

**A Doctor of Conscience: An Analysis of the Life of Ivan Toms, a
Medical Practitioner, Conscientious Objector and LGBTQ Rights
Activist in South Africa, 1952 to 2008**

by

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I, Cameron Trevor Lea, declare that

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Abstract

Using a micro historical lens, this thesis examines the life history of Ivan Toms. Born in 1952 in Cape Town to a white middle class family, after qualifying as a medical doctor, Toms was conscripted into the South African Defence Force (SADF) as a non-combatant doctor in 1978. He, like many 17- to 65-year-old South African males of European descent, were required (i.e., it was made compulsory) to join the SADF to protect the white minority government from what it regarded as anti-apartheid threats both in South Africa and north of its borders. As a conscript, he experienced first-hand the brutality of the apartheid regime's military arm while serving in the SADF in South West Africa (now known as Namibia). After his return, he witnessed the apartheid regime's violence at the Empilisweni informal settlement clinic, which he helped establish in the Cape Flats area. These experiences, together with his experiences of being gay, propelled him to become a founding member of the End Conscription Campaign (ECC), which ultimately led to his imprisonment. During the early 1990s, after his release from Pollsmoor prison, he became a health and gay rights activist until his untimely death in 2008.

This thesis on Dr Ivan Toms contributes to the historiography on South Africa's militarization and Conscientious Objection history. A microhistory on a Conscientious Objector like Toms, not only makes a concerted effort to provide a deeper understanding of the multi-faceted life experiences of a particular individual, but through an analysis of his life, try to comprehend more about the broader history of the period of military conscription and Conscientious Objection in apartheid South Africa. In addition, while there has been a surge of interest in the study of black anti-apartheid activists in the post-apartheid period, there has been a shift away from analysis of white activists who contributed to the anti-

apartheid movement. This study seeks to bring me attention back to the struggles of such an individual who was active in the ECC, LGBTQ rights movement and health rights struggle.

Chapter 1:

Introduction

South Africa has had a long history of racism and discrimination because of its colonial and segregationist past. In 1948, white minority rule and a system of racialised inequalities was entrenched in the country when the Afrikaner-led National Party came to power with its apartheid system that oppressed black South Africans. In addition, to suppress the perceived threat of South Africa's black, particularly African, majority population within its borders, as well as fears about aid anti-apartheid activists might obtain from bordering countries, this regime sought to build up and use a large military to quell insurrections. From the 1970s to the end of the apartheid era, the South African government used the South African Defence Force (SADF) liberally to control or quash the perceived growing threats to the apartheid regime both within and outside the country.

To build up its military forces, from 1957 until 1993, the South African government conscripted (i.e., recruited or enlisted) English and Afrikaans-speaking white¹ men to serve as soldiers in the national defence force. From 1967, the enactment of the Defence Amendment Act made conscription compulsory for all white males between the ages of 17 and 65. This Act also determined the number and length of training camps and the duration of the conscription period. Under the terms of this Act, the state stripped these conscripts of their right to choose whether to serve in the SADF. In essence, they became the property of the

¹ It is important to note that the categorisation and classification of 'race' has been widely utilised under various circumstances, for almost exclusively malignant purposes. This was certainly the case in the 1948 to 1994 apartheid era instituted by the National Party, as South African society was divided into four 'race' groups: 'African/Bantu', 'Indian/Asian', 'Coloured' and 'European/white'. Generally, these 'racial groups' were also classified by the apartheid state into two broad categories: 'European's or 'whites' and 'non-Europeans' or 'non-whites' (basically everyone else). The laws applied unequally to the various racial groups with the aim to divide black South Africans from white South Africans and to subjugate the 'African', 'Indian' and 'Coloured' racial groups for the benefit of 'whites'. On the usage of race in this dissertation, by 'white' I refer to the men of European descent whom the government conscripted into the South African Defence Force (SADF) between 1967 and 1992. By 'black', I mean Africans, Indians and Coloureds as a group. These categories, while recognised as socially constructed and highly problematic, are used in the analytical sense and are necessary in distinguishing and understanding the period under examination.

government who deployed them to wherever and against whomever they chose.²

Unfortunately, because of the compulsory nature of conscription, the only options available to white men if they opposed being drafted was to delay their conscription for a period through tertiary education, leave the country, or become a conscientious objector.

Conscientious objectors were individuals who opposed the government's call to serve in the SADF. Opposition to conscription emerged for several reasons, though the decision was made primarily on religious or moral grounds.³ Some conscientious objectors were pacifists, in other words, people who abhorred any type of violence and believed that war was unjustified on any grounds.⁴ Others objected on religious grounds. These people based their objections on their Christian faith, as they subscribed to Christ's message of peace.⁵ Still others based their objection on moral or political grounds, citing the unethical and hypocritical nature of the SADF taking up arms against fellow South Africans.⁶

Some conscientious objectors left the country to avoid the draft, while others faced imprisonment if they chose to stay and resist. By the early 1980s, sporadic acts of resistance by individual conscientious objectors became better organised into a larger, collective movement, the End Conscription Campaign (ECC). This campaign emerged through the efforts of individual objectors, objector support groups linked to the churches and established activist groups, such as the Black Sash, an anti-apartheid women's organisation, which made strong calls to end military service in the 1980s.⁷ By the 1980s, various groups from different

² Judith Patricia Connors. "Empowering Alternatives: A History of the Conscientious Objector Support Group's Challenge to Military Service in South Africa". (Masters diss., University of KwaZulu-Natal, 2008), 245.

³ "OHCHR and Conscientious Objection to Military Service", *United Nations Human Rights Office of the High Commissioner*, <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/ConscientiousObjection.aspx> (Accessed on 10 August 2021).

⁴ Catholic Institute for International Relations. "Emergence of War Resistance". *Out of Step*. (London: CIIR, 1989), 79-81.

