

Deliberately personal: Tobacco control debates and deliberative democracy in New South Wales

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Abstract

In this paper the authors examine some of the main features of public discourse concerning tobacco control, analyzing parliamentary debate in New South Wales between 1980 and 2003. They ask how deeply tobacco industry discursive frames (e.g. the ‘right to smoke’) penetrated and organized parliamentary discourse and also identify what kinds of ideas were mobilized to justify tobacco control despite government reluctance to intervene. They find that the overall evolution of tobacco control policy was shaped by legislators’ commitment to the ideals of deliberative democracy. It is argued first that parliamentary debate on tobacco control was conducted in highly moralized language that effectively excluded the tobacco industry’s arguments. Second, it is shown that this discourse was constructed and validated through the extensive use of personal anecdote and references, through which MPs sought to reflect public opinion and engage in authentic deliberation. Finally it is argued that MPs positioned this concern for authentic deliberation as *part* of the debate on tobacco itself, associating tobacco control with ideal government.

Introduction

It is now over 50 years since the link between smoking cigarettes and lung cancer was first firmly established (Doll & Hill, 1954). Since then massive evidence has accumulated showing that an ever-increasing range of illnesses are both caused and exacerbated by tobacco smoking, which remains the leading cause of preventable disease and mortality in all Western nations. As such, it is a prime candidate for high-level government policy designed to reduce the burden of illness caused by tobacco use, and has been the subject of the first international framework convention passed by the World Health Organization (World Health Organization, 2004). Yet governments around the world have been exceptionally slow to introduce comprehensive tobacco control legislation. In large measure this reluctance can be attributed to the tobacco industry’s ability to influence legislators, not only via donations to political candidates and parties (Chapman, Byrne, & Carter, 2003; Givel & Glantz, 2001) (who are also concerned to ensure an ongoing flow of tobacco excise tax), but by marshalling arguments, ideas and ideologies plausible to the community and its political representatives.

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There is an impressive policy-studies literature offering models for how tobacco control strategies have been created, implemented, resisted and altered. Using ‘windows of opportunity’, creating ‘policy networks’, and in particular the role of advocates, bureaucrats and politicians in filling the role of ‘policy entrepreneur’, have been especially important in advancing legislative interventions (Jacobson, Wasserman, & Raube, 1992, 1993; Kagan & Nelson, 2001; Sato, 1999; Studlar, 2002). While these models of the interplay between advocates, bureaucrats and legislators have been very instructive, they offer little insight into the ways in which meaning is manufactured in the ways that legislators justify, advance or oppose tobacco control legislation. This paper adds this dimension in a detailed analysis of parliamentary discourse concerning tobacco control.

Our corpus is parliamentary debate in a major Australian state, New South Wales (NSW). Over the course of 40 years, the NSW legislature has enacted reasonably comprehensive tobacco control legislation, raising taxes on tobacco products, imposing warning labels on cigarettes, prohibiting tobacco advertising and sponsorship, imposing large fines for sales to juvenile smokers, limiting points of sale for tobacco products, and restricting places where smoking is legally permitted (see Table II below) (Chapman & Wakefield, 2001). Because in Australia health powers are considered a State responsibility, most of this legislation was initiated at State level. However, some federalist tendencies also significantly shaped the form and pace of legislation. Agreements that States will act in unison, hammered out at the annual State and Federal health Ministers’ conference, has sometimes delayed tobacco control legislation (such as when feet-dragging in NSW, courtesy of the then Premier’s friendship with tobacco industry executives, effectively delayed the first legislated warning labels on cigarette packets for five years (Chapman & Carter, 2003)), while at other times legislative action taken by one State can lead others to follow, or generate legislation imposing uniformity at the Federal level. In NSW, the parliamentary record shows politicians grappling with the issues for themselves, but with due regard for their neighboring states’ activities.

At the time of writing, NSW has recently passed comprehensive legislation that will see smoking phased out of all public places, including pubs and clubs, by 2007. This is a significant development since corporate interests and, perhaps, longstanding cultural tradition had seemed to prevent the extension of bans on smoking in workplaces to those most smoke-affected, pubs and clubs. This development matches recent similar bans in Ireland, Italy, New Zealand and Scotland, raising questions about what discourses have supported these bans in the face of what were considered widespread cultural practices. (By comparison, Allen Brandt suggests that in the USA American cultural intolerance of *imposed* risks has supported legislated smoke-free environments while tolerance of risks *assumed* by individuals has severely limited bans on advertising (Brandt, 1998).)

