

# Australian Adam Smith Club (Melbourne)

President: Timothy Warner, Editor: Mannie Gross, P.O. Box 950, Hawthorn, 3122

The propensity to truck, barter and exchange one thing for another is common to all men, and to be found in no other race of animals. *Adam Smith (The Wealth of Nations, 1776)*

# Ray Evans

on

# Adam Smith & the Propensity to Truck, Barter, & Exchange

**The Adam Smith Club will host a meeting on Thursday the 11<sup>th</sup> of April 2013, at Bohème Restaurant Bar, 368 Bridge Road, Richmond.**

Ray Evans was educated at Melbourne High School (1953-56) and the University of Melbourne (1957-1961), graduating in Electrical and Mechanical Engineering. He worked in the SECV and then taught engineering at the Gordon Institute of Technology and Deakin University. He joined WMC in 1982 and was a co-founder of the H R Nicholls Society in 1986. He was awarded the Tasman Medal in 1996 and the Centenary Medal in 2001. He has written widely on political and cultural issues, most recently on the impacts of Environmentalism throughout the West, particularly with respect to the Global Warming Scam. He is secretary of The Lavoisier Group.

In this 30<sup>th</sup> Anniversary dinner of the Australian Adam Smith Club, Ray will discuss the influence of Adam Smith on free markets and individual liberty.

Attendance is open to both members and non-members. Those desiring to attend should complete the attached slip and return it to the Club no later than Sunday the 9<sup>th</sup> of April 2013. Tickets will not be sent. Those attending should arrive at 6:30pm for dinner at 7:00pm. The cost is \$45.00 per head for members and \$50.00 per head for non-members (see next page for explanation of arrangements and for electronic booking details).

**Enquiries to Hon. Secretary, mob. 0403 933 786  
or email: [asmith@adamsmithclub.org](mailto:asmith@adamsmithclub.org)**



*detach and return*

The Secretary,  
Australian Adam Smith Club (Melbourne),  
PO Box 950, Hawthorn, Victoria 3122.

Please reserve ..... place(s) at \$45.00 dollars per member and .....place(s) at \$50.00 per non-member for the April 11<sup>th</sup> meeting of the Australian Adam Smith Club. I enclose the amount of \$..... in payment for the same.

NAME (please print): .....

ADDRESS: .....

.....

SIGNATURE: ..... TEL: .....

## LAISSEZ FAIRE ON THE WEB

This newsletter has an address on the web: <http://www.adamsmithclub.org/laissez.htm>. The Club's web site can be found at <http://www.adamsmithclub.org/>.

### ELECTRONIC PAYMENTS

By popular demand, the AASC now offers electronic booking and payment to dinner meetings. Bookings can be made by emailing the number of members and non-members attending to [twarner@adamsmithclub.org](mailto:twarner@adamsmithclub.org); a reply email from the club will then be sent with a link to PayPal where the payment can be made by Mastercard, Visa, AMEX, Diners or PayPal Account. Bookings made after Monday 8<sup>th</sup> of April will not be accepted online. FEES - a \$2 card fee will apply for the transaction.

## MEETING REPORT

A very exciting meeting was held at a new venue in September. A good speaker who insisted on discounting his book - what more could a follower of free-market ideas want. Dr Smith gave a very thoughtful talk on the thought processes and culture that is toxic to our society's future. The denunciation of the Keynesian view was unequivocal - digging holes is not economically

productive!

The Pancake Parlour (Malvern East) was very hospitable, the food was good and the glass of intoxicant provided as part of the package was much appreciated. In future we may provide a small amplifier as the leakage of sound from the main room was annoying. Otherwise a good evening all round. *TW*

## ANARCHO-CAPITALISM MOURNS

The members of the Club who favour the more robust views of individual freedom will be mourning the death of Prince 'Paddy' Roy Bates, the sovereign of the Principality of Sealand. Sealand started as an anti-aircraft platform in WW2 that after much to-and-from and not a little non state initiated muscle - became Radio Essex and was also the home of Radio Caroline for a while. In 1967 to avoid further intrusions of the UK Post Master General Bates declared the platform to be the Principality of Sealand. The fight has many echoes of the Hutt River Province fight in Western Australia - silly regulation applied in over bearing manner leads to smart rogue side stepping the clumsy authorities.

