

## Human Rights in World War II in New Zealand

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IN WORLD WAR II the Declaration of Human Rights did not exist, but already in the public mind of New Zealand many of its provisions were regarded as right, if not 'rights', and some were established in practice. When the priorities of war took over, values in the public mind changed. Many normal rights were foregone, sometimes perforce, sometimes willingly, or vaguely for the duration. A few flourished, not through conscious effort for them, but incidentally, as the result of other pressures.

Perceptions of local human rights were dulled by four factors: first, knowledge that overseas there was destruction, suffering, terror. Daily, the news pages were a feast of horrors. Second, New Zealand was very strong in its war effort, putting in a higher percentage of national income than any of the Allies except Great Britain. It was the first Commonwealth country after Britain to introduce conscription and, in proportion to population, had more servicemen killed and wounded than any Commonwealth country including Britain, though Britain also had heavy civilian losses. This meant much bereavement, much anxiety for very many people. For them, loss of human rights was dwarfed by personal loss, and this perspective loomed over the whole community. Against it, other changes readily became normal; people accepted curtailments, from petrol and gumboots to free speech. Third, the war closely followed the Depression. In October 1933, there were 79,500 men unemployed or on subsidized work. In September 1939 there were still 19,000; 2000 in December 1942. For many, times were better: they had pay packets and self-respect. Lastly, the war was fought against the gross Nazi assault on human rights. It was clear that for security and efficiency in the war effort some human rights must go, be suspended rather than risk lasting destruction in defeat.

I shall now look at some areas in which human rights were either eroded or improved. Setting the perspective of the war's intrusion: 194,000 men, 67% of the male population of fighting age served in the forces. They were taken out of their normal lives and trained to kill. More than 11,500 were themselves killed, nearly 16,500 were wounded, nearly 8500 were prisoners of war. Behind these figures lie massive invasions of human rights, accepted at the time with far more grief than rage. Such was the power of tradition, the acceptance of supreme

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sacrifice on the altar of war. Ten thousand volunteer women also served, mostly in New Zealand and not in combat areas.

Men were attested into the forces for the duration, and went overseas expecting to serve while they remained fit. In July 1943 the Ruapehu furlough draft, 6000 men from the first three volunteer echelons, who had been three or three and a half years overseas, returned. They found New Zealand comfortable, very far from the war, full of Americans, with thousands of fit men in the home forces or held in industry, some on high wages. Feeling was strong that they had done enough, that no man should go to the war twice before all had gone once.

The numbers of those required to return were whittled down. Unless they volunteered again, married men with children, men of 41 years or more, and all Maori, returned to civilian life. Sympathetically-heard appeals and medical regradings kept hundreds back. More than 800 duly embarked, but a resisting core of about 430 refused. A court-martial conviction for desertion was quashed on 5 April 1944 by the Court of Appeal: they had not deserted, though they could have been tried for insubordination, even mutiny. Instead, they were dismissed from the army and directed into essential work. From a second furlough draft another 100 men were likewise dismissed and directed.

Their fight for fairness in sacrifice was reinforced by the realities of war-weariness. From Italy, Bernard Freyberg wrote that many old hands were showing fatigue, were not doing so well. For efficiency, a replacement scheme, not furlough, was needed. Replacement of long service men followed. Thus it was accepted that three years' overseas service was enough. Was this the assertion of a human right, one not in the lists? Professor Wood has set out the issue: 'against a group which was popularly felt to have a good case, the legal right to coerce became unreal . . . . Cabinet ministers, who had emphasised on so many occasions the inestimable debt owed by the country to the men who had fought in Greece and Crete and North Africa found it difficult to treat some of these men as criminals when they argued that what was inestimable was also sufficient.'<sup>1</sup>

On the other side of the spectrum were the men who would not fight. Those conscientious objectors who were deemed to be military defaulters were segregated for years in prison-like labour camps, with actual jail for the rebellious. They were alienated from the community, bored by often useless work, abused by many, understood by few.

Conscientious objectors had been handled disastrously in World War I, with about 27 recognized as such on very narrow religious grounds. Many accepted non-combatant service. Some hundreds were in and out of prison. Some went into hiding or to Australia. In 1919 about 2000 who had evaded service lost civil rights for ten years. In the most notorious incident, 14 men, including Mark Briggs and Archibald Baxter, were sent to France. Harry Holland's pamphlet, *Armageddon or Calvary* (1919) made public their stubborn sufferings and created revulsion.

<sup>1</sup> F.L.W. Wood, *The New Zealand People at War: Political and External Affairs*, Wellington, 1958, p.271.

In 1916 some Labour leaders, including Peter Fraser, had vigorously opposed conscription and had been imprisoned. They saw the Second World War and its conscription as quite different. World War I was a capitalist brawl for the benefit of war profiteers at the expense of working classes. World War II was a fight for freedom and survival, for unionism and the rights of workers, each of whom in New Zealand under a Labour government had a stake in the country; to win was absolute necessity.