To understand when and how tobacco control legislation was supported or opposed, we searched online indexes to parliamentary debates and, for those that took place after 1991, for entries under ‘tobacco’, ‘drug’, ‘smoking’, ‘cigarettes’, ‘public health’, and ‘addiction’, with manual searches conducted between 1980 and 1991. We categorized each entry by type and subject, and conducted detailed textual analysis of a selection of representative debates (especially that over the 1991 Tobacco Advertising Prohibition Bill). We then undertook extensive open-ended interviews with key legislators, focusing on their memories of the prime factors that led to legislative outcomes, their motivations in supporting or opposing these outcomes, and their interaction (if any) with industry lobbyists. Tables I and II show speeches and bills on

Table 1. Number of speeches on the topic of tobacco per year, 1980–1990.

Year	Number of speeches in Parliament about tobacco	Initiating speaker's position	Debate/legislation
1980	0	(Mentioned in two speeches about drugs)	0
1981	2	Backbench	0
1982	3	Backbench	0
1983	5	4 Backbench, 1 Crossbench	0
1984	6	4 Crossbench, 1 Cabinet, 2 Backbench	0
1985	9	4 Cabinet, 1 Crossbench, 4 Backbench	First tax increase
1986	6	2 Backbench, 2 Crossbench, 2 Cabinet	Cigarettes (Labeling) Amendment and Appeal Bill
1987	2	Backbench	0
1988	7	6 Crossbench, 1 Backbench	1 Crossbench motion to ask Cabinet to ban tobacco advertising and sponsorship of sport
1989	17	11 Crossbench, 4 Backbench, 2 Cabinet	1 Cabinet motion to ask Parliament to ban tobacco advertising
1990	11	5 Crossbench, 3 Cabinet, 3 Backbench	1 Crossbench motion re tobacco advertising and passive smoking

Note: Tobacco debates are counted as one speech and labeled by initiating speaker.

Table 2. Major tobacco legislation debated in NSW, 1980–2003.

Year	Legislation topic	Result
1986	Warning labels on cigarette packets	Passed
1991	Prohibition of advertising	Passed
1993	Parliament house smoke free	Passed
1993	Sale of tobacco to juveniles	(See 1994)
1994	Sale of tobacco to juveniles	Passed
1995	Warning labels on cigarette packets	Passed
1996	Sale of cigarettes to juveniles	Passed
1997	Smoking in vehicles	Lapsed
1997	Tobacco advertising	Passed
1997	Smoke-free workplaces	Passed
1999	Smoking in vehicles	Negative
1999	Tobacco control (sale and advertising)	Lapsed
2000	Smoke-free workplaces	Passed
2002	Juvenile smoking	Withdrawn
2002	Juvenile smoking	Passed

tobacco from 1980–2002. This information will be used in support of our arguments here.

Discourse studies are important to understanding the politics of tobacco control because it falls precisely into what deliberative democratic theorists Gutmann and Thompson referred to as ‘middle democracy’, that is, the set of issues whose moral aspects are widely canvassed in the community and are a necessary aspect of their resolution (Gutmann & Thompson, 1996). Here we focus on the moralistic dimension to parliamentary debates in tobacco, which for the purposes of this essay we take to refer to standards of right and wrong, good and bad, held by individuals or communities. We make three main observations: first, that tobacco control was maintained on the public agenda through an essentially moral discourse that came to dominate debate and

thus exclude the tobacco lobby's arguments. Second, that this discourse was constructed, mediated and validated through the extensive use of personal anecdote and personal references in the speeches of Members of Parliament (MPs), such that Parliament—and the debate on tobacco—became a microcosm of wider society through the very 'human' informality of its members. MPs appeared to consider personal anecdotes to be a means of engaging in authentic deliberation. Third, MPs positioned this aspiration for authentic deliberation as *part* of the debate on tobacco itself, and associated tobacco control with ideal government.

