

TRANSVAAL CHRISTIAN ACTION

To: The Chairman
Committee on the Constitution
CODESA
P.O.Box 307,
Isando, 1600

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18th February 1992.

Received 21/02/92

Dear Sir,

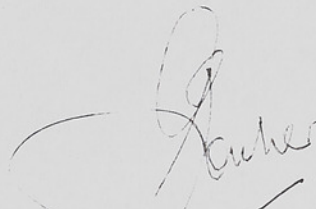
As requested by Dr.Zach de Beer in the public press we hereby wish to present for your perusal the following documents:

(a) **A Covenant of Liberties for Southern Africa.** This being our view of essential points in the forming of a Constitution, but by no means a complete form for this purpose;

(b) **A Christian View of Human Rights Legislation pending in South Africa.** Being our view of the Human Rights legislation model discussed by the Olivier Commission.

We trust you would be able to consider our views, which we believe would represent the true Christian view, and seeing that 77% of our population has registered as Christians, we do believe our view is important.

Yours sincerely,



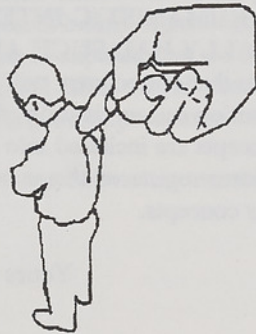
Dr.E.Jonker (Chairman).



TRANSVAAL CHRISTIAN ACTION

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***A CHRISTIAN VIEW OF HUMAN
RIGHTS LEGISLATION PENDING IN
SOUTH AFRICA***



A critique of the report of the Olivier Commission

1991

**A CHRISTIAN VIEW OF THE PROJECT ON HUMAN RIGHTS OF THE
S.A. LAW COMMISSION, TASK 25, PROJECT 58 (OLIVIER COMMISSION).**

A study-project of Transvaal Christian Action

Mr. State President,

We dedicate this project to you, because you indicated your reverence unto God by officially requesting the opinion of the Church in this transitional phase of our political order.

We do know that the official period granted for comments on the above task of the Olivier Commission has lapsed. But seeing that the new Constitution, in which human rights will be contained and protected, has not yet been offered to the public, and because we feel that certain aspects of the Christian view has not been adequately considered, we take upon ourselves the freedom of presenting this document to you.

We would want to communicate one important point to you, which we have elaborated upon in this document, i.e. **THE DOMINATING AND PROTECTED ROLE OF HUMAN RIGHTS IN THE U.S.A., ADMINISTERED BY AN OLIGARCHY OF JUDGES, IS PRESENTLY LEADING TO THE PERSECUTION AND SUPPRESSION OF CHRISTIANITY, AND AN INCREASE IN LIBERALISM IN THAT COUNTRY, LARGELY BECAUSE OF THE HUMANISTIC INTERPRETATION OF LAW, WHICH NEVER ORIGINALLY HAD SUCH AN INTENTION.**

We wish to stipulate that our country will follow a similar route, despite the, possibly, good intention and motivation of our concept human rights law, unless certain Biblical concepts are included into this law. Seeing that, at the last census, 77% of South Africans registered themselves as Christians, we humbly request you to consider our concepts.

Yours truly,

Dr.E.Jonker (Chairman)
Transvaal Christian Action.

Introduction:

It is our standpoint that solely the revealed will of God in Holy Scripture contains ultimate truth, which is applicable to all people, independent of the fact if they are believers and Christians, or not. The belief or unbelief of Man does not affect the fact of God's sovereignty over heaven and earth, and the fact that the revelation of His will forms the pattern for the whole of creation, including the conceptualization of law. We, therefore, have to "think God's thoughts after Him", and as Scripture becomes clearer to us we have to make known to the world the will of the King. The civil ruler in a country is also God's servant, and responsible to reward the good, and to punish evil, according to the pronouncements of God's Word. In contrast to this, the interpretation of law by Humanism differs altogether from the Biblical view, and it is evident from the report of the Olivier Commission that much stress is laid upon the past and contemporary proponents of this view. Prof. W.D.Jonker even proposes a certain shift of emphasis to humanism (p.186-7). We, however, wish to indicate in this paper, that if Humanism is understood to be what it truly is, i.e. an alternative and opposing religion to Christianity, which ever will fight against it, then the impossibility of uniting the two under one law should become evident. If Man persists in this syncretism, the battle will simply be taken up in the midst of our nation. Our further motivation to first examine Humanism in this paper, is because of the simple fact that virtually all present human rights legislation is based upon Humanism. We do, however, wish to stipulate that we do not necessarily disapprove of all human rights legislation, but rather would plead for a basic Christian concept to the law, with a Christian interpretation.

Contents of this paper:

I. The Semantics of "Human Rights" as concept, and its justification.

II. The lasting controversy between Humanism and Christianity.

(i) Humanism and its basic concepts in "Human Rights".

- (a) Anthropocentric;
- (b) Autonomy;
- (c) Materialism;
- (d) Ethic of pragmatism and hedonism;
- (e) Democracy and Free Speech;
- (f) Romanticism;
- (g) Egalitarianism.

(ii) Christianity, comparatively and in opposition.

- (a) Theocentric;
- (b) God-dependence;
- (c) Supernaturalism and Creation-concept;
- (d) Ethic based on God's will;
- (e) Christian Republic and law-limitation;
- (f) Christian realism;
- (g) Christian discrimination.

III. The Oligarchy, or the reign of the few, by the Court of Law.

IV. Practical implications of Human Rights legislation as taught us by happenings in the U.S.A.

I. The semantics of "Human Rights" as concept.

The Oxford Dictionary of English Etymology defines a "right" as "*a standard or rule of action; that which is equitably or morally just*". We have no problem with this definition. If it, however, continues its description with...."*justifiable claim or due*", we have to understand that the nuance has shifted, away from an objective rule of justification, towards a *subjectively*-based concept of a "right" or "need" which now is insisted upon.

From the Christian viewpoint, Man, conceived and born in sin, has no justified right before God on which he may insist. In this respect we stand in complete agreement with the expressed opinion of the Scribe of the Nederduitsch Hervormde Kerk, Ds. J.C. de Lange, when he says (p.359):

"In die Bybelse etiek of geregtigheid kan nooit sondermeer aanspraak van menseregte gefundeer word nie, omdat die Mens voor God nooit regte het nie, maar alleen voorregte. Hierdie menseregte kan in die Bybelse etiek alleen verstaan word as vergunde regte - regte wat God op die basis van die Tien Gebooie aan alle mense en mensegroepe vergun, en op daardie basis alleen hul inhoud ontvang."

Apparently the Commission does not give adequate attention to the provisional statement of Ds. de Lange, when he stipulates the pre-condition of acknowledging human rights on a Biblical basis, i.e. **that it can only be accepted on the basis of the gracious gift of rights from God, and based on the Ten Commandments.** This implies that all alternative differing views are not acceptable to Christians, and this view is therefore *exclusive* of other views.

So, for example, the humanistic idea of insistence on a subjectively imagined human right is not to be found in Scripture. Not only is this an inadequate basis for human rights, but it gives Christians affront because of the absolutization of Man. To this, Scripture stands in opposition when it says:

"For who makes you different from anyone else? What do you have that you did not receive? And if you did receive it, why do you boast as if you did not?" 1 Cor.4:7.

This statement describes man as absolutely dependent on God and His goodness, with no basis for insistence or boasting.

It is acknowledged by Prof. Jonker that the origin of the term "human rights" is to be found in the **French Revolution** with its "*Declaration of the rights of Man and the Citizen*", and the **American Revolution** with its "*Declaration of Independence*" (1776). But a world of difference lies between these two revolutions! The American is based upon the Scriptural principles of righteous resistance against the tyrant under the leadership of the official magistrates; the French on humanistic revolution of the masses in its most blatant form, with no respect for

human life. The first led to the freedom of a nation to build upon the basis of Scripture, in which they did not, however, persevere. The latter led to the gruesome, cruel death of the cream of its peoples, with the rule of an unprincipled autocracy, and the resultant instability of the whole country and society, until stabilized by another (more principled?) autocrat - Napoleon Bonaparte. Surely the vaunted sweet water ("human rights") cannot be a similar entity from such dissimilar sources! We should be thinking in terms of the genuine article, based on God's law, and the fake model, based on the best ape of God, i.e. - Satan.

Despite this evident difference Prof. Jonker still continues to say:

“Uit die Protestantse oortuiging gaan dit oor die menswaardigheid van die Mens... Op grond van hierdie vreemde menswaardigheid van die mens kan ons begrip hê vir die uitdrukking: die “regte van die Mens”...” (p.187-8).

Scripture does indeed describe a worth or dignity of Man as “created in the image of God” (Gen.1:26). The fall of Man into sin in our federal head, Adam, did however lead to a change in which the *moral* image of God in Man became sinful throughout all its faculties, but by God's grace, the *ontological* image still exists as a witness to our origin from God, still giving us dignity. Even after the fall God still uses this dignity of His image in us as an argument for capital punishment (largely ignored today!), cf. Gen.9:6. In the New Testament Paul also uses the same argument to persuade men not to cover their heads in worship (1 Cor.11:7).

If Man does refer to this dignity today it can only be on the original basis, i.e. the dignity acquired from the only Creator by His grace, for He could have made us like the animals, but did not! In the milieu of today's talks on human rights Man's insistence on his *rights* sounds so much like boasting on his own merits, that we should rather insist we refer to “THE CHRISTIAN ETHIC OF HUMAN RELATIONS”, instead of “human rights.”

This statement immediately makes a vast difference to the debate, because the dignity of man has a *basis outside of Man*, not to be boasted of, but rather moving one to humility, and enquiry as to the ethic coming from the same Godly source. This does not grant human-based *rights* but rather *rules* whereby the all-wise Creator delineates the ways of man in relation to man.

In contrast to this, human rights based on the dialectics of humanism, will change according to the present reigning value-system, e.g. Liberalism, Relative Ethics, the Rule of the Elite, the vaunted “need of the people” or Utilitarianism (defined by an oligarchy), etc.

Here the U.S.A. offers us concrete examples. The original writers of the “*Bill of human rights*” had developed their absolutes on the basis of Scripture, with a Scriptural intent and interpretation of the law. But a contemporary Supreme

court interprets these same laws in the light (or darkness!) of its humanistic presuppositions and absolutized man.

In contrast to this the ethic of God is as unchangeable as God himself, for God has no need to do His thinking repetitively so as to improve His thought; His thinking is complete in His perfection. What He has imparted to us requires neither addition nor subtraction. He already knew from the day of creation how Man should live.

This difference in presupposition and semantics is irreconcilable between Christianity and humanism. The touchstone for humanism is the inherent dignity of autonomous man, whereas for Christianity it lies in the will of God:

“Do not conform any longer to the pattern of this world, but be transformed by the renewing of your mind, then you will be able to test and approve what the will of God is...” Rom. 12:2.

We are, however, willing to join the debate on human rights in preparation for our envisaged Constitution, with this proviso, that *we are not willing to use the loaded semantics of humanism*, with the concepts wedded to this. To use their semantics is to become subject to a hidden agenda behind the words.

