

# At liberty to smoke?

**T**HE Federal Government ban on smoking on domestic flights, which takes effect on the first of December, has been fiercely attacked by the tobacco industry and smokers' rights groups.

Their claim is that smoking in public is a right or a freedom which should be treated like any other civil liberty, such as free speech or assembly.

The defenders of smoking have turned to the civil liberties argument as a last resort. They have lost the debate on the health impact of smoking, with only a rearguard action remaining to argue, for example, that 'passive smoking' — inhalation of smoke by non-smokers — is not a hazard.

The claim that people have a right to smoke in public places deserves serious attention. It is dangerous to curtail civil liberties even for the best of reasons.

A look at history reveals that what is considered a right depends on prevailing standards of behaviour. A close analogy to smoking is provided by attitudes to natural bodily functions. These attitudes have changed dramatically in the space of a few centuries. What was commonplace before is virtually unthinkable today, and indeed seldom discussed openly.

An eye-opening account is provided by eminent sociologist Norbert Elias in his book *The Civilizing Process*. Elias gives a history of manners in Europe, showing how inhibitions developed in courtly circles gradually were taken up in the rest of society. Standards a few hundred years ago are illustrated by the following examples.

The Wernigerode Court Regulations of 1570 state that: "One should not, like rustics who have not been to court or lived among refined and honorable people, relieve oneself without shame or reserve in front of ladies, or before the doors or windows of court chambers or other rooms."

**Civil liberties' arguments are wheeled out by smokers' lobby groups to defend their 'right' to puff away in public places but their arguments are far from watertight. BRIAN MARTIN\* reports.**

The Brunswick Court Regulations of 1589 include this: "Let no one, whoever he may be, before, at, or after meals, early or late, foul the staircases, corridors, or closets with urine or other filth, but go to suitable, prescribed places for such relief."

A book on manners by Johann Christian Barth, published in 1736, contains this admonition: "If you pass a person who is relieving himself you should act as if you had not seen him, and so it is impolite to greet him."

Elias comments that "For a long period the street, and almost any place one happened to be, served the same and related purposes as the courtyard wall", for relieving oneself. "It is not even unusual to turn to the staircase, the corners of rooms, or the hangings on the walls of a castle if one is overtaken by a need."

This behaviour gradually changed, as "stricter control of impulses and emotions" became instilled into people. Elias documents how similar changes took place in areas such as blowing one's nose, spitting and behaviour at the dining table.

**I**N this century there has been some relaxation of taboos developed earlier, for example in exposing more than one's face and hands in public. But this relaxation has been possible within an already established standard of what is considered offensive.

Today, there is no movement to defend the right of people to relieve themselves in public places. There are even laws against this. But it is not primarily laws which cause restraint, but rather general social attitudes. The laws are basically reflections of prevailing standards of social behaviour.

Civil liberties grow out of social struggles. Two hundred years ago slavery was widely accepted, today it is not. Most consider this progress.

In contemporary society it happens that free speech is generally acknowledged — even by those who violate it — as a fundamental human right, whereas relieving oneself in public is not.

There is no intrinsic human right associated with smoking, any more than there is with spitting in a person's face.

Unlike excretion, there is a lot of money to be made out of promoting smoking. The tobacco lobby has been instrumental in promoting the idea of the 'right to smoke'. But unlike slavery or restraints on free speech, there is no obvious social oppression in restraints on public smoking. No one is proposing to ban smoking between consenting adults in private.

Attitudes about smoking have changed dramatically in the past twenty years. Today, it is no longer unusual to request one's house guests to refrain from smoking.

The ban on smoking in aircraft is part of the long-term struggle over what should be considered proper public behaviour. The law is simply one resource which has been used in this struggle, either to sanction smoking or disallow it.

Should smoking go the way of excretion, in the future we may expect to find small rooms especially for smokers, with fans to whisk the waste away. Ash trays may become curiosities, just as spittoons are now. Smokers' rights may come to seem as ludicrous and distasteful as the idea of excreters' rights does to us today.

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