Parliamentary debate and deliberative democracy

This paper is positioned at an intersection between health policy studies, theories of deliberative democracy and political discourse analysis. From all three positions, and especially the latter two, it is evident that the real practice of policy creation is neither the direct result of evidence-based rational decision-making, nor a simple reflection of the efforts of 'interests' (that is, those who push for the one position that best accords with their self-interest, as in 'interest group') (Dryzek, 2000; Elster, 1998; Gutmann & Thompson, 1996; Macedo, 1999; Mansbridge, 1983; Reich, 1988). Rather, policy outcomes are almost always shaped by persuasion, rhetoric, ideology and emotion (Stark, 1992). Recent theories of democracy have posited deliberation as its central organizing feature in both descriptive and prescriptive ways (Cohen, 1989; Dryzek, 1990, 2000; Elster, 1998; Gastil, 1992; Gutmann & Thompson, 1996; Uhr, 1998). Prescriptively, the reason deliberation is posited as the central democratic principle is that unlike rational judgement or competing interests, deliberation *transforms* community ideas and political positions through 'an open consideration of competing opinions about which laws and policies are in the best interests of the community' (Dryzek, 2000; Uhr, 1998).

But what counts as authentic deliberation? In most theories of deliberative engagement and political discourse analysis the ideal appears to boil down to 'rational discourse': discourse that is persuasive *without* engaging in manipulation, coercion or deception (Dryzek, 2000). Rationality has seemed all the more precious as research in politics has continued to reveal the disastrous effects of its opposite, of how easily skilled speakers can manipulate audience responses and entrench evils such as racism (Atkinson, 1984; Beard, 2000; Gastil, 1992; Partington, 2003; van Dijk, 1987, 2000; Winstanley, Woodward, & Walker, 1995). While Gastil and others agree there is legitimate room for anecdote, gossip, emotional and even biased speech—all subjective opposites to the rational ideal—in authentic deliberation, these are regarded largely as devices to bolster the equitable and reciprocal nature of deliberation, rather than being central to it (Dryzek, 2000; Gastil, 1992; Mansbridge, 1983). We, however, would emphasize how central relational and subjective speech is to deliberation as well, without necessarily resulting in unacceptable manipulation. We also show that the rational ideal remains symbolically powerful in shaping debate (Sunstein, 1995).

Deliberation has been considered the defining purpose of governing assemblies from their idealized origins in Greece (Uhr, 1998). A parliament is elected by and represents the people: it should articulate public opinion (with as much diversity as possible) and be a mechanism for political education and the transformation of that opinion as representatives open up discussion about the advantages and disadvantages of legislation (Uhr, 1998). But does Parliament actually succeed in shaping public opinion? We think so, because while the public gallery of parliament is often empty, in Australia

it continues to exercise enormous symbolic power (Edelman, 1977). There are nightly TV news clips of parliamentary debates, radio sound bites with the capacity to influence an elector's mind, and extensive press coverage. Question Time in particular has proven a highly effective forum for severely criticizing government actions and on several occasions has resulted in the sacking of ministers and in public apologies. Tobacco companies too took parliamentary debate sufficiently seriously as to attempt to directly intervene in it by threats and promises on several occasions, most noticeably in the 1991 parliamentary debate on banning tobacco advertising (Chapman, 1992).

Tobacco control in the NSW Parliament: Morality

Parliamentary discourse on tobacco control was shaped by the tension between MPs who were ideologically committed to it, and the general reluctance of major parties to enact tobacco control legislation. Members of past executives informed us that governments were unlikely to raise tobacco control because they perceived it as low priority in comparison with more immediate healthcare issues (e.g. hospital bed shortages) and did not perceive it as a vote-swinging issue (interview with Mr Peter Collins conducted by Claire Hooker and Katie Bryan-Jones, 21 May 2003; interview with Mr Nick Greiner conducted by Claire Hooker, 1 May 2003; interview with Mr Barrie Unsworth conducted by Claire Hooker, 14 April 2003). In addition, tobacco control debates typically revolved around proposed legislation that threatened to take up precious time and energy. Hence the issue has to date been raised almost entirely by backbenchers who were personally committed to the issue, and cross-benchers from minor parties that often had tobacco control policies.