Conscription began after July 1940, and ballots rolled briskly until military age groups were exhausted in December 1942. Nine Armed Forces Appeal Boards could handle exemptions for undue hardship or in the public interest, but it was much more difficult to measure sincerity of belief that, in any circumstance, it is wrong to engage in war. Each case was to be tried on its merits, as shown by the applicant's statement and answers to questions, backed by witnesses to his sincerity. Early in 1941, instructions stressed the 'grave difficulty' of distinguishing the genuine from the false claimant and urged chairmen of boards to consult each other for uniformity. H.G.R. Mason, the Minister of Justice, urged that standards of proof should not be harsh. When an appellant did not show insincerity there should be friendly examination rather than rigorous cross-examination.

But there were conflicting instructions, closer to the minds of board members. Robert Semple, jailed in 1917 for opposing conscription, said in February 1941: 'We do not want wholesale exemptions. By 1943 every young man at present of military age will be out of this country or in camp. If we are too liberal and too sympathetic with the fellow who wants to dodge, we will have trouble.'<sup>2</sup> It was a view not very different from that prevailing in 1917. Exemptions were not wholesale. In all, of 3077 appeals, 606 or 19.7% were allowed. The government had expected 2000 men to enter detention camps; 803 did so.

That standards of judgement differed from board to board was soon shown in the percentages of appeals they allowed and dismissed: appeals allowed ranged from 14 to 33%. There were complaints that some boards did not search for sincerity, and that they were hectoring and aggressive in their questions and arguments. Their judgements were final, whereas in Britain appeal tribunals changed 50% of decisions by local boards in favour of the appellants. By December 1943 Britain had allowed 54% of conscience appeals, New Zealand 20%. Britain had sent 25% to non-combatant service and dismissed 21%. New Zealand had 40% in each of these groups. In Britain, those dismissed and still refusing military duty served a term in prison, usually for three months, which was regarded as proof of sincerity, and thereafter they were directed to essential civilian work.

In New Zealand, after two or three months in prison, men who would not serve went into defaulters' camps. There was no leave and no pay, although industry and good conduct earned 1s.3d. a day, doubled after October 1944, when good-

2 Notes of a deputation from ... various churches to the Minister of National Service (the Hon. R. Semple) ... 26 February 1941, War History File 'Defaulters and Conscientious Objectors', National Archives (NA), Wellington.

conduct men also gained, quarterly, two days' parole to visit families. Visitors were limited by the routines and inaccessibility of the camps. Mail and parcels were censored. The RSA was vigilant against 'conchie comforts'.

The Controller of Detention, Len Greenberg, had a background of YMCA work. The camps were more open and less rigorous than prison. When camp farms and gardens were established, food was reasonable. Reading, study, and hobbies were allowed and were favoured by the small huts. The WEA sent study material, the National Library sent books; friends could send newspapers; inmates occasionally put on concerts and plays. In recreation rooms there were card games, radio, talk. Some young men felt that they benefited from close contact with the more mature and better educated. But YMCA aspirations were eroded by the dull work, months and years of captivity, by boredom, and by the staff. There was no violence, but there were petty carping and assertion of authority. Greenberg wrote in March 1943 that many of the staff 'through ignorance, lack of understanding, cowardice, senility or inexperience. . . have failed time and again to meet the requirements and situations as they develop in the camps . . . staff weakness has reflected itself upon the entire detention scheme and has caused more concern to the authorities than the actual detention of the defaulters themselves.'<sup>3</sup> Most of the work seemed to be labour for labour's sake — weeding flax, clearing and re-clearing scrub. It wore down morale, as did indefinite detention. A core of activists was impelled to protest against 'this insane war' by refusing to work or to obey orders, or by escaping. To camp bureaucrats, who wanted a quiet run with no scandals, they were perverse trouble-makers. They spent long stretches in solitary confinement, and eventually 58 went to prison for the duration, while 66 served set terms.

From March 1943 Greenberg and Mason repeatedly urged the release of approved men to essential work and a judicial review of all cases. The position, said Mason in May 1944, was illogical in the extreme, offending common sense and humanity. It was clear that labour was being wasted, clear that sincere men were in detention. But belated recognition of this sincerity could be a grave embarrassment, for there might be claims against the Crown for wrongful detention. There would certainly be outraged howls from the RSA and the Opposition. The RSA demanded that defaulters should not be released until six months after troops were demobilized, and that they should be denied civil rights and government employment for ten years.

In the last year of the war some in the community became increasingly uneasy about the prisoners of war at home. In July 1944, about 6600 signed petitions against this economic and human waste and some wrote to members of parliament — Nash had 118 such letters. A few editorials became critical of the system and many papers published a letter signed by nine British notables, which contrasted Britain's flexible use of objectors with New Zealand's rigid punishment. Finally, in June 1945, two one-man Revision Authorities were appointed, and defaulters were paroled out to essential work. By March 1946, 132 remained

<sup>3</sup> Controlling Officer of Detention to Director of National Service, 29 March 1943, PM 83/10/1, NA.

in camps, 26 in prison. Most were freed by 30 April, the long-term escapers two or three weeks later. But ex-defaulters could not vote in the elections of 1946 and 1949. All teachers who made conscience appeals, even those passed by the boards, were dismissed from December 1941. Those passed by the boards or recognized by the Revision Authorities could return to the profession after 1948, but any others were barred.