As an example, we cannot agree with the respondents of the University of Natal (p.202), because their semantics clearly disclose the skeleton of humanism when they say:

“A human right is a capacity or benefit which people must be deemed inherently entitled to exercise, use, suspend or relinquish as they choose if they are to function effectively together as fulfilled, autonomous beings.... for Western liberals, basic human rights are the universal, mutual, inherent entitlements of sovereign persons for whom self-fulfilment is a priority, and everything in this concept hinges on whether or not we accept the view that we humans are indeed sovereign persons constituted for self-fulfilment in a more than merely biological sense.”

Perhaps one should have been thankful for the last statement, but, quite frankly, this statement contains the marks of a godless, materialistic humanism, and a selfish anthropocentric presupposition which sets Man in the place of God, and an unashamed hedonism at its centre. This is poles apart from Christianity, and any scheme of pluralism, much less syncretism, becomes totally impossible. The logical endpoint of their argument leads from hedonism to solipsism, and this is no basis for any kind of human rights in an interacting society. What is rather required is the altruism and ethic of Holy Scripture.

Because virtually all human rights legislation is presently based upon humanism, and because of the foregoing arguments, we cannot agree with Prof. Jonker when he says,

“Ons roeping kan alleen maar wees om teologies en beter - en dus ook korrigerend die saak van die menswaardigheid van ie mens ter sprake te bring. Alleen só kan ons ‘n diens lewer in die a fweer van horisontalisme sonder om in reaksie te verval in valse vertikalisme.”

The balance between “verticalism” and “horisontalism” is correct and even essential, but to solely react to the activity of humanism by being “correctional” or “correcting” is very defeatist and sounds as if one is implying that Christianity is bankrupt and solely adjusts according to the agenda of the ungodly. We cannot be the servant and lackey of humanism, for as Christians we undoubtedly have the best and only solution for the interpersonal and governmental problems of Man. Neither should we be reacting secondarily to their agenda, for God’s agenda, which has already been given us in Scripture, is the only correct pattern for the life of Man.

We would like to elaborate on the basic reasons why humanism and Christianity can never come to a satisfactory agreement on the problems and solutions for mankind...

II. The lasting controversy between Humanism and Christianity.

(i) Humanism and its basic concepts in human rights.

When the report of the Olivier Commission is studied, the first and prevailing impression is that the Commission considered Humanism to be important, marking it as the source and activator behind human rights legislation. One is left with the impression that such legislation cannot be construed without referring to Humanism. As Christians this is unacceptable to us, for no syncretism is possible between Christianity and Humanism if one understands the *presuppositions* that precede each view. The principle presuppositions of Humanism can be summarized as follows:

(a) Anthropocentrism:

Man is set up as the absolute centre of the universe. Man is also the end of all faith with a total denial of the supernatural, and Man so becomes the god of the universe. This view is, therefore, as much a religion as any other, and cannot vaunt itself as being the “neutral scientific standpoint.” The centralizing of Man and the denial of God is as much a bigoted standpoint as any, proceeding from an unproven presupposition, i.e. that no God exists. Because Man is the only source of reason in the universe, Man, also, has to work out his own salvation, for outside of Man there is no hope.

(b) Autonomy:

Because Man exists without any external reference to the supernatural or God; Man has no higher court than himself, and therefore functions totally autonomously. Logically, this gives Man total freedom in any (individual and group) decision, and, therefore, the logical endpoint for the individual is solipsistic hedonism, and for the group, any degree of boundless freedom, with resultant anarchy. But because humanists are unable to live with the logical result of their argumentation, they have to revert to the reign of an elite or a dictatorship.

(c) Materialism:

Man's whole existence and total philosophy is contained in this visible, tangible world, with no reference to anything invisible and intangible (philosophical materialism). All thought and experience is humanly rational and measurable by one or other chemical or physical process to explain its origins and mechanisms. All these processes can be subsumed under the concept of "Nature" (usually spelled with a capital-N, because of the need for divine authority!), but all divine reference is denied. This then, strictly speaking, becomes "Naturism", lending some authority to nature, and naturally falls away into a form of Pantheism or Panentheism (which should actually be termed "pan-nothing-ism", or "pan-everything-ism", to be consistent in denying the personal God). Many would only adhere to strict materialism as long as it served their purpose, and would freely move over into any "immaterialism" for the sake of pleuralism or syncretism, e.g. such as Animism, Spiritism, Occultism, Pantheism, etc. But, logically, the humanist should adhere to strict, mathematical rationality, and (perhaps a weakness) the empiricism of science constituting the methodology of life. Evolution is (falsely) seen as such a proven scientific method which dispenses with the origin of the universe from God.

(d) Ethic of Pragmatism and Hedonism:

Because Man is alone in the universe, he is the sole source of any ethic if the need of such is acknowledged, which is arguable. The only directives in formulating this would be pragmatism, defined either by the masses, but more usually, the reigning elite. A code of ethics with source external to Man should not be accepted if they would be consistent. The goal is set as the greatest pleasure for the greatest number, with no absolutes determining what is "wrong" or "right". Ultimately the endpoint of all humanistic ethic is concentrated on survival, which fits in well with the theory of Evolutionism.

(e) Democracy with total freedom.

The most typical motto of this view is that of the French Revolution, "*Vox populi - vox dei*", i.e. the voice of the people is the voice of God. Ideally this should never be influenced by any ideology or idealism, with a strict reference to the majority vote, but this, practically, never happens. "Democracy" is redefined and modified according to the mind of the reigning elite and therefore generally reflects the opinion of those in power. Where the voice of the people indeed is the voice of "god", that voice is the highest authority, despite the imperfection and sinfulness of mankind. In true democracy the individual should still have the right to retain his own opinion as one of the many, but no democrat has clearly spelled out the balance between the one (the unit of society) and the many (the group of individuals). Where the majority vote is consistently applied many minority groups would disagree, protest, and probably be persecuted. Furthermore, this majority vote would be the relative absolute for the moment, for tomorrow it could be changed on the shifting basis of dialectic, for Man has no reference outside himself to a higher verity with greater authority than himself. The interpretation of today's human right law may not necessarily be applied tomorrow in a humanistic democracy. On the other side, the lack of an absolute in an ethic is the major stumblingblock, for even though a *majority* should declare murder to be "right", this would never make it so.

(f) Romanticism:

Humanism expresses an Utopian expectation of triumph in which perfected Man will be living in total prosperity, with a solution for every social problem, and free expression in the arts and literature. The trend of evolution is seen as upward and mobile, if only Man will surrender to the dictates of Socialism and/or Communism. Needless to say, this undue optimism has no basis whatsoever.

(g) Egalitarianism.

The most favoured and typical expression is that of equal rights for each human, for they were equally born. No discrimination should be applied because of race, background, sex, sexual preference, or any other factor which could favour one above the other.

In this short summary we have not endeavoured to differentiate between Classical and Natural Humanism, because the presuppositions are the same.

(ii) The challenge of Christianity.

In contrast to each of the above points Christianity not only presents a difference which is absolute, but altogether overturns the concepts of Humanism.

(a) Theocentric:

The life and philosophy of Man is not the highest good in the universe, but the existence and revelation of God unto us by Himself. The whole of life, including the formulation of law, only has meaning when its relation to the will of God is understood and endorsed. We do not exist in our own right as a product of (accidental) evolution, but as the creation of an all-wise Creator who made us for His own purposes and pleasure. It is our task to determine what this purpose and pleasure is, and God has sufficiently revealed Himself through His Word, the Bible, for us to do so.

Where we concern ourselves with the dignity of Man we stand in agreement when the Commission refers to the *Protestant Conviction* and says:

"...dat die Bybel nie 'n eie inherente waardigheid van die Mens los van sy verhouding tot God erken nie.... Hierdie onderlinge verhouding tussen mense word in God's wet gereël, en die regte van die Mens is so wyd en omvattend as God se gebod self."

To be anthropocentric is not only sinful in not considering God's will, but also subject to a proneness to choose the wrong way, because of Man's being born into sin. Man must, indeed, use his rationality, for this is God's gift, but its use must constantly be subjected to the revealed will of God. In this connection we do agree with Prof. Jonker's view when he says:

"Dit gaan vir ons daarby nie om inherente, natuurlike of aangebore regte van die Mens nie, maar om die regte van die Mens wat teenoor ander mense hom van godsweë verleen word kragtens sy besondere posisie voor God.... In Sy wet reël Hy die onderlinge verhoudinge tussen die mense.... Bybels gesien is die regte van die Mens die teenkant van die gebod van God vir ons onderlinge verkeer."
(p.188).

If the rules for interpersonal relations are spelled out in the Word of the sole Creator of Man, then it would be immoral and rebellious to use any other source than His Word as the source for human rights legislation. In the light of this, the following statement of "Kerk en Samelewing" of the Dutch Reformed (N.G.) Church becomes meaningful:

"Menseregte is waardes wat morele of etiese karakter dra. Dus is dit nodig dat dit van 'n duidelike teologiese begroning voorsien word. Aangesien 77% van alle inwoners van S.A. Christene is, bied die Christelike begroning van menseregte 'n

sterk bindende faktor in teenstelling met 'n bloot klinies-juridiese omskrywing daarvan. Daar bestaan in Suid Afrika, waar die Eertse en Derde wêreld ontmoet, ernstige gevare in die adoptering van 'n bepaalde Klassiek-Liberale of Sosialistiese model van menseregte." (p.195).

Also from the Hervormde Kerk we have the clear statement:

"vir die Kerk bly dit die belangrikste dat 'n menseregtehandves gebou word op die Bybelse Tien Gebooie waarin die Kerk onherroepelik in gehoorsaaamheid gebind is." (p.196)

These opinions, with our own, indicate that God alone, and His law, is the sole source for law. This implies that such formulation of law would be exclusive of all other opposing views, and there is no way, in the Christian view, in which pluralism could be exercised in such an exercise.

(b) Dependence on the way of God's salvation:

Where Man comes to any crossroads which points up a need, such as the need for human rights legislation, he must look for salvation and the solution in God's directives, or be subject to choosing the wrong answers. Man is too sinful, and lacking in insight and farsightedness, for him to rely on his own unaided solutions. God's way of salvation not only addresses a solution to the problem, but also to the sin which lurks behind the problem. When Prof. D.A. du Toit therefore makes the following remark, we cannot agree with what he says:

"Parallel daarmee bestaan 'n ander bewuswording, ook in ons eie land, naamlik dat menseregte as sodanig nie meer net die vrome gestalte van 'n vyandige politieke ideologie is nie, maar die konkrete inhoud van die diepste versugting en nood van 'n koerslose en verbysterde mensdom."

Could a Christian disagree that many people in South Africa are sighing for more humane rights? No! That is not the point! *Prof. du Toit quotes this with the implied assumption that present agitation for human rights legislation is the answer to this cry of need.* This is simply the politics of guilt. With this we cannot agree, for God's solution is still the only solution for the woes of mankind.

