individuals may be proponents of one popular hazard while opposed to another, even though the underlying issues are similar.

Policy debates over popular hazards sometimes include proposals to ban them. This is impractical. Their popularity makes it likely that forbidden popular hazards will simply go underground. There is a vast literature on the underground markets that emerge in the face of prohibitions against alcohol, gambling, illicit drugs, pornography, and the like. Such prohibitions always involve trade-offs. On the one hand, prohibiting a popular hazard is likely to reduce the number of people using the forbidden good or service: consumption of alcohol did decline during Prohibition, and no doubt fewer people placed bets when gambling was generally illegal. However, there are also costs: underground markets feature
an unregulated and sometimes violent illicit trade; efforts to enforce the ban may lead to official corruption; and so on. Enforcing prohibitions tends to be both expensive and inefficient.

More effective social policies strive toward harm reduction. This tends to be a gradual process. The decline in traffic fatalities is the product of a long series of incremental reforms to promote safer drivers in safer cars on safer roads, just as the decline in tobacco smoking reflects policies to better educate people about the risks of smoking, to raise the cost of tobacco, and to restrict the number of places where people can smoke.

Policy choices are inevitably shaped by social context, including the political resources of proponents for different policies, the current cultural constructions of the hazard in question, and evaluations of existing policies. All of these contextual elements have histories: how today’s options are understood is always shaped by what happened yesterday. Similarly, advocates may make comparisons with how societies in other times or places addressed the popular hazard under consideration. But it is far less common for people to acknowledge the underlying parallels among diverse popular hazards.

All popular hazards are hazardous. While it may be possible to imagine an ideal society in which there are no harms caused by tobacco, or marijuana, or cars, or guns, we do not live in that world. As a practical matter, all popular hazards have constituencies, and they all carry risks. Ignoring their underlying similarities leads to demonizing the risks posed by some popular hazards while excusing the harms caused by other hazards. This promotes rancor, rather than rationality. Acknowledging popular hazards’ parallels is an important step toward devising social policies that actually minimize harms.