Why was New Zealand so tough on conscientious objectors? Labour's opposition to conscription in the First World War and its support of the League of Nations during the 1930s built an image of pacifism, of a government not suited to lead the country in war. In zeal for the war effort, with which the government identified itself very closely, it compensated — over-compensated — for its unwarlike past. Part of this effort was to deter and silence opposition to the war itself. The government's critics expected it to be 'soft' on 'conchies'. The RSA was a formidable power in the land, a keen and loud-barking watchdog. Defaulters' detention was an unnecessary blot on New Zealand's human rights record, a monument to the imprecision and *laissez-faire* of bureaucrats, and to the indifference of the public.

Freedom of speech is always an early casualty in war. Regulations prohibited subversive statements. Their definition changed to fit developing situations, but throughout the war they included reports intended, or likely to cause, disaffection to the Crown, to interfere with the armed forces, to disrupt morale, cause undue alarm, interfere with the production of goods and services needed for the war, cause resistance to any law relating to military service or the administration of justice. Prosecutions required the assent of the Attorney-General, but after February 1940 police could prohibit or stop any meeting likely to injure public safety, arrest speakers or distributors of pamphlets. The first offenders were ardent pacifists, speaking against war as contrary to the will of Christ and breeding future wars. Their street speeches, possibly subversive, could have been recorded and, with the Attorney-General's sanction, prosecutions could have followed. But they would have given their message. Police, therefore, used existing criminal law. If a person's action, not in itself unlawful, seemed likely to lead to a breach of the peace, the police could order that person to stop; a refusal might lead to arrest for obstructing the police. Sometimes the charge was obstructing the traffic, sometimes, in the earliest days, pacifists were merely led away. But they were silenced, quickly.

During the first half year, penalties imposed for such obstruction rose from a few pounds to three months in prison. Ormond Burton, on 29 March 1940, got no further than saying: 'The words of our Lord Jesus Christ call us to peace'. He was sentenced to three months. He appealed on the facts and on the right of free speech. He claimed that the police wanted the meeting to be hostile and their duty to be plain; this wish affected their perceptions. If they closed every political meeting because they thought that violent groups might attend to create trouble, there would be very grave abuse of free speech. The Chief Justice, Sir Michael Myers, held that police apprehensions were reasonable in the circumstances and the penalty was not excessive. He added that if the police carried out their duties unfairly and immoderately, the Court would not hesitate to express its con-

demnation of their attitude and see that no person suffered therefrom. One might ask, what would it take to inform the Court of such immoderation? This case, *Burton v. Power*, in which a section of the Police Offences Act 1927 was applied under wartime tensions, strengthened future powers of the police to stop an action, orderly in itself, if they anticipated that it might excite hostility in some persons. It silenced the pacifists until March 1941, when they began sacrificial protests at Pigeon Park, in Manners Street, Wellington, on Friday nights. Each speaker, after a few words, was arrested for obstruction and sentenced to three months. In some cases this sentence was topped up with concurrent sentences of five to 11 months for holding a prohibited meeting. In June, with 12 speakers including a woman in jail, these meetings paused. They resumed for four weeks later in the year, and others took place in Auckland, where three of five speakers got double sentences.

Between March 1941 and January 1942 three prominent pacifists, Arthur Carmen and Archie Barrington of Wellington and Ron Howell of Auckland, were each sentenced to a year in prison for publishing subversive documents. In July 1942 Barrington's second conviction for subversive publications was quashed by the Court of Appeal, but in October Burton's strong editorial in the *Pacifist Bulletin* drew the maximum sentence, a year, to which the judge added 18 months' reformatory detention. This sentence ended overt pacifist protest in New Zealand, though 17 British members of parliament wrote to the government of their grave concern at Burton's sentence. To them, it looked like persecution.

At the start communists strongly opposed the 'imperialist' war. From April 1940 their leaflets and speeches were tested for subversion: it was the time of the Blitzkrieg, Dunkirk, the Battle of Britain. Sentences grew quickly from fines to a year in jail, with judges saying that, in these dire straits, the disloyal were enemies within the gates, worse than ordinary criminals. A man could be a communist or a pacifist and in normal times he could speak out his views, but now he must be silent. The judges were not alone. The *Listener* on 1 March 1940 expressed eloquently a widely held view:

Liberty is precious. It is . . . the goal of our struggle. Freedom of speech is precious since it is the sign and expression, normally, of freedom of thought. But freedom of speech is not precious *in itself*. Far less is it sacred. It is precious when it preserves other freedoms, a dangerous superstition when it destroys them.

