

## THE CINEMATOGRAPH FILM CENSORSHIP DEBATE IN NEW ZEALAND, 1965 - 1976\*

The decade following 1965 saw intense polarised debate over film censorship in New Zealand. Few could have predicted this in the climate of significant public consensus about film censorship in 1965. But that was soon to change.<sup>1</sup>

New Zealand's film censorship position was spelt out in the Cinematographic Films Act, 1961. Section 14 of that Act provided that the Censor was not to give approval "to any film or to any part of a film which in his opinion depicts any matter that is contrary to public order or decency, or the exhibition of which would for any other reason be undesirable in the public interest". The words, "contrary to *public*. . . *decency*" implied a need to protect morality in society. Many were later to challenge any censorship based on moral grounds. In contrast, the replacement 1976 legislation required the Chief Censor to resolve censorship issues simply on the basis of what was "injurious to the *public good*".

Under the 1961 legislation, if even a minor part of a film was found indecent, this could lead to the banning of the whole film (or at least the excision of the offending part). In contrast, the 1976 legislation required the Chief Censor to consider "the dominant effect of the film as a whole".<sup>2</sup>

The 1961 legislation was well accepted in its first years of operation. In 1964 the *Dominion* newspaper ran an

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article under the heading "Is Censorship now too Liberal?"<sup>3</sup> The article, dealing basically with censorship of books, reflected a public concern that New Zealand not become too liberal in its loosening of censorship restrictions. While the noted libertarian and historian, Peter Munz, was to argue in 1972 that there could be no justification for censorship of films and plays,<sup>4</sup> six years earlier he accepted that the film censor should "prevent the exhibition of purely sensational films which have neither artistic merit nor literary or sociological interest", and the censor should act "to cut out odd sequences which might shock honourable citizens and lead less honourable ones astray".<sup>5</sup> Similarly, another liberal advocate, W.J.D. Minogue, conceded in the same year that "the censor's present comparatively light touch is about right".<sup>6</sup> Most surprising of all was the comment in the film magazine *Playdate* in 1964 that "film censorship in New Zealand is regarded as being among the most enlightened in the world".<sup>7</sup> Such a comment would be next to impossible to find in a film magazine a decade later.

This does not mean there was no debate on censorship in 1965. Debate there certainly was; but it lacked intensity. It was not based on radical rifts in New Zealand society as it was a few years later. There was predominant acceptance of New Zealand's film censorship laws. Most liberals still recognised some degree of censorship as being necessary, even for adults. This causes one to ask why New Zealand society was so accepting of film censorship in 1965, and why there was such a marked shift in the following decade.

### **New Zealand in 1965**

Post-World-War-Two New Zealand society prided itself on its egalitarianism. Keith Sinclair reflected this in his boast that New Zealand "must be more nearly classless . . . than any other advanced society in the world".<sup>8</sup> Egalitarianism often goes hand in hand with conformity. Sinclair in 1969 showed sympathy with the suggestion of

political scientist, R.S. Milne, that New Zealand was "a country without issues".<sup>9</sup> Though Sinclair recognised that change was in the wind he still saw society as having "a certain sameness".<sup>10</sup>

Such a climate meant a much readier acceptance of the need to protect society as a whole rather than to maximise personal choice. Concern to protect society was particularly felt in the area of sexual morality. Despite the large numbers of ex-nuptial births and of pregnant brides in the 1960s,<sup>11</sup> there were publicly accepted standards of sexual morality, even though individual sexual behaviour might widely diverge from that public standard. Jesson, Ryan and Spoonley asserted of the mid-1960s, "In terms of sexual relations, there was an overwhelming acceptance of only one form of sexuality - that of monogamous heterosexuality within marriage."<sup>12</sup>

Maintaining publicly accepted sexual ethics was seen as fundamental to the preservation of society. The views of Hon. J.T. Watts (National - Fendalton), in parliamentary debate in 1960 as to whether penalties should be tightened for certain homosexual offences, reflect this:

*On my reading of history it seems that a greater prevalence and toleration of such offences is either a symptom or a cause of decay in civilisations....I believe that we must set our face sternly against it, not because we are not sorry for the poor devils who have been caught up in this mess, but because the moral standards of society must be protected.*<sup>13</sup>

There was a great deal of anxiety about the effect of films on sexual morality and therefore on the survival of the nation. John Reid, when president of the New Zealand Film Institute in 1949, warned of "the semi-hypnotic effect" of the cinema such that "the individual personality is pulped" and "made softly receptive".<sup>14</sup> The cinema could thus powerfully subvert the moral values and the foundations of the nation: "[O]ur whole society is now becoming closely parallel with that of the Roman Empire, when the gladiatorial spectacle replaced living drama."<sup>15</sup>

### Factors for change

Older views came under fundamental challenge in the 1960s. The world was increasingly becoming a global village.<sup>16</sup> These were watershed years for New Zealand.<sup>17</sup> Michael King aptly stated,

