

Abolishing Industrial Production and Trade of Tobacco: Is It Morally Justifiable?

Endüstriyel Tütün Üretimi ve Ticaretinin Sonlandırılması Ahlaki Açından Haklı Çıkarılabilir mi?

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ABSTRACT Tobacco takes an enormous toll on the health of the public as the cause of 4.8 million deaths annually worldwide. Tobacco consumption is an important worldwide public health problem that needs to be dealt with effectively. Confronted with such a problem, many countries have implemented tobacco control programmes. Still, however, the WHO projects that by the year 2030, unless prevention is given a higher priority, the use of tobacco will kill 10 million people worldwide annually, of which 70% of these deaths will occur in developing countries, making tobacco use the world's leading cause of preventable death. It is clear that there is a need for a consensus on the final goal of all interventions in order to be able to act together globally and effectively; all current measures should then be reassessed and, if necessary, reworked in light of this goal. The aim of this article is to argue that abolishing the industrial production and trade of tobacco is morally justifiable. We do not intend for this to be used for punishing current smokers in any way, but rather as the best means possible for helping to prevent future generations from suffering from this problem. Our reasoning consists of four premises, namely: the priority of prevention, the legal trade of tobacco is against a state's duties to protect its citizens, putting someone at a disadvantage and then profiting from their suffering is morally wrong, and tobacco control programmes inevitably would fail. Possible counter-arguments were also analyzed.

Key Words: Tobacco, tobacco industry, smoking, bioethics

ÖZET Tütün ve tütün ürünlerinin kullanımı, her yıl dünya çapında ortalama 4.8 milyon kişinin ölümüne neden olmakta ve etkin biçimde uğraşılması gereken önemli toplum sağlığı sorunlarından birini oluşturmaktadır. Bununla birlikte tütün, endüstriyel biçimde üretilmekte ve ticareti yapılmaktadır. Her ne kadar, tütün kullanımının azaltılmasına yönelik çeşitli politikalar uygulanıyorsa da, bu programların genel anlamda başarılı olduğunu ileri sürmek güçtür Dünya Sağlık Örgütü, etkin önlemler alınmazsa 2030 yılında tütün kullanımına bağlı ölümlerin yıllık 10 milyon kişiye ulaşacağını, bu ölümlerin %70'inin gelişmekte olan ülkelerde olacağını ve tütün kullanımının bir numaralı önlenebilir ölüm nedeni olacağını öngörmektedir. Bu makalenin amacı, bir taraftan tütün kullananların haklarını gözetirken, diğer taraftan gelecek kuşakların bir ticari ürün olarak pazarlanan tütünle tanışmasını engellemek gibi ahlaki bir yükümlülük olduğunu ileri sürmektir. Bu yükümlülüğün gerekçeleri, önleme ve korunmanın tedaviye göre öncelikli olduğu, tütün ticaretine yasal olarak izin vermenin bir devletin vatandaşlarını koruma ödevi ile çeliştiği, bir kişiyi bağımlı kılarak dezavantajlı bir konuma düşmesine neden olup sonrasında kişinin çektiği sıkıntı üzerinden para kazanmanın ahlaki olarak yanlış olduğu ve tütün kontrol programlarının yeterli maddede geçişin dışında bir etkisinin olmayacağı, "böylesi bir uygulamanın kişi özerkliğine aykırı olduğu", "bu kadar karmaşık ve çok boyutlu sorunları demir-yumruk yöntemiyle kısa sürede çözme çabasının başarısız olacağı" gibi olası karşı-savlar da ele alınmakta ve yanıtlanmaktadır.