If "Christian" South Africa has not applied God's law in relation to human rights as it should, then Christians should be looking to God to enlighten them, and should not endeavour to replace God's way with another. If we refer to God's way of salvation it must be clearly understood that we do not solely refer to the narrow *soteriological* (spiritual) sense in which this term would be used in certain Evangelical circles. We also refer to the *existential*, saving, healing effect of God's law and grace when this is obeyed and submitted to in a this-worldly society, with temporal as well as eternal blessings. Obeying God grants concrete blessings in this life, as well as in the hereafter. When Christians witness to God's

salvation their witness is likened to salt and light by Christ, and both must have a concrete effect on society of stopping the rot and scattering the darkness of sin and its after-effects. Salvation is not just a private, pietistic matter of the heart, though this inner work is a necessity, but it is also the redounding effect of a life on the people and society around it. This salvation should not, however, only have horizontal effects, it should also reflect the truly-vertical. When Prof. du Toit says, "*Versoening en verbond is op hierdie wyse sentraal in die spreke oor menseregte.*",

we find an imbalance here which is inexcusable from the Christian view of God as the source of this *reconciliation and covenant*. Men only join in covenant who are reconciled to the only true God, and in covenant with Him. Full and true reconciliation between men is also only possible in Christ and under the sign of His blood. But this does not deny the fact that Christians are to "live in peace with all men", and are to bless those who curse him, and not repay evil with evil. We are to exercise love as our heavenly Father does. God saves so as to enable man to this love, which is a more than adequate base for human rights, excluding hate. Where hate does exist it should be confessed, and reconciliation should be sought in Christ.

Where a pluralistic unity is sought with the full knowledge that certain parties stand in enmity to God's ways and commandments, this becomes impossible because no common covenant is existent. An explicit example of such a party is the Marxist-atheistic party.

Christianity, however, would have no problem in formulating law for a pluralistic society, for all God's laws are based on His love and are righteous to all men.

(c) Supernaturalism and Creation:

In contrast to the total this-worldliness of materialism we stress the invisible though not less real existence of God, and His total sovereign rule over the whole of the universe. The reality of the supernatural is even more real than reality itself, determining the very warp and woof of our lives. The truth of the Supernatural has become open to us in the revelation of God's will through His Word, and it is our bounden duty to give heed to the will of God. We should especially understand that the authority of the supernatural God is situate in his right as Creator of Man. Because He made us He especially knows best what rights are best incorporated into law, and in what format. In referring to the supernatural we should also clearly understand that we not only refer to the Transcendental but also to the Immanent; God is not only high and lifted up above the understanding and influence of men, but also near to us, and concerned with our everyday lives. Because God is immanent it is necessary that we take note of His revealed will.

The unchanging God has particularly revealed His will on civil law by the laws given to Israel as a state. The godly Westminster Assembly of 1646 offered the following comment on this aspect of God's will: "To them also, as a body politick, He gave sundry judicial laws, which expired together with the state of that people, not obliging any other now, FURTHER THAN THE GENERAL EQUITY THEREOF MAY REQUIRE." Even though these civil laws "expired" with the state of Israel, certain general principles flow from these laws which grant wisdom in the formulation of law today. It should especially be noted that Israel granted equality before the law to all "strangers" (non-Israelites) in the land, even though they had no vote in the general assembly. The application of such Biblical principles should promote righteous treatment of all people in a land. In contrast to this, all the rhetoric of socialist and Communist countries about "freedom", "democracy", "equal birth", "human rights", etc., has not lead to the benefit of the population, for history indicates that such countries have the worst records for human rights. This reflects the fact that where Humanism spouts forth this rhetoric it will be of no benefit to the population, because there is no underlying law based on an absolute of love and justice as revealed in God's Word. The application of such humanistically-based human rights legislation will be altogether dependent on the interpretation and power of the reigning elite.

(d) The ethic of God's will:

As we have already seen, the basic ethic of Humanism is necessarily based upon pragmatism and/or hedonism, even though probably embellished with the semantic addition of "humane", which is arguable. Pragmatic decisions are taken on the empirical "facts" present to the observation of subjective, prejudiced, sinful human beings; whereas the ethic of God is based on God's unchanging revealed will in Scripture, and therefore objective truth. This is, of course, also a prejudiced statement, but the view of Humanism is as much a statement of "faith" as any other, and not to be preferred on the usual argument of its representing the "neutral scientific" view. Furthermore, Christian law is not adapted by the wisdom of man to a given situation, for its application could at times seem to be difficult (e.g. capital punishment); but God's ways always are better for mankind as a whole.

Where a reigning elite interprets humanistic law according to its presuppositions, self-interest or group-interest could determine the application of law, whereas the Christian view represents the view of God as a disinterested party. This is also more altruistic, and, despite the views of Ayn Rand, still the best basis for law based on love:

"Love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the first and greatest commandment. And the second is like it:

does lay much stress on charity and mutual help.

“Nationalization of resources” is just robbery by majority vote or superior power, and totally immoral. Resources are best left in the hands of the rightful owners and those who best know how to handle it, for they will pass their prosperity into the community in various forms, including jobs. Did not Peter say to Ananias: “*Didn't it belong to you before it was sold, and after it was sold, wasn't the money at your disposal ?*” This is based on the realistic tenth commandment which teaches the right of *private possession*.

(g) Christian discrimination:

Egalitarianism, or equalitarianism is a prominent feature of human rights legislation based on Humanism, amongst others, quoted by the Commission. Absolute equalitarianism (all people equal in all aspects and privileges) is an idealistic, romanticist fairy story that has not been developed to its logical conclusions. It is obvious that difference of talent by birth, and difference of opportunity by providence and hard work needs to be expressed.

Variations on the theme, forbidding discrimination on a basis of race, sex, language, religion, and sometimes, age, is many times not practically possible. So, e.g. most males prefer to marry females, which is discriminatory as to sex. Despite the “equality” of people, most societies punish a murderer, so discriminating against him. Christian realism insists that people are not born equal as they are not born similar copies of each other, nor under similar circumstances. Some are born with far higher IQ's than others, and where one would appoint a Professor in physics you would undoubtedly rather appoint a person with adequate IQ, and, at the same time, discriminate against those with lower IQ's by not appointing them.

Some are born into poverty, and undoubtedly, have a far greater battle on the financial front than one born a millionaire. But if we refer to *human worth, or -value* (which is totally another matter), we as Christians subscribe to the equality of all people, but specifically only on this score. On this is based the Christian presupposition that *all are equal before the law*. Any inequality in this area is not based on Christian ethic, and should be changed.

Despite the equality in human dignity or worth, Christianity insists that *the law should discriminate against the law-breaker*. The law-abiding cannot be treated as equal to the law-breaker.

And, again, despite this equality of worth, the state cannot rob the rich to uphold the poor with a programme of “redistribution of wealth”, for this transgresses the commandment, “you shall not steal”.

The recent “Child-liberation” movement in the USA is endeavouring to grant

rights to dependent children over against parents, on the basis of equality, ignoring the basic Christian teaching of the submission of children to their parents, as being under their authority. Christianity does, indeed, with concern consider the increase in reports of child-abuse, but this is not the solution to the problem. When the Christian command stipulates:

“Children, obey your parents....honour your father and your mother..”, it is discriminating against the child in favour of the parent, but this is right within the limits set by God, despite the equal worth of parent and child as humans.

On a similar Scriptural basis we believe that even though male and female are equal in worth, they do not have similar tasks and authority in life, and therefore are not equal. We, disagree with the tenets of the Feminist movement.

Also, despite the equal worth of all people, we do not agree that this grants them equal right to exercise their every whim and fancy, e.g. so-called “sexual preference” is an euphemism and blatant excuse for the freedom to exercise homosexuality, which has explicitly been condemned by God.

Discrimination should also be exercised in relation to religion, which makes the usual statement of “religious equality” meaningless. So, e.g. Satanism cannot be given equal rights, and should be discriminated against. In our view all countries should rightfully be worshipping the one and only true God and should obey His law, but, acknowledging an imperfect world, we still think that a country such as South Africa, which has a 77% Christian population (even though nominal), should have the Christian faith enshrined in the Constitution, and the civil government should promote the Christian faith in its laws. At the same time the government should not, however, persecute other faiths, but should grant tolerance of non-Christian religions, with the exception of such who practice perversions which transgress the civil law, which should be based on God's law.

Atheistic materialism should not be given similar acknowledgement as to the Christian faith, as e.g. is insisted upon by Communism. Christian discrimination should be exercised via the law throughout all walks of life. The abortionist cannot have equal rights to the responsible family who begets and raises children as good citizens.

The homosexual pair should not have an equal right to the marriage rite as the heterosexual pair, for this would not constitute marriage in the eyes of God and the Church, but an abomination. The indiscriminate “rights” of Aids-sufferers cannot be granted across the board, for discrimination should be exercised for the purpose of preventing infection to the healthy population. The “rights” of homosexuals and Aids-sufferers should not be upheld by a court of law or the state against a normal disciplinary action of a church, perhaps coupled with discharge from work by reason of immorality or open, unconfessed sin, for the state would be transgressing into the sphere of sovereignty which belongs to the

Love your neighbour as yourself."

Not only does this negate the false humanitarianism of Humanism, but it also denies the false revolutionary, hate-filled gospel of Liberation "Theology", as well as the suppression of Capitalism selfishly misused:

(e) Christian republic and law-limitation:

Because God is the only god, the voice of the people cannot be the voice of god. Rather, in contrast, the voice of God should determine the voice of the people, i.e. God, through His Word, should instruct the people how to express their right of suffrage. *True democracy*, or the free (lawless) expression of every individual, is therefore not applicable, for everyone is subject to the will of God before he expresses his opinion. This also implies that total freedom of expression is not acceptable, but is limited by God's law. A modified democracy is still exercised where each one has the vote, but every individual, and all the processes of the land is subject to God's revealed will.