To pretend there is no risk in curtailing free speech is, of course, blindness; but to argue that it must never be curtailed is madness. War is a balancing of risk against risk, of evil against evil. It is a state of emergency in which standards of liberty must be related to the necessities of the hour. To claim that our tongues must be free, everywhere and at any time, is a fanatical loss of touch with reality.

On 29 May 1940 new regulations authorized the seizure of any press which had printed subversive material and was likely to do so again. Immediately the press of the Communist Party was seized and the *People's Voice* went underground. In 1939 the Co-operative Press of Christchurch had printed a sceptical booklet by Alun Richards, *What Are We Fighting For?* Its press was

seized, although no publication had been challenged as subversive in Court. The periodical *Tomorrow* was also seen by censorship authorities as a wolf in sheep's clothing. Its printer was warned that his press might be seized. No other printer would take the risk, and *Tomorrow* disappeared in June 1940. Its editor said that in the current hysteria almost any critical writing might be regarded as subversive.

The Communist Party itself was not suppressed. It was useful as a scapegoat. Any industrial trouble could be blamed on a handful of Communists taking orders from Moscow. In September 1940 a regulation against obstruction of essential industries empowered the Attorney-General to expel a person from a job and from a union. This draconian measure, cutting against union principles and gunning for the trouble-maker, was to be repeatedly threatened in strike situations but was not exercised. About a month before Russia entered the war, orders for the Party's suppression were drafted but not applied — perhaps waiting for a fresh disturbance — and after June 1941 the imperialist brawl became a holy war.

The only organization declared subversive was the small religious sect, Jehovah's Witnesses. They asserted the overwhelming authority of Jehovah God, which precluded oaths of allegiance, flag saluting, and military service. Their zeal for teaching the unconverted disturbed other religions, particularly the Roman Catholic Church. Overseas, their fervour excited counter-fervour. The sect was banned in Canada by mid 1940.

On 13 October 1940, in Oamaru, an RSA man intruded on a meeting of Jehovah's Witnesses with a loaded rifle. In a scuffle at the door a shot wounded a Jehovah's Witness in the thigh. The leg was amputated at the hip. The local RSA urged the government, in view of this 'tragic occurrence', to ban the sect before there was more trouble. The police told the Prime Minister that it was a disturbing influence, and on 21 October it was declared subversive. The Attorney-General explained that its propaganda, vilifying other religions and the state, was clearly subversive, disrupting national unity and morale.

A few prosecutions followed. Some Witnesses continued distributing pamphlets or door-to-door explanations of the Bible, and would not promise to stop. From Australia, where they were not yet outlawed, they cabled to the King about confiscated Bibles and asked him to restore Christian freedom. Fraser said that what had happened at Oamaru was likely to happen all over the country; the government was not interfering with Jehovah's Witnesses' right to worship but with their activities as a propaganda body. Not all policemen had the cultural background needed to enforce the law as intended; and they might not recognize Bibles and concordats, which were not banned. He hoped that Jehovah's Witnesses would make arrangements so that they could worship normally. This was achieved with the help of Sir Ernest Davis, mayor of Auckland and a Jew. From May 1941 Jehovah's Witnesses could meet for worship or study in a building or tent, provided that only members came and that advertisements had police approval. A few continued canvassing with Bibles, perplexing magistrates. One said: 'There should be a straight-out ban on this organisation or else

nothing at all'.<sup>4</sup> They were in the news very little after 1941, though 78 were in defaulters' camps. New Zealand was the last Commonwealth country to revoke its ban, on 5 April 1945.

Censorship of the press prevented the spreading of subversive statements, as already defined, and 'prejudicial information'. Prejudicial information was information on service strengths or movements, on shipping and cargoes, or on any other matter that might be directly or indirectly useful to the enemy. It could, and did, cover a great deal. This censorship was run by a Labour stalwart, J.T. Paul, so-called Director of Publicity, attached to the Prime Minister's Department and working very closely with Fraser. His censorship produced few prosecutions, but much vigilance and pressure; also much anticipation and avoidance of that pressure by journalists.

In April 1940 a censorship memorandum stated: 'The Director of Publicity has advised that it is proposed to suppress all outward press news which is likely to convey a prejudicial view to overseas countries concerning the National War Effort in New Zealand. This will include comment implying disunity on the part of political parties as affecting the Government's war measures, and in addition information concerning anti-war and communist organisations.'<sup>5</sup> Paul did not accept that what Britons or Australians read could safely be read by New Zealanders. In May 1941 he wrote: 'In order to retain absolute control of what should be published in New Zealand in relation to the war I have refused to accept censorship restriction in any part of His Majesty's Dominions "as sufficient". Cablegrams from the United Kingdom sometimes contain items that would not only be destructive to public morale but would be seriously disturbing to those people who have direct representatives engaged on the battle front.'<sup>6</sup>

In November 1940 Fraser had scolded the British government for slack censorship of a piece about uneasiness in Britain over 'failure to unite the nation for total war, lack of aggressive spirit, weak administration by some Ministers, undue optimism regarding production, failure to grapple with shipping losses and slacking by dockers'.<sup>7</sup> He regretted that this statement had been released in New Zealand, where it would have a very bad effect, and he could not understand why such criticism was allowed past British censorship. Churchill huffed back: 'We dwell under a drizzle of carping criticism from a few members and from writers in certain [sections] of the press. This has an irritating effect and would not be tolerated in any other country exposed to our present stresses. On the other hand it is a good thing that any government should be made aware of any shortcomings in time to remedy them. You must not suppose that everything is perfect but we are all trying our best, and the war effort is enormous and the morale admirable.'<sup>8</sup> It should be added that Paul's zeal to be master in his own

4 *New Zealand Herald*, 13 June 1941, p.8.