*If the 1940s and 1950s could be regarded as hinged moulds of conformity for most New Zealanders, then the 1960s were to see those moulds smashed....The decade ended in a maelstrom of diversity on a scale the country had never seen before....It was as if New Zealand, after two decades of somnolence, was suddenly advancing on dozens of fronts simultaneously.*<sup>18</sup>

Pluralism of values replaced standardisation, and choice replaced conformity.<sup>19</sup> During the 1960s New Zealand was becoming a much more permissive society.<sup>20</sup>

This new permissiveness was marked in relation to sexual morality. The recent advent of the birth control pill meant that sexual activity could become much more separated from the often unwanted outcome of pregnancy. For many, sexual behaviour ceased to be a moral issue and came rather to be "just another body activity like wearing clothes or eating".<sup>21</sup> Morality as a whole was not being rejected, but it was being redefined. No longer could one use "morality" as a short-hand description for 'sexual morality'. Morality was increasingly related to issues of violence and war. This point was highlighted in the interruption of a 1972 Auckland anti-pornography meeting addressed by Patricia Bartlett by a group of young people shouting "War is the ultimate obscenity".<sup>22</sup>

One factor in this change was the weakening influence of the churches. National census records, showing the percentage of those who identified themselves as having no religion or who objected to state their religion, reveal a marked religious shift in society:

1961	9.1
1966	9.1
1971	10.6
1976	17.2

One columnist wrote in 1972, "Moral standards today, like some currencies, are 'floating'. Religious beliefs that support them are out of fashion. The spiritual reserves of western man, like his reserves in gold, are somewhat depleted."<sup>23</sup> Increasingly the churches were no longer the definers of moral values. As a *Zealandia* article lamented in 1970,

*a conspicuous feature of recent times is the decline of authority in morals. Aberrations in conduct abounded in earlier times; but they were acknowledged to be aberrations; the rational proprieties continued to be authoritative. Nowadays it is the very proprieties that are called into question. Declarations of these proprieties have lost their authority.*<sup>24</sup>

Increasing diversity in society over sexual morality was reflected in the churches. As early as 1970 a Public Questions Committee report of the Methodist Church argued that sexual mores should be judged solely by the central moral criterion of "responsibility". This meant "abandoning a reliance on prohibition to regulate our sexuality". The report indicated that in this light homosexual and premarital relationships might occasionally be morally valid.<sup>25</sup> In contrast, the more conservative Baptist denomination, through an editorial in its monthly magazine in 1973, attacked churchmen who had "jumped onto the permissiveness bandwagon" as being "a greater danger to the community than the open advocates of immorality" because of their influence in leading others astray.<sup>26</sup> Diversity of opinion within the Christian churches, together with an increasing appreciation by some of them of the value of freedom of expression,<sup>27</sup> meant that the churches as a whole played little role in the looming film censorship debate.<sup>28</sup> In fact, the New Zealand Inter-Church Council on Public Affairs, which included, inter alia, the Anglican, Presbyterian, Roman Catholic, Methodist and Baptist Churches, expressed approval of the new Cinematograph Films Bill at its 1976 Social Service committee hearings.<sup>29</sup>

Shifts in public attitudes to sexual morality and to censorship meant that New Zealand's position on film censorship would inevitably face liberal challenge. But conservative challenge was also looming because the types of films being screened in New Zealand were beginning to change markedly in the 1960s. The advent of television led to a huge decline in cinema attendance. In Auckland the number of annual admissions fell from nine million in 1961 to four million in 1969.<sup>30</sup> Nationally the number of cinematographic exhibitors' licences dropped from 591 in 1962 to 252 in 1971. Cinema proprietors had to take drastic measures to survive economically. Competing with television necessitated their being attuned to changing market desires. This seemed to require screening more "adult" films with more explicit sex and violence. It is no coincidence that the Hays Code, a voluntary agreement first formulated in 1930 by the American film industry to restrain the portrayal of scenes beyond accepted bounds of decency, collapsed in 1965.<sup>31</sup> The collapse of the Hays Code resulted in the New Zealand censor having to make decisions in relation to much more permissive films than he needed to in the past. With television's apparent capture of the family market, the film industry intentionally began to concentrate on "adult" films.<sup>32</sup>

The annual reports of the Department of Internal Affairs in the late 1960s show marked and repeated concern over the amount of sexual violence being shown in new films. Their reports in the years 1974-6 expressed anxiety over the large number of extremely violent "Kung Fu" type films entering New Zealand. The changing nature of films screening in New Zealand (significantly reflecting public demand) can be seen in the following table showing film censorship classifications as percentages for the years 1965 and 1976:

	1965	1976
G (General exhibition)	39	10
Y (Suitable for those over 13)	23	15
A (Suitable for adults only)	22	36
R (Restricted)	16	39 <sup>33</sup>

The number of films classified under various "R" categories for those two years is shown below:

	1965	1976
R13	2	6
R16	59	100
R18	3	44
R20	-	3

These figures do not indicate a stricter censorship policy. They rather highlight the trend away from family-type films towards "adult" and "restricted" films. Among the restricted films an increasing number were restricted to those aged eighteen years and over. And "R20" classifications began to be used for the first time, to avoid a total ban on certain films.