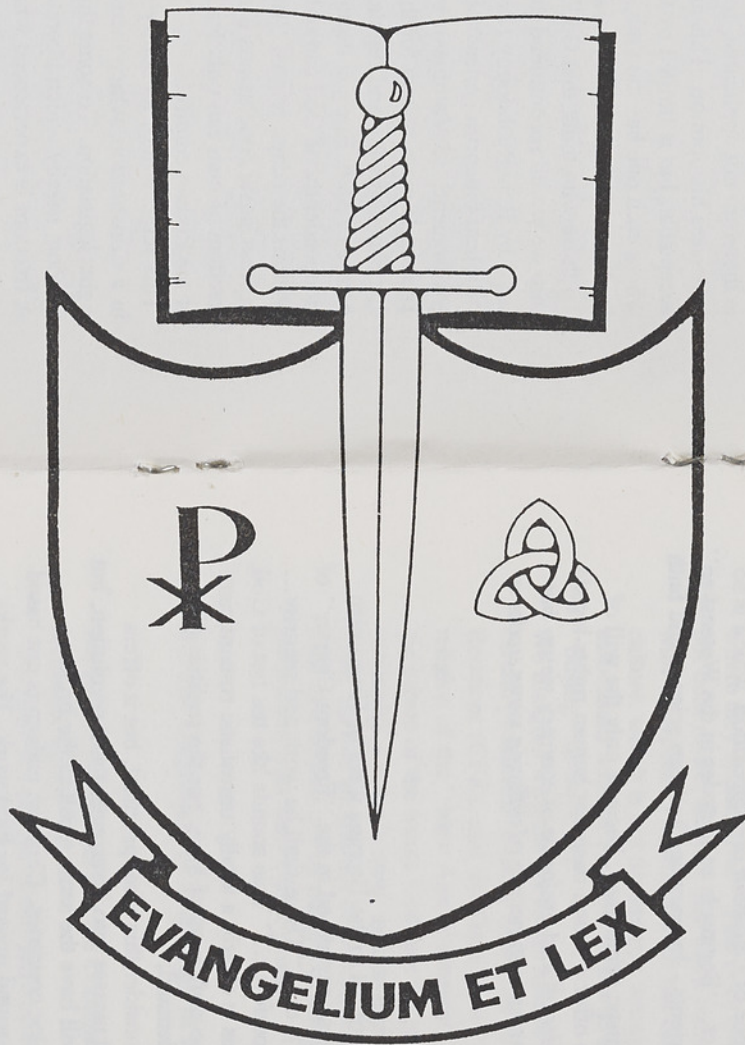
To those who think that God's Word does not have much to say about statesmanship we would recommend the reading of books such as "Institutes of Biblical law" by R.J. Rushdoony (Presbyterian and Reformed Publ.Co. 1973), the "Biblical blueprint series" of 10 volumes (Editor Dr.G.North), "God and government" (3 Volumes), by Gary de Mar, etc.

The single main reason for this necessary ruling of God's law is the one factor that is deliberately and regularly denied by Humanism, i.e. *the inborn sinful nature of Man*. For a collection of sinners to express their collective opinion independently of God can only constitute a sinful result, for as in computer-systems the adage reigns, "rubbish in - rubbish out", so sinful mankind will only express sinful conclusions if left to their own recognizances. The unbridled freedom of man can only lead to his own destruction in the long run, cf. the fall of the Roman empire.

This subjection of a country's voters to God's law should be explicitly enshrined in a *Constitution*, which then will give guidance to the interpretation of human rights legislation. To some this may seem to be restricting, but God grants a freedom hereby which liberates man from slavery to sin, and the dictates of Satan. A freedom is experienced which is not to the dishonour of God, nor to the harm of my neighbour. It is equivalent to the locomotive which has freedom to run on the rails which were designed for it, but should it transgress this limitation, disaster would result. The implication of this necessary limitation is that *those who do not acknowledge the same limitation are not acceptable as partners in a coalition of pluralism*.

The impression is given by the Commission that a common denominator of principles *could* be found, especially if one referred to the so-called "neutral

Transvaal Christian Action



Scientific" standpoints. This becomes evident when they refer to one respondent, namely the Human Sciences Research Council, and say:

"Weens die feit dat hierdie memorandum ontvang is van 'n neutrale wetenskaplike navorsingsliggaam word besondere waarde daaraan geheg."

This view reflects a presupposition without proof, i.e. that so-called "science" is neutral and more accurate. To exercise science requires faith, for the methods of science presuppose coherent meaning in nature with a master-plan in the background, granting us the benefit of "laws of nature", which enables the scientist to trust his observation, and come to a conclusion. Strictly speaking, the method of science is at variance with the basis of evolutionism (time + chance), which is largely accepted in humanistic circles. Furthermore, if one looks at the report of the HSRC it clearly shows the influence of *Christian presupposition* which is so necessary to the exercise of science (cf. "Beginsels en metodes in die Wetenskap" by Prof. Dr. H.G. Stoker; "Cross currents - Interactions between science and faith" by Dr. C.A. Russell).

Christianity therefore discards humanistic democracy, because only the will of God is unaffected by sin, and able to offer a sound basis for human rights legislation. *In this sense Christianity is intolerant and exclusive of contrary views, but NOT hate-ridden nor unloving in bearing with people of differing views under a law-system that is Scriptural.*

(h) Christian realism:

Christian realism stands in absolute contrast to the Utopian ideas of Humanism. As an example we can look at such ideas expressed in the "Freedom Charter" of the African National Congress (ANC), e.g. "There shall be work and security.... There shall be houses, security and comfort...." This sounds like the fiat of God, but is claimed by fallible humans! This is clearly a totally unrealistic romanticism and idealism that does not consider the sinfulness of Man, nor the realities of poverty and wealth, and supply and demand.

Many revolutionists would also not consider this ideal practical, but it offers excellent bait to attract the dissatisfied masses into insurrection and revolution, but the fulfilment of the empty promise will have the same result as the broken economy of the present Communist-bloc countries. Christian realism is not based on bloated promises, but does offer a sound reward for hard work. The work-ethic (coupled with economic honesty) of Protestantism is the major force behind the prosperity of all rich nations (Japan included - cf. the Marshall Plan). The principles have been spelled out in books such as "An introduction to Christian Economics" and "Honest Money - Biblical principles of money and banking", both by Dr. G. North. Redistribution of wealth has no basis in Christianity, for that is simply a straightforward transgression of the tenth commandment. But Scripture

church under God. The public soliciting of homosexuals should still be forbidden by law, for it is an abomination in the eyes of God.

As with homosexuality, we feel that prostitutes cannot be granted equal rights with standard trades to exercise their method of income, as is being suggested by some liberals. They do not exercise a profession but promote immorality and adversely affect family unity. It is clear that they have to be discriminated against as law-breakers, seen from the Scriptural viewpoint.

We agree that no discrimination should be exercised on a basis of race and colour, because "from one man He (God) made every nation of men", but the right to disassociation should be granted (as much as the right to associate) on a non-legal basis, for God also "determined the times set for them, and the exact places where they should live." This does not imply legally enforced separation of races, but does reflect the fact that when mankind was one, God divided them at Babel with a purpose. The after-result has been an adherence of groups to a specific culture, which is not necessarily wrong, and should be given a freedom of association without recourse in law to enforced integration, as was practiced by "busing" in the USA.

We disagree with the prevalent idea of a "One-World State" being propagated by certain prominent leaders, especially those related to the Council on Foreign Relations (CFR), and the Tricameral "Parliament" of the USA, as well as the religion of the "New Age Movement". As Christians, we believe that the fact of the nature of the triune God sets the pattern for the *one* (single) and the *many* (multiple): i.e. both *unity* and *diversity*, or both the *single* and the *many* is right; the one should not be overemphasized at the cost of the other. A unitary state idea should not be pushed to the detriment or right of people who desire association with their ethnic group.

III. The Oligarchy, or The Reign of the few by the Court of Law:

We get the impression that the Commission's goal is clearly spelled out in the following quote:

"Die idee van ongebreidelde parlementêre soewereiniteit is vreemd aan ons gemenegere.... In die lig van ons stelsel van parlementêre soewereiniteit en die ontkenning van 'n toetsreg deur die houe aan die hand van fundamentele menseregte, is die houe ernstig gekniehalter wat betref die beskerming van individuele en groepsregte in die aangesig van wetgewing wat dié regte aan bande lê."

This idea of limiting parliament in its power, and of supplying a right to test all law by the courts, according to human rights legislation protected in a Constitu-

tion, is re-iterated throughout the Commission's report (pp.96,207,209,302,309, etc.).

The pertinent contribution of the respondent, Mr.M.G.Cowling, of the Faculty of Law of the University of Natal, does seem to reveal a purpose of the minority (of Judges) to rule the majority (the people) via the same law as above, when he says: *"This vital role that will be attributed to the judiciary through the mechanism of a Bill of Rights will actually have the effect of enhancing democratic practices within the constitutional and political system of South Africa.... Ultimately a Bill of Rights will introduce a measure of real and effective separation of powers into the South African Constitution.... What is of great significance in this respect is that the courts will enjoy their own measure of sovereign power, i.e. in the field of protection of human rights, and in this field the courts will be supreme."* (p.309)

The statement on democracy being augmented just does NOT rhyme with the intention of increasing the POWER of an oligarchy, even to the extent of its power becoming "supreme"!

Such a *reign of an oligarchy* causes concern for the following reasons:

(1) Total sovereignty would be granted to a group of people who are just as sinful and fallible as any of us, and just as prone to perhaps misuse power as any parliamentarian. But the difference to parliament being that they have no controls and balances as parliament has (opposition, higher house, etc.), even though we do understand that they will have to motivate their decisions on existing written law. The latter offers no set hope for this point, as we shall later see.

(2) Judicial application of law totally rests on the judge's INTERPRETATION of what the law intends and allows. There is a plea by the Commission in their report to have human rights legislation written in broad terms, increasing the number of possible interpretations. Interpretation is largely a subjective action which rests upon the *presuppositions* of the judge. This will probably be denied, with reference to the "scientific" basis of modern legislation, but as we will indicate in the last chapter, this is not an adequate basis for denial.

An indication of the power of individual interpretation is illustrated in the battle that always ensues when the USA has to appoint another judge to the supreme court, some desiring a liberal and others a conservative judge. This battle would be totally unnecessary if the interpretation of law was objective and invariably the same.

(3) The change in interpretation of law could represent such a shift that the *original intent* of the law is contradicted. Seeing that the Commission expressed

especial appreciation for the American model, the following illustration of what we are trying to say will come from the USA:

The *First Amendment to the Constitution* reads as follows:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

In the middle 19th Century Supreme Court judge Joseph Story outlined the purpose of this law (“Ruler of the Nations” by Gary de Mar, Ed. Dr.G.North):

“The real object of the [F]irst Amendment was not to countenance, much less to advance, Mohammedanism [Islam], or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among Christian sects [denominations] and to prevent any national ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the national government.”

This is correct, for when the First Amendment was written, nine of the thirteen States had each their own official church, and these of different denominations (Anglican, Congregational, etc.). This law protected the status quo.

But how is this law applied today? It is now interpreted as saying that the State may not promote any religion (Christianity included). On the basis of separation between Church and State, any State-institution is forbidden to condone the exercise of religion within its precincts, including schools. The original intent of this law was not to suppress Christianity which now is being done, even to the point where Christians are being taken to court and punished for the exercise of their faith. Their Puritan forefathers would have been up in arms if this interpretation had been applied in their own day and age. The *original intent* was rather the protection of existing [Christian] denominations, and the prevention of a State-Church coming into existence. This changed interpretation accurately reflected the liberal attitude of the later Supreme Court.

(4) The Commission is accurate in its assessment that the reigning world-opinion on legal matters favours the view of “Natural Law” as the basic foundation, being formed by International agreement, and emanating from the thought of Universal Man. The apparent feeling exists that this reflects a more “scientifically neutral” view and less influenced by ideology and religion. To say the least, however, very much confusion reigns on this subject. To again refer to the American situation: The original writers of the Constitution refer to “the laws of Nature and Nature’s God”, and this is misunderstood by many to have a reference to Thomistic or Aristotelian Laws of Nature. There is, however, little doubt that these words were the original expression of Judge William Blackstone, one of

the main pillars of conservative, Christian America in its better past. In his authoritative (for that time) "Commentaries" (1765-70) he confirms that all law should be seen in the light of the only original law, that of Scripture. After this affirmation he follows on to say (noting his use of the term "natural or nature's law"): "Yet, undoubtedly, the revealed law has infinitely more authenticity than the moral system which is framed by ethical writers, and denominated the Natural Law; because one is the law of nature [Scripture - Ed.], expressly declared to be so by God himself; the other is only what, by the assistance of human reason, we imagine to be that law." ("The Second American Revolution", by John Whitehead, p.182). Clearly, to this teacher of law, "*Natural law*" was *God's Law* as revealed in Scripture.

