



Australian Adam Smith Club (Melbourne)

President: Michael Warby, Editor: Regina Bron, P.O. Box 950, Hawthorn, 3122

Nature has no goal in view, and final causes are only human imaginings.
Baruch de Spinoza. Ethics (1677)

Russell Blackford

on

Sinning Against Nature: Morality and Politics

The Adam Smith Club will host a dinner meeting on Wednesday the 8th of March 2006, at the Budapest Restaurant and Pálinka Bar, 273 Glenhuntly Rd, Elsternwick 3185.

Socially conservative participants in contemporary moral and political debates (over gay rights, IVF, human cloning and many other issues) frequently appeal to a principle that we must not sin against, or interfere with, nature. Russell Blackford will argue that any such appeal has little prospect of carrying the day intellectually, whatever its psychological attractions. He will describe a contemporary theory - favoured by some philosophers and bioethicists - that attempts to reinterpret the appeal to "nature", but will argue that it fails to show how the appeal could be rational or relevant. Indeed, it tends to explain why arguments against various practices and technologies have a popular appeal out of proportion to their cogency.

Russell Blackford is a writer, critic, philosopher, lawyer, and public intellectual. His numerous publications range from media tie-in novels (including a sequel to King Kong) to articles in such journals as Quadrant, Meanjin, Australian Law Journal, Journal of Law and Medicine, Journal of Medical Ethics, and Monash Bioethics Review. He is currently a postgraduate student and part-time academic in the School of Philosophy and Bioethics, Monash University. He is also a Fellow of the (US/UK-based) Institute for Ethics and Emerging Technologies.

Attendance is open to both members and non-members. Those desiring to attend should complete the attached slip and return it to the Club no later than Monday the 6th of March 2006. Tickets will not be sent. Those attending should arrive at 6:30pm for dinner at 7:00pm. The cost is \$40.00 per head for members and \$45.00 per head for non-members (see next page for explanation of arrangements and for electronic booking details).

**Enquiries to Ms Regina Bron, tel. 9859 8277 (AH) or mob. 0412 006 786 (BH)
or email asmith@economic-justice.org**



detach and return

The Secretary,
Australian Adam Smith Club (Melbourne),
PO Box 950, Hawthorn, Victoria 3122.

Please reserve place(s) at \$40.00 dollars per member andplace(s) at \$45.00 per non-member for the March 8th meeting of the Australian Adam Smith Club. I enclose the amount of \$..... in payment for the same.

NAME (please print):

ADDRESS:

SIGNATURE: TEL:

LAISSEZ FAIRE ON THE WEB

This newsletter has an address on the web: <http://www.economic-justice.org/asmith.htm>. The Institute for Economic Justice has been created by David Sharp a former president (and current committee member) and Timothy Warner the current Treasurer of the Club. As stated on the web site, 'The Institute has been founded to assist those who have been subject to economic injustice, and to increase both public and professional awareness of remedies available under the Law.'

ELECTRONIC PAYMENTS

By popular demand, the AASC now offers electronic booking and payment to dinner meetings. Bookings can be made by emailing the number of members and non-members attending to asmith@economic-justice.org; a reply email from the club will then be sent with a link to PayPal where the payment can be made by Mastercard, Visa, AMEX, Diners or PayPal Account. Bookings made after Monday 6th of March will not be accepted online. FEES - a \$2 card fee will apply for the transaction.

DIARY

"Let's Start All Over Again"
The HR Nicholls Society's XXVII Conference,
3rd-5th March 2006, Sydney
Conference Enquiries: Joy Montgomery email:
jmontgomery@homeaustralia.com.au
Ph: 08 8263 5166 Fax: 08 8396 4828
www.hrnicholls.com.au

6:30 PM - 10:00 PM
Sofitel Melbourne
25 Collins St
Melbourne
Contact Georgina Hamilton,
ghamilton@ipa.org.au
www.ipa.org.au

IPA Monthly Meeting:
"Can the Future be made Future-proof?"
Directions for telecommunications, media, and
public policy
Speakers: Phil Burgess, Randall Straw
Tuesday, March 07, 2006

Discover Capitalism
Weekly meeting each Tuesday
Salona Restaurant, Swan St. Richmond
see www.prodos.discovercapitalism.org

MEETING REPORT FEBRUARY 2006

Dr Jennifer Marohasy gave a very challenging paper, which provoked a lively Q & A session at the February Club Dinner. Her call for hard science and logical inferences called firmly held positions on all sides of the environmental debate to account.

