

Pastoral Letter of the Southern African Catholic Bishops' Conference on the proposed new constitution for South Africa

1. At the present time there is a matter before the people of South Africa that deserves serious consideration, namely the proposed new constitution. Since it affects the lives of all, we consider it our duty as pastors of the Church to voice our guidance on this issue. It is particularly opportune during this Holy Year, to consider how as a society, we can receive and welcome the redeeming action of Christ. The theme for the year is "Open the doors to the Redeemer", to let the light and saving purpose of Christ enter every dimension of our lives. In particular, we wish to examine whether the new constitution enables us to go beyond the conflicts and divisions of our country. Does it open up doors for redemption or does it close them off?
2. Our concern is that people of South Africa might live in peace, a concern that is shared by many people of goodwill throughout this country. But before peace can prevail it must dwell in the heart of each inhabitant and; it must be promoted by the constitution and laws that regulate our lives. As Pope John XXIII pointed out in a letter called *Peace on Earth* relations between people must be founded on truth, justice, love and freedom. This holds for the relations between individual people, between citizens and the state, between different states and throughout the whole world community.
3. In this light, realising that the love of Christ our Redeemer helps us overcome division and conflict, we wish to consider the new constitution proposed for South Africa. Our concern is for the human rights and the morality of what is proposed. We are concerned as citizens and as spiritual leaders.
4. The preamble of the proposed constitution is good in that it speaks of protecting "the human dignity and rights and liberties of all in our midst". But it does not say what these rights and liberties are, nor does it specify what duties each person has in protecting them. This omission causes us grave concern, since people are left vulnerable and unprotected. Work for peace cannot succeed unless every inhabitant of South Africa is seen as a person endowed with rights and duties. These need to be clearly and legally specified and recognised as belonging to all persons, and hence not subject to violation or suppression by the state or any individual. Some of the consequences of disregarding human rights and duties are evident in the proposed constitution.
5. In the first place more than two-thirds of the population, that is, the whole African section is disregarded. Africans will still have no representation in the central government, which will continue to make laws affecting them. This is a serious moral failure. It is an affront to the people concerned and ensures that racial discrimination will continue. Pope John XXIII said that "any government which refused to recognise human rights or violated them would not only fail its duty: Its decrees would be wholly lacking in binding force".
6. Racial discrimination will also continue in the establishment of three houses of parliament: One for Indians, one for so-called Coloured people and another for Whites. We cannot accept a constitution that prevents people from crossing racial barriers and working together for unity and peace in parties and associations of their own choosing. The maintenance of racial discrimination runs counter to the redemptive work of Christ, who sought through His death and resurrection to break down all walls of division and make one new people from our divided human race.

7. We have no confidence in the proposed machinery of government. It seems extremely cumbersome. Besides, it is likely to create a gap between the president and parliament. This may cause people to have little confidence in parliament, since its power will be substantially reduced.
8. The proposed constitution puts vast powers in the hands of the president and his council, which the elected representatives of the people in parliament will be unable to control. This could lead to a feeling of helplessness or apathy even among the people who have parliamentary representation. Within parliament the opportunity for the opposition to play a creative role seems to be lessened. All the inhabitants of the country have a right and duty to express and show concern about how the country is run. But instead of increasing the people's role, the new constitution lessens it. This will make the chance of achieving consensus on how South Africa should be governed even more remote. Moreover, the judiciary will have no power to curb the government.
9. In the light of Catholic social teaching we are forced to conclude that the proposed constitution is not a satisfactory step on the road to peace in South Africa. It falls far short of what is required in terms of truth, justice, love and freedom. It fails in regard to justice by not spelling out the rights and duties of all. It fails in regard to the truth because it does not recognise the great majority of people. It fails in regard to love because it ensures that racial discrimination will continue. It fails in regard to freedom because it puts too much power in the hands of the president.
10. In conclusion, we ask for a constitution with a much broader vision embracing the real interests of all people of South Africa. We cannot support the proposed constitution so we have sent a memorandum to the parliamentary select committee setting out our view. We point out that the present bill represents the mind of only one section of a particular population group. So we have asked for it to be seriously reconsidered and reformulated to meet the legitimate aspirations of all.
11. We wish now to make our views known through this pastoral letter for the information of all and as a special act of pastoral guidance for the Catholics of our country.
12. As the debate on the proposed new constitution goes on and the time for a decision draws near we call for humble and constant prayer for God's guidance and help, not only in regard to all that affects the future of our country and its growth in justice and respect for human rights.

Signed on behalf of the Southern African Catholic Bishops' conference:

DENIS E. HURLEY, OMI
Archbishop of Durban
President
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