On the other side, even assuming that men have agreement on many laws which have become common to many countries, this only reflects the fact that Man invariably, but with varying clarity and honesty, shows that his conscience reflects the creation of God, but his understanding has become tainted by sin, and because of this fact he even suppresses the truth:

"Because that which may be known of God is manifest in them; for God has shown this unto them. For the invisible things of Him from the creation of the world are clearly seen, being understood by the things that are made, even His eternal power and Godhead; so that they are without excuse: Because that when they knew God, they glorified Him not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened." (Rom. 1:19-21).

If the international opinion of legal minds rest on this universal consensus of mankind they are leaning hard upon a broken reed. If each individual man is born into sin, and we believe this, then, unless they are enlightened by God, their collective sinful opinions is a collection of sinful theory, excepting for that which was formed by Christian thought from the past despite themselves. God is gracious even unto the unbeliever, and therefore grants him much insight by His common grace. But the only reliable touchstone is still God's will as revealed in His Word.

What does concern us, however, far more is that "*Natural law*" would, in the minds of many, be a reference to what has been termed "*Socialistic law*", as propounded by Christopher Langdell (see later) and Ezra Pound and his liberal followers in the USA. This is a totally subjectivistic view of law which changes with the changing winds of man's mind. In contrast to this, the law of God is as unchanging as God himself.

(5) The classical reference in Scripture to the authority and powers of Civil Government, Romans chapter 13, clearly states that this government is granted the

sword of punishment as a *servant of God*. Even though the legal arm of government is still government, Scripture does not give any expression to an idea of the government (civil) being subject to the government (legal), because all government is the servant of God, and severally subject to Him. The *checks and balances* of government lies in their obedience to the revealed will of God as promulgated in civil law, and being evaluated on an ongoing basis by the church and the people. The individual could, however, be protected from government (civil AND legal) by human rights legislation, BASED ON GOD'S WORD.

IV. Practical implications of Human Rights Legislation:

The Commission apparently affixes much value to the American "Bill of Rights" with their Amendments. If this is the envisaged direction our own human rights legislation will take, we can at least learn from the experience of those subject to the American legislation. Presently there is a strong groundswell of protest from conservative Christians which is arising against the largely liberal interpretation of their Supreme Court of the Constitution and Bill of Rights (cf. the work of the Constitutional lawyer, John W. Whitehead, "The Second American Revolution", Crossway Books, Illinois, 1985). He especially refers to the following:

1. An increasing resistance against lawyers as a ruling class in the USA, and especially the source of their power, their test-right of all law and proclamation even against government, by the Bill of rights. These lawyers constitute the classical "philosopher-kings" class of Plato, which is an autocratic ruling-class or power-elite.

2. Christopher Langdell, dean of Harvard Law School in the 19th Century (ca.1870), initiated a revolution in legal process when he successfully advanced the idea that law was an *evolutionary process of change*, marked by the changing interpretation of case law by individual judges. The shifting sands of subjectivism, so long advocated in the field of philosophy, had penetrated the legal house.

The changing interpretation of their Amendment XIV will serve as example: In a 1965 Supreme Court decision (*Griswold vs. Connecticut*) judge Arthur Goldberg interpreted Amendment IX together with XIV to (newly) constitute a "right to contraception", which had never been deduced from these laws by previous judges. He reached this conclusion by first pleading on the Constitution (without achieving his objective), but then swinging over to the opinions of judges in mid-stream (and thereby reaching his desired conclusion). This right to contraception constituted a new view of personal freedom and privacy. There the matter did not end. In 1973 this same "law of privacy" was used by judge Harry Blackmun as

an "existing interpretation of law" to institute the infamous decision of *Roe vs. Wade*, granting the right of free abortion, and initiating the mass-murder of countless, helpless unborn humans. In the words of Prof. John Hart Ely of Harvard Law School,

"The problem with Roe is not so much that it bungles the question it sets for itself, but rather that it sets a question which the Constitution has not made the court's business.... It is bad because it is bad Constitutional law, or rather, because it is not Constitutional law and gives almost no sense of an obligation to try to be."

Thus the power of prejudice of presupposition. Given the position of power, it will find expression despite opposition. **No matter how conservative the wording of our South African Bill of Rights, unless it is worded in explicit Biblical terms, we face the same possibility of future misinterpretation of law.** And where such law is ensconced and protected in the Constitution, and able to overthrow all other laws or decrees, we do indeed need to be very, very careful of this envisaged legislation that it not become the pliable vehicle of the prejudices of liberals.

The pattern that should be followed in legislation should closely follow the pattern given by God almighty: i.e. principally **NEGATIVE law**, clearly prohibiting the transgression. This grants Man a great latitude of freedom to do that which has not been forbidden by law.

Where **positive law** is promulgated no border can be drawn in the quest to achieve the goal, and the law could become a limitless instrument of power in the hands of unscrupulous rulers. Take e.g. the positive law, "there shall be work for all". *Any means* to this end could be justified on the basis of achieving the purpose of this law. In this way employers could be forced to employ workers and even to pay them a certain salary, despite any logistical or financial restrictions he may experience. On the same basis Communism has kept profitless factories running to justify the Utopian ideal of their ideology.

3. The original intent of the separation of power between civil and legal government in the USA was a system of checks and balances to keep power out of the hands of any single elite group. This was not achieved because the right of review of all laws under a protecting Constitution and Bill of Rights grants virtual autocratic power to the Supreme Court, with power even to withstand Congress. This "right" was already seen in action as early as 1801 with the "*Judiciary Act*" of Congress which was declared null and void by the Supreme Court (cf. Whitehead). We should not be surprised if Parliamentary law is given the same treatment in South Africa.

Thomas Jefferson, well-known co-author of the American Constitution, clearly sketched his idea of the separation of powers between these two branches of

government:

“Nothing in the Constitution has given them [the Supreme Court] a right to decide for the Executive, more than the Executive to decide for them. The opinion which gives to the judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the Legislative and Executive also, in their spheres, would make the judiciary a despotic branch.”

Despite this authoritative opinion the Supreme Court today is that despotic branch. We should take care not to follow the same path.

Fifty years after the “Judiciary Act” case a similar decision was taken against Congress in the *Dred Scott* case, overthrowing promulgated law issued by the people’s representatives. Abraham Lincoln in 1861 gave the following biting comment to this happening:

“The candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, ... the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal.”

If such power, which cannot be vetoed or denied, is given into the hands of the Supreme Court, government would have literally passed into their hands.

4. In the USA many people are being persecuted and denied rights which had been theirs for many years, but is now being denied under new interpretation of the Bill of Rights. So e.g. in the case of *parental authority* we have increasing litigation from children against their parents. Patricia Wald, appointed as judge to the Circuit Court of Appeals for Washington, is using this position of great influence to promote “children’s rights”. The Christian teaching on the authority of parents over children, as well as necessary discipline, is being placed under liberal scrutiny with legal intervention into the sacred precincts of the family. Wald argues for totally equal rights to parents as well as children, and the right for children to be represented separately where the interests of the parties are at variance. In exceptionable cases this could be necessary to protect children from unreasonable adults, but Scripture stands for a sphere of sovereignty in the two governments of both State and family, and neither of the two should exercise their special form of authority over the other. So, for example, in the case of “*In re Snyder*” in the USA (1975) a fifteen year old girl who was rebellious against parental authority and wished to escape it, successfully petitioned a court to declare her “insusceptible to improvement”, and to place her under foster care and the court’s supervision, denying any authority of the parents over her.

5. The so-called "rights" of homosexuals and adulterers have been taken up by courts, on the basis of human rights legislation, where churches have had the temerity to apply church-discipline, and/or discharge such people from duty in church appointments. In this way churches have been forced by law to either re-appoint them or to pay compensation. The church in its church-polity stands under the direct command of the highest authority, i.e. God. Where God has clearly commanded discipline or defined sin the church has to be obedient to God. Where the State commands contrary to God we must "obey God rather than men." Presently many churches and Christians are simply persecuted by law and accept it passively, but the time may come when the amount of conflict may lead the people to the conclusion that they are being suppressed by a tyrant, and this could lead to open conflict.

6. The First Amendment, which originally was written to assure the freedom of Christian religion (particularly from State intervention), has, with the passage of time and under the onslaught of humanistic interpretation by courts of law, become totally useless for that purpose. This amendment is now seen as the main bulwark to separate Church and State, and particularly, to keep religion out of politics and State-controlled institutions. This never was understood in the original intentions for this law. So we find the contemporary, James Madison, outlining the purpose at that time:

"People feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform."

The word "sect" was equivalent to our "denomination", and therefore referred to the prevention of strife in the midst of Christianity. Even other religions outside of Protestant Evangelicalism were not referred to, but today all religions are given freedom under this Amendment, but all are likewise excluded from the State. This law intended to promote denominational pluralism, and did not intend to suppress the Christian religion. If the original writers of the Amendment had had an opportunity to put this law into today's English it would have read as follows: *"The Federal Government shall make no law having anything to do with supporting a National denominational church, or prohibiting the free exercise of religion."* (Whitehead p.98).

How did this modern interpretation of *division between Church and State* come about? It was inferred from a statement of Thomas Jefferson made in 1802 in a letter. He referred to "a wall of separation between Church and State", whereby he *solely intended to protect the church from inroads by the State*, and had never meant to totally separate between the two. But in 1879, against his intentions, the Supreme Court quotes this phrase, giving to it virtual authority equal to that of the Constitution. Their exact words were... "almost an authoritative declaration of the scope of the [First Amendment]..."

7. Under modern interpretation the State forbids religion's voice in its precincts, but when it so fits the State, it will intervene in matters of the Church. So, for example....

(a) In many States the churches may not open their own *private schools* oriented around the concepts of faith, and **quiet a number of pastors and parents have been jailed for this transgression like common criminals.**

(b) Courts of law have intervened where churches have applied church-discipline or have given open sinners notice to leave a church-job, on the grounds of human rights legislation.

(c) Presently, certain legislators are considering the use of particular laws on taxation, and another on riot control, as possible instruments whereby they could control churches.

(d) The suppression of even private Bible studies and prayer in Schools, or for the churches to minister in these institutions of the State.

7. The "equality of sex and race" statement of modern equalitarianism has also led to some absurd situations. Employers have been challenged in court for appointing persons of a certain race or sex to a job where this "discrimination" seemed appropriate to them, not on a basis of hate or suppression, but of utility. Therefore, the right of the employer to freely exercise his own choice in his own business is totally curtailed, and this "human right" and freedom is denied. Why should the rights of an employer be set above that of an employee (or potential employee), except that such an arbitrary decision be made on the basis of Marxist dialectics which looks in disfavour on the "owner of resources"? In this way a recent report was published in "The Citizen" newspaper of a hotel-owner in the USA who was taken to court and had to pay a couple of million because he had apparently not appointed enough women in the available posts! Surely this is not only ludicrous but also severely curtailed the rights of the employer.

