

MCH 91-10-1-2

Criteria for Union - Provs.

May. districts

Electoral distros.

4389829

Our proposed criteria for regions

Districts

Notes for Louis
Wentzel Memorial
Lecture - Wits 1990.
DVD

Lower
Order

Population size

Existing Boundaries

Why - Prevents overcentral.
bureaucr. / power-partic.

- Pol.

econ. devel. / regional specific.
Admin. regional specific.
Comm.

Centre of
govt
linked to
rest.

Administer
development

MICH 91-10-1-2

Criteria for Union - Provs.

May. districts

Electoral distros.

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Our proposed criteria for regions

Districts

Functionality - econom.
Admin. governability - communities.

~~Relative size~~ ~~development~~ ~~balance~~
Balance of develop. & balance

Lower
Order

Compactness

Population size

Existing Boundaries

Centre of
govt
linked to
rest.

Administer
development

Why - Prevent overcentr. - Pol.
bureaucr. / power-particip. Econ.
Econ. devel. / power-particip. Comm.
Declar. regional specific. regul.

Overcome fragment & unequal.

Admin & polit

Echic. division

Social & economic imbalance.

Natl. taxes -

Admin units only - opted by regions.

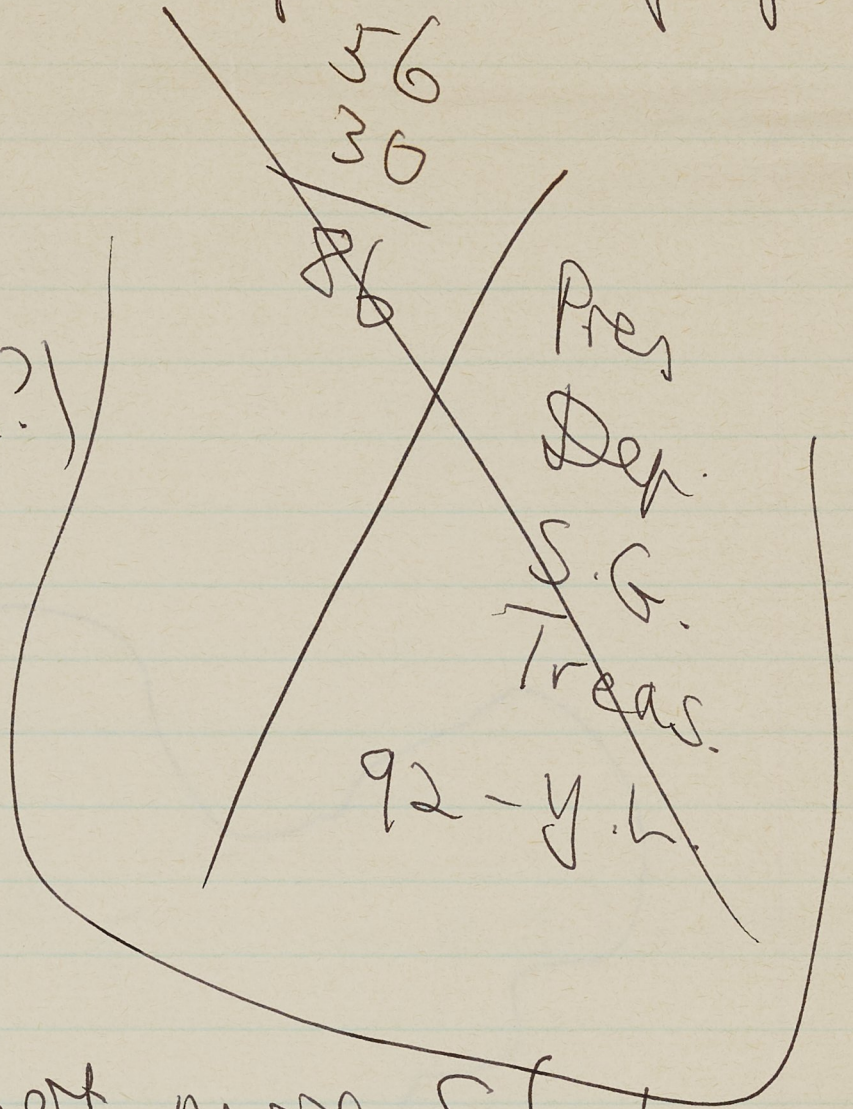
9 Regs.

36 - Counties (?)

Local Govt.
Districts (?)