A very full account of the Sealand saga - including the

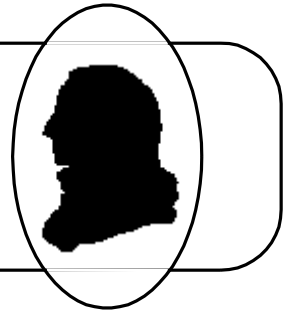
foray into offshore data storage is contained in an Illinois Law Review article - Sealand, HavenCo and the Rule of Law (see <http://tinurl.com/c4uuojj>) - the article is slightly jaundiced against Bates and his aim - but gives a great deal of hard to find information on the fight between Bates and various government and other authorities. The author finds the search for alternative jurisdiction somewhat distasteful and cannot cope with the idea that people and capital should have the right to choose whom they obey. For those whose interest is peeked by these freedom loving rogues but don't wish a one hundred page legal paper I recommend this short article in The American Conservative - Big Ideas Need Small Places (see <http://tinurl.com/99ab266>). *TW*

### VENUE ARRANGEMENTS

For the 30<sup>th</sup> Anniversary dinner at Bohème Restaurant Bar, there will be a three course dinner (entre, main & dessert, followed by tea or coffee). The restaurant is fully licensed (no BYO). A separate room has been reserved for the dinner meeting. We hope these arrangements do not cause inconvenience and we welcome your feedback. Please note that because the Club must provide final numbers of attendees to the restaurant on the 10<sup>th</sup> of April, **we are unable to admit anyone to the dinner who has not notified the Club of their attendance by Tuesday April 9<sup>th</sup>.**

# Laissez Faire

Newsletter of the Australian Adam Smith Club (Melbourne), No 104, March 2013



## JUSTICE, THE COURTS AND THE STATE

“Little else is required to carry a state to the highest degree of opulence than peace, easy taxes, and a tolerable administration of justice, all the rest being brought about by the natural course of things.”

Adam Smith

Whilst arguments abound as to just what else Adam Smith was prepared to ascribe as required to be so performed by government or the state, there is no doubt that he regarded the proper administration of justice one such primary requirement. In a more modern, Australian, context, a similar theme was enunciated in 1996 by Sir Gerard Brennan, then Chief Justice of the High Court of Australia, in an address entitled “The Role of the Judge”, wherein he stated “Freedom, peace, order and good government – the essentials of the society we treasure - depend in the ultimate analysis on the faithful performance of judicial duty”. In similar vein he went on to refer more particularly, in such context, to the proper role of a judge, which in the absence of a jury can be seen as synonymous with the proper role of a court, as being “to serve the community in the pivotal role of administering justice according to law”.

At the beginning of 2011 the Victorian Civil Procedure Act 2010 came into effect. The act has been described as having the potential to dramatically alter the litigation landscape for civil disputes. In a memo compiled by the Victorian Government Solicitor’s Office the following explanation was given; “Underlying the Act is a concern that the civil litigation system has become out of balance due to increasingly lengthy and costly litigation. The overarching purpose of the Act is to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute. The Act seeks to build a culture in which litigants are encouraged and empowered to resolve their cases without going to court.” As part of the process, courts are given power to compel the parties to enter into non-binding Alternative Dispute Resolution before proceeding to a trial.

A system of pre-trial alternative dispute resolution is costly, time-consuming and potentially frustrating to a litigant who is imbued with a sense of grievance and the righteousness of his or her cause. To a greater or lesser extent such will be the case with all those who initiate court proceedings. Going to court is sufficiently daunting in itself to deter many from pursuing what they perceive to be the justice of their cause. They go to court because they believe that according to law they are entitled to a judgment. Apart from the added cost and frustrations of delay, mandatory pre-trial dispute resolution can only place increased pressure on litigants to compromise. Whilst in many instances compromise is a good thing, it is not necessarily the case for those who seek justice according to law. For many it means accepting a portion of a loaf, when they regard themselves as entitled to the whole.