The chief film censor throughout the period under review was Douglas McIntosh. He took a flexible approach to the issue of censorship, regarding "public decency" as being determined by the prevailing attitudes of society. As society changed so might standards change. The yardstick was what was acceptable to the public.<sup>34</sup>

The film censor allowed the screening of the film *Ulysses* in 1967 with its relatively sexually explicit dialogue, only where audiences were segregated by gender. Significantly, there was little major outcry over the segregation requirement as there surely must have been had the decision been made a decade later. In 1971 *Blow Up* was approved for screening despite its display of female pubic hair, as also was *Women in Love* despite its display of male frontal nudity. In 1972 *Clockwork Orange* was approved with a first-ever "R20" classification, despite what many regarded as an abhorrent portrayal of mindless rape and murder.

For years the film censor excised four-letter words from films. His reasoning was that repetition of such words in a public place was a criminal offence, and that screening a film with those words was thus permitting a criminal offence which he could not permit. However, pressure for permissiveness of language mounted. Once when the film *Scarecrow* was screened, an adult group chanted the four-letter word out loud to other members of the audience every time it obviously appeared to have been cut from the dialogue.<sup>35</sup> Such language occurred in *Lenny*, but the film was passed uncut with an "R20" classification in 1975. Clearly the censor was moving with the more permissive mood of society. After his decision the censor invited public reaction to the change, showing that his decisions were seeking to remain in step with majority opinion.<sup>36</sup>

The most significant major film not to be approved under the more liberal climate was *Last Tango in Paris* which contained not only explicit scenes of sexual intercourse, but also one scene of heterosexual buggery. That film was banned by the censor and the appeal board in 1973, and banned again by both the censor and the appeal board on fresh application in 1974. It finally gained approval after the new film legislation of 1976 became operative.<sup>37</sup>

### Protagonists in the debate

Censorship debate came to the fore from about 1970. Conservatives, sensing an increasing public erosion of their values, fired the first shots. Action was urgently needed if the tide of permissive filth was to be stemmed. School-teacher and ex-nun, Patricia Bartlett, led the charge. Her first major public action was to organise a petition to parliament in 1970 to tighten up the censorship laws by having "indecent" defined. Indecency would include scenes of sexual intercourse, displays of nudity, bare female breasts, and homosexual and lesbian love scenes. Initially her goal was to obtain 15,000 signatures.<sup>38</sup> Support



in the end reached 49,802 signatures. Her move had clearly touched a raw nerve. The petition became the catalyst for major public debate. Significantly, though increasing levels of violence were being portrayed on the screen, Patricia Bartlett's petition focused only on sex. She was, in effect, restating traditional sexual values at a time when a significant section of society was in the process of consciously rejecting such values. It is no wonder that a heated debate erupted.

Bartlett was widely pilloried. Her's was a "prudery-nudery" petition.<sup>39</sup> She was "New Zealand's champion sexhortionist,"<sup>40</sup> "mentally disturbed",<sup>41</sup> the 'self-appointed ... arbiter of the nation's morals'.<sup>42</sup>

Bartlett's petition failed. It received a "no recommendation" rating from the Parliamentary Petitions Committee. R.L.G. Talbot, chairman of the committee, asserted that while there was concern with permissiveness in society, there was a strong consensus that this could not be controlled by legislating to define indecency.<sup>43</sup>

Despite this failure Bartlett persisted in her morals campaign. In November 1970 she established the Society for the Promotion of Community Standards (SPCS). By 1975 it had 21,000 members.<sup>44</sup> While Patricia Bartlett was officially only the secretary for SPCS, in reality she embodied the morals campaign. It was always her name that was to the fore. "Leave Truth to Us, Pat, and Go to Hell" was one *N.Z. Truth* headline in 1972.<sup>45</sup> She held meetings throughout the country, often amid scenes of controversy and debate. In 1972 the *Christchurch Star* called her "New Zealand's best known campaigner".<sup>46</sup> At the end of 1971 the *Dominion* newspaper gave her the title "man [sic] of the year". The *Dominion's* citation asserted, "she had more impact on New Zealand than any citizen not assisted by Government or other public office."<sup>47</sup> In 1971 she organised a 26,000 signature petition to parliament in relation to book censorship. This received more favourable consideration, and resulted in certain amendments to the

Indecent Publications Act 1963 in 1972.