200 Mag.

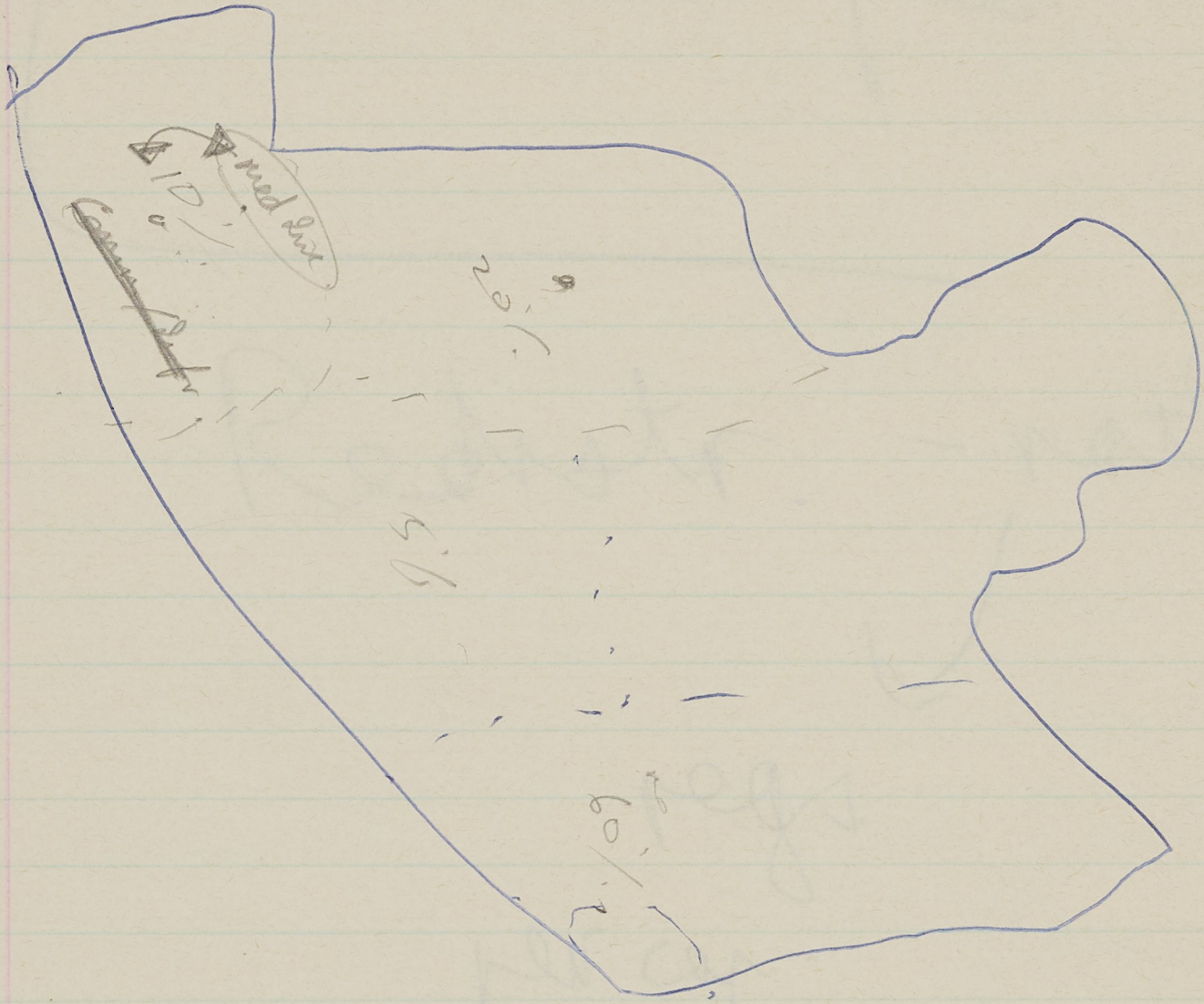
Rural
Metrop. Areas



Multiple - not more State
but regroup.

integrative, non-racial
basis

in a way that encourages
accountability & local
initiative & efficiency
and equity.



W. Cape

Pop Total	- Race -	%
<u> </u>	1st. Language	
Comm. pop	1st. lang.	%
Gen. characts :		

3 - a-act.

- equal prot:

min. floor.

Redistr. - not over.

regs.

new cap -

geogr.

poverty.

F.W.

Impact - Public Law
Prof.

Brin Law & Proc - Probs.

Prof. - Probs.

Jam-Law - Probs.

Pop.
256
mill!

Now is time -
awareness

Ignorant of
outcome of
elects.

