

## 2007 'Liberal Thinking' Essay Competition

### Runner up's Essay: Gaylene Hill



#### Question 2

*“Nobody, including a government, should have the right to tell you what to do if you are not hurting anyone. -What are your thoughts on this statement?”*

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Throughout the world, governments are changing the rights of people they govern. Increasingly, the changes are relating to victimless crimes, such as pornography. In numerous homes, people are continually accessing this pornographic material. Whatever country you visit, the addiction seems to be growing at an expeditious rate. In the Trademe newsletter for May 2007, playboy clothing rated among the top 10 searches of the website. While these activities appear harmless enough, many people would have pornography made illegal. Such victimless crimes create debate and discussion everywhere. Does anybody, including the government, have the right to tell you what to do, especially if you are not hurting anyone?

Two philosophers have expressed opinions on governmental outlook. Thomas Hobbes, a moral and political philosopher, believed man to be both needy and vulnerable. In his eyes, we need an absolute leader, someone to guide us through times of happiness and times of hardship. As a ‘sovereign’ authority, totally unaccountable to its subjects in any way, it would create a utopia only imaginable. However, this idea primarily undermines the foundational principals of humanity. Indeed, man does need a government, but there must be limitations on its power. All men have weaknesses, including our government officials, and corruption is easily reached with unlimited power. To modify this idea, John Stuart Mill, a British philosopher and political economist, introduced a new concept, ‘The Harm Principle.’ In his 1859 essay, ‘On Liberty’, he argued the government should only seek to create laws that prevent people from harming others; therefore legalising ‘victimless crimes’. Believing all have a right to freedom of choice, he emphasised that consenting adults should be able to do what they wish, without the worry of social pressure, and that society should tolerate these actions. His victimless crimes and theory of liberty has now become a dominant worldview throughout the western world, forever altering our society.

So, what is a victimless crime? According to World Book Dictionary it is “one that involves only consenting persons and no complainant claiming to be a victim”. They are activities made illegal by the government or society, although some would say for no identifiable purpose. Several victimless crimes have been legalised in New Zealand; for instance, homosexuality, fornication, and gambling. Indeed, this gambling has resulted in the construction of the Sky City Casino, a building that turns over millions of dollars each year. In 2002, the Libertarian Party in America even went so far as to advocate ‘the repeal of all laws interfering with the right to commit suicide as infringements of the right of an individual to his or her own life.’ Although some victimless crimes have been legalised, other crimes, such as attempted suicide, remain unchanged. Such deeds include laws regulating or prohibiting the possession, use, sale, production, and distribution of drugs, alcohol, and sexually explicit material. These crimes seem to provide no harm to anyone but oneself.

To understand victimless crimes, an examination of harmful crimes must be conducted. By proving that society's best interests are not in hand with an uncontrolled community, it also defines the limits of victimless crimes. To allow thieves the ability to steal, then walk away unaffected, follows flawed logic. Indeed, to counter this, laws are in place to immediately discipline an offender, requiring restitution, punishment, or rehabilitation. In contrast, having a drug addict living next-door is no crime. However, it does create safety issues for the neighbours. Will they steal to pay for more drugs? Will property be destroyed? Are children safe? While there is no initial victim – for no crime has been committed – it raises concerns of the addict's potentially uncontrollable behaviour when under influence. It results in loss of safety for neighbours, indirectly transforming them into victims.

If so-called 'victimless crimes' are able to indirectly harm society, this ruins John Mill's argument and changes our view on political interference. Although these philosophers believe the government should not interfere with 'victimless crimes', it seems they did not recognise the damage these crimes could create. Working on this basis, it would appear the government has jurisdiction to make laws in all areas, to prevent harm towards others.

Nonetheless, intervention by the government in areas such as private family life is unnecessary and uncalled for. Families are training grounds for our future adults; therefore parents should not be undermined by law changes. Situations that arise in everyday life cannot be dealt with by a remote government. The institution of the family, in existence long before our government was created, has proven to be the most effective means of training and raising children. A child is designed to learn through the relationship with their parents. As a result, issues such as smacking should not be meddled with. Changing these laws not only destroys family values and integrity, precious gems in our nation, it destroys the framework of society.

A statement by Patrick Henry, a US statesman, is still famous today. 'I know not what course others may take; but as for me, give me liberty, or give me death.' It recognises the importance of freedom in society, freedom from the government overextending its arm. Because an individual's low standards and inappropriate behaviour destroys our moral fabric, it lies to parents to raise up the next generation, while the government supports their efforts. Be that as it may, all actions have consequences, and these ramifications can be far reaching. Our government has the requirement to prevent chaos from destroying our country, but not to the detriment of family unity. Foremost, the primary purpose of a government is to protect its country and enforce justice, telling us what to do in these areas. Indeed, it creates a freedom that is the closest to utopia that corrupt man can travel.