⁵ Catholic Institute for International Relations, "Emergence of War Resistance", 81.

⁶ Catholic Institute for International Relations, "Emergence of War Resistance", 81-85.

⁷ Alan Paton and Struggle Archives (APCSA), End Conscription Campaign Collection (hereafter ECC), PC 9, "Questions and Possible Answers about ECC", 2 and 4; "End Conscription Campaign (ECC)", *South African History Online*, <https://www.sahistory.org.za/article/end-conscription-campaign-ecc> (Accessed on 22 July 2021); APCS, ECC, PC 9, "The Future of ECC and War Resistance", 1987, 4; "History of the Black Sash",

social and political spheres, and from across the country, joined in a coalition to become the ECC. They sought to end conscription using non-violent means, such as through fasting, education campaigns to raise awareness about conscription and by organising festivals, which publicised the ECC's cause.⁸ The ECC's chief objective was to end conscription for all South Africans. Their second was to find alternate forms of service that conscientious objectors could provide for their communities.

Using a social history approach and micro historical lens, this thesis examines the life history of Ivan Toms. These two approaches are complementary as they enable the study of the less famous in history. Together, they enabled this research to consider both the individual and broader social aspects of Toms's life in terms of events and in context, as well as his interactions with other people.⁹ Born in 1952 in Cape Town into a white middle class family, soon after qualifying as a doctor from the University of Cape Town and completing a year's internship, Toms received his call up to the army in 1977, and performed his military service over 2 years, beginning in 1978 and ending in 1979.¹⁰ He was sent to what was known at the time as Southwest Africa (now Namibia) to work as part of the Medical Corps, as a non-combatant doctor.¹¹ While serving in the SADF, he experienced first-hand the brutality of the apartheid regime's military arm, which was intent on keeping control over Southwest Africa, and had been extricated from German control during the First World

The Black Sash, <https://www.blacksash.org.za/index.php/our-legacy/history-of-the-black-sash> (Accessed on 22 July 2021).

⁸ Catholic Institute for International Relations. "Fighting Back". *Out of Step*. (London: CIIR, 1989), 97-104.

⁹ Lisa A. Lindsay. "Biography in African History", *History in Africa*, (2017: 1), 4-5.

¹⁰ University of the Witwatersrand (Wits), Historical Papers Collection (HPC), AK2213, Political Trials, "Ivan Peter Toms v the State", 71.

¹¹ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 106-107.

War.¹² The military also sought to intervene in preventing Angola, which bordered Southwest Africa, from becoming a Communist state, and thus posing a threat to apartheid rule.¹³

After his return to South Africa in 1979, Toms became involved with the South African Christian Leadership Assembly (SACLA), an organisation headed by African Enterprise, a Christian Ministry that focused on missionary work in Africa.¹⁴ Toms attended the assembly held in Pretoria in 1979. There, he met with 25 people from Crossroads; an informal settlement approximately 15 kilometres southeast of Cape Town housing primarily isiXhosa-speaking black South Africans in the Cape Flats area, and with the Reverend David Russell, who highlighted the need for a clinic in the Crossroads area.¹⁵ Established in June 1980 and named the Empilsweni Clinic, Toms started work there as a doctor, where he witnessed the brutality of the police and SADF in their attempt to suppress internal resistance during the state's efforts to relocate informal settlement residents to Khayelitsha.¹⁶ This brutality included destruction of shelters and use of teargas and rubber bullets to compel people to move.¹⁷ This had a profound effect on him, making him question his morals, his values, the ruling system, and the role of the SADF. His military and Crossroads experiences had a major influence on Toms and pushed him along the end conscription path.

During the same time that all the above was going on, Toms also struggled to disclose publicly his sexuality, as a gay white man in apartheid South Africa.¹⁸ This is because, in

¹² Brian Johnson Barker, Paul Bell and Chiara Carter. "Freedom for Africa's Last Colony". *Readers Digest Illustrated History of South Africa: The Real Story*. Second Edition. Dougie Oakes ed. (Cape Town: The Readers Digest Association of South Africa, 1992), 458-467.

¹³ Brian Johnson Barker. "Luanda or bust..." *Readers Digest Illustrated History of South Africa: The Real Story*. Second Edition. Dougie Oakes ed. (Cape Town: The Readers Digest Association of South Africa, 1992), 434-439.

¹⁴ "Timeline", *Michael Cassidy and Friends*, <https://michaelcassidyandfriends.org/2017/08/30/timeline/> (Accessed on 16 December 2021).

¹⁵ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 70.

¹⁶ Wits, HPC, AG3176, National Progressive Primary Health Care Network. "Evaluation of the SACLA Health Project", 1991, 4 and Gay and Lesbian Archive (GALA), AM2798, H1 Newspaper clippings. "Crossroads: What Happened and Why", no paper, n/d.

¹⁷ "Ivan Toms Truth and Reconciliation Commission Submission", *TRC*, 23 July 1997, <https://www.justice.gov.za/trc/special/index.htm#hsh> (Accessed on 17 December 2021).

¹⁸ Mark Gevisser and Edwin Cameron eds. *Defiant Desire: Gay and Lesbian Lives in South Africa*. (New York: Routledge, 1995), 260.