SPCS success provoked counter-agitation. The strongest lobbyists for liberal change were the various film societies in New Zealand. Films otherwise banned or cut for public viewing could often be shown in full at film society functions. Increased public desire to view such films was probably a major factor in a great increase in film society membership in the 1970s.<sup>48</sup> The Auckland Film Society expressed concern at the influence of Patricia Bartlett and her society, and urged its members to lobby against film censorship.<sup>49</sup> The Film Society clearly felt that weight of numbers rather than intellectual persuasiveness was crucial:

*Remember too that addressed to gentlemen who have just swallowed anything as completely irrational as the Bartlett line, finely-honed arguments are a waste of time. You need only scribble something expressing your disapproval and drop it in the post...only raw numbers will count.*<sup>50</sup>

Both sides of the debate fostered letter writing campaigns, recognising the threat of the opposition's lobbying tactics. In 1973 the Auckland Film Society wrote to its members, "If you are unhappy with the work of the censor, let your views be known to the Minister of Internal Affairs. He claims that his mail on this subject strongly supports the present position!"<sup>51</sup> Conversely SPCS in 1974 warned its members, "If you want good Film Censorship you will have to work very hard for it, as the organised pressure to remove adult censorship is very great."<sup>52</sup>

Such letter writing lobbying was particularly worthwhile because film censorship was based on what the public regarded as indecent. This was clearly a changing standard; so volume of letters from one side or the other could be regarded as a gauge of public attitudes. The chief censor, Doug McIntosh, repeatedly stated that his rulings were based on what the public viewed as indecent, and that he significantly determined this through letters, reviews, and letters to the papers.<sup>53</sup> In 1974 McIntosh considered that the public wanted a more liberal censorship:

*It is very likely that a majority of the people, many of them rather confused about the matter, want a liberal but firm censorship, and that the minority consists of two large groups of unknown size, one wanting much stricter censorship with more severe penalties and the other its complete abolition, at least for adults.*<sup>54</sup>

McIntosh's statement suggests public attitudes were shifting towards a more liberal policy. A 1969 survey by film society member John Reid, sampling 400 people, showed that 60% agreed with the statement, "The Censor should not make cuts in films for adults only."<sup>55</sup> A further sampling of 600 people in 1972 by Market Research N.Z. Ltd showed that people were against the cutting of films restricted to adults by five to four.<sup>56</sup> A decade later, the shift to liberalisation was highlighted in a Heylen Research Centre survey conducted for the Department of Internal Affairs in 1982. A sample of 4,000 people were asked the amount of censorship they desired. The following percentage answers were given:

More censorship	11.2
Same amount	32.8
Less censorship	23.6
None at all	28.7
Don't know	3.7 <sup>57</sup>

This survey was undertaken in the situation governed by the Cinematograph Films Act 1976. Despite the new legislation being more liberal than the old, five out of six New Zealanders approved the new situation or wanted even more liberal legislation. While this survey took place after 1976 it suggests that public opinion was swinging markedly in favour of more liberal censorship within the earlier period.

The shift in public attitudes is paralleled by the attitudes of the film societies. In the 1960s there was little agitation by the societies for change.<sup>58</sup> Once lobbying began, their initial focus was against cuts to films for adults. Harold White, the chairman of the Federation of

Film Societies" working committee, said in 1972, "We are not saying, as the Minister has suggested, that we are against censorship for adults. But we say that having decided that a film is fit only for adults the censor shouldn't cut it."<sup>59</sup> However, in 1976, both the Federation and the Auckland Film Society came out against any censorship for adults.<sup>60</sup> Clearly there were major shifts in the focus of the debate in a very short space of time.

### **Arguments for and against change**

Numerous issues were involved in the film censorship debate: the rights of the individual as against the well-being of society as a whole; the issue of whether society should define or enforce any particular view of morality; whether films caused harm; and on whom the burden of proving harm or absence of harm rested. Behind the various issues lay a conservative concern at a long-term undermining of society, versus a liberal perspective opposing unnecessary restrictions on human autonomy and freedom.

Increasingly the conservative position was on the back foot. Patricia Bartlett argued vehemently, but with a crude understanding of statistics and causality. Her 1976 submissions on the Cinematograph Bill quoted rape offences in New Zealand as having increased from 45 prosecutions (125 reported cases) in 1965 to 102 prosecutions (258 reported cases) in 1975.<sup>61</sup> But did that increase arise from a more liberal interpretation of censorship laws? Could it be simply a greater reporting of offences as society was becoming more open in discussing sexual matters?

Against the maximising of individual freedom, conservatives focused much more on society as a whole. There was great anxiety that New Zealand was on the beginnings of the slippery slope that caused the collapse of ancient Rome. For the sake of ultimate national survival, the state should promote that which was good and moral.