These MPs have maintained tobacco control on the political agenda by using the deliberative, legislative and accountability functions of parliament in the forms available to them, such as adjournment speeches, the 10 minutes allotted at day's adjournment to Members on a rotating basis for speech on any subject. Such forums offer the important democratic function of allowing greater scope for expression of parliamentary concern than the often dry financial and administrative issues on the Government's agenda. In some cases these speeches allowed backbenchers to offer covert criticism of their own party's lack of action (New South Wales, 1982). Cross-bench and Opposition MPs also used the accountability function of parliament to continue pushing for tobacco control measures, largely through the rituals of Question Time. Their strategy was to put frequent questions, often without notice, to the relevant minister, in order to criticize government inaction on tobacco control and to gather information that reinforced the need for strong legislative controls. Such strategies helped to create a situation where tobacco control was *normalized* as a quite regular part of the business of government. That backbenchers would spend their limited speech time on tobacco control rather than on a constituency matter was a small but significant indication of its importance to such people and, by reflection, to the community who elected them.

The MPs who raised the subject of tobacco control frequently framed their discourse in moralistic language, rather than by appeal to health or economic concerns. This moral discourse was often a manifestation of these MPs' personal commitments: two were members of the fundamentalist Christian party Call to Australia, several of the backbenchers were practicing Christians, and others were actively engaged in social justice causes that were firmly anchored to standards of right and wrong. The discourse on tobacco was therefore often characterized by the use of strong religious metaphors and

discourses in which the physical ‘badness’ of tobacco and its harm to the body became identified with the corporate and social ‘badness’ of tobacco companies and tobacco smoking’s harm to society. ‘The tobacco industry is evil—that is the only word for it’ (New South Wales, 1991a), ‘free our children from being delivered into the hands of the tobacco merchants’ (New South Wales, 1991b), ‘selling our children’s health down the tube for thirty pieces of silver’ (New South Wales, 1991c), ‘killed by lack of action in relation to the tobacco industry—who are driving their way through David and Goliath tort cases’ (New South Wales, 2002)—such phrases were the stock in trade of discourse on tobacco.

This moral discourse had three significant ‘closure’ effects on tobacco control discourse in parliament. First, because it dominated all discussions of tobacco, it implied—on the public record—that tobacco control was a government responsibility, not just an individual choice. Second, it effectively excluded any other frame for tobacco—smoking as pleasure, pastime, companionship, or as any other quality—from being admitted into the terms of the debate. This is interesting, given that other frames have very successfully competed with that of the ‘evil industry’ in the Australian news media (Christofides, Chapman, & Dominello, 1999). Third, within this dominant moral discourse the principles of free will and smokers’ rights, the two discursive battlegrounds onto which tobacco companies and their supporters wished to draw tobacco control, were largely contained and minimized. All Members acknowledged the importance of the principle of free choice, but only in almost ritualistic, transitory acknowledgements from speakers supporting proposals to ban smoking in public places. For example, when being taunted as a prohibitionist, one backbencher had only to say ‘that approach of banning cannot be taken. I do not approve of it’, before continuing to describe at length the ‘pernicious effects’ of the drug and to argue that ‘freedom of speech was designed to protect the weak, yet in this instance its abuse is actually harming them’ (New South Wales, 1991e). Questions of where and when government regulation incurred too great a cost in terms of personal freedoms were completely avoided.

Personal anecdotes in political debate

In their speeches about tobacco, MPs devoted the majority of their time to formally listing the medical and economic evidence for tobacco’s harmfulness, reading letters written in support of control measures from well-recognized institutions (such as the Cancer Councils of each State) and citing health advocates’ arguments in support of their position. This kind of rational debate is thoroughly in accord with the principles of both deliberative democracy and parliamentary rules. Nonetheless these debates were also characterized by a relatively high level of personal anecdote, which we consider to be one of the most significant ways in which authentic deliberation on the subject of tobacco control occurred. The moral frame dominating the discourse on tobacco control was not truly deliberative to the extent that it was prepared, inflexible, and had no real opposition. (There were sometimes two or three self-identified smokers who opposed tobacco control in each major legislative debate, but their arguments were rarely taken seriously by the much larger number of pro-control speakers. In some cases legislation was defeated on allegedly practical grounds [for example the smoking in vehicles bill, see Table II]; in these situations, speakers invariably affirmed the principle and importance of tobacco control, but criticized the specificities of the proposed bill.) By contrast personal anecdotes were often spontaneous, being prompted by interjections or delivered

extempore by MPs who ‘went up to put [their] two cents in’ (interview with Mr Gerry Peacocke, 10 May 2003). Extempore or not, the informal, personal part of the debate was fundamental to its formal importance as public record.