South Africa's 1970s and 1980s homophobic environment, Toms, like many other Lesbian Gay, Bisexual, Transgender and Queer (hereafter LGBTQ) people at the time, was fearful of "coming out" and being rejected by people in, what at the time, was a highly conservative apartheid society.¹⁹ He had also experienced the sting of many "gay bashing" comments and other discriminatory actions against him, such as homophobic insults spoken or spray painted on his car, including, for example, "Toms is a moffie pig". Those who opposed his sexual orientation in the apartheid government, the SADF and society more broadly perpetrated these and other perverse commentaries.²⁰ Over time, he realised that the same society that was excluding and condemning him for his sexuality was also excluding and condemning black South Africans based on their race. Because of this realisation, Toms came to view his sexuality as a strength rather than a weakness and to utilise it as a force for change, both in the quest to end conscription and to struggle for LGBTQ rights.²¹

These various experiences propelled him to help found the ECC in 1983, and subsequently became the Vice Chairperson of the Cape Town branch that same year.²² In 1987, the state arrested and charged Toms for refusing to render military service when called up again to do so.²³ At his trial, he was found guilty of violating section 126 A (1) (a) of the 1957 Defence Act, which led to his imprisonment at Pollsmoor Prison in Cape Town for 18 months from 3 March 1988, though he was released early that year in November having served nine months after he had won an appeal.²⁴

After his release from prison, Toms continued campaigning to end conscription.²⁵ This eventually occurred in 1992, in the transition period to democracy. At this same time,

¹⁹ Gevisser and Cameron eds., *Defiant Desire*, 259.

²⁰ Gevisser and Cameron eds., *Defiant Desire*, 258.

²¹ Gevisser and Cameron eds., *Defiant Desire*, 259.

²² Wits, HPC, AG1977, ECC Conscientious Objection. Ivan Toms, "Curriculum Vitae of Lieutenant Ivan Peter Toms (Medical Doctor)", 2.

²³ Wits, HPC, ECC Conscientious Objection. Ivan Toms, "Unreality in Black and White", n/d.

²⁴ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", I and GALA, AM2798, Ivan Toms. "Appeal Court Halves Objector Toms's Sentence", n/d.

²⁵ Catholic Institute for International Relations. "Banned". *Out of Step*. (London: CIIR, 1989), 128.

Toms continued working as a doctor in Crossroads and became the coordinator of the National Progressive Primary Health Care Network, a medical organisation formed in 1987, which focused on providing adequate primary health services for all people in South Africa.²⁶ Toms also became involved in health activism, particularly HIV/AIDS patients' rights and treatment activism, and worked as a gay rights campaigner. In 2002, in recognition of his medical activism work, the city of Cape Town appointed him as its Minister of Health. These issues and his activist work remained important to him until his untimely death in 2008.

Aims and Objectives of this Study

In recent times, South African historians and other scholars have tended to focus on black activists who contributed to the anti-apartheid movement, and rightly so, but this has somewhat marginalised the white activists who made important contributions as well. Toms was a dynamic social campaigner who was active in the fight for the rights and for justice for different groups of people in both the apartheid and post-apartheid periods.

This research study focuses on several key issues. Firstly, it seeks to elaborate on Toms's upbringing and to determine the experiences that made him while growing up as a white, gay man in apartheid society. Secondly, it examines the reasons behind Toms's decision to become a conscientious objector. Thirdly, it considers the role that Toms played in the establishment of the End Conscription Campaign, as well as his role in the LGBTQ rights movement and health (particularly HIV/AIDS) activism in South Africa. Fourthly, it investigates how life as an activist and his subsequent imprisonment influenced his life. Finally, it seeks to ascertain in what ways the use of a micro-historical lens can help us comprehend the history of military conscription and conscientious objection in apartheid

²⁶ Wits, HPC, AG3176, National Progressive Primary Health Care Network, "Health for the Rainbow Nation: The Story of the National Progressive Primary Healthcare Network", n/d, 3.

South Africa, through analysing the individual life of a social activist within that broader history.²⁷

Literature Review

Conscientious objection is certainly not a new concept, nor is it linked exclusively to South Africa. Indeed, it has a long history and has been present since the Roman Empire, where individuals refused, for various reasons, to serve in the military. The first recorded conscientious objector was a Roman man called Maximilianus, whom the Roman state conscripted into their army in 295 A.D., but he refused because of his religious convictions. His objection ultimately led to his execution, and later his canonization as Saint Maximilian.²⁸

The Reformation era also produced conscientious objectors. Initially, this period began with the Reformation of the Christian Church in the 16th Century, as the Church began to diversify and split off from Catholicism, giving birth to Protestantism and other non-Catholic groups. Taking place primarily in Zurich, Switzerland, the Radical Reformation began in 1525 A.D. with the Anabaptists, who believed that Martin Luther and other reformers did not go far enough in reforming the Church. They believed that society be reformed entirely as well. Part of their beliefs included the abolishment of military service.²⁹

More recently, much has been written on conscientious objection in the context of war, particularly the two world wars as well as the years in between. Felicity Goodall has discussed various instances of British individuals and groups who objected during the First and Second World Wars. Goodall uncovered varied experiences both men and women faced in various capacities, such as on the home front, being imprisoned for their beliefs, and

²⁷ Jill Lepore. "Historians who Love Too Much: Reflections on Microhistory and Biography". *The Journal of American History*. (2001: 88, 1), 133.

²⁸ Peter Brock. *Pacifism in Europe to 1914*. (Princeton, NJ: Princeton University Press, 1972), 13.