Hence Rev. Charles Haskell asserted, "the law has two basic functions; to protect our liberty and to inculcate what is right and wrong. The didactic function of the law is often ignored but it is important, for to most people what is legal is considered right."<sup>62</sup>

However, there was no longer a public consensus on what was right and wrong, especially in regard to sexual morality. Society was evolving and establishing new value systems.<sup>63</sup> Censorship was increasingly seen as stifling information and debate.<sup>64</sup> Society could not freeze its own understanding of morality in perpetuity. Hence Wellington City librarian, Stuart Perry, argued, "[N]o generation has the right to try to rob its successors of the determination of their own destiny."<sup>65</sup>

The philosophical underpinning of the liberal position lay in the nineteenth century writings of John Stuart Mill. In his thinking, human dignity was of highest priority, and this came through the individual being autonomous, self-determining and free. Mill thus argued, "The only purpose for which power can rightfully be exercised over any member of a civilised community is to prevent harm to others."<sup>66</sup> If freedom had such a high value, then the burden of proving harm rested with those seeking to restrict freedom.

This was the view of the New Zealand Psychological Society to the Social Services Committee hearing submissions on the Cinematograph Films Bill in 1976. "[E]xposure to erotica is known to increase the frequency of erotic dreams and the intensity of erotic content of them, to increase sexual fantasies in both males and females. No causal link has been established, of a general kind, between such effects and behaviour."<sup>67</sup> In contrast the society argued that the easy availability of pornography in Denmark led to a decrease in child molestation offences.<sup>68</sup>

Significantly the society made a distinction between erotic and "hard-core" erotic material:

*We would, however, caution that the known effects of hard-core erotic film, produced to satisfy the market for erotic titillation has no particular value in sexual education. Such viewing may further increase callous attitudes towards sexual performance and relationships; those who seek to view such material tend to be those whose attitudes are already this way. No case for the desirability of hard-core pornography has yet to our knowledge been made.*<sup>69</sup>

Thus the society's submissions argued that *harm* be proven with erotic material, but *good* be proven with hard-core erotic material. Such argument seems inconsistent, suggesting that when one supports a particular phenomenon, proof of harm is required before it may be banned, but where one is against a particular phenomenon, then positive good must be proven before it can be allowed. The argument seems not to be based solely on scientific evidence but also on unspoken value judgments.<sup>70</sup>

A significant factor in the debate was the changing nature of films. Earlier on films were commonly regarded as low-brow cabbage fodder, entertaining the masses but lacking in artistic merit. John Reid, then president of the New Zealand Film Institute, stated in 1949, "[F]ilm is today mainly a commercial commodity, like perfumes or pulp-magazines, with its moral and artistic aspects largely ignored."<sup>71</sup> In the next two decades film-making became much more sophisticated. The artistic dimension of films was increasingly recognised. In 1971 Dr Philip Allingham, chairman of the working committee of the New Zealand Federation of Film Societies observed, 'somewhere in the fifties film became more cerebral. Until then it was geared to an intelligent 14 year old but somewhere in the fifties the film began to approach in its concept the work of the novel.'<sup>72</sup> This perspective made the cutting of films seem much more objectionable: works of art were being mutilated. Hence the submission of Roger Horrocks, then senior lecturer in English at Auckland University, to the Cinematograph Film Bill committee in 1976: "If we regard

an object as art, as something made in an artistic way, then we are less likely to ban it or to hack it around. If 30% or 40% of the paintings coming into the country had pieces cut out of them, there would be a public outcry."<sup>73</sup> Public opinion was now starting to view "cuts" as the new four letter obscenity.<sup>74</sup>

An increasingly vocal argument against censorship was that it took away the power of choice from adult New Zealanders. Adults should be mature enough to self-censor their viewing. As Peter Munz expressed it, "One cannot tell people in one breath that they are mature enough to decide whom to vote for and who should govern them, but not mature enough to decide what they should read and what films and plays they should watch."<sup>75</sup> David Gascoigne argued that the heavy levels of film censorship smacked of "paternalism".<sup>76</sup> The new immorality was not pornography but removal of choice. Thus John Maynard, exhibitions officer for the Auckland Art Gallery, argued, "Every mature New Zealander needs legal protection from censorship laws which deprive him of the right to choose."<sup>77</sup>

The increasing emphasis on individuals and their right to choose made the traditionalists seem like kill-joys. After all if they did not like a film they could choose not to see it.<sup>78</sup> Why should they impose their perspective on everyone else? In a permissive pluralistic society the only valid adult censorship was a self-imposed one. This outspoken view was probably still a minority view in 1976, but the currents of opinion were moving in its favour. Liberal arguments were resonating with the spirit of the new emerging age.

