

Fundamental Values not Fundamentalism

The arguments being brought forward by those who are against entrenching the right to life of unborn children in the Constitution are disturbing. Most distressing is the branding of those (over 80% by most scientific surveys) who are in favour, as fundamentalist and Taliban-oriented. Some have even suggested, in true anti-clerical fashion, that the proposers of this pro-life initiative should, from now on, bear the title of ``Monsignor`` or ``Reverend.``

Those who are against extending the right to life in our Constitution to that of the unborn or have expressed doubts about such extension, have recently argued that:

- a. *We should not bind future generations by entrenching criminal law provisions in our Constitution:* Our constitution is pregnant with rules binding future generations. The very idea of having a written constitution which is supreme and fundamental - an idea originating from the labours of the US founding fathers was to have a supreme law, a *grundnorm*, which binds present and future generations unless amended by a qualified majority. For instance in 1987 our Constitution was amended prohibiting present and future generations from setting up foreign military bases in Malta unless a two thirds majority of our deputies in Parliament desire otherwise. The same applies to the colours of our national flag, our electoral system, the electoral laws on corrupt practice and foreign interference. Why so much fuss about including the right to life of fellow human beings *before they are born*?
- b. *the initiative is nothing but a political gimmick.* The initiative was proposed by two non-governmental organizations who have been campaigning in favour of entrenchment for the past six months. Government acceded to their request but did not publish the bill entrenching the right to life of the unborn in the Constitution, but circulated to the media and to civil society the Draft Bill for debate. Two hundred organizations, local councils and societies have expressed their support, and the number is still rising.

Had this initiative been a political gimmick, government would have immediately published the bill in the Gazette and requested an immediate debate and vote in Parliament. Besides the initiative has received widespread support from individuals and organizations of different political leanings. As I have already stated, government is prepared to decline from piloting the Bill itself in Parliament and permit that such initiative be proposed in the House by a mixed group of Members of Parliament from both sides of the political divide.

- c. *This bill is not a priority issue; there are more urgent problems.*

A country will always face problems of a mixed nature. Defending the rights to life of the unborn should not dwarf our labours in other areas; but neither should

we wait to enter a utopian problem free era, for us to protect the unborn in our Constitution. Stating that we should put this proposal on the back burner until we solve all our problems of a social or economic nature is, to say the least, ludicrous.

d. Paedophilia is abhorrent as abortion; why not entrench such crime as well?. The abominable crime of paedophilia is universally recognized as a crime punishable with imprisonment in all countries around the globe. Abortion is not. Indeed most countries permit legalized abortion but prohibit paedophilia. Besides legalizing paedophilia would in practice violate the already existing constitutional protection from inhuman and degrading treatment which is forbidden by article 36 of the Constitution. Safeguarding the right to life of the unborn, as the Irish have done, in our supreme law would prevent any future government from legalizing abortion, or allowing vague exceptions to the current prohibition of the willful interruption of pregnancy.

e. The proposal smacks of religious fundamentalism

I admit that this proposal is related to fundamental values, but not fundamentalism. If we have reached a state of moral turpitude that makes us brand any initiative in favour of life of the unborn, the defenceless and the voiceless, as fundamentalist, then we should re-examine our national conscience as soon as possible. If we rightly care for all creatures in the animal world, large and small, and sign treaties and conventions to protect them from cruelty by man, shouldn't we also protect the fundamental value of human life before birth in our fundamental law. Is this "fundamentalist" or "bizarre" as pro-choice campaigner Emma Bonnino has recently stated to a local newspaper keen on publishing her pro abortion views on this local pro life local initiative??

Besides believing in the right to life of the embryo-foetus is not necessarily a religious question; even if holding Christian beliefs strengthens one's conviction in the sanctity of human life even prior to birth, atheists and agnostics can reach, through reason and logic, the same conclusion as any Christian believer; and in doing so support the entrenchment of this fundamental right in our Constitution.

In conclusion I am pleased to note that this private initiative supported by government is gaining ground and I shall not despair if the Raphael Vassallos and Harry Vassallos of this world do not support it. Nor shall I request divine blessing of this initiative as some have sarcastically implored. Initiatives of this kind are positive and blessed in themselves because they relate to real values. Whether they shall lead to constitutional fruition depends on the goodwill of those who are requested by their voters to be true and loyal to their beliefs.

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