Anahtar Kelimeler: Tütün, tütün endüstrisi, sigara içme, bioetik

A PUBLIC HEALTH PROBLEM

Nicotine is a highly addictive substance, and cigarettes are the most toxic and carcinogenic means of delivering nicotine.¹ Tobacco smoking is a powerful risk factor for many diseases.²⁻⁶ Compared with non-smokers male and female smokers demonstrate at least a two fold increase in the incidence of coronary heart disease.^{7,8} Relative risk is even higher, four or five fold, in younger groups. Over 90% of the larynx cancers and lung cancers are caused by smoking.⁹ Studies indicate that nonsmokers are also adversely affected by environmental tobacco smoke.¹⁰ Many studies showed an increased risk, especially for persons with higher exposures. Meta-analyses of studies on environmental tobacco exposure and lung cancer risk showed that there is an excess risk of 20% for women and 30% for men after controlling for some potential sources of bias and confounding. The excess risk increases with increasing exposure. Furthermore, other published meta-analyses of lung cancer in never-smokers exposed to secondhand tobacco smoke at the workplace have found a statistically significant increase in risk of 12–19%.⁹ Tobacco takes an enormous toll on the health of the public as the cause of 4.8 million deaths annually worldwide. As the evidence shows, tobacco consumption is an important worldwide public health problem that needs to be dealt with effectively.⁸⁻¹²

Confronted with such a problem, many countries have implemented tobacco control programmes in an effort to reduce consumption and the prevalence of tobacco-related disease, and also to reduce the enormous financial burden that tobacco-related diseases have on the public health services. Reducing the prevalence of smoking in the population involves two primary strategies: educating young people so that they never become smokers in the first place and promoting smoking cessation among current smokers. For instance, laws which restrict the sale of tobacco to minors help to keep cigarettes out of the hands of young people. Additionally, tax and fiscal policies could be used to reduce tobacco consumption, as increa-

sing taxes on tobacco makes it harder to afford, thereby helping to curb its use. Bans and restrictions on direct advertising of tobacco products is also another step. Sweden, Norway, Finland, and Iceland all introduced advertising bans back in the 1970s, which were followed by reductions in the smoking rates and overall tobacco consumption.¹³ Regulations on smoking in public places also helps to prevent exposure to second-hand tobacco smoke.¹⁴ Advice on quitting smoking given by physicians is often directed at older smokers and is intended to encourage them to give up smoking. Large anti-tobacco media campaigns can be targeted towards people of all ages, usually conveying messages like “don’t start”, “quit now” or “don’t relapse”. Such campaigns are more likely to be effective as part of a larger anti-tobacco initiative aimed primarily at adults.¹⁵

Still, however, the WHO projects that by the year 2030, unless prevention is given a higher priority, the use of tobacco will kill 10 million people worldwide annually, of which 70% of these deaths will occur in developing countries, making tobacco use the world’s leading cause of preventable death.¹⁶ This estimate suggests that tobacco control programmes are not as effective as was hoped, and will in all likelihood continue to underachieve over the next 20 years, “unless available and effective interventions are urgently and widely adopted”, as the WHO has stated.¹⁷ Furthermore, “The process of the Framework Convention on Tobacco Control’s creation also reveals the price paid for delay between vision and action. It has taken almost 10 years to bring the idea of such an instrument to fruition. During that time, more than 30 million people have died of tobacco-related illnesses, 70% of them in low-income and middle-income countries and half before the age of 70.¹⁷ Simply put, this means that time is of the essence, and it is imperative that we implement strong, robust interventions that are effective enough to save millions of people from a preventable death. It also means, given the incredibly large number of lives at stake, that the price of failure would be so costly as to be unacceptable.

Probably as a result of the limitations and failures of past and current interventions, there is a

trend in which the proposals for dealing with the tobacco problem are becoming increasingly more radical. These proposals range from banning the trade and importing cigarettes just for adults' personal use, to the controlled marketing of tobacco by a public agency or otherwise transferring control of the tobacco market to non-profit enterprises with a public health mandate, and even to a full prohibition of tobacco.^{1,18-20} First however, it is clear that there is a need for a consensus on the final goal of all interventions in order to be able to act together globally and effectively; all current measures should then be reassessed and, if necessary, reworked in light of this goal.

AN ARGUMENT

We suggest that abolishing the industrial production and trade of tobacco should be the final goal that seeks to reduce tobacco use and tobacco-related diseases to the most minimum levels possible. We do not intend for this to be used for punishing current smokers in any way, but rather as the best means possible for helping to prevent future generations from suffering from this problem. Our reasoning, which has led us to this conclusion, consists of four premises, namely: the priority of prevention, the legal trade of tobacco is against a state's duties to protect its citizens, putting someone at a disadvantage and then profiting from their suffering is morally wrong, and tobacco control programmes inevitably would fail.

