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The Board - Steyn's era
1984 - 1986

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APPENDIX R

CURRENT INFORMATION ON THE BOARD FOR RELIGIOUS OBJECTION

1. Address and Phone

The address of the Board is: Board for Religious Objection
Private Bag X20521
BLOEMFONTEIN 9300
Phone 051-7-6096/7

Their premises are on the 6th floor of Saambou Building, corner of Maitland and Aliwal Streets, Bloemfontein. The Board sometimes meets in other centres.

2. Composition of the Board

The Chairman is Mr Justice M T Steyn and the other members are:

Prof J A Heyns, Professor of Dogmatics and Dean of the Faculty of Theology of the University of Pretoria; Moderator of the Northern Transvaal Synod of the Nederduitse Gereformeerde Kerk.

Dr D J C van Wyk, Minister of the Nederduitse Hervormde Kerk and Editor of the monthly publication 'Die Hervormer'.

Chaplain J M Daines, Principal Chaplain of the SADF and Rector of the Anglican Church, Voortrekkerhoogte.

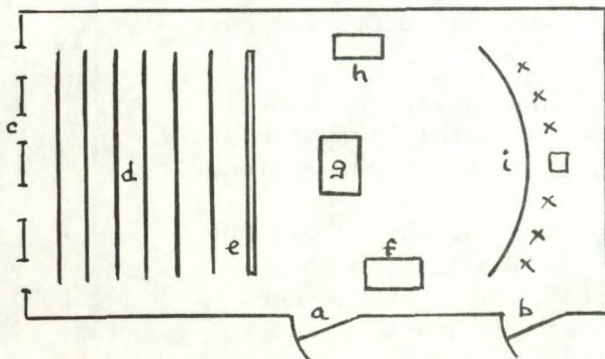
Rev V W Harris, Minister of the Northfield Methodist Church, Benoni; Chairman S E Transvaal and Swaziland District of the Methodist Church.

Col H L Bosman, Staff Officer, SADF.

There is an alternate to each of these persons who serves when any one of the above cannot be present.

The permanent staff of the Board are Mr Justice M T Steyn as Chairperson, Mr D S Fourie as Secretary and Ms van der Berg as office secretary. All are friendly, accessible and approachable.

The room where hearings take place in Bloemfontein is on the same floor as the Board offices and has been specially constructed for this purpose. It is about 30 x 15 metres and is arranged as in the diagram:



- a. main entrance/exit
- b. entrance/exit for Board members
- c. windows
- d. benches for the public
- e. press bench
- f. Secretary of the Board, Mr Fourie
- g. table where the applicant sits. Extra chair for witnesses
- h. court recorder
- i. raised desk, behind which sit the Board members

3. Thinking and Theology

Judge Steyn dominates the Board through setting the direction of the discussion and asking the most questions. He has proved, within the limits the Board operates under, to be reasonable and fair. In general his attitude is friendly and he is not aggressive in his questioning. He also has a sense of humour which helps to lighten the atmosphere every now and then.

Currently the Board are Protestant, and mainly Calvinist Protestants. They like Scriptural references to back up religious-type statements.

The most significant aspect is that none of them are pacifists and all of them hold to some version of the just use of violence and war. This means that none of them would qualify as applicants for recognition as objectors in terms of the present Defence Act. It also has a marked effect on the way they function in the hearings. The religious pacifist position is actually a radical challenge to their faith, their ethics and their relationship with the military. Thus when they test the applicant's position, it appears to be as much a vindication of their own position of Just Violence, as to test the credibility of the applicant. The main line of questioning from Board members is concerned with whether the applicant would not, under certain circumstances, accept that violence is necessary, and that they may even use it themselves. Usually this is done by means of the "What would you do if ...?" type of question. In cases where the applicant has not agreed with or submitted to this point of view the hearing has sometimes turned into an apparent attempt to convert him to the Board's point of view. They nevertheless are fair in accepting such persons as religious objectors. The following quotations are relevant:

Judge Steyn:

"Can't you see the necessity of killing him (someone holding a group of people hostage) because he is threatening the fabric of society?"

Rev Daines:

"Christians are not allowed to use violence to spread the Gospel. Nor are they allowed to use violence to defend themselves from being persecuted for the sake of the Gospel. Christians may use violence to defend themselves from ordinary attacks, and to defend others so attacked ... for the Christian it is right and a duty to use violence to protect self and to defend the weak."

Rev Harris:

"Sometimes a Christian can use violence to maim or injure in order to prevent a crime from taking place. In the hostage situation, it is mandatory for the Christian to use violence. Certain organisations, such as prisons, need violence in order to maintain order ... here violence is rightly used."

Professor Heyns, the most distinguished theologian on the Board, expects that applicants operate from a coherent ethical system and should have thought out, if not experienced, what their reactions would be in difficult moral situations.

"I have great appreciation for your religious convictions ... but I suggest that when you have convictions, they should also have certain consequences for specific situations, for instance war, police violence, etc. It is too easy to get out of it by saying 'I have no experience of this, or this is merely a hypothetical question, so I cannot say what the solution is.'"

In November 1984, the Board heard the application of David Hartman, a Buddhist in the Theravadin tradition of Buddhism. Although the Board acknowledged that Hartman held his beliefs sincerely and was opposed to service in any armed force, they turned his application down on the technicality that his belief was non-theistic. The Board's definition of 'religion' (see APPENDIX Q) 'presupposes a belief in a Supreme Being or Beings of a Divine Nature' and thus precluded Hartman who professed no such belief. The Board referred the case to the Supreme Court for review and at the time of writing the result is not known.

4. In General

Judge Steyn likes the original application to be as complete as possible. He is interested in dates and details and the information should be presented chronologically as far as possible. He is interested in the process of decision-making which the applicant goes through in arriving at his beliefs, eg. what changed from when he was in the army before, how did he go about finding out more about his conscientious position once he became aware of it. He is impressed by practical evidence of the applicant's views, eg. service voluntarily rendered, choice of career, etc. In one case he said: "The applicant's conduct and mode of living are cogent corroboration of what he says his religious convictions are."

Some aspects of questioning and summing up peculiar to Judge Steyn need to be understood.

- He asks a lot of questions, and the timing of these can put an applicant off his stride. He has a habit of interrupting with a question when the applicant is speaking, usually on a matter of clarification.
- He will keep on asking the same question, perhaps in different words, until he has an answer he is satisfied with.
- His questions often follow a particular train of thought of his own which may go off at a tangent from what the applicant has just been saying.
- Often he will take over other Board member's questions, and then follow his own line of questioning on the subject raised by the Member.
- Frequently he repeats an answer from the applicant in his own words. Usually he is accurate in this, but sometimes he adds an interpretation too.
- He frequently makes character assessment comments, eg "The applicant is someone who thinks deeply but finds it difficult to express himself in words."
- He makes a long summary of the case before telling the applicant what the Board's decision is. This is couched in such a way that it is hard to tell which way the decision will go until the end, or near the end.

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