

# Individual Freedom



**"The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others."**

**John Stuart Mill, "On Liberty" 1859.**

Much of our social legislation is based on a Victorian morality which is not only irrelevant, but often patently unjust. In some cases it even works against the attainment of reasonable social goals.

The Values Party believes as a matter of principle that we must allow individual freedom unless it is clearly outweighed by the interests of the community as a whole. We therefore propose reforms in the following areas.

## Family Planning

Our policies on family planning are based on 3 premises:

- Every child born should be wanted.
- Family planning is a basic human right which was recognised by the United Nations in 1968.
- All persons should have the right to choose which method they prefer to control their fertility.

Education in human relationships, in responsible parenthood, and in the social, ethical, and physical aspects of sexuality is essential for all New Zealanders. Present provisions for such education are simply not adequate, as is indicated by the fact that in 1973, 9206 live births (15.16%) were ex-nuptial and in 1974 over 10,000 New Zealand women had legal abortions here or in Australia.

### The Values Party advocates:

- The extension of such education to all sections of society. In particular, the school curriculum should include a realistic programme of sex education and family life education.

- The making of all contraceptives and contraceptive advice free and freely available to all, regardless of age, sex, or marital status, [therefore repealing Section 2 of the 1954 Amendment to the Police Offences Act].
- The provision of free, voluntary sterilisation in an approved manner for both men and women, subject to adequate medical advice and professional counselling.
- A government-sponsored family planning programme which would include subsidies for organisations giving contraceptive advice and a general expansion of birth control facilities.

These measures would, in the long-run, reduce drastically the incidence of unwanted pregnancies in New Zealand, which is at present far too high. Other helpful measures include advising couples of genetic risk before conception, preventing the marketing of deformity-inducing drugs, and extra aid to families who would adopt mentally or physically handicapped children.

In the meantime more of the women at present opting for abortion might opt instead to continue their pregnancies if they could be sure of more caring support from the community during the pregnancy and birth, and especially during the first decade of child-rearing. In addition to free and adequate pre and post-natal care, there needs to be more community support for all families with young children. Low-cost housing within healthy active communities should be available for single-parent families.

Since the measures we advocate above are not currently being applied adequately, thousands of women annually face unwanted pregnancies and opt for abortion rather than adoption or compulsory motherhood through hastened or forced marriages, single parenthood or adding to an existing family.

The Values Party does not advocate abortion, just as it does not advocate the use of alcohol or other drugs. However, it believes that prohibition infringes a basic human right to freedom of conscience (Article 18 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of thought, conscience and religion".)

An abortion is preceded by an ethical decision and a medical decision. We do not believe that either decision should be made by legislators or pressure groups. The individual woman should have freedom of conscience to make the ethical decision. A registered doctor should make the medical decision.

There is no agreement among doctors, women, churches, legislators, or the population at large on exactly when worth, personality, and rights begin in the continuum of human life. We believe that the whole community is divided on the issue. In both main pressure groups (for and against) there are people of intelligence and integrity who are motivated by a respect for life and human rights.

No-one will ever be able to prove which group is right. The ethical considerations involved in abortion are too complex and personal to warrant inflexible or intolerant judgements. Laws should therefore not be based on these considerations and should not force the opinions of either pressure group on the whole population. A Heylen Poll in May 1975 found that 56% of New Zealanders supported unrestricted legalisation of abortion. Yet one month later, 43 male members of parliament passed Dr Wall's amendment to the Hospital Act.

**The Values Party believes that:**

- those whose conscience forbids them to have anything to do with abortion should not be required to do so;
- the decision on whether or not a woman should obtain an abortion should be made by her and her doctor, since each woman's beliefs, medical history and situation are unique.
- where paternity is established and there is a bond between the couple concerned, the man could well be included in the process of deciding about abortion. However if the couples' preferences conflict, the woman's choice should prevail. After all, current adoption practice entails the consent of the mother only because it is the mother who literally "gives" birth.

