

Board members: Judge Edeling
 Chaplain Butterworth (Anglican)
 Ds van Wyk (Herv. Kerk?)
 Dr Strauss (N.G. Kerk)
 Col. van Niekerk, SADF
 Rev Harris (Meth church)

Cases heard:

Although five cases had been set down, two of the applicants failed to appear. The three others took up most of the day.

1. Alan Hofland, Durban, member of the Faithist movement.

When asked by the chairman whether he wanted to have the hearing postponed so as to have a representative of his faith on the Board or present, he elected to go ahead now. The Board members appeared to be a bit cautious and suspicious at first. But the applicant was completely open and simple and straightforward in his approach. Said he bases his life on the principle that "love overcomes evil". Questioned about what authority he recognizes he replied God who is the purpose and source of existence and is a supreme being. Other questions included his attitude to the Trinity(!) and his vegetarianism. In his summing up Edeling said that this applicant had studied several religions and come to the conclusion that there is a Supreme Being who guides his life. Application granted for cat. 3 status.

3. Chris de Villiers, Johannesburg, formerly Methodist, school teacher. Although he finished his initial military service in 1979, he has never done a camp as call-ups always deferred because of his job. Now finally applied for cat.3. His statement tended to emphasise "Humanism" rather than religion and he needed to convince the Board that he qualified as a religious objector. Some of the questions from Board members were:

- How do you reconcile your notion of Humanity with your religious beliefs? Reply: God created man in his own image
- What do you mean by Humanity? Reply: Humanity is the expression of God in human beings
- What is the status of the Bible? Reply: It is one of the religious texts (the main one) on which I base my life.

Edeling warned that the Board cannot recognise someone on moral or humanitarian grounds. He asked if the applicant would like to call a witness; this was refused (though he then spent some nail-biting minutes wondering whether this was a wrong decision - his headmaster was with him and could have testified), and the Board adjourned to make a decision. In his summing up the chairman said the Board members had agreed that his attitude and application were based on general Christian grounds, and that he be passed for category 3.

2. Martin Birtwhistle, Durban, Roman Catholic.

The problem was that having applied for category 3 in a strongly worded

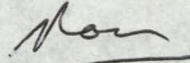
statement saying that his Christian conscience forbade him to have any involvement in any military activity, he had subsequently written to the Board asking for category 2 instead. Edeling thought he was not clear what category 2 meant (still in the army though not in uniform- "a soldier in a blue uniform") and he postponed the case from the morning to afternoon to give him time to reconsider his position and discuss it with representatives of his church who were present. After lunch he came back sticking to his statement but still applying for cat 2. Edeling could not accept the logic of this, and a deadlock developed, with Edeling getting heavier all the time and hardly giving the man a chance to speak (or interrupting when he started to say something). The reason given for the change of the application had been financial - could not afford to pay off study loans on community service pay - and Edeling hammered him on this. "If you can compromise your conscience today for financial considerations would you tomorrow be prepared to serve as a mercenary?". He made it clear that the applicant had ruined his credibility, and that he would have been passed for cat. 3 on his original statement. I was not able to stay to the end of the case, but understand that the application was refused.

Learnings for counsellors from all these cases

1. Judge Edeling dominates the Board and does most of the talking. Also can effectively squash the spirit of an applicant, and appears to have no qualms about damaging the applicant's self-esteem.
2. There is no chance of counsellors remaining anonymous. Birtwhistle was asked outright who had counselled him, and the name of the counsellor was insisted on. Applicants perhaps need to be reminded that whoever they talk to, the final decision is their own, and they must say this clearly.
3. Applicants need to be very well prepared to defend their position, e.g. by role-plays; they must be able to articulate their beliefs as well as putting them down on paper.
4. Applicants need to be sure they know what they are doing when they send their statements to the Board. They may be under pressure and short of time, but the consequences of trying to change their minds later are dire, as witness the Birtwhistle case.
5. It is the Board, not the applicant, who has the final say in deciding the applicant's category. This is borne out in previous cases, e.g. Philip Wilkinson who applied for cat 3 and was granted cat 1.
6. The vagueness of category 2 can cause trouble. Edeling seems to interpret it as similar to non-combatant status (except for the uniform) - he mentioned cooking as an example. Birtwhistle seemed to be thinking of it as something more distant from the army but had not worked out in detail what he was prepared to do. We need to warn applicants about the dangers of this category.
7. The Birtwhistle case could have been used to highlight yet another disadvantage of community service, i.e. that there is a moratorium on study

bursary repayments during national military service, but this does not apply to men doing community service. Perhaps this is another place where we need to push for changes in the law - in this case the Moratorium Act.

8. Time spent "listening in" at a hearing of the Board is time well-spent for any counsellor. If you can possibly get to a Board hearing - do! You'll learn a lot.



Nan Cross

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