The meal was much appreciated and the

evening was most convivial. Tom Bostock in the vote of thanks asked for support for a group founded by Dr Jennifer to further hard science in the environmental debate www.aefweb.info. Our guest has since emailed her appreciation for the opportunity to speak and the fine curry. *TW*

VENUE ARRANGEMENTS

For Budapest Restaurant and Pálinka Bar, drink is not included in the price. You may purchase from the restaurant (reasonably priced wines by glass and bottle) which is fully licensed. A room has been reserved for the dinner meeting. We hope these arrangements do not cause inconvenience and we welcome your feedback.

Laissez Faire

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WITH FRIENDS LIKE THESE WHO NEEDS ENEMIES?

I have always held that one's personal choices and expenses are nobody's business other than one's own. That for instance only those who are incapable of supporting themselves, or are suffering from an illness that precludes supporting oneself should preferably use private but maybe state assistance.

Judeo Christian morality calls for a degree of empathy. In keeping with that sentiment I have never used my Medicare card, in fact I disposed of it on receipt in the 80's. Why carry around a symbol of oppression was my thinking.

I have recently had a serious illness and after much prodding by those around me, have enquired about getting some of the pathology costs reimbursed.

When I approached the Medicare (Health Insurance Commission) Office you would think I

had two heads. Where have I been, why haven't I claimed? You must be a foreign resident.

After a half hour of waiting as books were looked up and forms printed - to enter into this bureaucratic maze I now have to get statutory declarations from a lawyer, and accountant, utility bills for as many years as is practicable, pay slips and then fill in a form requiring me to state not only when did I 'return from overseas', but what citizenships I hold, what passports and finally travel documents I hold.

This is how a government department treats a person who tries to not only assist himself (by having a sense of self reliance), but who has saved the taxpayer many thousands of dollars in fees and charges foregone. *TW*

WE ARE NOT AMUSED

Unlike comic strips, newspaper cartoons are not published for amusement and entertainment, but rather to point out an absurdity, whether it be political, social, or - in the case of the current controversy - religious.

Newspaper cartoonists spend most of their time trawling through current events, news items, social commentary and even the sports news looking for inspiration, an item for which they can express an opinion, in a few illustrative strokes of the pen, that is likely to upset as many people as agree with it. This is the role of the cartoonist as social commentator: to expose the ridiculous, the absurd, the ludicrous, the irrational, and the illogical. Such cartoonists exist in all societies. In societies where free speech is enshrined in legislation or the constitution, their craft is seen daily in newspapers and magazines. In societies where such freedoms are repressed the cartoons, often cruder

in format, are distributed underground and usually anonymously.

In our free-speech societies, cartoons that offend are rife. It is the very essence of their success. They are intended to offend and confront those with the opposing view and to comfort or confirm those in agreement. No topic is sacred. Our cartoonist regularly offend our politicians, the queen, women, Christians, Jews, refugees, gays, environmentalists, academics, corporate bosses, unionists, animal lovers, soldiers, lobbyists, celebrities to name just a few! And though politicians tend to take the lion's share, most other targets receive attention in proportion to their topicality.

But importantly, newspaper cartoons are also extremely contextual. Seen out of context, without knowledge of the events that spawn it, the cartoon is meaningless. In some instance a

cartoon can lose relevance within days: rarely are memories intact or passions kept smouldering for a month let alone 6 months after the event.

The rioting supposedly elicited by the Danish cartoons is unfortunately no reflection on the merit or otherwise of the images depicted. However we cannot ignore the fact they have become the rallying point for extremist behaviour. Our liberal democratic attitudes have been hoisted on their own petards. Our spin doctors have been out spun by others who have a far more demonstrative following at their beck and call.

One cannot help wondering if deep down this is the type of reaction most cartoonists secretly crave as an indication of their influence in the world. It certainly beats being consigned to fish and chip wrapping. *RB*

DERANGEMENT OF TRADE OR JUST DERANGED

The Cole Inquiry has had the positive benefit of bringing that bastion of populist dogma - the single desk wheat trade, into the full light of day.