The Values Party endorses the statement in its 1972 manifesto (pp10 and 56) that: "Our party's stand on abortion is not based on the desire to reduce population growth. We believe that abortion is the least desirable form of birth control and should not be regarded as a substitute for contraception." It would repeal all existing legislation on abortion (including Dr Wall's Hospital Amendment Act) because there is no need for legislators to single out one form of medical treatment for special legislation. Other laws regarding medical practices provide adequate safeguards and ensure that every abortion would be carried out by a registered medical practitioner in an approved manner.

Other reasons for repealing existing legislation on abortion are:

- The law discriminates against many thousands of women and doctors who in all conscience do not believe that the termination of a pregnancy is sinful, irresponsible, or the concern of anyone but themselves.
- The law is not clear to doctors, legislators, or to the general public. The brunt of this difficulty and the risk involved in interpreting it is borne by doctors and women. As the law is currently applied, women with means can readily obtain an abortion but poorer women cannot.
- The law is not effective since thousands of illegal abortions continue to be performed in New Zealand each year and some 4,000 New Zealand women fly to Australia annually seeking abortions.
- The law prevents doctors from doing what they consider best for their patients.

In addition, the Values Party would establish free outpatient clinics along the lines of the Remuera Medical Centre throughout the country. Such clinics would:

- ensure that counselling was available before a woman made her decision and that contraceptive advice was given to avoid further unwanted pregnancies;
- use early-term vacuum aspiration (with or without local anaesthesia), which is a less dangerous and traumatic method than the traditional one (evacuation curettage under general anaesthesia).
- prevent unnecessary delay in terminating pregnancies.

Finally, the Values Party would promote many measures to raise the status of women so that fulfilling alternatives to having children were readily available, so that women did not just drift irresponsibly into motherhood, and so that respect for women and children would deter men from irresponsibly fathering children.

#### **Censorship**

The Values Party believes that censorship inhibits the development of responsible adult citizenship. We would encourage the principle of individual responsibility for moral behaviour. Although we accept that in our present society some censorship may be necessary in the interests of children, we would prefer to see this responsibility left with parents rather than assumed by the State.

#### **The Values Party would**

- Require more information and guidelines on the nature of literature, films and broadcasts to be readily available to enable people to make decisions for themselves rather than having such decisions made for them by the State.
- Review the Indecent Publications Act with a view to reducing censorship of books, documents and newspapers.
- Repeal the Cinematograph Films Act and replace it by legislation which would enable films to be shown to restricted audiences [if necessary] rather than be cut.
- Establish a Royal Commission to examine the definitions of obscenity, indecency, pornography and violence, and to study the effect of such material on individuals and society with special reference to its influence on character development and its relationship to criminal or other anti-social behaviour.

#### **Privacy**

With the increasing scale and complexity of our society, there has been a trend towards collection by government and private agencies of data relating to the affairs of individual citizens. Where data collection relating to identifiable individuals is necessary, we believe that extensive safeguards should be provided to ensure that it is available only for the purpose for which it has been collected.

#### **The Values Party would**

- Abolish the Security Intelligence Service.
- Ensure that all records kept on an individual by any organisation be available on demand to that person or his legal representative for perusal and correction.

## **Sexual Laws**

The Values Party does not believe that the State has any role in regulating sexual practices between consenting adults in private.

In relation to current arguments for and against homosexual law reform, it should be noted that:

- The present law discriminates between male homosexual acts which are criminal and female homosexual acts which are not.
- Homosexuals and paedophiliacs (men who interfere with children) are two almost entirely separate groups and no one who advocates homosexual law reform advocates any reduction in penalties for assaults on children. (Research indicates that heterosexuals are more likely to become paedophiliacs than homosexuals.)
- The individual homosexual suffers under a social strain and a fear of public humiliation which is hard enough to bear without the addition of a sense of guilt and a fear of public persecution. The present law is hypocritically and very arbitrarily enforced yet the risk of prosecution or blackmail is ever present for all practising homosexuals.
- Reform of the law will in no way reduce the penalties for assaults on children.

## **The Values Party would**

- Repeal all laws proscribing sexual practices in private between consenting persons of consenting age.
- Repeal all laws discriminating against homosexuals, and redraft laws relating to matters such as sexual assault so that they apply equally to heterosexuals and homosexuals.