What role then can the state be expected to play in such a scenario? The answer suggested by Sir Gerard Brennan is not to resolve disputes, but rather to provide a forum to make and enforce judgment according to law. Parties who go to court are not looking for a fair thing, if that means compromising their rights. If they wanted to pursue alternative methods of dispute resolution they are capable of doing so themselves voluntarily. In going to court they are seeking a judgment to uphold what they perceive to be their legal right. Mandatory pre-trial alternative dispute resolution is not a denial of the state’s obligation to provide a court to dispense justice according to law, but it does diminish it. Moreover such adverse effect will not impact on all areas of litigation equally. Instead it is likely more adversely to impact on the classical liberal jurisdictions of property and contract, where claims of 100% entitlement are more likely to occur. *DBS*

## CRAZY BAD KIM JUNG UN FINDS SOUL MATE IN DENIS RODMAN

No one who has spent considerable time in China or other places in Asia can help but be struck by the love for basketball and other American sports. So perhaps it's not so weird that North Korea's newly installed supreme leader Kim Jung Un chose Hall of Famer and former Chicago Bulls bad boy Denis Rodman as his first personal American guest. Not only that, Rodman had a can – of Coca Cola! – placed prominently in front of him. What would Coke's most famous shareholder, Warren Buffett, the Sage of Omaha, think of that?

It just shows you can't keep the West's dominant popular culture at bay, even in North Korea, the "Hermit Kingdom". Dennis Rodman was a star, but was better known for his colourful clothing and even more colourful hair. When the Bulls were rampaging, Rodman was right there. Of course, even an average NBA player becomes an instant millionaire. Basketball is made for television. It is also an American cultural export, along with baseball and American football – and that most American of beverages, Coca Cola.

For the average non basketball literate viewer, the National Basketball Association (NBA) seems to be made up almost entirely of drives and slam dunks. Those who have played at the highest level in Australia tell me however that played properly, basketball is an intelligent game, where setting screens and other tactics are important

Kim Jung Un says he has been a Rodman fan since he went to school in Switzerland. But there is more to it than that. Kim is saying he's crazy brave like Rodman and that whatever you might think about either of them, they are not lacking in talent or brains. In other words, don't underestimate me or my country. On the other hand, you won't always be able to predict what I am going to do, so don't take me for granted.

North Korea, much as it might like to, cannot keep the modern world out. Chinese

and South Korean soapies are smuggled across the Chinese border. There is also a thriving black market in food and luxury goods. The borders, especially the North Korea – PRC border is not as impervious as it might seem. In a dirt poor country like North Korea, a few Yankee greenbacks can go a long way. The black market in food, especially in the major centres, is of such a scale that some entrepreneurs act as professional wholesalers. Other necessities are available only from private markets, which make up for shortfalls in official production. Some goods are available only through the private black market economy.

The effect Western values and Western culture have had on liberalizing the world, as in North Korea, should not be underestimated. During the NBA playoffs, for example, just about every TV in China is tuned to the American basketball games. Asia, as a rule, does not have large areas for sports grounds. Sports like Australian Rules Football and cricket are unlikely to catch on in China. But where there is space – it may be a gym or outdoors – you will find a basketball hoop and a group of men playing "pick up" basketball. I have never seen women playing basketball, though there is a women's professional league in China with several Australian stars.

Sport may seem an unusual vehicle for the transmission of Western values, but notions such as rule governed behaviour, fair play, the pursuit of excellence, equality before the umpire and the very public nature of "sport as culture" are values that require cultivation. Soccer in China, for example, is notoriously corrupt and subject to widespread popular scorn for that reason. It's a lot harder to cheat in basketball, especially in a tough league.

Kim Jung Un may have presented a rather peculiar peace offering, but it's a very clever one. He could have picked far worse PR men than the NBA's bad boy. *JRB*