²⁹ Peter Brock. *Against the Draft: Essays on Conscientious Objection from the Radical Reformation to the Second World War*. (Toronto, Ontario: University of Toronto Press, 2006), 14-15.

conducting non-combatant work on the frontlines.³⁰ Their varied reasons for objecting included, for example, pacifism stemming from their own convictions and the experiences of others in war. Other reasons for objection were religious, such as those who were Quakers and Seventh Day Adventists or who had political affiliations and convictions, such as the Independent Labour party. Individual artists and writers also shared an abhorrence for war and violence and chose to object to conscription. Brock and Socknat's edited collection also highlighted issues related to pacifism and religious objection during the period between 1918 and 1945. Interestingly, it also contains works that focus on Germans who refused to fight during Hitler's regime, as well as Christian pacifism in Japan and Gandhi's Satyagraha movement.³¹ Charles Moskos and John Chambers focused on the shift from religious to secular forms of resistance to conscription.³²

Shirley Castelnuovo took a slightly different view to the question of conscientious objection, by focusing on a group of people caught in the middle of a global conflict, that of Japanese Americans in the Second World War. She examined the intense internal and external struggles they experienced as they encountered distrust in their new homeland whilst battling to come to terms with where their loyalties lay with their place of origin. While some Japanese men conscripted to the United States army were willing to serve their adopted country, others became conscientious objectors. This stemmed from their regular interrogations by the United States army, which sought to determine their continued loyalty. They also experienced abuse and racism that made them question whether they wanted to serve in the United States military. Their promotions to higher ranks in the army were also

³⁰ Felicity Goodall. *A Question of Conscience: Conscientious Objection in the Two World Wars*. (Stroud: Sutton Publishing, 1997).

³¹ Peter Brock and Thomas P. Socknat eds. *Challenge to Mars: Pacifism from 1918 to 1945*. (Toronto, ON: University of Toronto Press, 1999).

³² Charles Moskos and John Whiteclay Chambers. *The New Conscientious Objection: Sacred to Secular Resistance*. (New York: Oxford University Press, 1993).

stifled, and they cited the harsh treatment their families received by the United States government, who confined them to detention camps.³³

Rachel Waltner Goossen analysed the issue of conscientious objection during the Second World War from a gendered perspective. Focusing on the United States too, this scholar examined the groups of objectors who sought alternate service over military service in the Civilian Public Service (CPS). Goossen focussed her study on approximately 2000 women who entered the CPS and the work they did. These women considered themselves conscientious objectors to military service. They were part of the Quaker, Mennonite, Brethren and Amish communities, and were strong advocates against war, which ultimately set them apart from mainstream American society.³⁴

Another area well covered in terms of scholarly analysis of conscientious objection was the period of America's involvement in the Vietnam War. Sandra Gurvis has argued that no armed conflict cited more resistance than this war, which many felt the USA should never have entered.³⁵ In her book, *Where have all the Flower Children Gone?* she discusses the anti-war protest campaigns that took place at many universities, and considers some of the different groups that resisted being drafted into the Vietnam War. Gurvis also compares the Vietnam anti-war campaign to the Iraq anti-war campaign and concludes by answering the question in her title, discussing life for anti-war protestors after the Vietnam War.³⁶ In his book, *Confronting the War Machine: Draft Resistance during the Vietnam War*, Michael Foley sought to rescue anti-war resisters from their place of scorn and derision in American

³³ Shirley Castelnuovo. *Soldiers of Conscience: Japanese American Military Resisters in World War II*. (Westport, Connecticut: Praeger, 2008).

³⁴ Rachel Goossen. *Women against the Good War: Conscientious Objection and Gender on the American Home Front, 1941-1947*. (Chapel Hill, NC: University of North Carolina Press, 1997).

³⁵ Sandra Gurvis. *Where have all the Flower Children Gone?* (Jackson, Miss: University Press of Mississippi, 2006).

³⁶ Sandra Gurvis. "Vietnam and Iraq: Younger and Older Generations Speak Out" in *Where have all the Flower Children Gone?* (Jackson, Miss: University Press of Mississippi, 2006), 191-239.

society, and to celebrate rather than condemn those who chose to resist the draft.³⁷ Indeed, he equated them with Civil Rights activists in their fight for social justice. Like Foley, Bruce Dancis also sought to defend the actions of draft resisters in the Vietnam War era. In his autobiographical memoir, unlike Foley's more general history, Dancis provided an in-depth analysis of his personal beliefs and experiences that compelled him to resist the draft.³⁸

The conscientious objector movement also influenced other countries during the Cold War era, which became more militarised as a tactic to defend themselves as tensions grew between the USA and Soviet Union and their allies. For example, in the post war era, South Korea implemented military conscription in 1948 to defend themselves from North Korean aggression.³⁹ South Korean conscientious objectors based their objection on Christianity and for political reasons. It also holds the infamous record for the most objectors jailed for their decision to refuse military service.⁴⁰ 17 years after the conclusion of the Second World War, East Germany, a product of the Cold War, implemented compulsory military service in 1962 for adult males aged 18 to 50 for a period of 18 months, with reservist duties after they had completed their initial service. During this period, conscripts who objected to military service were placed in an alternate service corps, established for religious objectors in 1962. These conscripts were usually required to perform construction work.⁴¹

In recent decades, Weiss has shown that the Israeli state also had enforced conscription in the Jewish community from 1948. Service in the Israeli military was meant to encourage national unity, given that before 1945, Israel as a country did not exist. However,

³⁷ Michael Foley. *Confronting the War Machine: Draft Resistance during the Vietnam War*. (Chapel Hill, NC: University of North Carolina Press, 2003). Also see, Randall B. Woods. *Vietnam and the American Political Tradition: The Politics of Dissent*. (Cambridge, UK and New York: Cambridge University Press, 2003).

³⁸ Bruce Dancis. *Draft Resisters: A Story of Protest and Prison during the Vietnam War*. (Ithaca, NY: Cornell University Press, 2014).

³⁹ Insook Kwon. "Gender, Feminism and Masculinity in Anti-Militarism". *International Feminist Journal of Politics*. (2013: 15, 2), 213-233.

⁴⁰ Vladimir Tikhonov. "Militarism and Anti-militarism in South Korea: 'Militarized Masculinity' and the Conscientious Objector Movement". *Asia-Pacific Journal*. (2009: 7, 12).