### **The passage of the Cinematograph Films Act, 1976**

Though largely content with its film censorship in the mid-1960s, New Zealand society was increasingly chaffing under film censorship regulations by the early 1970s. While a concern remained to censor films in order to

protect children,<sup>79</sup> many now opposed all censorship of films for adults.<sup>80</sup> There was strong feeling against censorship being imposed because of isolated scenes. Rather the overall effect and context should be considered, as was the case with books under the Indecent Publications Act 1963. There was concern, too, that film censorship ought to occur within a framework which recognised that artistic works were being examined. Censorship should occur only as an extreme last resort.

Such views led Jonathan Hunt to introduce a private member's bill into parliament on 26 March 1974. Ultimately this led to the passage of the Cinematograph Films Act on 7 December 1976. When the bill was referred back to parliament after the hearing of public submissions, there was no divisive debate as there had been in the country at large. Both parties supported the bill. Even the speaker most suspicious of the bill, Dr Wall, cast his vote for its approval.

The heart of the new legislation lay in the change in criterion for censoring a film from indecency to that which was injurious to the public good. Another significant feature of the new legislation was that applicants now had discretion whether they would accept a censor's excisions of their films. If the applicant refused to accept any excisions, the censor would have to decide whether to pass the film uncut or to ban the film altogether. The applicant, rather than the censor, would now decide in the end whether cuts would destroy the integrity or artistic merit of any film. Moreover, in exercising powers of excision, the Chief Censor was directed to "consider the effect that any such excision may have on the continuity of the film or on its overall effect".<sup>81</sup> The assertion that films were artistic works had won the day. They could still be banned, but they could not be mutilated without consent.



## Conclusion

Patricia Bartlett was the most prominent voice in the whole debate. Articulate and energetic, she repeatedly captured news media attention. It was her 1970 petition which catalysed the debate. Her positions were black and white, reflecting a viewpoint that New Zealand was increasingly rejecting. Her extreme position meant that she was unlikely to capture the middle ground necessary for long-term victory.<sup>82</sup> It enabled the opposition to make her a figure of ridicule in much of the public media. She failed to realise that the new immorality was no longer illicit sex but violence and war. Had she recognised this and campaigned as hard against excessive violence in films as she did against sex, she might have attracted a greater degree of support.<sup>83</sup>

However, it is unlikely that a broader approach by a more moderately conservative leadership would ultimately have held out against liberal legislative changes. The growing mood of society was not to debate what sorts of restrictions should be in place but whether there should be any restrictions at all. In 1965 most people assumed that some degree of censorship was necessary. By 1976 many were increasingly challenging the very concept of censorship.

Labour won the 1972 election on the slogan "It's time for a change." That slogan epitomised New Zealand's attitudes to a host of issues. Concern for society was giving way to concern for maximum individual freedom and self-determination. On many issues a regimented approach for all people was no longer acceptable. Morality was viewed as relative and self-chosen. The big sin was no longer extra-marital sex but being judgmental and imposing one's values on others. Sex was no longer for the closet; nor was it regarded publicly as for marriage alone.

The back-drop to the film censorship debate was a much broader debate about morality and freedom. Public change on those issues meant that the conservative position

had little chance of success on the film censorship issue. It was taking its stand against the emerging spirit of a new era.

## LAURIE GUY

### NOTES:

1. 1965 may seem an arbitrary starting date because of the lack of public debate at that time. However, 1965 saw the collapse of the voluntary self-censoring of the American film industry through its Hays Code. The collapse of this code was a signal that major change was in the wind. See footnote 32 in relation to this point.
2. Cinematograph Films Act, 1976, section 26 (2) (a).
3. *Dominion*, 19 September 1964, p 15, col.1.
4. P. Munz, 'Censorship in a Democracy - Is there an Alternative to Freedom?', *New Zealand Law Journal*, 1972, pp 348-9 at p 348.
5. Reported in *Close-Up*, March 1966.
6. W.J.D. Minogue, 'Censorship and the Mass Media', *Education*, 15, August 1966, pp 3-8 at p 6.
7. *Playdate*, December 1964 - January 1965, p 16.
8. K. Sinclair, *A History of New Zealand*, London, 1959, 1969, p 285.
9. *Ibid.*, p 305.
10. *Ibid.*, p 286.
11. Sinclair, *ibid.*, p 288, quotes the illegitimacy rate for first babies to mothers in the age group sixteen to twenty-five at 27%, and the rate of first babies born to married women within that age group less than eight months after marriage at 40%.
12. B. Jesson, A. Ryan & P. Spoonley, *Revival of the Right: New Zealand Politics in the 1980s*, Auckland, 1988, p 27.
13. *New Zealand Parliamentary Debates* (NZPD), 1960, 232, p 669, quoted by P. L. Reynolds, 'Parliament and the Law Relating to Homosexuality', in S.D. Webb & J. Collett (eds), *New Zealand Society: Contemporary Perspectives*, Sydney, 1973, pp 366-73 at p 367.
14. J.C. Reid, *Catholics and the Films*, Auckland, 1949, p 7.
15. *Ibid.*, p 7.
16. International influences included modern jet travel bringing many more overseas people to New Zealand, and the commencement of television broadcasting in New Zealand in 1960. By 1969 there were 628,017 television licence holders in the country: P. S. Smith, *Twist and Shout: New Zealand in the 1960s*, Auckland, 1991, p 11.