8. The so-called "*right to freedom of speech*" in the USA has led to a flood of pornography, dirty language, perverted ideas and a lack of respect for the image of God in Man. The public expression of this has led to immorality, criminality, and the perverted expression of hate to Mankind in various forms. Every day in the USA the following occurs to teenagers alone (on a median basis): 2795 girls become pregnant; 1106 accept abortions; 6 commit suicide; 7742 acquire syphilis and gonorrhoea; 211 are arrested for the use of habit-forming drugs, and 437 for the misuse of alcohol and drunken driving. (Aidia Parker Newsletter, 142, March/April 1991).

The hollow "freedom of speech" issue is promoted and defended aggressively by the American Civil Liberties Union (ACLU) which is liberally financed by the financial giants, the Carnegie Foundation, the Ford Foundation, the Rockefeller Foundation, and even the Playboy Organization! The ACLU stands for "the

freedom to promote child-pornography, the regulation by law of the use of habit-forming drugs, the right of homosexuals to "marry", to adopt children, and to solicit in public; the right of children to abortion without parental consent, and the fact that they see marital fidelity as being against the freedom of the Constitution."

If South Africa allows a similar freedom of speech, based on human rights legislation protected in a Constitution, then we should expect a degeneration of our whole society, and a definite resistance from the true Christian Church.

Conclusion:

Above we have only offered some random examples of the misuse that liberalism and humanism is making of the Bill of Civil Rights in the USA, which the Olivier Commission is apparently considering favourably as a model for the South African legislation. It is our urgent and serious plea that all our legislation be founded on a sure and definite Christian basis that would preclude dubious and double interpretation.

(signed) Dr.E. Jonker Chairman, Pretoria Christian Action. P.O.Box 915-1507, FAERIE GLEN, 0043 Pretoria.

*" Why do the nations conspire and the peoples plot in vain?
The kings of the earth take their stand,
and the rulers gather together against the Lord,
and against His anointed One....
The One enthroned in heaven laughs;
the Lord scoffs at them....
"I have installed my King on Zion, my holy hill...."
Therefore, you kings, be wise,
be warned you rulers of the earth;
serve the Lord with fear, and rejoice with trembling;
Kiss the Son lest He be angry, and you be destroyed in your way."*

Psalm 2

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A COVENANT OF LIBERTIES FOR SOUTHERN AFRICA

A Declaration of Universal Biblical Duties and Rights

Preamble

The God of the Scriptures is the Creator of the world and everything in it. Therefore, all things are His servants. Jesus Christ, the eternal Word of God, God out of God, Light out of Light, is reigning now in heaven. At present, as Lord of heaven and earth, He governs all things, holding all sovereign authority, power, right, and justice. He alone is Sovereign King, Ultimate Judge, and Supreme Law-giver of men.

Because the Creator is Tri-une, neither the principle of true unity nor that of real diversity can define that which is good and just nor that which is evil and oppressive. Because neither principle is logically prior to the other and because both principles exist eternally within the Godhead, no earthly philosophy nor socio-economic structure built on such a philosophy can conclude that collective social equality (ie. unity) or individual freedom (ie. diversity) are the ultimate good. Both the principle of true unity and that of real self-determining diversity are good and all just, Biblically defined human social structures must reflect both principles found in God.

God created man in His own image, male and female. Man, a being completely dependent upon God for all things, is also a fallen creature. Apart from the redemption through Jesus Christ, he is totally sinful, hostile to God, and not wanting to subject himself to the Law of His rightful King. Indeed, he is not even able to do so (Rom. 8:7ff). Every man, male and female, as God's image, is fully responsible to his Creator to glorify and serve Him by living in His world as a steward of His creation. Therefore every human individual, without distinction as to race, gender, age, or ethnic group, is equally responsible to fully obey the one just Law of the one true God. Consequently, every individual is impartially judged by God and must be impartially judged in human courts.

From the creation of the first man, the Sovereign and just God has graciously given contractual or covenantal rules found in the law of God which govern the actions of all men; first concerning individual and collective man's duties or obligations, second concerning their just claims or rights. This is the sole basis of providing and defining the duties and rights of men. Therefore, undeserving man as both a

dependent and God-rebellious creature has no rights **inherent** in his nature created in the image of God.

From one man, God created every language based, ethno-cultural group and then scattered them abroad when they refused to voluntarily spread over the face of the whole earth as God had originally commanded. He determined the times set for each such group and the exact places where they should multiply, possess and labour upon the earth. God did this so that every such group of men would seek Him, find Him, and obey Him as the author of that which He has already made known to them in the Creation and His Word, by which all the peoples must be governed. Therefore, fashioned by God and accountable to Him, all such ethno-cultural groups have been given collective responsibility to obey God for which they will be **collectively** judged. This responsibility creates a **collective** right to freedom and self-determination under God including a group right to enforce by law their common language as the sole language used in civil and business transactions.

Because God gives the rights of men contractually (ie. covenantally) they are inalienable with respect to men but are not absolute and binding with respect to God. He gives the condition of the Contract (ie. obedience to the stipulations of His Law). If that condition is broken, then the right is forfeited and a stipulated punishment must be executed by His civil government agents on earth.

Among the God-given duties and rights of men are five fundamental, inalienable rights derived from His Ten Commandments. All other rights are derived from these:

- **LIBERTY:** The right to personal and collective liberty under God's rule alone, lost **only** by persistent **unbelief and rebellion against God's Law.**
- **LIFE:** The right to enjoy and defend life for all men who do not commit a capital crime,
- **PRIVATE PROPERTY:** The right to acquire, possess, and protect private property.
- **FAMILY:** the right to a contracted, well-ordered and faithful monogamous family-life.
- **TRUTH AND CONTRACT:** The right to truth and contract respected in a court of just law.

For the sole purpose of securing these and other rights derived from them, God has ordained civil government, and has given to men the authority to institute that civil government. A people, stewards of God and covenanted as family groups together before Him, have the duty and right to lay the foundation of civil government on just principles and organise its power according to their common consent and the Biblical pattern established by God in Scripture. They are responsible to base all their laws upon the universal principles of justice and equity found in every one of the Laws of God found in the Holy Scriptures.

Every one of these Articles, including the Preamble shall be unchangably entrenched in the Civil constitution of the nation.

Article One – Framework

Section 1: Purpose

This Covenant of universal duties and rights belongs to every man in Southern Africa, male and female, rich or poor, citizen or alien who remain at least within the external terms of the covenant. Religious, social, political and economic liberty results only from the respect and obedience to these duties and rights.

These duties and rights are conferred upon all men at conception, by God alone. They are thus immutable with respect to men. Because these duties and rights were not devised by men, they **cannot be modified** by human civil government. Only God has the right or authority to change what He requires of men.

These duties and rights are rights of the person. The rights which the duties create are inalienable rights which no man is permitted to transfer or surrender. A civil government, as the Servant of God, also has specific duties. One is that it can never lawfully abridge these God-given rights with respect to any person nor any God created social institution, but must carefully acknowledge and respect them.

Section 2: Definition of “Rights”

A “right” is the opposite side of a duty. A “right,” then, is a grant of covenantal or contractual authority given by God to man – a just claim which men may assert in a civil or ecclesiastical court of covenantal law. Man only has authority, as God’s steward, to live for God and to serve Him according to His rules and plan. God-given authority is always righteous, therefore, man only has authority (ie. a “right”) to do right. Man never has a “right” to do that which is morally wrong. God alone has established in His Word, both Old and New Testaments, what is just and right with respect to duties, rights, and the just penalties for breaking those rights.

Not every duty, however, has a corresponding right or just claim which is resolvable in human courts. Some broken duties will only be punished by direct divine action and have no Biblically defined civil penalties.

The rights or just claims declared herein shall not be construed to deny or disparage other Scripture-defined rights not named.

Section 3: Types of Authority; Institutions of Government

The Sovereign God has ordained various types of authority which He delegates to men. These differing authorities when exercised by men are also rights which must be respected by those holding other forms of authority. Among these are the authority of the individual, the family, the church, the civil government, and voluntarily contracted associations.

Each of these differing authorities is a kind of government before God. No-one government in particular may lawfully interfere with the just exercise of authority and rights of any other government. Human government as a whole comprises all these forms of smaller governments, each with its own independent jurisdiction, separately responsible to God, operating freely in society within the purposes for which God ordained it.

Section 4: Rights: Universal, Immutable, Inalienable

When men enter into a state of civil society they do not and cannot divest themselves or their posterity of any universal, immutable, inalienable right. These rights are not subject to dilution, restriction, or contravention, and no interest of civil society, compelling or otherwise, is sufficient to override such rights or duties.

Section 5: Civil Government: Both a Divine Ordinance and a Human Institution

God has ordained both the general authority of civil government and the authority of men to institute a form thereof. God has not made civil government a divine act alone. Civil government is also a human institution, with particular government being instituted by men through their common consent. God has granted authority to families through a mutual covenant to found civil government on just Scriptural principles and to organize its powers in order to secure these universal Biblical rights of men.

Civil rulers are accountable not only to God, as His Servant, but to the covenantal citizen families of the people (ie. ethno-covenantal group) they represent. These citizens institute civil government, their governors are their servants and the trustees of their Biblical rights. Tyranny, despotism, and arbitrary rule — all three of which can be defined as ruling without the sanction of Biblical law and the informed consent of the citizens — are a breach of the citizen's written or unwritten covenant and of the ruler's covenantal promise to serve the citizen's under God. Such a breach of covenant strips a ruler of God-sanctioned legitimacy and therefore of his just right to rule. The loss of office becomes effective upon the public declaration by the other chosen representatives of the covenanted citizens of the nature, cause, and proofs of a ruler's breach of covenant, and that the citizens through their representatives chose to institute a new civil government and new rulers.

Section 6: Free Government

No free government, civil or otherwise, nor the blessings of liberty, can be preserved to any people who do not adhere to the recognition that all rights have reciprocal duties, and that the Creator God is the source of them all.

Article Two – Self-Government

Section 1: Immutable and Inalienable Rights

God created all men to be free bond-servants of Himself and gave them certain immutable and inalienable covenantal rights. All are responsible to and interdependent upon their fellow men. Due to the effects of sin, men can be born into a status of “slavery,” that is into a family or a people in which these God-given covenantal rights are habitually violated. Liberty can be restored only as the individuals in those families and peoples obey God as well as respect the God-given rights of their fellows. The exercise and enjoyment of these rights and duties by the power of the Holy Spirit, constitutes the essence of self-government.

Section 2: Civil Proceedings; Forfeiture; Obligation of Contracts

The immutable and inalienable covenantal rights of life, liberty, family, private contract, and property shall be secured by law in all spheres of civil government.