Our first premise is quite simply that initiatives based on prevention are much easier, less painful and ultimately more efficient, as well as being cheaper in the long-run and because, by their very nature, they are the most humane way to deal with this problem because they serve to prevent any tobacco-related disease, unlike programs that emphasize protection or treatment. Preventive measures should be employed as a first line of defence, while all other measures should be regarded as secondary options. If we would like to live in a better society, and a better world, people should not suffer and lose their lives on such a scale for a reason that is easily preventable. We will not try to justify this claim, instead we refer to the right to

health as defined in the 25th article of the Universal Declaration of Human Rights: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Secondly, we would like to consider the duties incumbent upon the state. One of the primary reasons for the existence of the state is to protect and promote the health of its citizens who, it should be pointed out, pay taxes largely for that reason. The state is supposed to ensure that the public is able to lead a healthy life that free of unnecessary dangers and harm. A state therefore should pass the appropriate legislation and take all of the necessary measures to ensure that this type of environment is achieved for its citizens. In other words, the state has a duty to eliminate a preventable factor which threatens the health and well-being of its citizenry. This can be accomplished by imposing regulations for the public's benefit. Failure on the part of the state to do this defies the state's very cause for existence. In conclusion, with the priority being on prevention, and since tobacco consumption is harmful to public health, a state must take preventive measures against tobacco consumption. And, therefore, the industrial production and trade of tobacco should not be legally sanctioned by the state.

Another premise on which our conclusion is based concerns the inherent wrongfulness of selling a product which has been optimized to be highly addicting and which is also very harmful to the health, effectively profiting off of the harm caused by this product. In a report published in 1988, it is stated that cigarettes and other forms of tobacco are addicting, and the pharmacologic and behavioral processes that cause addiction to tobacco are similar to those observed with the addiction to 'hard' drugs, such as heroin and cocaine.²¹ Therefore, selling tobacco is nothing less than the trade of a highly addictive substance, creating a customer base that is addicted to the product and who

will suffer from their addiction, all in the interest of the corporations and, in some instances, states who sell these products. We see two primary problems here, namely, to make someone addicted to a product or to knowingly sell someone a product that is intended to be addicting, and to then exploit someone's suffering by profiting from it. To make someone addicted without their informed consent, which can easily be argued is the case here, is morally reprehensible and unjustifiable. To be brief, we refer to the principle of autonomy, which will be dealt with in the "counter-arguments" section later. But we should explore the wrongfulness of exploiting someone's disadvantage (in this case, their harmful addiction) in detail. First, a person with a disadvantage that influences them negatively cannot exist as an equal in a relationship. For instance, it is wrong for a physician to exploit their patient's ignorance of medical knowledge and use it against them. Ignorance places the patient in an unequal position in the relationship with their physician, and that certainly threatens to put the patient at a disadvantage. If the other member of this relationship uses their advantageous position purely for their own interest or gain, it would be exploitative and the integrity and fairness of the relationship would be undermined by a lack of honesty. This sort of exploitation erodes the sense of trust and solidarity needed in a society, and, as in our example, the value of professionalism. Secondly, addiction certainly qualifies as a type of disadvantage, because a person with an addiction cannot act as they would like unless they are first able to satisfy that addiction. They must have access to the particular substance that they are addicted to in order to go about their daily life normally, and this impediment obviously puts them at a disadvantage. Therefore, to profit from someone else's harmful addiction is morally wrong.

As our final premise, we claim that tobacco control programmes has their intrinsic limits. It may be true that it would be most appropriate to allow more time for current control programmes that are already relatively effective, to continue in order to understand how these programmes are effective and fully identify the obstacles which limit

the success of these programmes. But this would be a very complicated and time-consuming undertaking, since every intervention has its own limitations and specific barriers which are determined by the particular time and the particular country in which they are enacted, and increasing the success rates is highly dependent on local conditions. Ultimately, it will require an active and coordinated effort that has the continuous attention of society and the will of policy-makers to achieve these goals. Furthermore, it is known that even within the most effective and best resourced jurisdictions there is still roughly 15% of the adult population that continues to smoke on a daily basis, and in most countries the rate of smoking is much higher.¹⁸

