

A CASE OF CONSCIENTIOUS OBJECTION

By Peter Brown

Peter Moll was born in Pretoria in 1956 and educated at Selborne College, East London. He did military service as a clerk during 1974 and then went to the University of Cape Town where he graduated with a degree in Business Science in 1978. A member of the Baptist Church he was for three years chairman of the UCT Students Christian Association.

His thoughts first started moving in the direction of conscientious objection when he was put on standby during the student disturbances of 1976. He decided that if he was called up to help put down the disturbances he would not go. His unit, the Cape Flats Commando, was not called up.

In December 1977, however, the unit was called up for border duty. Peter Moll wrote to his commanding officer as follows:-

"Dear Sir,

(1) I hereby make formal application to have my draft by Cape Flats Commando for 1 December 1977 replaced by a period of **service of national interest under civilian direction** of any length up to one year. I refer to such activities as teaching in schools or work in a hospital or a municipality. I have completed my fourth year of academic study (chiefly in Business Science) and I feel that this training would be well utilized in the above-mentioned activities. I feel further that the alternatives provided by Western countries (e.g. West Germany, Denmark) in place of military service are an adequate precedent for this application.

(2) Please note that the request in (1) is a repetition of a verbal request I put to the acting Officer Commanding of Cape Flats Commando on the evening of 3 October 1977.

(3) If, however, this request cannot be granted, I refuse to obey my call-up instruction on 1 December 1977. My reasons for doing so will be found in the appendix. Please note that this statement on the subject supercedes all others, verbal or written.

Yours faithfully,

(Sgd.) P. G. Moll (Rfn.)
B. Company, Cape Flats Commando.

APPENDIX: WHY I AM A SELECTIVE CONSCIENTIOUS OBJECTOR

By way of definition

A selective conscientious objector is one who for reasons of conscience refuses to participate in a war but whose objection does not extend to all war.

Norms and Standards

By what norms does one evaluate society?

The social message of the Old Testament is that God requires justice of his subjects. All human conceptions of justice must be founded upon Him who only is just. Justice in society ought to be a reflection of the divine justice. In the theocratic state of Israel the rich had to show compassion to

the poor; all men were equal before the law; there was to be no exploitation by corrupt business practice such as the weighting of scales or usury; legal checks were built in to ensure that the structure of society did not develop into one in which the demands of divine justice could not be fulfilled — for instance, the strongly redistributive nature of the Jubilee. God has required nothing of man but "to do justly, to love mercy, and to walk humbly with (his) God". While there is scanty evidence for egalitarianism, stress is laid on the virtue of fairness and compassion.

In the New Testament, the sayings of Jesus and the apostles expand and intensify the above. In the Sermon on the Mount we read of going the second mile, giving the cloak and the coat as well, and the evil of hypocrisy; Peter was reprimanded for taking up a sword in self-defence; Paul insists in Romans chapter 13 that good government, being under God's authority, will punish the evildoer; pure religion, for James, is caring for orphans and widows.

A Just war?

In the popular mind, several requirements for the definition of a just war have been developed, for instance:

- (i) the war must be in defence of a just society;
- (ii) the war must not be unduly prolonged;
- (iii) the warring side must be assured of victory;
- (iv) there must be reason to expect that a successful war will leave matters better than they were before the war;
- (v) all possible methods of resolving the conflict by peaceful means must be exhausted.

These conditions challenge South Africa's conflict on at least two points.

The definition of a just war excludes war in defence of a basically unjust and discriminatory society. South African society, I believe, is basically unjust and discriminatory. The founding motive of apartheid policy is that racial groups be separated, be allowed to develop along their own lines and be permitted, eventually to achieve self-determination. This fine ideal is found to be hollow when we realize that, when all the partitioning has been completed, the White community's share of South Africa's land and riches will be out of all proportion to its population size.

To achieve this ideal, radical methods have been applied. For instance, there have been vast forced movements of population. By far the larger proportion of the people affected have been black. There are severe restrictions on the private movements of blacks, particularly in the urban areas. The economic superiority of the White community is assured by, among others, laws prohibiting the operation of trade unions among blacks. Blacks who have been living and working in urban areas, sometimes for three generations, are denied meaningful political rights there, under the superficial gloss that they may exercise their rights in their respective homelands.