5 Memo Telegraph Censor to assistant censors, 17 April 1940, C & P 1/5, cit. War History Narrative 'Censorship of the Press'. ch.ii, pp.10-11, NA.

6 Director of Publicity to Acting PM, 9 May 1941, C & P 1/5, cit. 'Censorship', p.10.

7 GGNZ to SSDA, 14 November 1940, No.458, PM 84/2/10, pt.1, cit. 'Censorship', ch.xi, pp.14-15.

8 Churchill to GGNZ for PM, 18 November 1940, No.365, PM 84/2/10, pt.1, cit. 'Censorship', p.16.

house kept the Americans at bay. When they arrived in mid-1942, they proposed that all press material concerning Americans should be submitted to them. Paul refused, saying that New Zealand was a sovereign country.

On specified news items or subjects, publication was forbidden without prior consent from the Director. In other areas, while guided in policy and given repeated warnings about prejudicial possibilities, editors could decide what they printed. Errors drew reproof, with the risk of being ordered to submit more material before publication — a frustrating penalty in journalism. Inevitably these strictures promoted an attitude of 'when in doubt, leave out', precluding well-informed opinion and feeding rumours. Not all of this paucity stemmed from Paul. Officials in many areas withheld information; silence gave no base for further probing. It was safe to pump out brief, bland routine statements that induced a sense of 'all's well' and took the edges from political discussion.

G.H. Scholefield, journalist and historian, in his diary for September 1942, recorded fears that:

when this war is over democracy will have a more bitter fight still to re-conquer truth and re-establish sanity in public utterances . . . [We have enthroned] flattery and insincerity to such a degree that sensible people are beginning to distrust everything that is said . . . . It can only have the effect of destroying all confidence in the press, the radio and official assurances and producing a race of unbelievers . . . this wartime dominion over opinion is going to be overthrown with the greatest difficulty. There will always be some slug whose job depends on perpetuating it.<sup>9</sup>

Newspaper proprietors were National Party supporters. Increasingly, Paul's protection of morale and the war effort was entwined with protecting the government. In June 1941 he wrote: 'in almost every instance where criticism of a war activity occurs . . . a definite bias — unconscious or otherwise — obtrudes against the Government. While the Press as a whole is favourable to the war effort it holds in the main that the success of that effort depends in large measure on the destruction of the Government.'<sup>10</sup> Fraser repeatedly stated that the real censorship was by editors and sub-editors, not by the government. The press was controlled by landowners and the rich who, in effect, told leader writers what to write. Sub-editors could cut or distort a Labour statement, put it on a back page with a dull heading, while Opposition views were well presented.

Time passed, the arteries of power hardened, exasperations of newsmen mounted as the war became less threatening, but censorship did not relax. On 3 December 1943 a directive imposed silence over opposition to any emergency regulation. R.H. Billens of the Palmerston North *Times*, 'the Beaverbrook of the Manawatu', exploded. Under the heading, 'The Gag Again', he wrote that the powers of the Director of Publicity were as elastic as a politician's conscience;

9 5 September 1942, G.H. Scholefield, 'Private Diary kept during the war years 5.12.41 to 24.12.42', Scholefield Collection, MS Papers 212, folder 68, Alexander Turnbull Library (ATL), Wellington.

10 Director of Publicity to Acting PM, 6 June 1941, C & P 3/5, cit. 'Censorship', ch.xi, p.4.

11 *Times*, Palmerston North, 6 December 1943.

12 J. Northcroft, *New Zealand Law Reports*, 1944, p.732.

everything had some connection with the war effort. 'What drives the gagging machine into top gear is a maternal solicitude for the Government . . . on any matter from growing onions to miners' strikes'.<sup>11</sup> He gave three recent cases of gagging, thereby breaking the rule that newspapers could not say that any particular news was censored.

