



Australian Adam Smith Club (Melbourne)

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

To forbid us anything is to make us have a mind for it.
Michel de Montaigne. Essays II (1580)

Anna Blainey

on

What happened to the idea of rights for consenting adults? Debating drug, alcohol and tobacco policy.

The Adam Smith Club will host a dinner meeting on Monday the 20th of August 2007, at the Malvern Vale Club Hotel, 1321 Malvern Rd, Malvern 3144.

Anna Blainey has written a PhD on the temperance movement in Australia and its connection to the women's suffrage movement. She is currently a researcher for Ross Fitzgerald's up and coming book *A Nation Under the Influence* which involves Alcohol in Australia's history.

Over the years, there have been heated battles between "prohibitionists" and "legalizers" concerning drugs and alcohol and even tobacco. The arguments of both camps have changed over time and most particularly those of the legalizers who often feel at a moral disadvantage. At one time, the "rights of consenting adults" was the chief argument for liberalising drugs but in recent years that notion has largely disappeared with the more timid "harm minimisation" supplanting it. It is harder now than ever to argue against restrictions on drugs, alcohol or tobacco because there is little in the way of an accepted defence of such substances or their use in the public discourse.

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 Friday the 17th of August 2007. Tickets will not be sent. Those attending should arrive at 6:30pm for dinner at 7:00pm. The cost is \$35.00 per head for members and \$40.00 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 \$35.00 dollars per member andplace(s) at \$40.00 per non-member for the August 13th 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 Thursday 16th of August will not be accepted online. FEES - a \$2 card fee will apply for the transaction.

MEETING REPORT

The June meeting of the Club had Brian Galligan speaking on the topic of Federalism. A wide ranging talk with particular reference to the philosophy - or lack thereof - in constitutional interpretation and the resulting drift of judgements from the 'black letter' of

the constitution.

The usual high standard of hospitality from the Curry Club ensured a good evening for all attending.
TW

CLASS SNEERING DISGUISED AS MORAL CONCERN

Accusations of 'racism' are often merely a contemporary version of a well-established pattern—the 'moral', 'informed' and 'sophisticated' middle class sneering at the 'vulgar', 'ignorant' and 'boorish' working class.

Pendle Council in England has just produced a nice case in point. A dustman has been banned from wearing a St George Cross bandana because it is "racist". Dustman is a classic working class job. Racism is a classic contemporary 'moral middle class' concern. It seems fairly straightforward.

What makes this case both particularly delicious and irresistibly stupid is that the dustman is black. So the case makes no sense *except* in terms of moral bullying of workers by middle class authority figures.

What is particularly striking is that the moral authoritarians are constructing a notion of English/British identity in terms of race that the black dustman is completely subverting. What's more, the black dustman's sense of historical identity is much sounder than the PC moral authoritarians. One of the striking features of British identity has precisely been its non-racial character. *British subject* was never a racial category. There were certainly attempts to make it so—White Australia for example—but they ran up against firm resistance from the Imperial Government. (Australia used the language test because any explicit racial category would have been vetoed by the Imperial Crown.) Both the Royal Navy and the settlement at Sydney Cove were multiracial.

One of the many ways in which politically correct history is distorted history is that it projects across the past an obsession with racial categories defined in terms of skin colour which was much more limited in time and place. Attempts such as the anathematisation of St George's Cross to construe patriotism (commitment to one's country) as nationalism (commitment to one's ethnic group conceived as a political entity) and therefore racist are not only moral bullying, they are based on distortion of history.

So full marks to the patriotic dustman who understands his country much better than the petty tyrants with their sneering status games parading as "good intentions". *MW*

VENUE ARRANGEMENTS

For the Malvern Vale Hotel, a private room upstairs (to the left through main restaurant entrance at front) has been reserved. There is NO BYO at this venue. Drinks are at bar prices. Car Parking is available on the road from 6.30pm and in the car park at rear. The No. 72 tram stops outside. The Tooronga Station is 400m away. We hope these arrangements do not cause inconvenience and we welcome your feedback.

Laissez Faire

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STATE BROADCASTING AND STAFF CAPTURE

The release of a new BBC sponsored report on bias, and the publication of a pamphlet by "Yes, Minister" co-author Anthony Jay, have brought the problems of state sponsored broadcasting into a clear focus. The BBC's own report *From Seesaw to Wagon Wheel: Safeguarding Impartiality in the 21st Century* (see tinyurl.com/2x748l) admits many of the points commentators have made in the last ten to twenty years - that the taking of positions by the news and current affairs staff, the self referencing nature of many of the talking heads and institutions chosen to comment have limited and distorted public debate.