In addition to the controversial effectiveness of control programmes, more importantly, it is possible to claim that corporations would always find some way to survive and profit (that is, sell more cigarettes) by getting around the regulations as long as the industrial production and trading of tobacco remains legal, despite any regulations that might be applied to reduce these sales. Based on the past regulations and the response of tobacco companies this seems to be a valid concern. As Callard et al. stated, corporations by their very nature are profit-driven and responsible only to their shareholders:¹⁹ *"The corporation is a legal instrument created for the sole purpose of facilitating trade, and it is programmed to do one thing exclusively—make money. ... Although particular corporate structures change, the rule that corporate directors must act only in the "best interests of shareholders" has remained firm. Courts have interpreted best interests to mean the maximisation of profits since shareholder's value (that is, the price of their shares) is adjusted by the stock market to reflect current and anticipated corporate profits."* The pursuit of profit by these corporations is not pathologic, as the title of Bakan's book suggests, but rather, on the contrary, it is better described as being physiologic in its nature, and therefore this course of action cannot be changed:²² *"This rule helps protect shareholders from the potentially adverse competing financial interests of managers and directors, but it also makes corporations unable to pursue ot-*

her goals that might be socially beneficial. ... In striving to sell more cigarettes and recruit new smokers, they are doing exactly what they were created to do (sell cigarettes) and what they are required to do (maximise the value of the corporation for its owners by making cigarettes as profitably as possible)" The sales techniques they use in order to survive and maximise their profits under any circumstances could be classified as below:

1. *Marketing*: Tobacco marketing involves a tremendous amount of carefully conducted research to provide a detailed understanding of potential and current customers, and this research is then used for linking strategies in the following four areas of marketing: product development, product placement, pricing, and product promotion. As stated by authorities working at the Center for Social Marketing:²³ "All four marketing tools are therefore used to approach starters. The product needs to be reassuringly mainstream and normal; distribution needs to ensure accessibility and familiarity (the local newsagent is key here); and prices should be mid-range. These efforts are supported by promotion, which incorporates all manner of above and below the line communication with the customer, including direct mail, competitions, loyalty schemes, brand stretching (putting tobacco branding on other products, such as clothes), and packaging—as well as conventional advertising and sponsorship." For example, new research has found that foreign tobacco companies have deliberately targeted young people in Taiwan:²⁴ In the first five years after the Taiwan's markets were opened to Western companies, the smoking rate among young adults aged 18 to 24 increased from 36% to 42%. To achieve this, foreign tobacco companies increased their advertising expenditure, skirted the law via brand stretching, and engaged in aggressive promotional activities at stores and other retail outlets. The preference for imported brands among young adult smokers jumped from 2% in 1986 to 77% in 2001.

Borland has proposed a regulated market model which would effectively control both product composition and product promotion via a public agency with a legislative mandate.¹⁸ This author

has accepted the status quo of the current situation in tobacco production and trade, and has proposed a model to make it less egregious: "If tobacco products are to be legally available, there need to be controls to ensure that they do not value added to them, and as harm reduced as possible". This model strives to reduce both the smoking rate and the incidence of tobacco-related disease by targeting the 4Ps of marketing: product development, placement, price, and promotion. Borland claims that if a public agency were to become the sole distributor of tobacco products to the public that the innovative capacity of tobacco corporations would then be forced to transfer to less harmful products, and it would be much easier to control the price and promotional activities of tobacco products as well. The first flaw with this model is that it still runs counter to the state's duty to protect its citizens. It is also important to note that implicit in the theoretical view underlying this proposal is the acceptance of the notion that "better controls will not eliminate tobacco use". This of course is a highly controversial point, and needs to be well-justified before moving forward from this presumption. Further, this proposal is too palliative in its approach—it is trying to find a solution together with corporations, organizations which are solely profit-driven. It seems unreasonable to expect that corporations will easily accept that kind of an intervention on their marketing activities, activities which are the key to their survival and success in an extremely competitive and profitable market. As we have pointed out, corporations will always be able to find ways in which they, and usually they alone, will benefit, and therefore this proposal does not seem viable.