Personal anecdotes may seem inappropriate in Parliamentary debate because MPs are there to represent the views of their constituents rather than their own. Parliamentary rules even require MPs to address each other not by name but by title, as ‘The Honourable Member for (name of electorate)’, emphasizing their representative function. Further, since the nineteenth century, impersonal, rational, evidence-based speech, respectful and with the common good as its goal, has been considered the ideal for public speech (Dryzek, 2000). Personal anecdotes would seem subjective, personally motivated and private by contrast. MPs largely took their role as representatives very seriously, yet their representation of public opinion was interpenetrated with their personal experiences and beliefs.

In fact, it was through personal accounts that MPs sought to fulfill their function as representatives, as if the collection of all their individual opinions—at least on a subject like tobacco control, which seemed to require little technical expertise—would properly represent the spectrum of the public’s opinions. After all, political life is not merely formal, but operates as an extension of social life (March & Olsen, 1995), and political speech is typically an exaggerated form of social speech, organized around the same practices of politeness, ‘face’ and so forth (Blas-Arroyo, 2003; Van Der Valk, 2003; Wilson, 1990). ‘Personality’, expressed in tone, style and body language, are central to stature and success in this community as they are in any other, and MPs behave as members of their ‘community’ as much as representatives of a wider community. They ‘respond with their whole personality, conscious and unconscious, covert and overt, in all situations, and they behave with the knowledge that other members do the same’ (Mansbridge, 1983). Thus personality is ritually one focus in the interchange of parliamentary insults (even as this very ritualism draws attention to the impersonal, partisan nature of the insult). Equally conventionally, members treated each other as if they were friends and intimates, for example by referring to each other’s family life or childhood experiences, even when intending to use these ‘intimacies’ for partisan advantage.

In this context the personal anecdote became a primary way for MPs to engage in authentic deliberation on tobacco control. In their telling MPs sought to re-create personal vignettes of public opinion and offered empirical evidence in the shape of their own experience. For example, for two decades all NSW Health Ministers announced they had given up smoking on taking office in gestures designed to render their private and public personas as consistent and to signal their commitment to tobacco control (all but one succeeded). ‘We do not want to lead a puritanical campaign against any habits that may have been legal for centuries and have given a good deal of pleasure to many members of the community, including myself until very recently’, newly appointed Minister of Health Peter Anderson said in a debate about warning labels on cigarette packets. ‘I congratulate the Minister for introducing [legislation] into the House and for taking his duties so seriously as to give up smoking If we can get him to kick the sixtie mintie a day habit he will be right’, National Party MLC Wendy Machin said in reply (New South Wales, 1986). ‘Giving up’ was something that Parliament did representatively as well as personally, a fact made much of by pro-tobacco-control MPs during the period when making Parliament House itself smoke free was under debate (New South Wales, 1993).

Personal anecdotes offered a space to represent smoking in terms *other* than as an evil as MPs tried to personalize and humanize the experience of smoking. For example, in contrast to the dominant moral frame, in which tobacco advertising was constructed as evil because it deceptively enticed children to their deaths by ‘a false glamour’, one rural MP appealed: ‘Did the Hon Ann Symmonds ever do anything naughty when she was a child? I would bet she used to get up to all the monkey tricks around the place. I always recall when I was nine years old and I had my first cigarette. My father caught me and belted the living daylights out of me. I took the cigarette, not because I had seen anything on billboards, but because it was tempting and the naughty thing to do’ (New South Wales, 1991d). This speech contrasted pleasurable naughtiness with the uniformly moralized frame used in tobacco control discourse.

