

# **AFRICAN CHRISTIAN DEMOCRATIC PARTY**

## **SUBMISSION TO THE CONSTITUTIONAL ASSEMBLY THEME COMMITTEE 6.4**

### **REPORT ON POLICE**

#### Biblical Background

In Romans 13, the Biblical mandate for government is clearly related: "For [the authorities] are God's servants to do you good."

The role of the Police in the wider context of government, therefore, translates as upholding the absolute moral system of law that God gave to man. Of utmost importance, is the unacceptability to the ACDP of a legally positivistic morality backed up by ethical relativism.

The only way to ensure that history does not repeat itself in having a police force serving as a lackey or servant to a particular party-political ideology, is to set clear boundaries for its operational sphere - unchanging and uncompromisable. In recent years, the pseudo-system of legal positivism has attained acceptability in several so-called modern constitutions. This system postulates that law evolves with societies and, as such, no absolutes - moral, ethical or otherwise, exist. This leaves the door wide open for those who decide what society needs, at a particular reference in time, to manipulate the law and, subsequently, the enforcers thereof.

Contrast this to a Biblical sense of the law, grounded in the firmest foundations, known to all and constant - placing the same expectations on every man in every age.

#### The Police and Fundamental Rights

According to the new constitutional dispensation, a set of Fundamental Rights will provide the framework within which the police will and must operate. It is then, the yardstick against which even police action, will be measured.

Only when man is given an ultimate source for his rights and a responsibility for ensuring the existence of those rights on earth, will the rights have built-in safe guards against arbitrary infringements. According to the Christian world-view, the triune God created man in His image and gave him the necessary laws to regulate societal relationships. These laws are based on an unflinching and fix moral and ethical content.

It is submitted that adherence to these Biblical principles, will indeed provide the country and it's police force with a bridge to a prosperous and peaceful future. The converse, hereof, is the legal theory that the State is the ultimate authority creating law. This is that man has to rely on his reasoning capacities to discern what is legal. Because this negates the importance of the individual, the State and it's organs become the source of human rights and these are then called constitutional rights. However, it must be remembered that ethical relativism does not hold the limiting absolutes - the environment of man must not be limited as this will impede man in developing the moral sensibilities to ensure the evolutionary processes toward perfection of a particular society. As such, the rights will only be employed or granted as long as they are needed by society.

New situations may well demand throwing out the old and replacing it with new rights.

In following these tenets, the police force will simply become a marionette in the hands of an elect few to dispense "authority" on an ever-changing basis- without ever having to answer for or the ability to question their actions against a transcending moral and ethical code.

## The Community and the Police

The prime task of a police force should be to maintain internal law and order and to prevent crime. It implies a two-fold relationship between the members of the police-force and the community that it is to serve and protect. Modern, inherently atheist philosophy holds that man is entirely blameless, despite any aberrant behaviour patterns exhibited. This is so, because humanist and New Age world-views postulates that man is inherently good, and ever-evolving for the better.

A reason for man's failing is, therefore, externalised and located in environmental factors - social and economic conditions. These aspects are criticised and the view held that, once they have been normalised, man will be launched on the way to perfection.

No doubt, poverty and lack of opportunity play an important role in the way an individual realises himself or herself. Mankind must, however, accept the responsibilities that attend the rights granted by God.

Once the individual oversteps the clear Boundaries or refuses to discharge responsibilities properly, it must be an accepted fact that certain sanctions follow. For the success of policing in the new dispensation, this realisation be ensured.. Law-abiding citizens must appreciate and acknowledge the forces for their maintaining of peace and harmony and criminal elements must realise and be made to understand that severe measures will be levelled against them.

It must be strived for to have a nation where citizens take responsibility for their own neighbourhoods in identifying criminal and unwanted elements to the police who will then act to rid the community of those influences.

### Restructuring and the Role of Integrity

Because the Police serve at grass-roots level, the approach, even in structuring police force, must be from the bottom to the top, with progressively fewer individuals in the upper hierarchy - those in positions of authority over police activities should be men and women of integrity, having a high regard for upholding God's Biblical law, to ether with it's attending morality.

This is the only way to eradicate corruption in public office, in this instance, the police and the only option to prevent individuals or groups manipulating circumstances and, societal needs in order to build kingdoms within government.

It must be reckoned with that two great corruptible influences are power and money. While it is submitted that bible-based integrity will deny these influence their power bases, careful re-structuring of remuneration scales will complete the process. A member of a police force, earning a salary comparable to the private sector, will be much less prone to corruptive influences when faced with it at street level.

Care has to be taken not to have a police force where those on the ground a divorced from those in authority over them, with no concern for the situations those on the lower echelons find themselves in daily. It is also submitted that provincial systems of policing be implemented in order to adhere to a bottom-up inclusionary process of restructuring.

A revitalised police force, free from the negative identity-imprints of the past, regulated and interested in the communities they serve, is an undeniable necessity to creating the new South African dwelling for all future South Africans and the unflinching ethics of the Bible should be the only sure foundation for this house in years to come.

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