Billens's conviction in the lower court was quashed by the Supreme Court. Paul had stretched the sanction of public safety too far. One judge said: 'Circumstances might easily arise, particularly in time of war, when considerations of public safety would require that the conduct of those in authority should be challenged . . . suppression of criticism of public affairs might tend to prejudice the public safety and to promote distrust and discontent, thus creating an actual public danger.'<sup>12</sup> Another judge remarked: 'Like pantry maids who in the presence of crockery seem seized with an irresistible urge to destruction, censorship seems, when it faces the Press, powerless to restrain an inborn lust of suppression.'<sup>13</sup>

This verdict came out on 11 August 1944, while in Parliament the Opposition was demanding relaxation of censorship. The Prime Minister had made a bizarre defence of a bizarre case of over-protection. A writer, Guy Young, had sent two articles to the *New Statesman*. One was returned to him as not fit for publication overseas. It was a post-election comment on political parties, scathing to both. For example: 'the Government's main policy seems to be self-preservation. The three most powerful unions . . . Freezing Workers, Watersiders and the Miners call the tune and the Government lifts up its weary old feet and dances.'<sup>14</sup> Fraser denied political partisanship in its suppression. The article had shared the envelope with a slice-of-life short story, reporting bar-room conversations, which included two Marines discussing New Zealand women. They spoke of their ignorance of jazz musicians, their false teeth, and also briefly mentioned whores — 'no difference between a whore in South Bend and one in Christchurch, New Zealand. The pox is just the same too'.<sup>15</sup> Fraser explained that the postal censor had shown both to Paul, who read the indecent one first and was moved to stop the lot by disgust and the feeling that he must protect New Zealand from stuff like that. Fraser thought he himself might have done the same. To have mothers in America thinking that New Zealand women were an immoral lot would hinder the joint war effort. It was a question of the war effort and of relations with America. Rashly he added, 'One case of censorship action has gone to the Supreme Court. Let the Court decide. If the Censor has exceeded his duty in that or any other case he will have to take the consequences, and his authority in future will be adjusted in accordance with the law.'<sup>16</sup> Into this debate came the Billens verdict. The Opposition and editors enjoyed it. Censorship shrank.

It seems impossible to gauge censorship's dulling effect on news, or to what

13 J. Johnston, *ibid.*, p.722.

14 *New Zealand Parliamentary Debates* (NZPD), 1944, 264, p.478.

15 NZPD, 1944, 265, p.348. There is a copy of the story in the J.T. Paul Papers, File 416, Hocken Library, Dunedin. The papers of Guy le Fanu Young are now in ATL.

16 NZPD, 1944, 265, p.348.

extent it prevented the public from being alert and well-informed about the war effort. Censorship reminds me of a children's book, *The Neverending Story*, where the country Fantastica is threatened by the spread of the Nothing, which slowly destroys everything. A victim says: 'You don't feel a thing. There's just something missing. And once it gets hold of you, something more is missing every day.'<sup>17</sup>

Industry had to increase production and to replace workers. It soaked up the unemployed, increased and diversified the employment of women, pressed against awards for cheaper overtime, called up and directed labour. Employers wanted the 40-hour week, installed in 1936, abolished for the duration. From 1940, where individual war industries found normal overtime rates too costly, the government, by individual suspension orders, allowed shifts and other changes, which gave more hours for less pay. Many awards required time-and-a-half for the first three or four hours' overtime in a week, thereafter double time, and triple for Sundays and holidays. In the flurry of December 1941, after the attack on Pearl Harbor, regulations multiplied fourfold the weekly hours on time-and-a-half, with double (not triple) rates for Sundays and holidays. This was going too far, too fast. Anomalies led to Variation Orders exempting about 60 awards and checking cheap overtime.

Movement of workers to the highest bidder disturbed production. After Japan's entry into the war, controls came with a rush. Overnight, the Government Placement Service became the Manpower Office. In services, industries, and individual firms declared essential to the war, workers could not leave or be dismissed without consent of the District Manpower Office, which also checked the entry of labour into non-essential work, such as retail sales, making beer or fizzy drinks, washing machines, or lawn mowers. Registration and direction of labour was the next step. Between March 1942 and January 1944 (but mainly during 1942), men between 18 and 59 years and women between 18 and 40, if not already in essential work, were gradually required to register. There were obvious and large exceptions: farmers, working proprietors, women caring for children, merchant seamen, police, firemen, doctors, dentists, opticians, chemists, hospital workers, judges and magistrates, ministers of religion, and members of parliament. Having mustered necessary workers to necessary jobs, it was also necessary to keep them diligently at work. From May 1942, regulations forbade being late or absent without leave or reason. Such sins must be reported to the Manpower Officer and might result in two days' pay going into the War Expenses Account, or even a £50 fine. Further, Manpower officials (with police from time to time) watched for truants in hotels and tea-rooms, questioning those who looked as if they should be working. With these formidable regulations, New Zealand workers should have been regimented and hog-tied. Severity of controls depends on the administration. How then did they work?