17. M. King, *After the War: New Zealand since 1945*, Auckland, 1988, p 8.
18. *Ibid.*, p 91.
19. King, p 8, expressed the end point of this ferment of the 1960s in the words of Colin James' assessment of the 1980s: 'Choice is king here'.
20. J.E. Ritchie, 'Morals and Social Habits: N.Z. in the Sixties', *N.Z. Listener*, 16 January 1970, p 6, col.1; M.H. Holcroft, 'After Liberation', *N.Z. Listener*, 16 July 1973, p 5, col.2.
21. *Sunday Times*, editorial 6 September 1970 (a clipping from the private collection held by Patricia Bartlett).
22. *Auckland Star*, 19 May, 1972, p 1, col.8.
23. M.H. Holcroft, *N.Z. Listener*, 30 October 1972, p 7, col.2.
24. *Zealandia*, 10 September 1970, p 7, col.1.
25. Minutes of the Annual Conference of the Methodist Church of New Zealand, 1970, pp 141-2.
26. *N.Z. Baptist*, October 1973, p 4, col.3.
27. Shown in the way the film critic of the Catholic newspaper *Zealandia* applauded both the controversial film *Clockwork Orange* as upholding 'the ancient Catholic doctrine of freedom of the will', and also the Board of Appeal for passing *Lenny* with its four-letter words uncut: *Zealandia*, 23 July 1972, p 2, col.1; 19 October 1975, p 12, col.5.
28. In 1989 Patricia Bartlett lamented on the silence of the Catholic bishops regarding pornography: 'No bishop in New Zealand has spoken out on the pornography issue. They get our newsletters. I don't know why they don't.' M. Fitzsimons, 'Confessions of a Morals Crusader', *New Zealandia*, November 1989, pp 18-22 at p 20, col.3.
29. SS 76/135.
30. P S. Smith, p 11.
31. The 1956 version of the code sought to uphold 'the sanctity of the institution of marriage and the home'. No films were to infer that 'casual sex relationships are the accepted or common thing'. Among off-limit subjects were explicit treatment of adultery, clear identification of brothels, open-mouthed kissing, lustful embraces, anything more than a suggestion of seduction, and specific references to abortion. See J. Trevelyan, *What the Censor Saw*, London, 1973, p 246; and N. Gibson, 'Censors and the Cinema', *N.Z. Listener*, 13 September 1971, p 6, col.2.
32. This was commented on by the monthly bulletin of the Auckland Film Society after the 1976 Select Committee hearings: *Close-Up*, June 1976.
33. Source: Annual reports of the Department of Internal Affairs for the years ended 31 March 1965 and 31 March 1976: *Appendices to the Journals of the House of Representatives* (AJHR), 1965, 1976.
34. See, for example, the comments of McIntosh in *Playdate*, December 1964 - January, 1965, p 15.
35. Submission of Amalgamated Theatres Ltd to 1976 Social Services Committee hearings on the Cinematograph Films Bill, SS 76/11, p 3.
36. Mentioned in the *Newsletter of the Society for Promotion of Community Standards*, No. 16, November 1975.
37. Censorship decision on this film was in effect a litmus test for what the new

legislation would mean in practice, a fact acknowledged by both local film producer, John O'Shea, and Patricia Bartlett, in interviews in March, 1977 prior to final approval of the film: *N.Z. Listener*, 19 March 1977, pp 14,15.

38. *Auckland Star*, 28 April 1970, p 2, col.1.

39. *Sunday Times* editorial headline 4 October 1970 (a clipping from the private collection held by Patricia Bartlett).

40. *N.Z. Truth*, 30 January 1973, p 2, col.3.

41. The satirical magazine *Cock*, 12 August 1970, p 26.

42. *Waikato Times*, 29 May 1972, p 4 (a clipping from the private collection held by Patricia Bartlett).

43. Reported in *Evening Post*, 9 October 1970, p 8, col.1.

44. *N.Z. Women's Weekly*, 11 August 1975, p 5, col.1.

45. *N.Z. Truth*, 5 December 1972, p 2.

46. *Christchurch Star*, 30 September 1972 (a clipping from the private collection held by Patricia Bartlett).

47. *Dominion*, 31 December 1971, p 1, col.1.

48. For example, membership of the Auckland Film Society went from about 200 in 1969 to nearly 1,000 in 1973: reported in their monthly magazine *Close-Up*, April/May 1970 and May 1974.

49. Perusal of *Close-Up* reveals no marked agitation for change to the censorship laws until about 1971 or 1972. From then onwards there was strong agitation for change.