Anthony Jay has written a pamphlet for the UK 'Centre for Policy Studies'

that is everything that you would expect of such an accomplished writer and TV producer. He forensically challenges the assumptions and attitudes that have dragged down the BBC since the 1950's. The pamphlet - *Confessions of a Reformed BBC Producer* (see tinyurl.com/ys6o4r) is well worth a look. His comment on the group think of the programmes producers - "It was an ideology, a secular religion, based not on observation and deduction but on faith and doctrine. We were rather weak on facts and figures, on causes and consequences, and shied away from arguments about practicalities. If defeated on one point we just retreated to another; we did not change our beliefs. Our beliefs belonged not to the

political platform but to the ecclesiastical pulpit. The security, the prosperity and even the survival of the nation could not take precedence over equality and social justice."

The attitudes and assumptions in both pieces have a ring of familiarity, the sisterhood of state sponsored broadcasting has led the ABC down similar paths, from the lofty ideals and self imposed limits of the 40's and 50's to the current image of 'our ABC.' As the ABC and the Fairfax Press in particular are resistant to this sort of inquiry - all the more reason to read these pieces and pass on the lessons learnt. *TW*

GIMME THAT NEW TIME RELIGION

True believers in the new religion of climate change are determined to prevail. Heretics who question the new faith's basic tenets are to be subjected to criminal charges. At least that is the possibility being run up the flagpole, presumably to see how many will salute.

The first step in the process appears to be rewriting the applicable terminology. Just as inconvenient facts made it necessary, in order to retain the perception of impending doom, to change "global warming" to "climate change", it will be necessary, in order to achieve the desired result, to change the hitherto accepted "climate change sceptic" to "climate change denier". This will then enable those pushing for criminal sanctions to equate the position of those who do not accept some or all of the climate change agenda with "Holocaust deniers", who are already in many jurisdictions subject to criminal sanctions. Whether such should be case is an issue for another time.

Suffice to say at this stage however that Holocaust denial is vastly different from what is now being floated. For a start, the Holocaust is in the past; something that has already occurred. With respect to climate change, we are concerned essentially with the future; something that has yet to occur.

Again the agenda of Holocaust deniers is generally considered to be a cover for something more sinister, in particular racial or religious vilification. What is the covert agenda of those, who for whatever reason, do not subscribe to all or some of the precepts of climate change? Are they all to be regarded as being paid or manipulated by the fossil fuel producers or large scale carbon emitters, in order to enable such producers or emitters to continue the destruction of the planet? Merely to ask such question is to reveal it for the nonsense that it is

If the agenda, covert or otherwise, of the alleged climate change deniers can not be justifying of criminal sanctions, what then can we say of the agenda of those calling for them? Are they people who are so frightened or offended by the expression of views contrary to their own that they seriously contend that the expressers of such views should be silenced by sending them to jail? Such advocates of climate change contend that alleged climate change deniers are akin to flat-earth advocates. Yet we do not put people who contend that the earth is flat into jail; rather we laugh at them.

If the contentions of those who oppose the precepts of climate change are really so manifestly false as alleged, then like flat-earthers, we would not need to send them to jail. The world would laugh at them. That they do not is merely proof, if proof was needed that what they say is not self evidently false and exposes the call for criminalization as the self-serving farce that it is. We should in such circumstance agree with the English poet John Milton who in 1644 said, "Let truth and falsehood grapple. Who ever knew truth put to worse in a free and open encounter." *DBS*

FEDERALISM AND FREEDOM

Two significant events have occurred recently, each of which in their own way says something about present-day Australia. The first was the announcement by the Federal government that it intended to take control, despite Victoria's failure, up to then, to agree to such measure, of the waters of the Murray-Darling Basin. The second was the arrest and charging of Dr Haneef, his subsequent incarceration by the Federal government after the cancellation of his visa, and then, after considerable media, legal and public expressions of concern and disquiet at his treatment, his eventual release.

The Constitution section 100 provides; "The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation."

Whilst the boundaries of constraint imposed thereby might be open to argument, the provision seems clearly to preclude the course of action proposed to be taken by the Commonwealth. Nothing daunted however the Commonwealth is proceeding, supremely confident that the High Court will endorse its actions.