## **Drug Laws**

We do not advocate the use of drugs in any form, but we believe that existing drug laws are hypocritical, inconsistent and often make the problem worse.

## **Alcohol and Tobacco**

While the average New Zealander tends to think of drug abuse largely in terms of those drugs which produce a strong physical dependence, such as narcotics, there is overwhelming evidence that the drugs which are causing harm to the greatest number of people are alcohol and nicotine.

## **The Values Party would**

- Take immediate steps to place breweries under community control [see "Economics"] [Note that this does not mean nationalisation].
- Prohibit all advertising of alcohol and tobacco products except at the point of sale.
- Require commercial organisations profiting from the sale of alcohol to recognise their larger social responsibilities by helping to finance community controlled alcoholic rehabilitation and research programmes.

## **Marijuana**

On evidence presently available it appears that marijuana is less dangerous to health than either alcohol or tobacco. It is thus hard to justify the

prohibition of marijuana when we don't prohibit alcohol or cigarettes. It is no argument to suggest that we should not allow yet another social evil. As a matter of principle we must allow individual freedom unless it is outweighed by the interests of the community as a whole.

Nor is it an argument to suggest that marijuana should be prohibited because it leads to the use of more dangerous drugs. This would be the same as prohibiting social drinking because it can lead to alcoholism. In any event there is no evidence of a causal relationship between marijuana and "hard" drugs.

The relatively minor penalties now imposed by the courts for a first offence of private possession and use of marijuana are no deterrent and, given the widespread disregard for the law and the cost to the community of attempting to enforce it, the provision of any penalty is pointless.

However, as with alcohol and tobacco, we do not believe the use of marijuana should be encouraged, and we are opposed to its commercial exploitation and promotion.

## **The Values Party would**

- Remove penalties for the growing and private use of marijuana, but prohibit the sale for profit of marijuana.

## **Addictive Drugs**

We believe that the objective in dealing with those addicted to drugs should be rehabilitation rather than punishment. Apart from having little apparent effect in combating drug addiction, the existence of criminal penalties hinders rehabilitation by deterring addicts from seeking help; leads to drug pushers with a vested interest in increasing the number of addicts; drives addicts to criminal activities to obtain drugs and/or money to buy them. The policies outlined below would to a large extent eliminate the drug pusher's market.

Evidence suggests that there are many more people addicted to legally prescribed drugs than to drugs illegally obtained.

## **The Values Party would**

- Implement stricter supervision of commercial manufacturers and distributors involved in the legal distribution and sale of drug supplies.
- Retain penalties for unlawful production, distribution, and sale of addictive drugs.
- Remove criminal penalties for possession for private use of addictive drugs.
- Set up government funded clinics providing programmes of maintenance and treatment for drug addicts.

## **Firearms**

- Increase penalties for anyone found in possession of an unregistered firearm at any time.
- Ensure that warrant of fitness examinations are carried out on all firearms at regular intervals.

- Grant an amnesty to anyone surrendering an unregistered firearm at any time.
- Ensure that proficiency tests be carried out at specified intervals for all firearm licence holders.
- Make licences to operate firearms more difficult to obtain.

### Divorce Law Reform

- Make irreconcilable breakdown of marriage the only grounds for divorce.
- Reform the divorce laws to make them less discriminating towards males.

### Miscellaneous

#### The Values Party would

- Reform the Police Offences Act to make it less arbitrary and open to abuse.

- Replace fulltime magistrates by part-time magistrates drawn from practising solicitors on a roster basis administered by the Justice Department [this is an attempt to overcome the often conservative and out-of-touch administration of the law in our Magistrates Courts].
- Amend present libel laws to make them less restrictive and enable adequate public discussion of important issues.
- Abolish private security firms.
- Make New Zealand's highest court a New Zealand court, not the Privy Council as at present.
- Make legal aid available as of right to defendants in criminal cases.
- Endorse the ideal of open government at all levels, particularly with reference to open meetings and freedom of information.

