



# CONSCIENTIOUS OBJECTION

PACSA FACTSHEET

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*"Conscientious objectors refuse to perform armed service or take part in wars or armed conflicts for reasons of conscience or profound conviction as a result of their religious, ethical, moral, humanitarian, philosophical, political or similar beliefs."*

—Amnesty International Newsletter, June 1988.

## CONSCIENTIOUS OBJECTORS IN HISTORY

Conscientious objection is nothing new. The early Christians were generally pacifist and as such refused to serve in the Roman army.

**"I cannot be a soldier;  
I cannot do evil;  
I am a Christian.  
—Maximilian.**

At the age of 21 in 295 A.D. Maximilian was called up for military service. On reporting before the Proconsul, he refused to accept the badge of a soldier and was sentenced to death.

These early religious objections were generally objections on the grounds of universal pacifism. These conscientious objectors believed that all war was wrong and they would have refused to serve in any army.

As time passed and the Church and the State became more closely aligned the Just War theory developed. This theory held that although all wars are evil in some instances war may be the lesser of two evils. However Christians may only participate in wars that fulfill the following conditions:

- \* The war must have been declared by a legitimate authority.
- \* The war must be for a just cause.
- \* The war must be undertaken as a last resort.
- \* The war must be waged by means that are just.
- \* The war must have a reasonable chance of success.

**"I cannot and may not take an oath in favour of a government that is fighting an unjust war."  
—Franz Jaggerstatter.**

In 1943 Franz Jaggerstatter, an Austrian Catholic peasant, was called up into service of the Third Reich. On reporting he refused to take the military oath. He was opposed not only by the State but also by his Church. He was arrested and subsequently beheaded as an "enemy of the state."

## CONSCIENTIOUS OBJECTION IN SOUTH AFRICA

South Africa is one of over fifty countries in the world in which there is conscription. This means that all young white men are legally obliged to serve in the South African Defence Force (SADF) for an initial period of two years followed by a further 720 days of "camps" until they are fifty five years old.

Although there is a limited recognition of conscientious objection this only applies to universal religious (theistic) pacifists. That is, to be recognised as a conscientious objector one has to refuse to fight in any war on the basis of one's belief in God (or Gods). People who base their objection to military service on moral, philosophical, political or other beliefs and religious people who either do not believe in God (like some Buddhists) or else base their objections to war on the just war theory are not catered for and can be imprisoned for up to 6 years (one and half times the normal length of military service). Those granted the status of religious objectors are required to do community service for one and half times the period of military service — a length considered to be punitive in intention and effect.

PACSA

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## CONSCIENTIOUS OBJECTORS TO DATE

Prior to the passing of the Defence Amendment Act in 1983 there was no provision for conscientious objectors (with the exception of Jehovah's Witnesses and those coming from traditional peace churches). Objectors such as Anton Eberhard (1977), Peter Moll (1979), Richard Steele (1980), Charles Yeats (1981), Michael Viveiros (1982), Neil Mitchell (1982), Billy Paddock (1982), Etienne Essory (1983), Adrian Paterson (1983) and Peter Hathorn (1983) were generally sentenced to one or two years imprisonment although theoretically they could continue to be called up for the rest of their lives. Some objectors were imprisoned in Detention Barracks, others in civilian prisons.

The passing of the defence Amendment Act in 1983 meant that religious pacifists could apply to the Board for Religious Objection and do non-military community service for up to six years. Since then over 1 500 people have applied to be classified as religious objectors.

However this act has made things worse for people who do not qualify as religious objectors. Instead of a year or two in jail they are now faced with up to six years.

In 1985 Philip Wilkinson applied to the Board to be classified as a religious objector and his application was refused. He was arrested and charged with failing to report for a camp and was released on bail. He was subsequently detained and was again charged with failing to report for a camp. He was finally tried in May 1987 and was found guilty and fined R600.

"I am committed to South Africa and I believe that the truly patriotic action for me is to go to prison rather than deny my faith and my beliefs."

—Ivan Toms

In March 1988 Dr Ivan Toms became the first conscientious objector since 1983 to be imprisoned. Toms, a 35-year old medical doctor had previously had non-combatant status in the SADF but claims that his experiences as a doctor in the squatter settlement at Crossroads have led him to refuse to serve in an army which he sees as defending apartheid. He has been given a 21-month prison sentence.

"By being in the army it can mean death, but I am not trying to avoid this — I accept we must defend our people but I cannot do so under this present system of government."

— David Bruce

This month we will see the trial of David Bruce, the first person to face a six year jail sentence. On 19 July he is due to appear in court and be charged with refusing to serve in the SADF. 25-year-old Bruce has not done any previous military service and therefore faces a maximum sentence. Bruce claims that he is prepared to fight for the people of South Africa but not for the SADF which he views as upholding the racist apartheid system.

## THE CHURCHES' TEACHINGS

The mainline Churches in South Africa have consistently upheld the right of people to be conscientious objectors and have called on the government to provide alternative service for all objectors.



### Methodist Church:

"Conference affirms that the position of the conscientious objector has a legitimate place within the Christian tradition and that the right to discuss, question or advocate this position must be regarded as an integral part of the religious liberty fundamental to the health of our society." (1985).

### Catholic Church:

"In this matter of conscientious objection we defend the right of every individual to follow their own conscience; the right to conscientious objection on the grounds of universal pacifism and on the grounds that the person seriously believes the war to be unjust." (1977).

### Church of the Province of South Africa (Anglican):

"Believing that people should never be compelled against their consciences to participate in military structures. . . Calls upon the government in South Africa to widen the grounds for conscientious objectors by basing these on ethical and not only religious criteria and to specifically include selective objection." (1985).

### Baptist:

"This assembly of the Baptist Union. . . recognises the right of individuals to express their genuine and sincere objection to taking up arms on the grounds of conscience or religious convictions." (1979)

### Presbyterian (PCSA):

"The Assembly reaffirms its support of the right of young men to be conscientious objectors in South Africa, provided their motives are sincere." (1979).

See PACSA Factsheet 21 on **War and Peace**