INTRODUCTION

Individual and human rights in tobacco control: help or hindrance?

B J Fox, J E Katz

Tobacco Control 2005;14(Suppl II):ii1–ii2. doi: 10.1136/tc.2005.01248

Rights based arguments are a vital and increasingly important aspect of modern society, but are they vital in the framing and implementation of tobacco control policy and advocacy? Most experts would say yes in principle. Yet, it is less clear what and how much of a role rights should play in the policy declarations, in the training of volunteers, and in the rhetoric of advocacy. In part, the answer depends on one's perception of rights, which could include individualistic, communitarian, or human rights, each with vastly different implications for policy and behaviour. But even with a common understanding of what is meant by rights, the application of rights arguments in policy contexts is elusive and requires analysis at several levels—from the abstract to the practical. For example, if rights form the foundation upon which tobacco control advocacy can or should be based, how explicit should the use of rights language be in our communications with various stakeholders? Alternatively, if rights do not form the foundation of our movement, what should? And what would it mean for the moral stature of the movement if human or individual rights were not at its foundation?

To address these questions, and to stimulate additional innovative thinking about rights in tobacco control, we have compiled this special issue of *Tobacco Control*. This issue is important to policymakers, researchers, and practitioners alike because consideration of rights seems critical to the future design, conduct, and consequences of tobacco control worldwide. With the support of the Robert Wood Johnson Foundation, we invited a collection of experts to discuss the opportunities, problems, and prospects involved in having rights arguments play a significant role in efforts to reduce the harm associated with tobacco use. With the additional assistance of the American Legacy Foundation, we present these papers in this special issue. Contributors were encouraged to think expansively, and to conduct broad thought experiments that would allow them to explore theoretical boundaries.

Our goals in presenting these papers are:

- to offer perspectives on how the concept and application of rights might be relevant to tobacco control
- to examine trade-offs among different approaches to rights in tobacco control
- to assess the moral, strategic, and programmatic benefits and liabilities of a rights perspective
- to evaluate options for implementing rights based issues in various domains of tobacco control advocacy, policy, and programming.

These goals are important because they may influence the direction of the tobacco control movement and set a precedent for enlisting public support in the struggle against other health problems.

The papers in this volume reflect perspectives that may seem to overlap or conflict. This simply reflects the fact that

the views of the assembled experts vary considerably in their outlooks and areas of agreement. Still, the authors have largely split into two camps. The first camp argues that understanding rights is important in order to fundamentally shape (and possibly re-shape) the way the tobacco control movement operates. The second camp argues that gaining a greater understanding of rights can strengthen tactics that reduce tobacco use and counter the influence of the tobacco industry even if doing so does not fundamentally change the tobacco control movement.

Among those who see the value of rights in understanding or building the tobacco control movement, different perspectives are offered. Fox (p ii38) argues that the tobacco control community should be based upon an underlying ethical frame, so that it, rather than the tobacco industry, can be identified as the protector of the public's interest. Alternatively, Jacobson and Banerjee (p ii45) argue that using human rights rhetoric can strengthen the movement, but they do not believe it should be used as the central organising principle. Novotny and Carlin (p ii26) believe that, morally, the community should support a bioethical framework underpinning international tobacco agreements. Kozlowski and Edwards (p ii3) argue for the primacy of individual rights, and identify the need for a fundamental change in how the tobacco control movement communicates with consumers to ensure that it maintains its moral authority.

For those authors who concentrate more on how rights can strengthen tobacco control tactics and less on fundamental change, a variety of topics are considered. Crow (p ii14) focuses on the international tobacco industry, and discusses how various human rights strategies can be used to make it more accountable. Shaffer and colleagues (p ii19) focus on the impact of international trade agreements on tobacco control efforts and human rights, arguing that the public health community can use rights to advocate for the primacy of health over trade. Chapman and Liberman (p ii8) believe that emphasising a consumer's right to be accurately informed can shape tobacco control policies to account for the cognitive processing abilities of individuals. Katz (p ii31), in turn, suggests that if the tobacco control community employs a greater emphasis on individual rights when formulating its policies and communications, it will have greater success in controlling environmental tobacco smoke.

Taken together, the authors present no unified position on any particular approach to the matter of rights in tobacco control. However, they agree that the time has come to more closely consider what would be the most reasonable—and effective—approach to integrating rights in tobacco control. In presenting these analyses, we hope that you will be inspired to reflect on the role rights based arguments should play in tobacco control, and be spurred to take action based on your conclusions.

We dedicate this supplement to the memory of John Slade, a friend and colleague whose insight led to the development

of this project. His brilliance, kindness, and selfless commitment to the betterment of all continue to inspire us.

.....
Authors' affiliations

B J Fox, University of Wisconsin Comprehensive Cancer Center,
University of Wisconsin, Madison, Wisconsin, USA

J E Katz, Department of Communication, Rutgers University, New Brunswick, New Jersey, USA

Competing interests: none declared

Correspondence to: Brion J Fox, University of Wisconsin Comprehensive Cancer Center, 385 WARF, 610 Walnut Street, Madison, WI 53726, USA; bjfox@uwccc.wisc.edu