No person shall be subject to forfeiture of life or liberty in any civil proceeding, nor shall any person be subject to forfeiture of his property, the use or enjoyment thereof, or of family except in satisfaction of a lawful civil judgment rendered by due process, and according to a lawful judicial decision or levy. In controversies respecting property, and in suits between man and man, the right to trial before a “jury” of elected civil representatives, in one of the districts of residence of the parties to the case, shall not be infringed. The civil government, therefore, has no right of eminent domain whether in the public interest or not.

No law shall be passed impairing the liberty of contract or the obligation of contracts made within the sphere of Biblical law.

The regulation of these rights shall be established by law.

Section 3: Criminal Prosecution; Forfeiture

The right to liberty, life, property, contract, and family shall be secured by law. In criminal prosecution, no man shall be subject to forfeiture (ie. the loss of money or property because of the breach of a legal or contractual obligation) except by due process of law.

Due process of law in criminal proceedings acknowledges the accused’s right to reasonable bail; the right to demand the cause and nature of the accusation against him; the right to confront accusers and witnesses and to call for favourable evidence; the right to a speedy and public trial without abridging other rights; the right to trial by an impartial tribunal or jury of civil representatives elected for that

purpose, without whose unanimous consent no guilt can be found. The accused has the right to be presumed innocent until found guilty in a regular court of law.

No man shall be compelled in any criminal proceeding to give evidence against himself—he has the right to remain silent—nor be twice put in jeopardy of life, liberty, or property for the same offense.

Neither liberty nor property shall be forfeited except by lawful incarceration under the supervision of a private citizen who has paid for his labour and who will care for his basic needs of food and covering; or by restitutive fine of two hundred percent of property stolen, payable to the victim of the crime, or both. No such incarceration shall be for more than six years, nor shall any treatment be cruel (corporal punishment excluded).

Nothing in the section shall be construed to prohibit the exercise of capital punishment for crimes defined by God.

The regulation of these rights shall be established by law.

Section 4: Separation of Powers

No bill of attainder (ie. an extinction of civil rights and capacities upon a sentence of death or outlawry), bill of pains and penalties, private bill or any *ex post facto* law shall be passed, nor shall any person be subject to legislative or executive trials. No person shall be subject to law-making by a judiciary which departs from a strict contextual, historical-grammatical interpretation of constitutional documents.

Section 5: General Warrants of Search or Seizure Prohibited

The right to be secure in one's person and property against unlawful search or seizure shall not be infringed.

No law shall permit or require either search or seizure unless it require a warrant particularly describing the place to be searched, and the person or instrumentality, contraband, or stolen property to be seized. No warrant shall issue but upon probable cause supported by oath or affirmation, and attesting to the belief that a crime has been committed relative thereto.

The regulation of these rights shall be established by law.

Section 6: Right of Expression; Licentiousness

The right of expression, including artistic freedom, speech and the press shall not be infringed if these expression remain within the bounds listed below.

The right freely to create, speak, write and publish sentiments or expressions on all subjects shall not be infringed. Obscene, defamatory or profane expressions are licentious, in violation of God's law, and are an abuse of the right of expression. These may be regulated by law.

That which is obscene, including pornographic expressions offensive to chastity or sexual purity as defined by divine law, and which violates the right of a well-ordered and faithful family-life, is a licentious expression punishable by civil, family and church governments.

That which defames, including slanderous and libelous expressions, the use of which tends to or actually destroys or impairs another's good name, character or reputation, where falsely and maliciously uttered, is a licentious expression subject to civil redress.

Blasphemy, a licentious expression against God and Biblical religion, can and shall be punished by law, subject to civil redress and regulated by law.

That which is profane, is beyond the jurisdiction of the civil government to punish or remedy.

Nothing herein shall work to compel speech, writing, publication or artistic expression, nor shall same be subject to prior civil restraint, licencing, permits or regulation.

Section 7: Right of Movement; Association; Assembly; Petition

The right of free movement and association for all godly and lawful acts, including peaceful assembling to petition the civil government for the redress of grievances, shall not be abridged. Nothing herein shall work to compel movement, association, assembly or petition, including unionization, nor shall same be subject to licensing, permits or registration.

Nothing herein shall prohibit peaceful dissociation nor the forming of exclusive ethno-linguistic, gender, or age based associations, including institutions of education, neither shall these associations be subject to licensing, permits or registration..

The regulation of these rights shall be established by law.

Section 8: Prohibition of Compulsory Support; Intellectual Freedom

No person shall be compelled by any means, including taxation, to support in any measure, large or small, any commission or endowment for science, arts or humanities, any newspaper, magazine, radio, television or other media; nor shall any person be compelled to support or frequent any educational institution: school, college or university whatsoever; nor shall be enforced, restrained, molested, or burdened in his person or property, nor shall otherwise suffer, on account of his Christian opinions or belief; but all people shall be free to profess, and by argument to maintain, their opinions within the framework of the orthodox Christian religion and ethical principles. These same shall in no wise diminish, enlarge, or affect their civil capacities.

Section 9: Free Exercise of the Orthodox Christian Religion; No Establishment of Christian Denomination.

The Biblical religion is the duty that our Creator requires of all men with respect to Himself and the mutual duties of charity He requires of all men toward each other. The manner of discharging those duties can only be directed by one's conviction, not by civil force or coercion.

All people are equally entitled to the free exercise of orthodox Christian faith, according to the dictates of their convictions alone.

No person shall be compelled to attend or financially support any particular religious worship, place, or ministry whatsoever. No person shall be forced, restrained or disturbed in his body or goods; nor shall he otherwise suffer before the law on account of his orthodox religious beliefs. All people shall be free to profess, proselytize or evangelize, and by argument to maintain their opinions in matters of the orthodox Biblical faith, and the same shall in no way diminish, enlarge, or affect their civil capacities.

The orthodox Christian Faith is that sum of the points of agreement between the Reformation Confessions of Faith: the Belgic Confession, the Thirty-Nine Articles of the Church of England, Westminster Confession of 1646, The Savoy Declaration of 1658, the London (Baptist) Confession of 1689, and other compatible confessions.

Section 10: Emigration, Immigration and Secession

All citizens have an immutable and inalienable right of liberty to emigrate. All citizens have an immutable and inalienable right of liberty to form a new nation in vacant areas, or to secede from or federate with another nation, together with the area of land which they purchase, whenever they decide upon that this action may best promote their Biblical rights under God.

All immigrants into a covenantally Christian nation must leave their own gods, people, language and anti-Christian traditions, and upon oath, promise to assimilate into the people, language, and Christian faith of the new land.

Immigrants shall receive the right to participate fully in the political process, including the election of representatives, only in the third generation after immigration.

The regulation of these rights shall be established by law.

Section 11: The Right of Self-Defence

The right of self-defence, as defined in Biblical law and the common law based on divine law, shall not be infringed.

Article Three – Family Government

Section 1: Authority to Conceive and Bear Children

The Creator has granted to every lawfully wedded husband and wife the exclusive, non-delegable right to conceive and bear children as God directs and enables. No law shall control, regulate or abolish this immutable right of Liberty under God, including any law relative to when, where, by whom or in what manner children are to be conceived or born. Nothing herein, however, shall be construed to permit or compel abortion or infanticide.

Every judicially innocent person has the right to life from conception to natural death.

Section 2: Education of Children

God has granted parents the original right and duty to provide their offspring and minor legal dependents with a Christian education. Parents are free to secure one or more agents of their choice, to assist in the exercise of this right and duty. No law shall control, regulate or alienate this right, including any law relative to when, where, by whom or in what manner children are to be educated. Nothing herein shall be construed to permit parents to retain the civil government as their educational agent.

Section 3: Care and Discipline of Children

Parents are granted the original right to care and discipline their offspring and minor legal dependents. Parents are free to secure one or more agents of their choice to assist in the exercise of this right. No law shall control, regulate or alienate this right, including any law relative to when, where, by whom or in what manner children are to be cared for or disciplined, except with respect to criminal acts against Biblically oriented common law, which may constitute a forfeiture, but none shall be worked except by due process of law. Nothing herein shall be construed to permit parents to retain the civil government as their agent in the exercise of their right.

Section 4: Care of Parents

Both husband and wife and their children of majority age (20 years and older) are given the original duty and right to care for their spouse or parents respectively, provided both families are willing. Such adults are free to secure one or more agents of their choice to exercise this right. No law shall control, regulate or alienate this

duty and right, including any law relative to when, where, by whom or in what manner such adults are to be cared for. Nothing herein shall be construed to permit civil government to act as an agent to the exercise of such a right nor is the civil government permitted to levy any taxes for such purposes.

Nothing herein shall be construed to permit or compel euthanasia.

Section 5: Taxation of Property

The earth and all that is in it belongs to the Lord God, the Creator and Owner of all things. He has ordained the institution of property in His Law and has divided the delegated ownership of the earth among the various peoples that live upon it, and exercise rulership over it as stewards of God and His Kingdom. The inalienable right of property shall not be impaired.

Property, whether real, personal or intangible, is not a creature of civil society. Taxation on property constitutes a form of rent charged by the civil government demonstrating that the State is the owner of the land, not the Creator and not the private citizens to whom God has delegated the right of private property. The ownership of property whether real, person or intangible, shall not be taxed.

Section 6: Regulation of Property

The right to exercise jurisdiction over one's own property shall not be impaired except when that ownership involves trade or practice which violates the law of God.

No law, including any zoning ordinance, shall regulate or restrict the private ownership, possession, use or control of property, whether real, personal or intangible. Nothing in this section shall be construed to limit judicial resolution of disputes between individuals involving noise, nuisance, trespass or other common law civil remedies.

Nothing herein shall be construed to permit or compel sale or purchase by aliens and non-citizens of non-urban, agricultural land, as defined in perpetuity by law.

Section 7: Taxation of Gifts and Inheritance

God's will is that the righteous and obedient are to inherit the land of the earth as well as even the wealth of the wicked. Therefore, the right to transfer property by gift for all godly purposes shall not be impaired.

No transfer of property by gift, whether during the donor's lifetime or by reason of his death, by devise or bequest, under intestacy laws, or otherwise, shall be taxed in any form whatsoever.

Article Four — Ecclesiastical Government

Section 1: Proselytization

The right to declare, and maintain orthodox Christian religious beliefs, as well as to freely communicate with others such beliefs is immutable. No law shall be passed or construed to infringe in any way this right exercised either individually or in association with others. No law shall compel association for religious ends.

Section 2: Training, Discipline, and Excommunication

A church or denomination's authority to train, discipline, and excommunicate its members is based upon the God-given immutable right to associate and disassociate for any godly and lawful purpose. No law shall be passed or construed to infringe in any way this authority or the right of association from which it is derived, neither shall any other section of this Covenant of Liberties or any other constitutional document be construed so as to do the same..

Section 3: Church Government

A Church or denomination's authority to organize its powers in such a way as to them shall seem most likely to effect their purpose is based on the immutable right to liberty by which its members can associate for any Biblically lawful purpose. No law shall be passed or construed to infringe in any way this authority or the right from which it is derived.