⁴¹ Rebecca Hummler. "Country report and updates: Germany," *War Resisters' International*, https://wri-irg.org/en/programmes/world_survey/country_report/de/Germany (Accessed on 31 October 2021).

with military conscription came conscientious objection in Israel too. Objection stemmed from growing disillusionment to what military service represented. A major contributing factor was their disapproval of the Israeli occupation of Palestinian territory and their oppression of Palestinians. Some Israeli conscientious objectors considered themselves non-pacifists, which meant they were prepared to serve, but only if the military took a defensive not aggressive stance.⁴² Israeli national service at the time of writing this thesis is ongoing and mandatory for all Israeli citizens over 18 years with periods of service varying between two to three years for both men and women.

Moving into the 21st Century, Israel is not the only country to have national service and conscription, as 75 countries around the world currently require their citizens to perform national military service. France implemented mandatory national service in 2019, requiring all men and women from 16 years of age into mandatory service for one month to learn real world skills, which can then be utilised elsewhere.⁴³ Morocco recently too re-established compulsory military service for men and women aged 19 to 25 for a 12-month period.⁴⁴ Columbia has implemented mandatory military service for all males for a period of 18 months.⁴⁵ Switzerland requires all men from age 19 to perform mandatory military service for 21 weeks with additional training throughout their adult life.⁴⁶ Countries such as Nigeria, Germany and Denmark have mandatory national service, while South Korea, Sweden, China,

⁴² Erica Weiss. *Conscientious Objectors in Israel: Citizenship, Sacrifice, Trials of Fealty*. (Philadelphia, PA: University of Pennsylvania Press, 2014).

⁴³ “France Begins Trial of Compulsory Civic Service for Teens”, *France 24*, <https://www.france24.com/en/20190616-france-trial-macron-new-compulsory-national-service-teen-military> (Accessed on 20 April 2022).

⁴⁴ Margarita Arredondas. “Morocco Resumes Compulsory Military Service”, *Atalayar*, <https://atalayar.com/en/content/morocco-resumes-compulsory-military-service> (Accessed on 20 April 2022).

⁴⁵ “Colombia: Military Service, Including Recruitment Age, Length of Service, Reasons for Exemption and the Possibility of Performing a Replacement Service (2006-July 2012)”, *Canada: Immigration and Refugee Board of Canada*, <https://www.refworld.org/docid/52a72d584.html> (Accessed on 20 April 2022).

⁴⁶ Edith Palmer. “Switzerland: Military Conscription”, *Library of Congress*, <https://www.loc.gov/item/global-legal-monitor/2011-10-05/switzerland-military-conscription/> (Accessed on 19 October 2021).

Brazil, and Russia require compulsory military service. However, each has their own military policy, objectives, and structure.⁴⁷

Historically, in terms of conscientious objection in the African context, other than South Africa, Eritrea is the only other African country that recorded cases of conscientious objection against national military service. This is because, since the 1970s, Eritrea and Ethiopia have been sporadically at war with each other over the border that divided their respective countries. Beginning in 1994, the Eritrean government required all men and women between the ages of 18 and 40 to fulfil their mandatory national service obligations for a period of 18 months. However, mistreatment within the military and poor housing for conscripts resulted in the emergence of objectors. Many also objected on the grounds of pacifism and their religious convictions. Scholars have shown how Eritrean conscientious objectors faced severe persecution, including torture, long jail terms and even death for their beliefs, forcing some to leave the country.⁴⁸

Most of the literature on South Africa has focused on the apartheid era, essentially the period of this country's heightened militarisation (1967 to 1992). Several scholars have examined this tumultuous era in South Africa's history to determine how and why such a military build-up occurred as well as the impact it had on South African society. For example, Jacklyn Cock and Laurie Nathan have analysed the structure of military power in South Africa, its psychological effects on white male conscripts, the role the SADF played in Angola and Namibia, and the militarisation in the townships.⁴⁹ Other scholars have sought to understand the plight of young white men who were required to perform mandatory national

⁴⁷ "Mandatory Service around the Globe", *Archive: National Commission on Service*, <https://medium.com/@inspire2serveUS/mandatory-service-around-the-globe-c05e11810cfc> (Accessed on 28 October 2021).

⁴⁸ Yohannes Kidane. "Conscientious Objection in Eritrea", *War Resisters' International*, <https://wri-irg.org/en/story/2005/conscientious-objection-eritrea> (Accessed on 31 October 2021).

⁴⁹ Cock and Nathan, *War and Society: The Militarisation of South Africa*.

service in the SADF.⁵⁰ Thompson has also recorded the memories of men who served in the SADF. These works highlighted the varying perspectives on national service and the daily experiences of conscripts, from their recruitment and training to experiences on the battlefield.⁵¹

Of course, this compulsory military service also led to opposition and resistance to conscription. A few researchers have examined the development of the End Conscription Campaign (ECC), the larger movement that was organised by objectors to oppose conscription in South Africa. Scholars such as Janet Cherry and Daniel Conway have analysed the complex socio-political and religious factors that led to the founding of the ECC and charted its origins through the efforts of individual objectors before it developed into a fully-fledged national campaign.⁵² They also examined its impact on ending conscription and its contribution to the broader anti-apartheid movement.

Other scholars, such as Daniel Conway, have analysed these issues from a gendered lens. His important book, *Masculinities, Militarisation and the End Conscription Campaign*, focusses on the men who defied their call-up to compulsory military service in apartheid South Africa. He focused on the concept of masculinity and explored the government's attempts to undermine the masculine identities of conscientious objectors by labelling them as "sissies" and "moffies" or lesser men. He analysed too how these labels sought to discredit conscientious objectors in wider South African society.⁵³ In her writing, Judith Patricia Connors examined different groups, such as the Conscientious Objector Support Group,

⁵⁰ See Daniel Conway. *Masculinities, Militarisation and the End Conscription Campaign: War Resistance in Apartheid South Africa*. (Manchester and New York: Manchester University Press, 2012).

⁵¹ J.H. Thompson. *An Unpopular War: From Afkak to Bosbepok*. (Cape Town: Zebra Press, 2006).