2. *"Other" methods*: In addition to marketing, we must also consider the "other" methods used by companies to ensure that their profits are maximized to the highest level possible. The standard tactics commonly used are to debate, almost endlessly, the scientific evidence that exists on the harm caused by tobacco products, to cultivate (and regularly pay) spokespeople in other industries and in academia, and to purchase influence by making substantial donations to any political party that will

support them, however tacitly or openly.²⁵ Many of these strategies are designed to foster uncertainty in the minds of the public and governments, and all serve ultimately to delay effective action on tobacco control. Also, it is known that corporations may even sometimes bribe governments. Both R.J. Reynolds and Philip Morris—two of the largest cigarette manufacturers in the world—have admitted to the U.S. Securities and Exchange Commission that “questionable” payments of \$5 million and of \$2.4 million, respectively, had been made to foreign governments on their behalf.²¹ As stated by Jamrozik, the tobacco industry and the strategies it uses to counteract policies on tobacco control and thereby maintain and develop its commercial markets have both continued to evolve in response to change. Industry has proved adept in identifying and exploiting loopholes in legislation designed to restrict how it advertises its products.²⁵ For example, although India’s “The Cigarettes and other Tobacco Products Act” of 2003 is considered some of the toughest anti-tobacco legislation in the world, the law still has some loopholes. For example, it exempts “point of sale” advertising and advertisements and displays on warehouses. Recently however, “some tobacco companies have begun placing advertisements in the name of consumer education on tobacco, so that ‘brand contact’ is not lost”, as pointed out Bejon Misra, from the Network for Accountability of Tobacco Transnationals.²⁶ In summary, it is possible to say that, despite any new regulations imposed corporations will still find a way to survive and remain profitable: *“In trying to increase their profits and thus the value of their shares, the companies will seek to sell more cigarettes. To sell more cigarettes, they will continue to try to defeat, weaken, and violate tobacco control measures. Health regulators may develop more sophisticated and stringent tobacco control measures, but the companies will reply with more sophisticated and imaginative strategies to blunt their effect.”*¹⁹

To conclude the discussion on these four premises, we argue that abolishing both the industrial production and trade of tobacco is morally justifiable, and should be the final goal that is sought in

order to effectively reduce tobacco consumption and tobacco-related disease to the minimum levels possible. It would be naive to expect for this goal to be achieved quickly and easily. Rather, it will take a considerable amount of effort and time for it to be realized, perhaps over the course of the next 30 years, in what could be called a “transition period”. This transition period would also be used to better educate society about the perils of smoking and to help ease smokers of their addiction. In short, this period would allow for all of the necessary measures to be taken to ensure that the transition is as easy as is possible. This would require that all previous interventions be reconsidered during the transition period with this goal in mind, helping to lessen the possibility of squandering precious time. Due to the flaws and ineffectiveness of past interventions, we feel that this is the most humane measure possible, and the best way of ensuring that our future generations will not have to suffer from this problem.

COUNTER-ARGUMENTS

At this point, we will try to explore the possible counter-arguments in order to strengthen our position.

“A TOTAL BAN WOULD INCREASE SMUGGLING”

It could be suggested that a total ban on the trade of tobacco would yield only mixed results since it would lead to increased smuggling and criminality stemming from a black market tobacco trade, providing a new and profitable market for mafia groups all over the world. There is agreement among some experts that a complete ban would only lead to a partial reduction in tobacco consumption:²⁷ “Advocates of a ban on tobacco should reflect on the American experiment with the Prohibition of alcohol under the Eighteenth Amendment of the US Constitution and the Volstead Act of 1920. Alcohol consumption continued throughout Prohibition, with illegal production occurring in garden sheds and gangsterrun underground breweries across the USA”. An editorial in the Independent said that a ban on tobacco would be illiberal and ineffective:²⁸ “Prohibition is going too far, for many

of the same reasons that making other recreational drugs illegal is unwise. Putting the supply and distribution of drugs for which there is a known demand in the hands of criminals is asking for trouble.” Also, an editorial in the *Observer* said:²⁸ “Such prohibitions serve only to make criminals of otherwise law-abiding citizens. Nor should we want to add to the existing drugs, people-trading and terrorist-funding cycle.”

