

# Newsweek

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## Wallpapering With Red Tape

By George F. Will

PHOENIX — In the West, where the deer and the antelope used to play, the spirit of “leave us alone” government used to prevail. But governments of Western states are becoming more like those elsewhere, alas.

Consider the minor — but symptomatic — matter of the government-abetted aggression by “interior designers” against mere “decorators,” or against interior designers whom other interior designers wish to demote to the status of decorators. Some designers think decorators should be a lesser breed without the law on its side.

Those categories have blurry borders. Essentially, interior designers design an entire space, sometimes including structural aspects; decorators have less comprehensive and more mundane duties — matching colors, selecting furniture, etc.

In New Mexico, anyone can work as an interior designer. But it is a crime, punishable by a fine of up to \$1,000 and up to a year in prison, to list yourself on the Internet or in the Yellow Pages as, or to otherwise call yourself, an “interior designer” without being certified as such. Those who favor this censoring of truthful commercial speech are a private group that controls, using an exam administered by a private national organization, access to that title.

This is done in the name of “professionalization,” but it really amounts to cartelization. Persons in the business limit access by others — competitors — to full participation in the business.

Being able to control the number of one’s competitors, and to dispense the pleasure of status, is nice work if you can get it, and you can get it if you have a legislature willing to enact

“titing laws.” They regulate — meaning restrict — the use of job descriptions. Such laws often are precursors of occupational licensing, which usually means a mandatory credentialing process to control entry into a profession with a particular title.

In Nevada, such regulation has arrived. So in Las Vegas, where almost nothing is illegal, it is illegal — unless you are licensed, or employed by someone licensed — to move, in the role of an interior designer, any piece of furniture, such as an armoire, that is more than 69 inches tall. A Nevada bureaucrat says that “placement of furniture” is an aspect of “space planning” and therefore is regulated — restricted to a “registered interior designer.”

Placing furniture without a license? Heaven forbid. Such regulations come with government rationing of the right to practice a profession. Who benefits? Creating artificial scarcity of services raises the prices of those entitled to perform the services. The pressure for government-created scarcity is intensifying because the general public — rank amateurs — are using the Internet to purchase things and advice, bypassing designers.

What has happened in Las Vegas will not stay there. It will come to Arizona, and to other states that do not already have it, unless the likes of Robert Lashua and Lynne Breyer succeed in turning back the minority of this state’s interior designers who are trying to erect barriers to entry into that profession.

Lashua and Breyer have the help of the Arizona chapter of the Institute for Justice, libertarian litigators with many successes in resisting such “rent-seeking.” That phrase denotes the

practice of using public power to confer private advantage — generally, getting government to impose a regulatory hardship on your competitors.

It is not true that businesses, as a matter of principle, want to fend off government regulation. Businesses have a metabolic urge to make money, which is as it should be. But when a compliant government gives them the opportunity to use government regulations to enhance their moneymaking, that metabolic urge will overpower any principles about the virtues of free (from government intervention) enterprise.

Commercial interests solicit regulations to obtain commercial advantage, as with titling laws. Such laws are instances of rent-seeking.

Beyond the banal economic motive for such laws, they also involve a more bizarre misuse of government. They assuage the status anxieties of particular groups by giving them the prestige, such as it is, that comes from government recognition as a certified profession.

But government licenses professions to protect the public and ensure quality. It licenses engineers and doctors because if their testable skills are deficient, bridges collapse and patients die. The skills of interior designers are neither similarly measurable nor comparably disastrous when deficient. Perhaps designers could show potential clients a portfolio of their work, and government could trust the potential clients to judge. Just a thought.

Thomas Hobbes thought that liberties “depend on the silence of the law.” From lawmakers here, and everywhere else, more silence on the matter of titles would be welcome.