Section 4: Religious Establishment

No civil law shall require or authorize any Christian denomination or religious society, nor to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry. It shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please. Nothing in this section shall be construed to prevent a law requiring an oath or affirmation prior to assuming civil office, nor to prevent an orthodox Christian religious test from being prescribed before assuming civil office.

Section 5: Jurisdiction

No ecclesiastical government shall exercise jurisdiction over any object entrusted to any other government: self, family, voluntary, civil or otherwise. Neither shall

any such government exercise jurisdiction over any object entrusted to ecclesiastical government.

Nothing in this section shall be construed to permit consultation with, propagation of, or open worship and prayer to images, Satan and Satanism, spirits whether "human ancestors" or any non-human spirits or angels, nor does it allow witchcraft, whether "European-Western" or "African," nor any form of idolatry whether involving physical images or the virtual or actual deification of individual or collective Man.

Two eyewitnesses or equivalent are necessary to prove any accusation in a regular court of law.

Article Five – Civil Government

Section 1: God, through the Covenanted Citizens, the Source of Authority

To secure the blessings of Liberty under God and the immutable Biblical duties and rights of men, God institutes civil government among them, leaving to their consent the formation and organization of its just powers. Consequently, civil authority is vested in, and derived from God who delegates it to the covenanted citizen-families of a land. The civil officers are the citizen's trustees and servants under God, and at all times amenable to them.

Section 2: Civil Government Ordained for the Common Good

Civil government is, and ought to be, instituted for the common security and protection of inalienable, Biblical duties and rights. Of all the various modes and forms of civil government, the decentralized, Christian, Federal, Republican form, modeled on pre-monarchical Israel is the most just (ie. a civil government with no earthly king, by chosen representatives, with a non-pyramidal, concentric circle shaped, Federal form). It is best capable of securing the greatest degree of public good because it limits the power of sinful rulers, corrupt maladministration, and tyranny, and best secures the basic rights derived from divine Law.

Whenever any form of civil government systematically and habitually fails to secure the immutable rights of the covenanted citizens, it is equally the right of those citizens to alter or abolish that form of civil government and institute a new form, laying its foundation on Biblical principles and organizing its powers in the Federal Republican form that best secures these immutable rights.

No democratic majority can make any law restricting or regulating the basic duties and rights derived from Biblical law and the common law based on divine law.

The function of civil government is strictly limited to one function: the exercise of restorative-retributive justice. This includes the following departments of civil government and none other: **Judiciary and Parliament** with the Executive head of parliament to execute, interpret and apply the Biblical and common law based on that divine law; **Military and Police** as executive departments for defence of the citizens and residents, as well as **Foreign Affairs** under the executive to protect the justice and rights of the citizens in the world of nations through diplomacy.

Section 3: Offices are not to be Hereditary; No Exclusive Emoluments or Privileges

That no man, or set of men, is entitled to exclusive or separate emoluments (ie. advantage whether financial or otherwise), pensions or privileges from the community, except in consideration of current public services. Neither shall civil offices be hereditary. No man shall rule by divine right, inheritance, gift or conveyance.

Nothing herein shall be construed as excluding a traditional constitutional monarch as the ceremonial head of state.

Section 4: Separation of Legislative, Executive, and Judicial Departments of Civil Government

The legislative, executive and judicial departments shall be functionally separate and distinct, yet interdependent and co-operating branches of the civil government in all its various local, regional, and national manifestations. Each is limited to exercising its own respective authority.

The legislative branch is not a law-making organ. That function is reserved for the Creator alone. The legislative is made up of representatives chosen from equitably designed electoral districts. The legislative branch must analyze every Biblical Law and the common law which was historically based upon it, derive the universal binding principles of equity and justice found in them, and then apply these principles to new situations.

The executive branch, chosen by the legislative, in the various spheres of civil government (local, regional, and central), exercises authority over the police and defence forces so as to enforce and defend the just laws of the civil government.

The judicial branch, chosen by the legislative branch, has the right to interpret and test all laws originating from the legislative branch as to their strict conformity with the wording Biblical law and the common law based upon that divine law.

Nothing herein shall be construed to permit the judicial branch to create or enforce any laws or statutes by reading new meaning into words, changing the meanings of terms, or by creative and inventive interpretation.

Section 5: Government by Consent; Citizenship

A people made up of families of similar language, historical identity and common faith have the immutable right to establish themselves as a political entity (ie. a nation) by their consent.

Every free household consisting of father, mother, children and other dependents has the right of suffrage (one-household-one-vote), exercised in mandatory consultation with the other adults in the household. Every covenantal head of household of the nation, having derived citizenship either by birth within the ethno-cultural group (ie. people) or naturalization, who are of 20 years of age or older,

have the right to represent their household in public meetings and in any election of public representatives.

The covenantal head of the household is normally the husband, however, in the case of just divorce or of widowhood, and in the case of no non-dependent, blood related male (ie. a son or father) of adult age living in the household, a female can justly represent the covenant household or delegate that responsibility to any other adult, blood related relative living as a dependent within the household.

All elections shall be secret, without charge, and no person shall be taxed, or deprived of, or damaged in their property without their consent through their legislative representatives.

No family-household, nor any representative of the family-household can be deprived of the right and duty to vote merely because of skin colour or other arbitrary physical qualifications

Nothing herein shall be construed to prohibit the classification of citizens and various groups of aliens based on common faith, language, and historical relationship.

The regulation of these rights shall be established by law.

Section 6: Laws should not be Suspended

All power of suspending laws, or the execution of laws, by any civil authority, without consent of the representatives of the people according to law, is injurious to their rights, and shall not be exercised.

Section 7: Militia; Standing Military; Military Subordinate to Civil Power

A well-regulated citizen's force commando unit in each local and regional jurisdiction of civil government, subject to the elected leaders of that local or regional civil jurisdiction, and composed of the body of the male citizens 20 years of age and older, trained to arms, is the proper, natural, and safe defence of a free state. Therefore, the right of the covenanted citizens to keep and bear suitable weapons for that purpose shall not be infringed.

A national standing military secures the rights of the citizens with respect to foreign enemies. In both instances, the militia and the standing military are subject to civil control in each of the various local, regional, and national manifestations except when the civil authority is in clear and open rebellion to Biblical law.

Section 8: Oath; Religious Tests

All officers, representatives or civil servants of the covenanted citizens holding public office shall be bound by oath or affirmation before God to support this

Body of Liberties. A religious test requiring an man to profess, renounce or affirm belief in the orthodox trinitarian Christian Faith can and should be required as a qualification for any public office or public trust.

Section 9: Money, Licensing and Monopolies

The immutable property right of every person to pursue any lawful vocation shall not be infringed, regulated or controlled. Civil government shall grant no privilege or franchise to any business, occupation or profession. No licensing of the same by any organ of civil government shall be allowed.

No monopoly can be allowed to any central, local, or regional financial institution to control or regulate the coining, printing or distribution of currency.

All units of coin or currency backed by precious metal shall be defined by weight as stipulated by law. All units of currency in circulation or upon the financial records of all financial institutions shall be backed 100% by precious metals, silver, platinum or gold.

Any mint may stamp precious metal coins subject only to Biblically based common law regulation.

Section 10: The Day of Rest

The citizens are free to designate the one day of the week of seven days as a rest day when no commercial or civil government undertakings shall be permitted, vital or necessary functions excepted.

No person shall be allowed, whether willingly or otherwise, to work for more the six days in a row.

The regulation of these rights shall be established by law.

Section 11: Taxation

Every person has a right to be justly protected and secure in the enjoyment of his life, liberty, family and property and therefore is bound to pay taxes for that one sole function of civil government.

All taxes shall be either in a flat amount per household or at a fixed percentage rate, equal for all. No citizen shall be required to pay 10% or more of his income in total taxation.

No tax shall be laid except by the consent of the citizen's legislative representatives and no direct tax on income, imposed by any sphere of civil government, shall be allowed.

Section 12: Transfer by Consent; Damage of Property

No man's property shall be justly transferred to the civil government except for actual public use and voluntary consent of the owner. No man's property shall be damaged by civil government except in actual defence of liberty, life, property, and family and in such cases the owner shall be fully compensated for loss.

Section 13: Arrest of Persons and Slavery (ie. Incarceration) in State-Controlled Penal Institutions

The right to be secure in one's person from unlawful arrest shall not be infringed. False arrest is equivalent to kidnapping (ie. robbing a judicially innocent man of his basic right of freedom).

Nothing herein shall be construed to permit enslavement (ie. imprisonment) in State controlled, taxpayer financed penal institutions except for the short period between arrest and a speedy trial.

Section 14: Seizure of Property

No seizure of Property shall be worked by civil government except to obtain instrumentalities of a crime, contraband, or stolen property, and to pay the necessary restitution for theft.

Section 15: Forfeiture of Life, Liberty, or Property for a Wrongful Act

No forfeiture shall be worked except by the commission of a wrongful act, an appropriate trial or proof procedure, a judgment of liability or guilt and a lawful punishment (ie. capital punishment, privatized incarceration, corporal punishment, banishment, or restitutive levy as defined in Biblical Law or the common law based upon divine law).

Section 16: Forfeiture of Life for Pre-Meditated Murder Kidnapping, and Absolute Incurability

Forfeiture of life shall be mandatory for an act of pre-meditated murder upon the proof of two eye-witnesses or equivalent and with no mitigating conditions or circumstances allowed.

Forfeiture of life shall be mandatory for those criminals upon the second or third felony conviction, who upon testimony of the parents and/or decision of the court are judged totally incurable, addicted to harmful narcotics including alcohol and sexually profligate.

Forfeiture of life shall be mandatory for kidnapping, the stealing of a man's freedom. This includes kidnapping with the goal of enslaving.

Section 17: Forfeiture of Life for Violating the Right of Family and for Defiling the Land

Forfeiture of life for defilement of the land and for violating the right of well-ordered and sexually faithful family-life shall only be worked for the criminal acts of fornication, adultery, sodomy, bestiality or sexual intercourse with another by prohibited degrees of affinity or consanguinity upon the testimony in court of two eye-witnesses or equivalent.

Section 18: Forfeiture of Life, Property or Liberty for Perjury

Forfeiture of life for perjury shall be mandatory for a false witness in cases involving capital punishment.

Forfeiture of equivalent property and liberty shall be mandatory for perjury in cases involving forfeiture of property and liberty.

Section 19: Equal Protection of Law and Lex Talionis

The right of every person resident within the civil jurisdiction shall be subject to the same impartial Biblical law for all, citizen or temporarily resident alien, irrespective of creed, ethnic or national origin, colour, race, gender, or age.

Nothing herein shall be construed to permit or compel the removal of the God ordained marital and general gender roles, legal rights and protections for women, minor children and the orthodox Christian faith; nor shall any law be permitted to redefine or abolish the distinction between the covenanted citizen families and ethnic, non-citizen aliens whether those aliens were born within the geographic boundaries of the land or not.

Every person shall be punished with the punishment equivalent to the crime which he committed. No law or regulation that violates this principle of *lex talionis* nor which permits cruel and unusual punishment including torture and incarceration in psychiatric hospitals shall be permitted.

The regulation of these rights shall be established by law.