In directing workers to jobs, Manpower officers were told to use tact and persuasion, and to obtain willing co-operation, not reluctant compliance. The object was production, not statistics of jobs filled. With women, some making

17 Michael Ende, *The Neverending Story*, Harmondsworth, 1984, p.48.

their debut in the work-force, stress was laid on the opportunity to give real help in the war effort. Manpower officers had regard for suitability and, where possible, offered choices. As the *Auckland Star* said on 31 October 1942: 'People are not sent into industry willy-nilly . . . it is largely a question of "horses for courses".' Girls from Remuera or Khandallah were not sent to be housemaids in hotels, or to can meat at Westfield. Certain jobs, poorly paid and unpleasant, were persistently unpopular. Some distance down the persuasion track, magistrates would utter warnings or impose penalties. The determined evader could get up to three months in jail, but usually it was only a few weeks or a fine. By March 1944 more than 90,000 directions had been given, and 8500 of them withdrawn. Manpower was not inflexible: about 900 were allowed on appeal; 80,000 were complied with. Of 578 completed prosecutions there were 520 convictions, 58 dismissals.

Lists of essential works multiplied, spreading out from such obvious areas as munitions, defence construction, coal mining, meatworks, and woollen mills. For instance, in August 1942 the fourteenth list added footwear repairs, laundries and dry cleaners, 73 undertaking firms, the Public Service, tobacco manufacturers, plumbers and gasfitters. By March 1944 essential industries held 255,000 men and women, about 40% of the labour force. They were barred from moving to more frivolous employment, but within the large edifice of essentiality there was movement from job to job, often to higher pay. During 1943-4, 6000 changes a month were permitted, an internal turnover of 27.6% in the year.

Belief that production could be increased by longer hours died hard after producing the overtime-absentee cycle. The cycle was intensified in many workplaces by rugged conditions and bad employee-management relations. By VJ day, of 48,000 complaints of absence, 11,000 were not proved; there had been 29,000 warnings and 7900 pay deductions. To March 1943, the rate of deductions to charges was 6%, thereafter nearly 18%. But employers began to realize that relations between staff and management were very important, that rugged conditions must improve, and that workers needed rest periods. If these were not given, they would be taken, as shown by repeated late returns after Christmas. In 1944 the Annual Holidays Act gave all workers at least two weeks on full pay, apart from statutory holidays. Overall, controls on labour were not unduly oppressive, particularly if the cries for universal conscription in May 1940 are remembered.

The war also highlighted the presence in factories of more than 3000 boys and girls under 16 years old. In 1943 it was publicly realized that with easily met arrangements children down to 13 years could get jobs in factories where, under current overtime conditions, they might work up to 52 hours a week. There was talk of child slavery, dead-end jobs, pay packets too large and too early, of juvenile delinquency. Consequently, despite teacher and building shortages in secondary schools, from January 1944 the school-leaving age rose from 14 years to 15 years and school rolls rose from 38,000 in 1943 to 49,000 in 1946.

In the first two years of the war strikes decreased. Three strong unions — coal mining, meat freezing, and wharf workers — led the field with three-quarters of all strikes. In 1939, 54,000 working days were lost, and about the same number

during the next two years. On the waterfront, in 1940, a Commission was set up using union officials in a contract system, which gave more money for quicker work. The winches whined round the clock if needed, with enticing pay outside the normal hours. Average weekly earnings at the four main ports doubled from £6.5s. in 1939 to £12.8s. in 1944. It was a boom time, with fewer and shorter strikes.

This left meatworkers and coal miners to express their resentment against the overtime orders of December 1941, the manpower freeze, and judicial penalties against strikers. In these measures they saw strong advantages for employers, and resented the government's handing them over to their ancient foes, the bosses. In 1942, 51,000 working days were lost in strikes, nearly double those lost in 1941; 97% were in meatworks and coal mines. On 26 January 1942, just after a short partial strike at the Auckland abattoirs, regulations imposed on persons who had gone, or in future would go, on strike a £50 fine or up to three months' jail. Forthwith, 159 meatworkers were convicted, to come up for sentence within 12 months if they gave more trouble. Although suspended, this was retrospective punishment, high on the scale of offences against human rights. In March more than 2000 meatworkers struck over intrusion in union affairs; in September 1300 Huntly miners struck over a claimed breach of their award. There were more mass trials: 360 meatworkers packed into the Auckland Town Hall's concert chamber heard the magistrate say: 'What does it matter if we lose every principle for which trade unionism has fought if we lose the war while doing so?'<sup>18</sup> Magistrates punctiliously sentenced hundreds of essential workers to a month in jail, and the government found means to get them back to work instead. It was clear that prison sentences were counter-productive, disrupting industry and strengthening sympathetic strikes. Unionism held its ground.

Now to consider women. At that time limited domestic technology made home-keeping much more laborious than it is now. Washing machines, vacuum cleaners, refrigerators were not yet common; open fires were. Electric driers, freezers, dishwashers, stainless steel, formica, polyurethane had not arrived, nor had nylon, Napi-san, Treasures, or the Pill. Outside the home, child care was minimal. Choices of work were limited. Often daughters of the well-to-do stayed at home, waiting for Mr Right. The main careers were teaching, nursing, clerical work, and typing. At universities, academic girls with supportive parents sought degrees, mainly for teaching. There were shops and factories — mostly clothing, woollen mills, footwear, biscuits and sweets, hosiery, publishing. Women usually left work after marriage. Social pressures were reinforced by unions, which disapproved of married women in the work force, taking the jobs of men and of single women and possibly accepting lower pay.