Involvement -
guarantee

Not power
brokerage, but
common values

France
'the State'
W. Africa

Re-Distrib.
Equality

a. act (Pos act)
Equal Prof.
Min. floor.
Regions

From Rule of Law to Const. Rts

The spectre of const. is not
haunting the legal prof. class

Rule of Law - paradoxical - anthd.
Orderly applic of justice. Subst instity
- proc - part

The nature of legal rts.

Bill of Rts - Liberty.

Less newly - more rts
[Not depend on abundance

Two sources - ideas, experience.
Jus / Jus.

Islam - Dilemma. Same / diff.

Bring in
Principles Equal
Govt/Rel. | Assort.

Discr. against - 3 ways.

Part of hist
culture.

but struggle h. rts. dem.

Spec. str. - discr. as M.

Indirect - assempts.
Direct - fam. law.
Choice concept.

Opts. - sep.

Advants.

Integr.

Pluralism.

Dem - everybody count. Issue -
Mush. pronounce - in context; under
debate.

unfortunately,
The specter of constitutionalism is not,
haunting the legal profession. It ought to
be. Watch out - a few of us cry - there's
a constitution about.

There is some acknowledgment that the
structures of power will be different

Wentzel,
Ernie, as I recall, was a great believer
in constitutionalism, long before I was. Not
one to make excessive use of the right
to silence, he would have spoken out in a
loud voice, saying exactly what he thought,
independently of who might or might not wish to
make mileage out of his words. As I remember
him, he was a loyal person, loyal to
the organizations to which he belonged, loyal
to persons close to him. But he was loyal
to ideas as well, loved the stuff of
debate, could get high on argument like
others get high on liquor or power.
We started arguing with each other ~~at~~
~~the~~ the beginning of our law course at
UCT in the early 1950s, and the basic
argument continues to this day, and will
no doubt carry on long after I am deceased.
The issues interpenetrate and insinuate themselves
into each other. The conservative becomes
the radical, the radical the conservative. We
exchange clothes and masks as in a Masaniello, where lords

become
servants
and
servants
lords.

^{a revolutionary,}
I was idealistic about the people,
sceptical about ~~the~~ legal institutions.

^{a liberal,}
He was idealistic about the law,

sceptical about people. We did not
realise it, but we were being prepared

for constitutionalism, which combines the
highest form of hope with the deepest ^{levels of} distrust.
All constitutions are based on

mistrust. We mistrust our leaders, our
organisations, even ourselves. That is
why we need clear laws and guaranteed
procedures. Yet constitutions also embody

our noblest longings and base themselves
on ~~our deepest degrees of~~ indeed, its initial principle
or ~~fundamental trust; or at least one~~

~~central area, namely, that the 'constitution'~~
~~is in motion and prevents it from seizing up, is the~~
~~itself will be obeyed.~~ ^{shared fund belief}

that the const.
itself will be obeyed.

In his masterly work on Chinese science and civilisation, the late Joseph Needham asked why it was that for centuries well-armed palace guards accepted the authority of unarmed emperors.

We may pose the same question: why should a const. be obeyed? The very circs. which drive us to ask that question, provide us with the answer. It does not suffice to say that consts. are obeyed because they are good. The real issue is why they should be regarded as good at a certain stage ~~possibilities~~, when they were never even considered, let alone thought to be bad, at another.

~~What~~ In the case of SA, constitutional ^{rules} ~~makers~~ is gradually taking on the character of self-evident ~~virtue~~ ^{not whether we should have} ~~virtue~~ ^{virtue}. We fight over what should go into the const., but are ~~the number~~ and are largely ignorant of

what a consti - will mean for SA, but there are ~~imp~~ fewer and fewer who doubt that the country needs a consti of some sort or another.

Some of the reasons are negative. The old political order, together with its assumptions and institutions, is in a state of manifest collapse. Its representatives for decades extolled the virtues of a system which had to be good since it allowed such excellent ^{as themselves} persons to get to the top; now that the system is in crisis, they ^{claim} excellence ^{because} ~~not in their accession to office but in their getting it~~ ~~itself~~ ~~in the~~ ~~becoming~~ ~~manner~~ ~~in~~ ~~which~~ they arrange ^{the} ~~the~~ ~~system's~~ ^{their} demise. ^{their} ^{manifest} will lead to not, one suspects, without the hope that

insistent demands that they stay.

We still await a clear pronouncement to the effect that if they lose ~~full~~ ^{free} ~~and~~ ~~dem.~~ elections, they will go.

A new Const. is seen as a face-saver

perhaps even an office - saver.

Others see in the Bourst. a mechanism for merely legitimising the status quo. We deconstruct apartheid as an explicit ^{justification} ~~system~~ of racial domination and ~~reconstruct~~ it symbolic racial ordering and re-present

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