50. *Close-Up*, Aug/Sept 1972, p 11.

51. *Ibid.*, September 1973, p 8.

52. *SPCS Newsletter*, April 1974.

53. Interview reported by J. Westbrook, 'Film Censorship...A Public Reflection', *Thursday*, 27 November 1975, pp 11-14.

54. Reported by D. McGill, 'Film Censorship - Time for Change, but which Way?', *N.Z. Listener*, 6 April 1974, pp 14-16, 20-21 at p 16, col.1. Recognition of the minority position of participants was acknowledged in the *N.Z. Listener* in March 1977: 'It is, of course, the film societies who, to a large extent, provided the push for a change in the censorship laws. In fact, reading through three years of files on the film censorship issue, it is immediately noticeable how the same names keep cropping up and how little apparent interest there has been from the population in general': V. Wright, 'A New Act to Follow', *N.Z. Listener*, 19 March 1977, pp 14-17 at p 16, col.1.

55. Quoted by J.P. Lowe, 'Hacking at the Film Censor', *New Argot*, Vol. 1, Issue 1, July 1973, p 7, col.3.

56. *Ibid.* Because both surveys were commissioned by film interests their results must be treated with caution.

57. Quoted by Lewis Holden, *The General Public's Attitude to Film Censorship in New Zealand*, Wellington, 1983, p 10.

58. Even in 1970, when representatives of the film industry were making submissions against Patricia Bartlett's petition to parliament, they expressed the view that New Zealand had a censorship system which was the envy of the western world. See C. Moynihan, *A Stand for Decency: Patricia Bartlett and the*

*Society for the Promotion of Community Standards 1970-1995*, Wellington, 1995, p 23.

59. Quoted by Pauline Swain, 'Cuts is a Four-Letter Word', *N.Z. Listener*, 5 June 1972, pp 6-7 at p 6, col.2.

60. SS 76/19; *Close-Up*, March 1977.

61. SS 76/135.

62. C.W. Haskell, *Pornography and the Christian*, Palmerston North, n.d. (c.1975), pp 28-29.

63. J. Westbrook, 'Snip Snip Snipping Away', *Alternative Cinema*, Autumn 1974, pp 6-8, 27 at p 7.

64. S. Perry, *The Indecent Publications Tribunal*, Christchurch, 1965, p 14.

65. S. Perry, 'The Face of the Censor Today', *N.Z. Libraries*, August 1967, pp 98-99 at p 98.

66. Quoted in B. McLachlan & W.J. Scott, *Censorship*, Auckland, 1973, p 3. For a fuller discussion of Mill's views see B. Russell (ed.), *Freedom, Rights and Pornography: A Collection of Papers by Fred R. Berger*, Dordrecht, 1991, especially pp 4-21, 150.

67. The submission is reported in *Scrutineer*, April-June 1977, p 2.

68. Ibid.

69. Ibid.

70. L. Berkowitz, professor of psychology at the University of Wisconsin, noted this in the international debate on pornography. See V.B. Cline, *Where Do you Draw the Line?* Provo, 1974, p 254.

71. J.C. Reid, *Catholics and the Films*, Auckland, 1949, p 12.

72. Quoted in Supplement to *N.Z. Economist*, 1 August 1971, vi, col.2.

73. SS 76/58. In 1976 43% of all 35mm feature films were cut: *AJHR*, 1976, Vol. 3, G7, p 17.

74. See article by P. Swain, 'Cuts is a Four-Letter Word', *N.Z. Listener*, 5 June 1972, pp 6-7.

75. P. Munz, 'Censorship in a Democracy - Is There an Alternative to Freedom?', *New Zealand Law Journal*, 1972, pp 348-9 at p 348.

76. Quoted in D. McGill, 'Film Censorship - Time for a Change, but which Way?', *N.Z. Listener*, 6 April 1974, pp 14-16, 20-21 at p 15, col.3.

77. Quoted in *Alternative Cinema*, July 1976, p 12.

78. So argued by P. Munz, 'Censorship in a Democracy', p 348.

79. Noted by the Department of Internal Affairs in relation to the conflicting submissions on the Cinematograph Films Bill, 1976: SS 76/40.

80. Approximately one-third of the 110 submissions on the Cinematograph Films Bill opposed the censorship of films for adults. Where some censorship was conceded, it was most commonly admitted in relation to gratuitous or excessive violence rather than for consenting sexual activity.

81. Cinematograph Films Act, 1976, section 29 (4).

82. See, for example, criticisms of her in the Catholic newspaper *N.Z. Tablet*, 12 February 1975, p 5, col.1; 7 May 1975, p 10, col.3; 27 October 1976, p 7, col.1.

83. Her focus only on sex, and not also on violence, in relation to immorality, is marked in an interview recorded in *N.Z. Listener*, 8 March 1971, p 8.