Based on the High Court's past performance such confidence seems justified. This is particularly so since the Court's recent landmark decision in the Workplace Relations Case of 2006, when the States and Territories unsuccessfully challenged the Constitutional validity of the Commonwealth's takeover of workplace relations, such as to create a single national system.

As the two dissenting judges in the Workplace Relations Case, Kirby and Callinan JJ, in effect ruled, albeit from different perspectives, the decision of the majority judges in that case dealt a likely fatal blow to federalism in Australia. As the proposed takeover of the Murray Darling Basin demonstrates, regardless of what the Constitution seems to provide, the constitutional dominance and control of the States by the Commonwealth, in all but a nominal sense, is overwhelming. Nationalism's victory over Federalism is virtually complete.

As the dissenting judges in the Workplace Relations Case stressed, federalism is a feature that tends to protect liberty. The presence of a number of governments within a national entity, sharing power with the national entity

and competing with each other for people, who are able to vote with their feet, is conducive to individual freedom. For those who place a premium on liberty therefore the demise of Federalism in Australia is to be deplored, not only for itself, but for the damage it will do to Constitutionalism in general, of which it is a part, and which also serves as a protector of individual freedom.

If the demise of Federalism is the bad news, the nation's reaction to the saga of Dr Haneef is the good. With the proclaimed intention of protecting the country from international terrorism, the Commonwealth seemed to be subverting the principals of criminal due process. The Australian people were unimpressed. Their public response was largely negative and critical, thereby seemingly causing a significant shifting in the Federal government's position.

History teaches that the setting aside of due legal process will not help protect us from terrorists or improve our personal security. Rather the result is likely to be the reverse. The positive response to the Dr Haneef affair therefore suggests that the spirit of individual freedom still beats strongly in Australia. *DBS*

VIETNAM: ECONOMIC TIGER, POLITICAL LAGGARD

Vietnam's tiger economy expanded by 8.17 percent in 2006, unmatched in Southeast Asia, and exceeded in East Asia only by China. From the North to the South, the whole country is buzzing. The South is the epicentre of growth and Saigon remains the commercial centre of the country, but factories are springing up in the North as well. The North remains the centre of government and cadres from the North still dominate politics in Vietnam.

Reminders of what the Vietnamese call "the American War" are everywhere, but it's only one war among many – and the Vietnamese fought the Chinese for a thousand years to gain independence, only to lose it to the French. The Vietnamese have turned the American War into a tourist attraction. Former President Diem's Presidential Palace in down town Ho Chi Minh City is now open to international tourists. It's a very attractive 1960s style building that is still used on some State occasions.

After the inglorious fall of Saigon in 1975, the Americans left humiliated. But now they are returning – some old soldiers, but also the new legions -- the businessmen. In the United States, in the wake of globalization, entire industries are being shut down. Take furniture for example. The furniture industry in high cost America simply cannot compete with Asia. In the new houses in the U.S. going up in McMansion style, ceilings are commonly 12 feet high. Traditional furniture is simply too small, requiring new style gigantic furnishings, and the profits can be staggering. For example, a piece of furniture can be loaded onto a ship in a Vietnamese port for US\$1,500 and then be sold retail in America for US\$15,000. And the US\$1,500 is not what it cost to produce – the manufacturer in Vietnam is making a

handy profit, too. There's a lot of money to be made.

That begs the question – why is furniture manufacturing booming in Vietnam? Why not China, or somewhere else in Southeast Asia? Businessmen say that Vietnam is a Communist country and a lot of red tape must be negotiated before a factory opens, but once the procedures have been completed, the government leaves them alone. China is much more prescriptive, telling foreign businessmen who they can hire, where they can build and so on.

Vietnam is said to be riddled with corruption, but businessmen say it is manageable. "If you have a machine worth a quarter of a million dollars sitting on the dock and it'll cost you a few hundred dollars to get it delivered now instead of in three months' time, then the payment is not a major consideration," said one American businessman.

Vietnam is still very affordable for both businessmen and tourists.

Will Vietnam in 30 years be like Taiwan – a free, prosperous and democratic country? Prosperous, likely. Free and democratic? Much harder to say. Vietnam, a nation of over 85 million people, is still under Communist rule. The government allows a certain amount of latitude, but cracks down hard on any person or group that questions or threatens the Communist Party's leading role. It's true that religious believers have more freedom in Vietnam than in China and the State has better relations with the Vatican, but every so often, the authorities do enough to remind everyone who is in charge. And without a process of democratic renewal, that's the way it's likely to stay. *JRB*