We also share these same concerns about the possibilities that an outright ban could have an effect similar to that observed during the prohibition of alcohol in the USA. Although there is no data available about the effect on total cigarette consumption, during 1896-1927, the sale of cigarettes was banned in up to 15 states in the USA,²⁹ and it is easy to guess that the ban created a huge underground market for cigarettes. First of all, we should take into consideration that tobacco companies are themselves an important player in the smuggling of their products.^{30,31} Therefore, dealing with cigarette smuggling without first making production and trade illegal is naïve. It places too much faith in companies to assume that they will produce tobacco legally and not to sell it illegally. If tobacco were illegal it would probably be a less-successful black market product than other illegal drugs because of the sheer volume of it that users require (or need in order to maintain an addiction to it)—how many grams of tobacco are in a single pack or even half a pack?—certainly far more than the amount of heroin or amphetamine that regular users of those drugs would use on a daily basis—so interdiction efforts would be easier and maintaining an addiction far more difficult. The only reason tobacco is now a profitable black market product is because of the high price of cigarettes due to taxes, but if it were illegal supply-and-demand may drive the prices on the black market much higher if it remains popular or, ideally, much lower because so few people would bother to get it. So banning the production and trade of tobacco seems the only way possible to reduce the problem, at the very least, to the level of drugs that are already illegal, and this move will also serve to remove a major player out of the smuggling scene—the cigarette companies themselves.

One could argue that the cigarette companies would completely shift their activities underground in such a case, and that governments would lose any amount of control over the companies that they once had, as they would no longer be able to regulate and sanction those responsible for the production and trade of tobacco. And, furthermore, a huge amount of tax revenue would be lost. Yet as we saw in the various examples above, controlling the companies by regulations and sanctions has proven to be ineffective due to the creative, quick, and effective responses of the companies to the new rules. It is true that governments would lose tax revenue gained from cigarettes in the event of an outright ban, but one must ask if it is justifiable to allow the production and trade of something which is harmful to the health and responsible for the death of millions of people each year only as a means to preserve a source of revenue which to be used to provide healthcare services. This argument is therefore of questionable merit, for if this was a good reason to keep tobacco legal, then why don't we allow these companies to produce and trade drugs which are currently illegal? Certainly in this case these drugs would be better controlled and also profitable for the state.

It is clear that the production and trade of tobacco will still persist illegally even if it is banned, especially in light of the relationships between mafia organizations, various tobacco companies and governments. To suggest that a ban would only increase the level of smuggling is to ignore the certain benefits of such an intervention, and it should not be used as an excuse. The mere existence of this possibility is not in and of itself grounds for dismissing the banning option. We argue that it is quite possible to minimize consumption, especially among youth, by banning because of the certitude of decreased production and trade and the removal of sanctioned promotion.

“BANNING A SUBSTANCE WILL ONLY CAUSE PEOPLE TO SHIFT TO ANOTHER ONE”

It has also been debated whether or not the banning of one substance will just cause people, and the problem, to switch to another substance:³² “The

desire to take mood altering substances is an enduring feature of human societies worldwide and even the most draconian legislation has failed to extinguish this desire—for every substance banned another will be discovered. (...) This should be borne in mind by social legislators who, disapproving of other people's indulgences, seek to make them illegal. Such legislation does not get rid of this problem; it merely shifts it elsewhere." Of course there will always be other substances which are harmful to one's health, even in a tobacco-free world. And of course social legislators, as stated above, should understand that banning all indulgences will not stop this cycle. The question then is, how to decide what to ban? Our approach is not "If it's harmful, then let's ban it." Instead, we think that the circumstances and their particular determinants should be evaluated individually, on a one-to-one basis in order to decide what to do in each case. One size fits all approaches are to blunt an instrument to work across the board effectively, anyway. If we are then to single out substances to prohibit, then a quick look at tobacco use and the resulting problems from its use should be enough to convince anyone that tobacco is a substance that merits special attention. Tobacco consumption is today the source of a major worldwide public health problem, and the tobacco industry is helping to weaken the notion of the common good and erode the basic values of trust and honesty in societies all over the world. And in this era of rapid globalisation, this damage can be done more quickly than ever before. It replaces values that have an emphasis on humanity with the values of strict economy. A look at the following calculation gives an idea about the tobacco companies' approach:³³ "Tobacco company claims that smokers help the economy. Smokers are doing their country a huge favour by boosting tax revenue, dying early, and not drawing a pension, according to a report by the tobacco giant Philip Morris. Officials in the Czech Republic have been given an analysis, commissioned by the cigarette manufacturer, which suggests that the economic benefits of smoking to the country far outweigh the harmful effects. Rather than being a drain on healthcare resources, smoking actually saves the country more than £100m (\$140m) a year