Several pointed questions will lead us further into the argument. Whom and what are we defending? Against whom and against what are we fighting? Are we fighting an external aggressor? The first question is partly answered in I. In my view, we are defending the interests of the ruling group. We are not acting in the best interests of all the peoples of South Africa. The almost unabated civil unrest in black townships around large South African cities affords abundant proof that there is a significant body of black opinion that considers the wider policies of the present government to be directed mainly in the interests of the White race.

This brings us to the second question. The high incidence of black youths fighting amongst the guerillas whose homes are inside South Africa, places doubt on the celebrated formula "Communist imperialists". Certainly there is a Communist presence among the insurgents, but that is not the end of the matter. There is also a large element of legitimate outrage which finds its expression (whether legitimately or not, I cannot tell) in armed revolution. It would be hypocritical in the extreme to condemn terrorism without first condemning the forces which have provoked it; likewise it would be hypocritical to combat terrorism militarily without simultaneously seeking to eliminate the causes that lie behind it.

Pursuing this line of argument further, it emerges that the border conflict is rapidly assuming the proportions of a civil war. Another salient point in this connection is the sheer size of the military budget, the extent to which the large increases in recent years have been prompted by burgeoning internal unrest, and the probability that military might will be the ultimate sanction in the case of serious unrest.

Conclusion

My essentially moral, as opposed to pragmatic, view of South African society springs ultimately from my commitment to God as a Christian. Where the laws of men depart from the law of God, there can be no obligation to obey those laws.

21 November 1977

P. G. Moll (Rfn) 72476690KT"

The request to do non-military national service was turned down and Peter Moll refused to answer the call-up on the grounds that South African society was so unjust in terms of Christian morality that he could not be required to defend it. Quoting Archbishop Bill Burnett he said that to do so would be "defence of the morally indefensible". When brought to court for his refusal he said "when the laws of men and the Law of God are in conflict, the latter must take precedence" He received a three-month prison sentence suspended for five years.

In November 1978 Peter again asked the authorities to give him a non-military alternative to his military service. This

request was turned down earlier this year. In May 1979 he arranged with the Secretary of Education of the Transkei to ask Defence Headquarters if he could not complete the balance of his training teaching maths in an Umtata training college. The request was refused.

On 25th June he was again called up for training and refused to attend. In doing so he quoted Alan Paton, "The war is basically a civil war", and the Cape Times — the guerillas are none other than "our own deeply-disaffected fellow-citizens". He argued that the minimum requirement for a just war in Reformed, Lutheran and Catholic Theology is "for a just cause" — and how could the injustices of apartheid, which result inevitably in resistance among Blacks, be called a just cause?

For this second refusal to respond to his call-up Peter Moll was charged before a military tribunal in Cape Town in September. There was no precedent for the trial of a selective conscientious objector on a second offence, and the nature of the sentence was therefore quite unpredictable. In terms of the law it could have been as much as two years in detention, or a fine of R2 000,00 or both. That Peter Moll was expecting something of this nature was clear from his remarks to the press after the trial was over. Instead he received a fine of R50,00. And during the trial the military prosecutor himself said that he felt a lenient sentence should be imposed.

For a moment it seemed as if the authorities' previous attitude of almost total hostility to conscientious objection might be changing, but on November 19th Peter Moll was called up again and on November 22nd he was arrested for not reporting for duty. The hopes raised in September hang suspended, waiting on the decision of the military court on this third refusal.

Only a fool would be optimistic about it. The Government has consistently refused to accept alternative forms of service for people who regard military service, in what they cannot conceive of as a "just war", as unacceptable. Selective conscientious objectors have proposed a number of alternatives to military service, none of them easy. In Cape Town a Voluntary Service Corps has been formed in the hope that its work in the service of the community will be recognised by the Defence Force as an alternative to military service. The Defence Force has so far refused to do so, but let's hope that it will soon change its mind.

In fact I would go a good deal further than hoping that.

Until a satisfactory political answer to our problems has been found military service in support of the present regime will become an increasingly divisive and emotive issue amongst all races. It should therefore be voluntary.

Nationalists should have no difficulty in accepting this proposition. After all, what would most of them have done between 1939 and 1945 if it had been otherwise? □

FOOTNOTE

On 4th December 1979 Peter Moll was convicted by a court martial of failing for the third time to report for military service and sentenced to 18 months in detention. He had the right to lodge a written objection within 48 hours. It is not known to the editor if he has done so.