While anecdotes such as this were intended to justify opposition to proposed legislation, in fact they were typically one of the most effective ways of validating the dominant moral frame. MPs sharing nostalgic memories of their last cigarette only emphasized the negative qualities of smoking by making addiction a heart-felt, human experience rather than a half-pejorative abstraction, as in this extract:

The Hon. Ann Symonds: On the fourth occasion, at 9 o’clock on 20 June, 1980, I had my last cigarette.
 The Hon. Beryl Evans: So the honorable member is missing them?
 The Hon. Ann Symonds: Of course I do. I simply acknowledge the enormous addictive quality of tobacco.
 The Hon. R. J. Webster: I gave up smoking on 19 December 1983, and have not had a puff since then.
 The Hon. Ann Symonds: Yes, people who are serious smokers remember that.

Stories of the death or illness of a family member or friend were unsurprisingly among the most powerful rhetorical devices used in favor of tobacco control, as when one MP quoted from a letter written by his great-uncle, who had been taught to smoke by iconic Australian poet Henry Lawson in the late nineteenth century and later contracted oral cancer. ‘I did not think anyone could have so much pain and still live . . . there is the acute suffering while the needles are in the mouth; the tongue is so swollen that you cannot close your mouth and you cannot swallow any fluid without acute pain; you cannot talk and must write down what you want to say . . . I can tell you it was just plain hell.’ The speaker concluded, ‘I think these letters are fascinating. It is important to look at the realities of what smoking does to people . . . the truth is that tobacco companies are in the business of peddling death’ (New South Wales, 1991f). Social norms effectively allowed nothing but condolence as an acceptable response to such a story and pro-control arguments were thus powerfully validated through the evidence of subjective experience.

Tobacco control debate and deliberation

In an ultimate validation of the dominant moral discourse, MPs identified tobacco control with the ideals of responsible representation. Depicted as an issue of social welfare rather than as merely a means to gain votes, often tobacco control debates were also debates about proper parliamentary process itself. In particular the interpenetration of the personal and subjective with the public and formal discussed above was itself made a subject of reflection throughout these debates.

Tobacco control debates were distinctive because MPs regularly appealed for them to be treated as a special case. These MPs argued that debate about tobacco ought to transcend the cynical, strategic and predictable character of ‘normal’ politics, and instead be judged by the ideals of deliberative parliamentary democracy. Politicians are well

known for using the rules of debate, not to encourage smooth and equal interaction but for their own advantage. Interjections are deployed to disrupt or circumvent a point or to destabilize a speaker, and criticisms of one another for doing so and thus acting in such a self-interested, deceptive manner are often as self-interested and deceptive as the substance of the accusation (Blas-Arroyo, 2003). Usually such strategies were recognized by MPs as the acceptable and routinized product of the competing loyalties inherent in a party-based adversarial system. Calls to treat tobacco control as being *above* the values generally operative in politics thus identified it as a moral project for parliament as well as society.

Appeals to the ideals of authentic deliberation were frequent in tobacco control debates, and MPs made it clear that they regarded personal stories as an intrinsic component of these ideals. In one case, an MP argued that it was each Member's duty to bring his/her private experiences and beliefs about tobacco into a forum for public deliberation (New South Wales, 1989a). 'I have picked up a number of comments made in the corridors of this building such as, "do not smoke near me" and "I want the right to smoke" . . . I intend to discuss an issue of growing and real concern in the community, in a forum that historically has been used for such purposes. I hope that this House indulges in a genuine debate because this is an issue of genuine relevance to the public. If that is so, this Parliament will be seen as an even more relevant institution, being used for the functions originally intended for it.'

The importance of 'genuine' debate and transparent personal opinion were reiterated by many speakers throughout the debate, for example suggesting that tobacco control should in effect be bipartisan in terms of all members' honest support for the issue, a means of resisting any given government's pragmatic balance of profit over health. In the words of the Opposition spokesman for health: 'it is disappointing that the Minister was unable to convince Cabinet to ban cigarette advertising. I hasten to add that the former Government was not able to do so while it was in office. I do not blame the Minister, but I feel it is my responsibility to point that out and to keep the pressure on him, but in the way of support as opposed to condemnation. I expect that after the next election, when I am the Minister for Health, the honourable member will do the same to me, if we cannot introduce this measure, so that bipartisan pressure to stop cigarette advertising and to promote healthy lifestyles will continue. I hope this debate will be part of the process that ensures a healthier lifestyle for all people' (New South Wales, 1989b).

