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THE NEW PROHIBITIONISTS:
«EXCESSIF ET PATERNALISTE ! »

LOI 112 BIG BROTHER EST ALLÉ TROP LOIN

When the state is most impotent, the laws are most multiplied.

[Tacitus](#)

« Cest la fonction du vice de confiner la vertu de liens raisonnables. »

[Samuel Butler](#)

« Les prohibitionnistes contemporains partagent un sentiment anti-libéral en cherchant à limiter les libertés fondamentales de la loi naturelle qui est le patrimoine de chaque Être. Ils ont la partie belle car les Canadiens se sont résignés à la souveraineté de l'auto-abnégation. Les Canadiens sont un peuple intimidé par leur propre remise en question, dictée par la jalousie de la croyance en soi des autres. Ils ont par effet même créé une tyrannie autogène qui étouffe l'intégrité et la conscience individuelles et troqué ces valeurs pour la fausse sûreté exigée par un consensus bureaucratique sous légide de l'état. »

[The New Prohibitionists](#)

Let the joy be unconfined! Canadas leading constitutional and civil liberties attorney, Me. Julius Grey, has launched a court challenge to another piece of nanny-state fluff, Quebecs proposed anti-smoking legislation Bill 112. What makes this law more draconian than most is that it not only outlaws smoking areas in bars and restaurants in addition to all the current bans on smoking in public places but adds three singularly egregious twists. No smoking at private parties on rented premises. No commercial establishments for smokers such as cigar lounges. No smoking within 30 metres of an entrance to a public building.

Le Devoirs Brian Myles best captured the spirit of Julius Greys approach in one elegant phrase. Big Brother est allé trop loin. Grey is one of the few advocates in this country who not only talks the talk but also walks the walk.

A member of the Institutes Advisory Council, Grey is representing several bar owners and is being backed by CAGE, (Citizens Against Government Encroachment ,www.cagecanada.ca), an organization that the Institute has lent its support to.

Grey believes this is a civil liberties issue. Speaking in English and French, Grey termed the proposed law excessif et paternaliste. He views it as a civil liberties issue, stating that anti-smoking campaigns should not be allowed to overcome all other rights. He believes the restrictions violate freedoms guaranteed in the Canadian and Quebec Charters, and he wants the courts to rule on how far the state can go in curtailing a legal habit.

His position is that, le gouvernement du Québec cherche à exercer un contrôle social sur la façon de samuser » and that this goes beyond the limit of how much a government can impose for our own good. "This is an example of Big Brother going too far" Grey said.

After pointing out that not only are tobacco products legal and constitute an important source of revenue for the state, he warned that "Citizens have to constantly be vigilant to protect liberty, and liberty is particularly in danger when the cause is popular." He criticized the severity and breadth of the proposed legislation that, in addition to everything else, makes employees responsible for its enforcement.

Grey pointed out that the problem of second-hand smoke can be solved with ventilation in separate smoking areas. But most importantly he feels that the greatest threat of this type of legislation is that it imposes un jugement moral sur la conduite des citoyens. Cest pourquoi la loi 112 est un exemple flagrant de rectitude politique. »

As many of you know we have written on, and acted against, several instances of statistocratic social engineering. Ceux qui diront que le coup porté à la santé par la consommation de tabac, d'alcool et de drogues représente un fardeau au système des soins de la santé, ne savent certainement pas que les citoyens qui s'adonnent à ces plaisirs hédonistes défraient des taxes de consommation faramineuses - huit fois supérieures à celles payées par le Canadien moyen - la plupart desquelles assurent la subsistance dudit système des soins de la santé. Les bons vivants ont aussi tendance à casser leurs pipes plus jeunes et représentent donc un moindre fardeau au système des soins chroniques. Le choix est leur. Et comme l'a souligné Irwin Cotler, ministre de la Justice, lors de l'étude de la légalisation du suicide secondé, le choix est la substantifique moelle d'une société libre.

When Pierre Elliott Trudeau said that government has no place in the bedrooms of the nation he also meant that it had no role regulating actions of consenting adults. Not everything is going to be perfect in life. Not every problem can be solved by legislation. No politician should pretend it can and be allowed to put into force straightjacket law that seeks to micro-manage every aspect of our lives. They should be exposed for what they truly are. Unimaginative and cowardly functionaries staggering from election to election who, fearful of tackling the vested interests on the really important issues necessary to protect the public good, hope that creating some body of work will provide just enough fodder for some publicity come election time.

Les prohibitionnistes contemporains partagent un sentiment anti-libéral en cherchant à limiter les libertés fondamentales de la loi naturelle qui est le patrimoine de chaque Être. Ils ont la partie belle car les Canadiens se sont résignés à la souveraineté de l'auto-abnégation. Les Canadiens sont un peuple intimidé par leur propre remise en question, dictée par la jalousie de la croyance en soi des autres. Ils ont par effet même créé une tyrannie autogène qui étouffe l'intégrité et la conscience individuelles et troqué ces valeurs pour la fausse sûreté exigée par un consensus bureaucratique sous légide de l'état.

Canadas political elite can truly be called the new prohibitionists. To paraphrase writer Anne Hingston they Restrict first, discuss never.

The Federal government makes noises about decriminalizing marijuana, but at the same time proposes to give police unlimited powers to stop drivers for random drug checks in their cars. Quebec Premier Jean Charest, in an effort to placate womens rights groups, legislates sec.143 of the Labour Code permitting workers to sue employers for the novel tort of psychological harassment. Ontarios Consumer Affairs Minister Jim Watsons friend dies in an inline-skating accident so everyone in Ontario is forced to wear a helmet if they take a bicycle or scooter. His colleague Gerard Kennedy, the Education Minister, wants teens to stay in school so he orders them not to drop out till age 18, no matter how little they want to be in class and no matter what their parents think. Montreals Mayor Gerald Tremblay authorizes police cameras at street level in

the city's Latin Quarter ostensibly to curtail drug sales, but that in fact violate the privacy of all citizens by indiscriminately capturing images of the activities of all passersby.

Governments role must be one of persuasion and education, not compulsion and coercion, no matter how odious a citizen's personal habit may be. The dark-side of our governors is that they engage in unbridled intervention in matters of private domain to punish the governed into virtuous conduct. But legislators don't know what's right for us. They barely know what's right for themselves. The role of the state is to protect us from each other, not from ourselves.

Beryl P. Wajsman

President

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