The war opened jobs for women, married and single. Their existing factory jobs — clothing, footwear, woollen mills — quickly became war industries. Married machinists were welcomed back to the factories. During 1940 and 1941, before manpower direction began, women workers in larger factories increased

18 *New Zealand Herald*, 24 March 1942, p.6.

by about 7000; thereafter, the rate of accretion was less, though numbers were highest in 1943-44. Apprentice conditions were eased so that women out of their teens could afford to acquire skills; even older women, such as those used to sewing, found places. Before 1942 they worked, not because they were pushed, but for patriotism and/or pay, wanting to share in the general effort and to earn money clear of social pressure. They were not shaming their husbands nor offending unions; they were doing their bit. From the early months, women found places in banks, insurance companies, offices and, notably, government departments, as war emptied men's desks. Most of these women were untrained — apart from those with typing and bookkeeping skills — but as the men whom they replaced were young it was not too hard to learn on the job. Higher-placed men under 41 years were more likely to be physically unfit or to be withheld from military service in the public interest. It was legally established, and accepted as right, that men who served would get their jobs back when they returned. Obviously not all would return, but there was so much life and death uncertainty about the future that it would have seemed irrelevant, or paranoid, to worry openly about job permanence or promotion.

Women were paid less than the men they replaced. Most of them accepted, or were easily cajoled into accepting, that this was acceptable. Traditionally, women had always been paid less. The basic wage set by the Arbitration Court in 1936 was 76s. a week for an adult male, 36s. for an adult female, and the difference ran through awards and salary scales; in 1939 a male boot-operative got 92s., a woman 51s. If women had demanded pay equal to that of the men they replaced they would have upset the whole wage scene and drawn gritty comment from the women-folk of those men. In terms of today, women were unfairly paid, but today's terms had not arrived. Many women relished extending their fields, taking new responsibilities, and did not press for extra pay. They thought more of opportunities than of rights. In the oral history, *Women in Wartime*, edited by Lauris Edmond, women tell repeatedly, with satisfaction and no resentment, how their work was extended with little concern for cash returns. Edmond comments: 'women not only endured with few complaints such injustices as getting lower pay for doing a man's job while he was away, and then losing it when he returned, they actually felt honoured by their inclusion in the national drama . . . . Later, of course, and rightly, women came to demand more for themselves from a society which had always taken their sacrifices for granted, but there is little evidence that this concerned them while the country was at war.'<sup>19</sup>

Some were conscious of long-term injustice, especially in the Public Service, where the more militant formed a branch of the PSA. Initially, most effort went towards arousing other women. The tramways union in particular became notable for insisting on equal pay when women tram conductors appeared in 1942. Their award did not say that tram conductors must be male, therefore to pay women less would be a breach of the award. Tramway men were not white

19 Lauris Edmond, ed., *Women in Wartime*, Wellington, 1986, foreword, n.p.

knights campaigning for fair play; they were wary of cheap labour. But it was a precedent.

The admission of women volunteers to jury service, late in 1942, was another quiet step towards equality in civil duties. It had been taken in Britain 20 years earlier. In New Zealand, women jurors had to be 25 years old, while men of 21 years were deemed to be sufficiently experienced.

To sum up: 36,000 extra women entered the work force. The marriage barrier was thrown away, along with ideas that because of one's background some jobs were not possible. Women entered many jobs previously available for men only — the forces; the trammies; the posties; the drivers of vans, taxis, ambulances; the teachers in boys' schools; some scientific work; herd testing; farming (not, however, new to farmers' wives and daughters); vegetable growing; much public service and clerical work. Post-war, many of these pathmakers went back to traditional roles as wives and mothers, some eagerly, some nudged. Other women in the next 30 years of full employment vastly extended the wartime bridgeheads. And when the children of the baby boom were grown, and improved technology left time and energy for outside work, many who had made their work debut in the war years came back to the work force — where they still felt they belonged, finding a host of niches.

One human right, therefore, came to full bloom in these years: the right to work. New Zealand entered the war with 19,000 men either on unemployment benefit or subsidized work. By 1943 the services or the work force had claimed all save a remnant, most capable of only slight work. Jobs were waiting for those who came out of jail. Pay packets might be slim, but they gave self-respect. Even the not-so-skilled, the not-so-bright, were wanted.

In these areas of struggle for human rights some common motives emerge. There was pressure against groups driven by loyalties outside the war: Jehovah's Witnesses; Communists; Pacifists, whether ardent Christians or those who simply believed there must be another way than war; soldiers who believed that three years' war was enough. There was friction, also, in areas of dual loyalties: censorship, over-protective of the government; strikers, jealous for union rights under fire. Four groups benefited innocently: the unemployed; women who worked and broke their barriers; low-ranking workers who gained annual paid holidays; children who got another year of compulsory education. It was a mixed bag of low-key issues. There was no room, within the war, for another great struggle.

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