In these debates the constructed opposition between the ideals of rational deliberation in a representative parliament, and the corruption and self-interest of partisan politics, shaped the terms in which tobacco companies were discursively represented. Tobacco companies were constructed as the antithesis of the deliberative ideal: they were self-interested and corrupt in conduct, coercive, manipulative and deceitful. Tobacco control debates were shaped by a narrative of the Good Member of Parliament versus the Bad Tobacco Companies, as in this speech:

Of all the lobbies in the history of the western world the tobacco lobby is the most pernicious. Those people have lied through their teeth for years. They have fought governments all over Europe, the United States of America and have brought down governments, Ministers and members of Parliament in Great Britain . . . The health of the community means nothing to them. The independence of government means nothing to them. They think only of their product and they are murdering thousands of people with their product. (New South Wales, 1991c)

This speaker was a cross-bencher whose party had famously pledged to 'keep the bastards honest', that is, to ruthlessly scrutinize the actions of the two major parties. Like other speakers who consistently raised and supported the issue of tobacco control,

who were for the most part either members of minor parties or backbenchers, and thus had little influence over executive decisions, it was in her interest to press for enlarging and validating the role of parliament as a means of attaining good democratic government. Tobacco control thus became an exemplary issue that enabled the pursuit of such parliamentary ideals. In every debate the threat tobacco company manipulation posed to democracy loomed right behind the threat tobacco smoking posed to public health, and in every debate the narrative of the Good versus the Weak/Corrupt MP played out in speeches and accusations of ‘grandstanding’ (another political sin judged severely as the antithesis of authentic deliberation) or of partisan actions. Reinforcing its construction as a moral project, on each occasion they constructed ideal deliberation and the actions of responsible representation as that which, having canvassed the judgement of members, resulted in tobacco control policies being successfully implemented. If a Bill was lost, the crossbench and backbench would unfailingly describe it as a failure of government.

Conclusion

This fine-grained analysis of tobacco control debates in a parliament suggests several insights for those wishing to construct a complex portrait of the politics of tobacco control. Against our expectations of finding a vocal opposition to tobacco control policies, probably based on notions of defending individual freedom of choice and personal responsibility, we found a legislative discourse that was dominated by one particular moralized frame derived from unchallenged perceptions of the evils of the tobacco industry and, by extension, of those in parliament who might give that industry comfort by opposing tobacco control. We have demonstrated that those politicians who advocated tobacco control were also committed to ideals of deliberative democracy, and that these ideals were substantive as well as strategic. We have argued that the function of representation occurred by MPs bringing their private experiences into the public arena, and that members saw this as a way of genuinely engaging with an issue that promised social but not political benefits, and on which everyone felt sufficiently expert as to have an opinion. In the public forum of parliament, the emotional and subjective were as important deliberative qualities as the rational and empirical.

However, it is salutary to consider that, in the end, no matter how passionately Andrew Refshauge spoke on the importance of tobacco control when in Opposition, when he became Minister for Health he too failed to introduce legislation making smoke-free workplaces compulsory. The theatre of parliamentary debate is plainly only one, sometimes minor, stage for the conduct of politics, as forces seeking to influence policy are able to wield significant influence in political circles away from the public gaze. We suggest that Australia’s relative strength in tobacco control may be partially attributed to the strength of the dominant moral discourse we have illustrated, with which all MPs basically agreed, even if disagreeing over a detail. In this, Australia appears different from the USA, where studies of local tobacco control campaigns suggest that manipulation of the ‘rights and freedoms’ discourse, which is constitutionally and culturally central to American views on government, have been highly effective in retarding the pace of tobacco control (Jacobson et al., 1992, 1993; Jacobson & Zapawa, 2001). Thus, while responses to the ‘rights and freedoms’ discourse still need to be made in the media, Australian advocates may find their time more effectively employed in producing new

evidence for why tobacco control measures—which most MPs admit are right and ‘inevitable’—should be introduced now.

We can conclude that while tobacco control advocates (including those in Parliament) have many battles still to fight, in Australia the power of public ideas has had an important effect in encouraging tobacco control policies and paving the way for general support among MPs and, we may suspect, general community compliance. This is to be partially attributed to the health of government institutions—to the fact that Members of Parliament looked to an ill-defined but mutually understood ideal of deliberative democracy in carrying out their functions and that this ideal was made a firm basis for supporting tobacco control.

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