because of the premature death of smokers, concluded the Massachusetts based consulting firm Arthur D Little International, which carried out the analysis. ... Overall the net profit made by the government, including the revenues from tobacco tax, in 1999 came to £102.3m. "This is an economic impact study, no more, no less" said Robert Kaplan, a spokesman for Philip Morris's international tobacco unit in Rye Brook, New York." This calculation, while true, refers to just a financial gain, and is therefore only utilitarian in nature. But once again, we should ask ourselves what is our top priority, which value should be more important in the world we live in: the values of market, profit, and money, or those that stress life, health, social well-being and the improvement of mankind over all else? We argue that no economic benefit takes precedence over the social values that make *Homo sapiens* human instead of merely being animals. In this light, attempting to ban a dangerous substance and therefore reduce the harm from it as much as possible is unquestionably justified.

"IT'S AGAINST ONE'S AUTONOMY"

Maybe the most debated counter-argument is this one. The ethical criticism of the regulations placed on the tobacco industry have centered on the claim that such regulations represent a form of illegitimate paternalism. The basis of such arguments lies in a distinction between two types of actions: those that involve harm imposed on other people, and those that harm only the person willingly and knowingly engaging in the activity. As applied to smoking, these critics would accept regulation to restrict passive smoking, since in this case individuals are being involuntarily exposed to a health hazard. In the case of active smoking however, which is knowingly and willingly undertaken by the individual, inflicting harm only on oneself, intervention to prevent individuals from smoking would be viewed as "paternalist". Philip Morris placed an advertisement in USA Today (May 26, 1995) which read, in part, "To smoke or not to smoke? In this country, almost 50 million people choose to smoke. A great many choose not to. At Phillip Morris we believe people should be able to make the choice they feel is right for them."³⁴

In order to counter this argument, we must examine the decision-making process of an individual in becoming a smoker. During this process, is the decision to smoke or rather, be a smoker, an informed one? A desire to be an expression of a person's autonomy, it must be or satisfy that person's rational desires.³⁵ "A person rationally desires a course of action if that person desires it while being in possession of all available relevant facts, without committing relevant error of logic, and "vividly imagining" what its consequences would be like for her". In light of this point of view, it seems problematic to claim *a priori* that the decision to start smoking is a rational one. Empirical research continues to show that a large percentage of adult smokers took up the habit as children or while as young persons. A significant portion of adult smokers will therefore have begun a lifelong habit of smoking, with all of its attendant risks, before they were in a position to have a mature understanding of the dangers involved with such a habit.³⁴ An informed choice requires competency, a certain amount of knowledge and information and the ability to process that information, and also the ability to "vividly imagine" the consequences of such a choice. In the case of smoking, all of these requisites can prove to be quite elusive for young people, since the harmful effects of smoking tend to emerge after years of smoking. Moreover, many confounding factors like advertisements, the social environment, educational level, and the social perception of health all can potentially influence the decision-making process of children and young people. Therefore, after a more careful examination of the situation, it is quite reasonable to suggest that a large proportion of smokers did not make an informed decision when they decided to try smoking.

The decision to continue smoking, even when made as an adult, may be considered to be even less informed than the decision to begin smoking. But first, let us look at the distinction between the decision to start smoking and the decision to continue smoking. Even if the decision to start were to be an informed one, that does not necessarily mean that the decision to continue is. And the reason

for this is the nature of addiction. As stated before, cigarettes and other forms of tobacco are very addictive.²¹ If someone is physically and psychologically addicted to something, as is the case with tobacco, a purely rational decision about ceasing the habit is impossible. Depending on the level of the addiction, an addictive person is reliant upon the particular substance in order to function and behave normally, and so there exists a major confounding factor, the addiction, which precludes a rational decision being made. The decision to continue smoking is thus something other than a free choice, and it therefore cannot be used as valid grounds for objecting to the banning argument. On the contrary, as stated by Cutler and Nye, if smoking is addictive, regulation to discourage smoking might enhance rather than restrict effective choice.³⁴ As we have shown, even from a liberal point of view which places an emphasis on the individual's free choice, the "banning is against one's autonomy" argument is questionable at best.