What a sorry sight it is when seen up close. As Adam Smith noted in the 'Wealth of Nations' (Book IV, Ch 7), that the first tendency of monopolies is to derange trade so that resources are misallocated and the stock of a country is misused.

By having a single desk we are either encouraging a trade that is not as profitable as the participants like to think (because the opportunity costs are not allowed for), or is

throttling a profitable trade by not being as responsive to market needs as any free trading group of buyers and sellers would be.

The argument that we would not be able to buy and sell in lots of hundreds of million of dollars is rubbish. The agents will arrange sales in whatever size is required, and the notion that there are mammoth agribusiness companies that hold farmers to ransom is fanciful. When a farmer can buy and sell futures on the Chicago and Sydney exchange, buy and sell contracts (if allowed) online across the world - the only item lacking is a spirit of entrepreneurship.

All the more surprising as farmers are by nature dogged and resourceful, otherwise the first drought would see them off, why be so afraid of managing your own risk? There we of course leave reason and enter the realm of human nature - where Smith precedes us, for he starts his work with the sternest of warnings regarding the businessman using the State to ensure success at the cost to the society. They will use the State for their own ends if allowed to, all the more reason to reject such legislative snares as single desk trading, for the good of all of us. *TW*

WHY CONTRACT?

In 1861, Henry Sumner Maine (1822-1888) the famed English jurist and historian declared that the movement of progressive societies was from status to contract. By this he meant that whereas previously a person's position, relationships and obligations had been determined by birth, they were at least in progressive societies, now determined by agreement between free and equal individuals.

Throughout the C19th events appeared to bear out the accuracy of Maine's observation. Yet in 1974 Professor Gilmore in America published "The Death of Contract" and in 1979, in England Professor P S Atiyah published his text "The Rise and Fall of Freedom of Contract". What happened in the interim and what has happened since?

Traditionally the concept of contract has been seen as embodying individual freedom. Individuals observing the world and determining what is in their own best interests, as they themselves decide, can achieve their individual ends by entering into agreement with another or others. In so doing they are free of any constraints of class or position imposed on them by birth, or (with certain limited exceptions such as upon convicted criminals) from constraints imposed upon them subsequent to birth by governments.

So understood, contract became more than just another legal subject. Rather it is, along with property, the essence of any progressive legal system. It is in this light that Section 10 of the American Constitution prohibiting any State from passing any law impairing the Obligations of Contracts is to be seen.

Whilst contract is a fundamental of freedom it is unlikely that the majority of the members of any modern developed society fully grasp or appreciate its significance as such, even its lawyers. Freedom is likely to be assumed and as a result the understanding of contract as a sine qua non for its existence has tended to be lost. Even in the universities

it is unlikely that the law students, much less students generally, have explained to them the significance of contract in this regard.

If students are taught today of the rationale and role of contract it is likely to be the practical explanation; that contracts exist to perform a peacekeeping and economic function. Thus it is said that since promises, as a moral consideration ought to be kept, it is appropriate that courts exist to enforce agreements and thus enforce the peace which might otherwise be disrupted if broken agreements lead disgruntled parties to threats of force or even to take action in order to obtain compliance.

Again the argument is advanced that effective economic activity requires imposing rules to ensure a degree of certainty and predictability to business activity. This role it is said falls to be performed by contract.

Whilst the keeping of the peace and predictability are important aspects of contract they are not its main role, which is the promoting of freedom. And the focussing on the practical aspects and on the enforcing role of the courts have tended to weaken the emphasis on the wishes of the individuals involved, who thereby have each achieved by their agreement what they themselves desire. The courts have thus tended to impose not what the parties themselves have chosen but rather what the court considers best for them. In the process the role of status has been reasserted and the empowerment of the individual through his freedom to contract diminished.

The tendency to determine what agreements can be made depending on whether one is a lessor or a lessee, employer or employee, banker or customer, insurer or insured, borrower or lender, producer or consumer, vendor or purchaser threatens ultimately the freedom to contract and a reversion to the primacy of status that Maine proclaimed hopefully to be passing. *DBS*