⁵² Janet Cherry. "The End Conscription Campaign in South Africa: War Resistance in a Divided Society". *History Compass*. (2011, 9: 5), 351-364 and Conway, *Masculinities, Militarisation and the End Conscription Campaign*.

⁵³ Conway, *Masculinities, Militarisation and the End Conscription Campaign*. Also see Daniel Conway. "The Masculine State in Crisis". *Men and Masculinities*. (2008, 10: 4), 422-439.

which provided support and advice to objectors in their decision to reject their call-up, and their options after making this decision.⁵⁴

When it comes to the issue of biographies in South African historiography, while there have been many biographies written on famous⁵⁵ and less well-known South Africans,⁵⁶ few people have written and published on the life and work of specific conscientious objectors. Indeed, I have only found one published biographical-type article, written by F. Hale, on the life of Richard Steele.⁵⁷ Steele, a devout Christian, used his religious beliefs to resist military conscription. Hale used the life of Richard Steele to examine the ethics of the Baptist Union. Hale argued that the Baptists were apprehensive of criticising and denouncing apartheid and conscription and shows how Steele's decision to resist conscription forced the Baptist Union to re-examine their stance towards these issues.⁵⁸ In addition, I found an autobiographical account of a South African conscientious objector, Charles Yeats entitled, *Prisoner of Conscience: One Man's Remarkable Journey from Repression to Freedom*. This book focuses on his personal beliefs and life experiences as a resistor to military service. It also examines his experiences as a political prisoner at the height of apartheid.⁵⁹ I found no biographies – published or unpublished – on Ivan Toms's life.

⁵⁴ Connors, "Empowering Alternatives: A History of the Conscientious Objector Support Group's Challenge to Military Service in South Africa".

⁵⁵ See for example, Ashwin Desai and Goolam Vahed. *The South African Gandhi: Stretcher-Bearer of Empire*. (Stanford, CA: Stanford University Press, 2015); Brian Willan. *Sol Plaatje, South African Nationalist, 1876-1932*. (Berkeley, CA: University of California Press, 1984); Anthony Sampson. *Mandela: The Authorized Biography*. (Jeppestown [RSA]: Jonathan Ball, 1999); Joyce Avrech Berkman. *The Healing Imagination of Olive Schreiner: Beyond South African Colonialism*. (Amherst, MA: University of Massachusetts Press, 1989) and Anné Marië du Preez Bezdrob. *Winnie Mandela: A Life*. (Cape Town: Zebra, 2004).

⁵⁶ Charles van Onselen. *The Seed is Mine: The Life of Kas Maine, a South African Sharecropper, 1894-1985*. (New York: Hill and Wang, 1996); Margaret McCord. *The Calling of Katie Makanya*. (Cape Town: David Philip, 1995) and Goolam Vahed. *Chota Motala: A Biography of Political Resistance in the KwaZulu-Natal Midlands*. (Pietermaritzburg, RSA: University of KwaZulu-Natal Press, 2018).

⁵⁷ F. Hale. "Baptist Ethics of Conscientious Objection to Military Service in South Africa: The Watershed Case of Richard Steele". *Acta Theologica*. (2005, 25: 2), 18-44.

⁵⁸ Hale, "Baptist Ethics of Conscientious Objection to Military Service in South Africa", 18-44.

⁵⁹ Charles Yeats. *Prisoner of Conscience: One Man's Remarkable Journey from Repression to Freedom*. (London: Rider, 2005).

This indicates that there is a gap in South Africa's military and peace movement historiography and therefore is certainly room for an analysis of Toms's life history. However, even though there are no biographies concerning Toms, Toms is mentioned in passing in published works⁶⁰ and dissertations⁶¹ concerning the ECC, objection to conscription and the South African LGBTQ rights movement. Toms has also written a short autobiographical chapter, published in *Defiant Desire* entitled "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign and Me", which I will draw upon in this thesis.⁶² It documents the struggles of gay and lesbian South Africans under apartheid and will help me examine the gendered aspects of his life and struggles.⁶³

My research on Dr Ivan Toms will contribute to the historiography on South Africa's militarisation and conscientious objectors' history. A micro historical analysis of a conscientious objector like Toms will not only make a concerted effort to understand the multi-faceted life experiences of a particular individual more deeply, but through an examination of his life, endeavour to understand more fully about the broader history of the period of military conscription and conscientious objection in apartheid South Africa. In addition, while there has been a surge of interest in the study of black anti-apartheid activists in the post-apartheid period, there has been a shift away from analysis of white social activists who contributed to the fight for the anti-apartheid movement. This study seeks to

⁶⁰ Gevisser and Cameron eds., *Defiant Desire*. See also Richard Abel. *Politics by Other Means: Law in the Struggle Against Apartheid, 1980-1994*. (New York: Routledge, 1995) and Daniel Conway. "'All these long-haired fairies should be forced to do their military training. Maybe they will become men': The End Conscription Campaign, Sexuality, Citizenship and Military Conscription in Apartheid South Africa: Focus on Sex and Secrecy". *South African Journal on Human Rights*. (2004: 20, 2).

⁶¹ Connors, "Empowering Alternatives". Also see Warren Manicom. "Moderate Witness: The English Language Press and Liberal Discourse in Militarized South Africa, 1976-1988: A Case Study of the Natal Witness". (Masters diss., University of KwaZulu-Natal, 2010); Vasu Reddy. "Moffies, Stabans and Lesbos: The Political Construction of Queer Identities in Southern Africa". (PhD diss., University of KwaZulu-Natal, 2005) and Conway, *Masculinities, Militarisation and the End Conscription Campaign*.

⁶² Ivan Toms. "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign and Me". *Defiant Desire: Gay and Lesbian Lives in South Africa*. Mark Gevisser and Edwin Cameron eds. (New York: Routledge, 1995), 258-263.

