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## **NYC: the city that never smokes**

**A proposal to ban lighting up in New York's parks has exposed the puritanical agenda behind the crusade against smoking.**

Basham and Luik

### **The truth about second-hand smoking is finally out.**

Thanks to some unusual candour on the part of the anti-tobacco brigade in New York City, we now have official confirmation that banning smoking in public has absolutely nothing to do with protecting the health of non-smokers from second-hand smoke, but everything to do with stigmatising both smoking and smokers. Closer to home, new evidence from the National Health Service (NHS) shows that the public smoking ban in England has made absolutely no positive difference in smoking rates, despite claims made by its champions that it would.

In September, Dr Thomas Farley, New York City's Health Commissioner, proposed banning smoking at all of the city's parks and beaches (1). Dr Farley's rationale for the ban has nothing to do with the risks that outdoor smoking pose to non-smokers, but rather with preventing people, particularly children, from having to see anyone smoking in public. Farley says, 'We don't think children should have to watch someone smoking'. Farley also defends the extension of the smoking ban to outdoor areas by arguing that it is 'part of a broader strategy to further curb smoking rates'. New York mayor, Michael Bloomberg, confirmed earlier this month that he would implement Farley's proposal, arguing that the public is 'overwhelmingly in favour' (2).

Why have the champions of banning smoking everywhere, even in private accommodation, suddenly come clean about the driving force behind their crusade? The answer is that they have essentially won the war over public smoking. But why is this the case? The answer, sadly, is that for the past 15 to 20 years, the public has been bombarded with a carefully orchestrated government-funded anti-tobacco campaign to convince them – in contradiction of the scientific evidence – that smokers pose a deadly health risk to non-smokers, particularly children.

The scientific evidence has never supported the case against public smoking. The US Environmental Protection Agency's seminal early 1990s report on second-hand smoke was severely flawed. Its critique of second-hand smoke was only sustained through a careful exclusion of non-confirming evidence and a non-traditional application of the statistical test known as confidence limits. The report was subjected to a scathing analysis by a US federal court, which rejected its scientific claims about the dangers of second-hand smoke, a finding that even on appeal was not reversed (3).

Moreover, a scientific study conducted by the World Health Organisation's International Agency for Research on Cancer found that there was no statistically significant association between smoking in the workplace and social settings and lung cancer in non-smokers. Indeed, the majority of studies about second-hand smoke and lung cancer in non-smokers have found non-statistically significant associations both in workplace and domestic settings.

Of course, none of this startling lack of scientific evidence has moved beyond the scientific journals and into the public domain, which means that the debate about public smoking is a non-scientific debate. And this means that it can proceed on virtually any grounds, unchecked by the need for careful and verifiable scientific evidence. The anti-smoking movement has always known that the evidence about the risks of public smoking, or private smoking for that matter, to non-smokers was marginal, at best, and nonexistent, at worst. But this was fundamentally unimportant.

Preventing people from smoking in public was never about real health risks - that is, it was never

about protecting non-smokers so much as it was about stigmatising smoking and smokers and making it difficult for them to smoke. So with the science of second-hand smoke now never discussed, the anti-tobacco movement feels confident in moving the argument forward and revealing the starkness of its real agenda.

There is no compelling evidence that second-hand smoke poses a health risk to anyone in open spaces like public parks and beaches, but that is beside the point. The new push seeks, first, to demonise smoking and, second, to exert a brazen paternalism in which it is made virtually impossible for smokers – for their own good, of course – to light up in any public space.

There are profound difficulties with both of these objectives. For one thing, where is the justification for banning unhealthy behaviours from the public square simply on the grounds that someone might see them? Or, indeed, what is the justification for banning unhealthy behaviours from public viewing full stop? This opens up substantial room for prohibiting an enormous range of other behaviours which are neither immoral nor illegal, but simply unhealthy.

For example, by parity of reasoning it could be argued that children should never have to see anyone eating unhealthy foods in public, or indeed see anyone who is fat in public. Surely, there must be some evidence that seeing someone engaged in unhealthy behaviour puts others at risk. But where is this evidence?

For another thing, there is the issue of whether such measures actually work. For example, the NHS recently released a study on the effectiveness of the public smoking ban (4). The fact is that certain groups, such as young males, are smoking more *after* the smoking ban than before it. So, not only are such bans not supported by science, they are also not supported by the evidence on their practical effect in changing behaviour.

Finally, any policy by which the government engages in stigmatising the legal behaviour of its adult citizens is repugnant in a democratic society. Fundamental to democratic government is the respect that it owes to its adult citizens' choices about legal behaviour and, more fundamentally, how they choose to live their lives. Paternalistic interventions, whether through stigmatising or other means, can only be justified in the rarest of instances.

What the evolution of the debate over public smoking shows is how little science has to do with the anti-tobacco crusade, how disingenuous that crusade is about its real motives and goals, how easily the crusade on tobacco can be extended to other causes (most notably the war on obesity), and how fundamentally dangerous it is to a society both free and democratic.

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(1) [New York Eyes 'No Smoking' Outdoors, Too, New York Times](#), 15 September 2009 (2) [Mayor Bloomberg vows to snuff out smoking in parks, beaches, New York Daily News](#), 1 October 2009 (3) For more on the EPA study, see [An epidemic of epidemiology](#), by Rob Lyons (4) See [Statistics on smoking, NHS](#), 29 September 2009 [pdf]

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