

Civil Liberty in New Zealand

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a considerable number of members on both sides of the House of Commons would have been quick to demand an inquiry. As Sir Ivor Jennings, a distinguished constitutional lawyer, has put it: "There is nothing that the House does better than to protest against individual acts of oppression, whether legal or illegal."

In and after 1940, for example, no members of the House of Commons were particularly fond of Sir Oswald Mosely and his supporters. But the operation of Defence Regulation 18B, under which such individuals were detained, was most carefully watched and constantly criticised by M.P.s, even though Parliamentary opposition in its normal form was virtually non-existent. How can this difference from New Zealand practice be explained? The answer, I think, lies in what was said earlier about the intellectual. An appreciable number of British M.P.s, on both sides of the House, and on the front as well as the back benches, are intellectuals with a keen personal interest in civil liberties. This isn't so in New Zealand. It's symptomatic that when the British Government acquired power to govern by emergency regulations provision was included that Parliament, if not already sitting, must be summoned within five days to consider such regulations; when the New Zealand Government acquired a similar power in 1932 there was no such provision in the Act. This meant that during the waterfront dispute of

1951, as the House of Representatives wasn't sitting, there was no Parliamentary review of the emergency regulations. Many M.P.s probably felt happier that way—which is precisely the point I want to make. In the House of Commons they'd have been raising the roof.

It's not that there's no intelligentsia in New Zealand. There's been one, at least since the time of Pember Reeves, and it's grown over the years in protest against orthodoxy and the aspidistra. I suspect that a good deal of the outcry which forced the Government in 1951 to make 50 amendments to the Police Offences Amendment Bill was in fact promoted by intellectuals, who were able to recruit support from professional groups, church organisations and similar non-political bodies in which many of them held key positions. But by and large, individuals of this type don't hold such positions in New Zealand parties, or in Parliament, either because they aren't good vote-getters, or because their party loyalty and reliability are suspect. The House of Commons may be more sensitive about civil liberties than is the public generally in Britain; conversely, in New Zealand the public generally is less tolerant than is the House of Representatives. The same goes for local bodies, for that matter. To mount a soapbox or carry a banner you need a permit from the City Council, which can be refused—has, indeed, been refused by at least one City Council—with neither rhyme nor reason given.

But the soapbox and the banner are in any case obsolescent. What about the

mass media—specifically, in New Zealand, the press and the radio? The press suffers from the defects of its virtues. It is, by and large, the acme of respectability—virgin-pure and virgin-timid. The last occasion when newspapers showed an interest in civil liberties was when the Police Offences Amendment Bill was before Parliament; and it's significant that the first press comment on the Bill was very cautious—only when it was clear that many respectable citizens were outraged by the Bill's provisions did the newspapers take a firm stand. Daily papers rarely engage in controversy one with another, nor do individual papers provide a forum for discussion, save within the exiguous limits of the correspondence columns.

It is then up to the radio to provide a wide range of comment on political and social affairs in order that, from the clash of views, an informed public opinion may emerge. And does the Broadcasting Service do this? It does not. We have election broadcasts—but what share of the air do independent and minor party candidates get? I don't suggest that all parties, regardless of size and strength, should be entitled to a nation-wide hook-up; but in a country with as many local stations as New Zealand has, every candidate should have a right to address the electors in his own locality if he wants to. Then we have the broadcasting of Parliament—but here we get not a wide range of opinion, but the views of the party caucuses: National orthodoxy and Labour orthodoxy. Of the wide range of controversy provided by radio in Britain and the United States—daily and weekly political commentaries, current affairs talks, panel discussions, un-

scripted debates, arguments about H-bombs and taxes and strikes and capital punishment and juvenile delinquency—and for that matter about art and religion and sex—we have but a pale shadow, in the *Lookout* broadcasts and the *Question Mark* series. Not because the intellectuals in the Broadcasting Service like it that way, but because the Government of the day which controls the Service is responsible to the public, and the public consists of pressure groups, and some pressure group is sure to object to anything controversial.

Here, I think, is the essence of the question. It was a vocal minority which procured the dismissal of von Zedlitz. It was a vocal minority which insisted on harsh treatment for conscientious objectors. Vocal minorities can keep you off the radio and off your soapbox. These self-appointed censors invert the familiar maxim: the price of their vigilance is only too likely to be our liberty.

It's the old story of free trade and protection. The unorganised consumers benefit from free trade, the organised producers benefit from protection, and an organised minority carries more weight politically than a disorganised majority. But don't look for scapegoats. The majority is the sum of the minorities. Collectively and in principle we believe in liberty, individually and in practice the minorities we form prefer intolerance. Not till there's an equally powerful, equally vocal minority in favour of liberty—liberty even for the crank, the Communist, the conscientious objector—shall we narrow that embarrassing gap between the ideals of 1857 and the reality of 1957; only then shall we develop a free trade in ideas.

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