⁶³ Gevisser and Cameron eds., *Defiant Desire*.

bring some attention back to the struggles of one such individual who was active in the ECC, LGBTQ movement and health rights struggle.

Theoretical Framework

Conceptually, I have used three theoretical approaches in this dissertation: Social History, Microhistory, and Masculinity theory.

Firstly, I have drawn upon social history for this thesis. Social history emerged as a significant theoretical approach for historians in the 1960s. A key theorist of social history was E.P. Thompson, a British Marxist historian, who developed and popularised this conceptual approach.⁶⁴ After his service in the Second World War, Thompson became a member of the British Communist Party but left in 1956, as he was outraged at the Soviet suppression of the Hungarian uprising. Although he remained a Marxist at heart, which meant he focused on structural inequalities caused by class in people's lives, he also felt disaffected by the authoritarianism of Stalinist Communism. This inspired him to shift the focus away from the perspectives and experiences of "great men" and onto ordinary or historically marginalised people, who were not often the subjects covered in mainstream historical accounts.⁶⁵

"History from below" was another phrase used to describe this social history approach. It sought to move the gaze away from affairs of state and those at the top of the social hierarchy, such as politicians and monarchs, to broaden the historian's perspective to include a focus on other societal groups, including those at the bottom of the social hierarchy. For example, Thompson's landmark book, *The Making of the English Working Class* shifted the focus from elites to the working class in Industrial Britain.⁶⁶ In *The Making of the English*

⁶⁴ Geoff Eley. "Marxist Historiography". *Writing History: Theory and Practice*. Stefan Berger, Heiko Feldner and Kevin Passmore eds. (UK: Hodder Arnold Press, 2003), 63-65.

⁶⁵ Jim Sharpe. "History from Below". *New Perspectives on Historical Writing*. Peter Burke ed. (Cambridge: Polity Press, 2001), 26-27 and Eley, "Marxist Historiography", 63-65.

⁶⁶ E.P. Thompson. *The Making of the English Working Class* (New York: Random House, 1963).

Working Class, Thompson clearly sets out his focus and reasons for highlighting the ordinary individual. He writes, “I am seeking to rescue the poor stockinger, the Luddite cropper, the “obsolete” hand-loom weaver, the “utopian” artisan, and even the deluded follower of Joanna Southcott, from the enormous condescension of posterity”.⁶⁷

Social history gave ordinary people a voice and agency in terms of making their own lives and questioned the over-determinacy of structure from earlier Marxist approaches. In essence, this meant that although Thompson still recognised the influence of socio-economic and political factors or structural forces on people’s lives, he sought to give greater recognition to ordinary people’s experiences and actions, especially their ability to engage with, adapt to or change the circumstances of their own lives.⁶⁸ He thus gave them more power to influence the course of their own histories. Additionally, Thompson encouraged historians to use a wider array of sources, beyond the official archives, to analyse ordinary people’s experiences. These included under-utilised sources such as diaries or journals, hymns, newspapers, letters, poems and pamphlets, for example, from the period under analysis.⁶⁹ Oral sources were also important if a historian worked on recent history and could draw on interviews with living people to find out about their experiences.⁷⁰

By expanding and developing the theory of social history through his work, Thompson’s influence on scholars in Britain and around the world was considerable.⁷¹ This included South Africa, where numerous scholars took it up from the 1970s onwards.⁷² For example, Belinda Bozzoli used social history theory to write her important book *Women of*

⁶⁷ Thompson, *The Making of the English Working Class*, 12-13.

⁶⁸ Sharpe, “History from Below”, 26-27.

⁶⁹ See the footnotes from E.P. Thompson. “The Moral Economy of the English Crowd in the Eighteenth Century”. *Past & Present*. (1971, 50), 76-136, which gives a good idea of the wide range of sources he used.

⁷⁰ Sharpe, “History from Below”, 35.

⁷¹ Eley, “Marxist Historiography”, 63-65.

⁷² Jonathan Hyslop. “E.P. Thompson in South Africa: The Practice and Politics of Social History in an Era of Revolt and Transition, 1976–2012”. *Internationaal Instituut voor Sociale Geschiedenis* (2016, 61: 10), 95-116.

Phokeng: Consciousness, Life Strategy, and Migrancy in South Africa, 1900-1983.⁷³ Charles van Onselen used Thompson's ideas to write his influential books *New Babylon, New Nineveh: Everyday Life on the Witwatersrand, 1886-1914*,⁷⁴ and *The Seed is Mine: The Life of Kas Maine, a South African Sharecropper, 1894-1985*.⁷⁵ Thompson's ideas also influenced other significant works of social history in the South African context, such as works by Shula Marks⁷⁶ and Jacob Dlamini.⁷⁷ Drawing on Thompson's ideas in their works, all of these scholars were able to focus on non-elites, highlighting the previously ignored histories of the working class, peasants and farmers, women and black oppressed communities within the South African context.

Yet, social history has had its critics. These detractors were known as poststructuralists, who cited that the writing of history, social history in this case, was a literary conception, with historians, like literary authors, plotting and writing historical narratives.⁷⁸ Writing about the past could not be objective,⁷⁹ and was based on multiple interpretations,⁸⁰ which meant that no true account of the past existed. These poststructuralist historians critiqued social historians' work in their attempts to recover the past, particularly Thompson's *The Making of the English Working Class*. This work was criticised for marginalising groups such as women, prioritising particular narratives over others. For these critics, the social historians' narratives were recreations of the past grounded in the writer's

⁷³ Belinda Bozzoli. *Women of Phokeng: Consciousness, Life Strategy, and Migrancy in South Africa, 1900-1983*. (Portsmouth, NH: Heinemann, 1991).

