

*“To reduce smoking rates, on 1 December 2012, all tobacco products in Australia must be sold in plain packaging. Do you think this is a sensible policy? Should government be trying to protect people from themselves? Should plain packaging be expanded to alcohol?”*

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***Cigarette Packaging and the Hidden Benefits of Minding your Own Business***

*“The majority, being satisfied with the ways of mankind as they now are, cannot comprehend why those ways should not be good enough for everybody...Spontaneity forms no part of the ideal of the majority of moral and social reformers, but is rather looked on with jealousy, as a troublesome and perhaps rebellious obstruction to the general acceptance of what these reformers, in their own judgement, think would be best for mankind” [John Stuart Mill, 'On Individuality, As One of the Elements of Wellbeing']*

Roughly fifteen thousand people die every year in Australia from smoking related illness. With every one of these deaths, the rallying cry of the anti-smoking crusade grows louder.

You may agree with them – after all, smokers seem to pay an enormous toll for such a small pleasure. Surely there is something they do not understand, or they are somehow being manipulated. This small leap of logic, unfortunately, is where the majority of people overstep the line. They seek to assert, not only that they have sound medical reasons to intensely dislike smoking, but that people who do not share this opinion are somehow ‘wrong’.

In a society of individuals, people constantly make choices which are, in the mainstream opinion, wrong. When this wrongdoing directly harms other people, it is generally accepted that governments should become involved to protect other individuals, as a manifestation of the collective will. However, if a person is merely living their life, privately attempting to progress their own interests (whatever they may be) without harming their fellow individuals, what right does this 'collective will' have to hamper or coerce them? Most people would intuitively answer “none at all”. Nonetheless, in the case of cigarette packaging, this intuitive sense seems to have been caught up in a storm of (perhaps justifiable) anti-smoking emotionalism.

To the libertarian, or classical liberal, individual liberty is the single most important thing in our political system. That is, the right for individuals to make personal decisions for themselves, free of government coercion. In the words of political philosopher John Stuart Mill, “the individual is not accountable to society for his actions, insofar as these concern the interests of no person but himself” [Mill, 'Applications']. Classical liberals regard freedom of this kind not as an abstract right, but as the vessel through which individuality, entrepreneurship and creativity are achieved. After all, nobody ever had a ground-breaking idea, or created a great piece of art, by blindly following the herd. Indeed, the ability to follow your ‘true calling’, whatever that may be, is essential to both your personal happiness and usefulness to society. The continued existence of individual liberty is therefore plainly in the interests of humanity.

This is not to say that classical liberals always regard government intervention as illegitimate, merely that it should be confined to situations where action is essential - either because certain conduct is causing harm to innocent third parties, or because the continued health and cohesion of society is being directly threatened. To that end, I propose a simple two step 'test' to determine whether a piece of legislation is both justifiable and sound in content, in line with classical liberal principles. Firstly, the problem being addressed must be so grave that it outweighs the right to individual liberty we enjoy. Secondly, the proposed measure must actually be effective at remedying the problem - if we are trading away our liberty for this policy, it is reasonable to expect that it delivers what is promised. If proponents of any piece of legislation are unable to clear both of those hurdles, their legislation should be thrown on the scrapheap as an unjustifiable infringement on individual liberty.

Despite their admirable intentions, anti-smoking campaigners seem to have fallen on their faces at the starting line with these proposed cigarette packaging laws.

### **1.0 - The 'Justification' requirement:**

Looking at the cigarette packaging laws objectively, one thing is immediately obvious to anyone; they are aimed at protecting people *from themselves*. This concept should immediately arouse suspicion in any individual who values their liberty, as it betrays a deeply patronising attitude amongst our legislators - apparently they do not even trust us to make a responsible decision on an issue as fundamental as our own health. Instead, they have decided, we must be coached towards the correct decision through pseudo-psychological manipulation of our perceptions of brand imaging. This seems to be the exact situation Mill foresaw when he wrote that “[noone] is warranted in saying to another human creature of ripe years that he shall not do with his life for his own benefit what he chooses to do with it. He is the person most interested in his own well-being, the interest which any other person... can have in it, is trifling, compared with that which he himself has”. [Mill, *Of the Limits to the Authority of Society over the Individual*]

The idea that a government bureaucrat is able to make better decisions about your personal health, wellbeing and happiness than you are is absurd. Governments seem to see the Australian public as a group of simpletons who could not tie their own shoelaces without consulting the '*Feet and Shoes Act 2011*'. The reality is, every smoker has at some point decided that, for them, the benefit of smoking cigarettes outweighs the detriment to their health. As the late Christopher Hitchens put it:

"I have never met a smoker who began the habit under the impression it was good for the pipes, and neither have you. " [Christopher Hitchens, 'Smoke and Mirrors', *Vanity Fair*, October 1994]

Based on the same knowledge that you and I possess, smokers have decided that, in their own personal circumstances, smoking is still worthwhile. People will always make a few bad choices when they are left to their own devices - but would you prefer to live in a society of forced conformity under the guidance of some stuffy bureaucrat who has never had a moment of careless fun in their life? The infinite complexity of an individual human life demolishes such an appalling notion; not only is it impossible to control the actions of every person, but to attempt to would be hugely damaging to society. Australia would be vastly less socially vibrant, or economically powerful, if nobody was permitted to defy the mainstream opinion of how a life *should* be lived. So let the smokers smoke – ultimately, their different 'experiment of living', as a cohesive whole, may turn up something beneficial to society.

### **2.0 - The 'Effectiveness' requirement:**

The second hurdle is more pragmatic. If we agree that individual liberty is extremely valuable, and that government action typically necessitates the sacrifice of said liberty, it stands to reason that we should try to get our money's worth. A particular societal ill may well justify intervention, but if legislation would not actually fix the problem then the sacrifice of liberty was entirely wasted.

Dubious justification aside, I am doubtful that this legislation will actually improve public health to any meaningful extent. The 'plain packaging' idea came about based on evidence that packages become "less attractive" and the "inferred experience" of smoking cigarettes is less positive when the branding and colouring is taken away. This (strangely) seems to simultaneously be a matter of common sense, and deeply misguided. Certainly, the sickly green packages are less appealing, but has any young smoker ever started a lifelong and destructive habit because of a flashy box? Has any habitual smoker ever thought "I'm dying for a smoke but that box is so unappealing"? You may think I am being facetious, but when you boil it down, this really is the underlying thinking of this legislation. A much more effective way to cut smoking rates is to attack the initial allure of smoking through education; a strategy which has already been employed effectively for decades, without any need to attack individual liberty.

### **3.0 - Conclusion**

Smoking has some devastating health effects. This is not new information, and has been firmly ingratiated into the Australian psyche through years of public health education. However, this education does not lead you to believe that you are under an obligation to rip cigarettes from people's lips to prevent them from making a poor decision. You, no doubt, respect and value that person's right to make their own decisions. So you should – a society of forced conformity of this kind would be dull, listless and economically stagnant. I believe it is high time we apply the same logic to our legislators. If it is none of your business, it is none of the government's business either.