

WILBERFORCE INFO NETWORK
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INCONSISTENCIES WITH BASIC CONSTITUTIONAL PRINCIPLES IN THE LATEST DRAFT OF CONSTITUTION

I congratulate you on the timely development of the first draft of the New Constitution and on its profound respect for human rights.

However, as someone who has traveled to nearly 100 on United Nations and charitable business, I am surprised to find that it still contains some fatal inconsistencies with core principles of human freedom and dignity, inconsistencies that I have seen exploited needlessly and with devastating results in other parts of the world. Let's leapfrog these mistakes and have something better for the new S.A. [e.g. See U.K. Daily Telegraph 5th May, 96. Legislation on rights of single parent families promoted in the U.K. in the 1960s is now recognised to have set a disastrous precedent for child development without fatherhood and to have blighted a whole generation. ANY OF THE world's major ethical systems can now say "I told you so - why did you try to re-invent the wheel?".

1. **The Preamble** needs to define a democratically approved Christian value system as a philosophical base -- otherwise terms like 'ethics', 'dignity', 'freedom' are open to gross misinterpretation and manipulation by minority pressure groups in courts of law (as happened during the apartheid era).
 - A referendum is needed to confirm what is the democratically most popular value system. The honourable members of the CA seem to be enamoured with the values of a failed Western Humanism, when in fact it should be the values of SA's dominant 'Christian Buntu' they should develop. Surveys indicate they are out of touch with the majority views of their constituencies on issues like abortion, pornography, the death penalty and homosexuality.
2. **Freedom of Speech and Freedom of Information vs. Right to Privacy and Respect for Dignity**
 - The statute of limitations must be invoked in those sections not just in the judicial sections. Good democratic constitutions are 'anchored' on rockbeds of moral absolutes but recognise the interplay of different currents of thought in a commitment to the stated ideal of a 'balance of freedoms'.
3. **Freedom of Conscience Statute** must contain a clause on 'freedom to conscientiously change religion or political philosophy'.
 - Otherwise door is open to prosecute all attempts at advertising and persuasion as an abuse of anti-discriminatory legislation in the bill of rights.

4. **The Grounds for Unfair Discrimination** cannot include 'sexual orientation' as a category - in most people's eyes homosexuality is in direct conflict with basic human dignity. However, there should be a category 'pre-natal status' to cover the rights of human life in the womb.
- The international jury is still out as to whether homosexuality is genetically determined. No other constitution includes it as a human right. Most of the world's ethical systems would regard it as an unethical response to a 'counterfeit sex neurosis'. If the members of the CA still don't understand, they should see how other types of sexual orientation - paedophilia, rape, bestiality - are also clearly in contradiction of basic tenets of the constitution e.g. protection from child abuse). Conscientious homosexual behaviour is in fact protected by sections on minority cultural rights, but to include 'sexual orientation' alongside race and sex is to allow it to enjoy affirmative action and to set precedents that are an affront to the right to dignity of the democratic majority.

Here's hoping and praying that these loopholes will still be plugged during the deliberations of the Constitutional Court in July.