Additionally, critics of a total ban may say that it is not a tolerant, understanding, and helpful approach for those already addicted, and therefore it is not a suitable approach. But the main aim of ban we are proposing is to prevent the future generations, not to criminalize and punish smokers. We feel that smokers could be regarded as sufferers of an addiction. In addition to government-sponsored anti-tobacco awareness programs, they should also be helped professionally if they so choose. We also feel that these people will reserve the right to smoke for the rest of their life if that's their wish, and the decision to continue smoking should not influence the health service they are entitled to. Tobacco would be produced and distributed by the state as a drug for these people. Further, the criminalization of a large segment of the population is prevented this way, because smoking would not be a crime, rather, it would be regarded as a treatable disease.

"WHAT'S NEXT?"

Some argue that controls on tobacco are part of a broader attempt to prescribe certain lifestyles:³⁴ "This has been characterized as "health paterna-

lism” in which the state promotes a “correct”, “healthy” lifestyle. Restrictions on flows of information, including regulation of advertising, are seen as a means of eliminating forms of conduct that the state regards as unacceptable. Such views are exemplified by a full-page advertisement placed by the National Smoker’s Alliance in the Washington Times on June 13, 1995, which included the statement “Today the ‘lifestyle police’ are targeting smokers, but who’s next?” This argument sets course on a slippery slope, claiming that eventually we would live in a society which banned alcohol, fatty foods, et cetera—in short, anything that could be called unhealthy. Certainly, we feel that such a society would not be a desirable one in which to live, not to mention that such wholesale banning seems unworkable. Arguments that invoke a slippery slope are avoidable if we draw a line from an exact point, effectively setting a limit on what it is that we intend to prohibit. Of course, the point at which that arbitrary line is to be drawn should be justified and the rationale explained. In this case, we suggest that this line be used to distinguish tobacco use from other unhealthy pursuits because it does not only affect those who engage in its use, due to the possibility of passive exposure. Most other habits and addictions only directly affect the user, but tobacco affects everybody in the vicinity of the user and their smoke.

“IT IS NOT APPROPRIATE TO TRY TO SOLVE THIS COMPLICATED PROBLEM WITH AN IRON-HAND SOLUTION”

It is true that smoking as a public health problem is complicated, and there are many determinants and factors which influence this problem. It is also true that an iron-hand-type solution could fail in that it alienates people within the society and causes resentment towards the regulations. Despite this, we still defend an outright ban, for the certain benefits it would create and also to protect the values of society, as has been done in regards to child labor, for example. Employing children as laborers has been forbidden in almost every country for many years now, yet child labor continues to be a widespread problem all over the world. According to an estimate from the International Labor Organisation,

about 246 million, children aged 5-17 years, are working worldwide.³⁶ To our knowledge however, nobody is arguing that this ban should be overturned because it is not working or because it creates an underground market for child labour. Instead, there is a clear consensus among societies the world over that child labor and the exploitation of children is wrong and immoral. The question is then, why are we so hesitant to abolish the production and trade of tobacco?

■ A CALL FOR A DECLARATION

Most everyone agrees that tobacco is a dangerous substance and that should be avoided especially by young people. What we don’t all agree on is how to achieve this end. Of course, this problem is very complicated and multi-dimensional, as everyone is careful to point out. And, it should be mentioned, no intervention will completely solve this problem quickly, including an outright ban on industrial tobacco production and trade. The political and legal realities of the modern world, entrenched commercial interests, and national and international free trade agreements all may serve to make the prospects for success seem distant and unattainable. But political realities cannot change the ethical necessities; political realities determine daily morality. First, we must say which acts are right and which are wrong, then we can consider the political realities, and discuss the ways and chances of having our laws reflect these moral necessities. The authors of this paper presented this argument at a forum of social scientists from all over the world. The general reaction to our conclusion can be summed up in this response from a participant at the forum: “It is a good suggestion in an ideal world!” We believe that to so easily accept the given conditions as simple facts of life, as our colleague does, is defeatist and nothing more than giving up. It is our social responsibility, as scientists, as intellectuals, as enlightened members of society, to raise our voices about what is morally wrong and to say what should be done to improve the situation, even though we don’t have the same power as policy-makers to impose our views. We should all declare that smoking is harmful to mankind, and like slav-

ery and hunger, we shouldn't just try to control it, instead we should try to eliminate it altogether. In order to prevent future generations from suffering from this problem, we must take the steps toward abolishment of the industrial production and trade of tobacco.

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