⁷⁴ Charles van Onselen. *New Babylon, New Nineveh: Everyday Life on the Witwatersrand, 1886-1914*. (Johannesburg: Jonathan Ball Publishers, 2001).

⁷⁵ Van Onselen. *The Seed is Mine: The Life of Kas Maine, a South African Sharecropper, 1894-1985*.

⁷⁶ Shula Marks. *Not Either an Experimental Doll: The Separate Worlds of Three South African Women*. (Bloomington, IN: Indiana University Press, 1988).

⁷⁷ Jacob Dlamini. *Native Nostalgia*. (Auckland Park, RSA: Jacana, 2009).

⁷⁸ Kevin Passmore, "Poststructuralism and History", *Writing History Theory and Practice*, Stefan Berger, Heiko Feldner, Kevin Passmore eds. (New York: Oxford University Press, 2003), 123 and Hayden White, "The Historical Text as Literary Artifact", *Tropics of Discourse: Essays in Cultural Criticism*, (Baltimore: Johns Hopkins University Press, 1985), 98.

⁷⁹ Passmore, "Poststructuralism and History", 131-132.

⁸⁰ White, "The Historical Text as Literary Artifact", 84-85.

perceptions and use of evidence.⁸¹ Post-structuralist historians, including those based in South Africa, such as Ciraj Rassool, believed that South African social historians had not sufficiently acknowledged issues of representation, and institutional power sufficiently in their academic works.⁸² They further charged social historians as being “mindlessly empiricist” and its authors as crassly averse to theoretical engagement”.⁸³

This criticism extended to the social historian’s use of oral history as testimony about the past, which was cast as foolish when these testimonies by those that were interviewed concerned the present as much as the past in the conceptualisation of their memories. For example, Charles van Onselen’s *The Seed is Mine* was criticised for appropriating oral testimony for his portrayal of Kas Maine, as well as for his use of evidence in his work.⁸⁴ These and other accusations inferred social historians could not provide any truthful recovery of the history they studied. Cultural history has also been needed to fill in social history’s gaps. However, Hyslop contends, in his work on social history in South Africa’s historiography, that whilst it is necessary to recognised that this theory is lacking in certain areas, it is still necessary to recognise social history’s immense value at getting at the experiences of those hidden from history; the marginalised.⁸⁵

The theory of social history is vital for my research project on the life of Dr Ivan Toms. Although born into the apartheid era as a white South African man, and thus technically belonged to a white privileged race and class in South Africa, due to his leftist leaning anti-apartheid political views, his beliefs and actions as a conscientious objector, and his different sexual orientation, made him socially marginalised from many within his society. Since little has been written on his life and work either, this thesis will use a social

⁸¹ Passmore, “Poststructuralism and History”, 124-125.

⁸² Ciraj Rassool. “Power, Knowledge and the Politics of Public Pasts”. *African Studies*. (2010, 69: 1).

⁸³ Hyslop, “E.P. Thompson in South Africa”, 111.

⁸⁴ Hyslop, “E.P. Thompson in South Africa”, 112 and Nancy J. Jacobs and Andrew Bank. “Biography in Post-apartheid South Africa: A Call for Awkwardness”. *African Studies*. (2019, 78:2), 173.

⁸⁵ Hyslop, “E.P. Thompson in South Africa”, 111-112.

history lens to help rescue his life and contributions from the margins and bring his experiences to the forefront of historical accounts.

Secondly, I have used a micro historical lens in my study on Ivan Toms. In recent decades, micro histories, but also biographies have striven to examine the lives and experiences of individuals in history. The writing of biographies is centuries old, dating back to the age of antiquity and ancient Greece.⁸⁶ Throughout the centuries and up to the 19th and early 20th centuries, biographies were largely written on the famous, the wealthy and the elite, that is, notable individuals. However, they were often celebratory in nature with biographers focused on their “Romantic” views of “Great men” and their “deeds”.⁸⁷ Because of this, academic historians for a long-time dismissed biography as a method of historical analysis, contending that biography was too narrow and hagiographical in nature to offer valuable insights.⁸⁸

However, in the 1970s, microhistory emerged in the 1970s in reaction to: 1) large, generalising macro historical social science perspectives (including Marxism, the *Annales* and social history) that were popular at the time and tended to focus on broader social groupings rather than individuals, and 2) biography’s focus on the “Great man” that excluded the regular or marginalised person.⁸⁹ Instead, micro historians examined the individual (i.e. focused on the small scale) but chose to analyse the life and experiences of the “ordinary individual”, or those excluded or hidden from history. Unlike many earlier biographers,

⁸⁶ Sabina Loriga. “The Role of the Individual in History: Biographical and Historical Writing in the Nineteenth and the Twentieth Century”. *Theoretical Discussions of Biography: Approaches from History and Microhistory and Life Writing*. Hans Renders and Binne de Haan eds. (Boston: Brill, 2014), 77-79.

⁸⁷ Lepore. “Historians who Love Too Much: Reflections on Microhistory and Biography”, 131.

⁸⁸ Nick Salvatore. “Biography and Social History: An Intimate Relationship”. *Labour History*. (2004: 11, 87), 187-188.

⁸⁹ George G. Iggers. “From Macro- to Microhistory: The History of Everyday Life” in *Historiography in the Twentieth Century: From Scientific Objectivity to Postmodern Challenge*. (Middletown, CT: Wesleyan University Press, 1997), 102-107, 116-117.

micro historians, such as Carlo Ginzburg and Giovanni Levi,⁹⁰ also took a more critical stance towards their subject matter and brought themselves into their writing as a narrator who operated like a detective to piece together the evidence and to highlight their interpretations and the constructed nature of their narratives.⁹¹ In addition, these historians sought to analyse their individual research subjects within their broader societies to consider the effects of these societies on their lives and their lives on their societies.⁹² Furthermore, they purposefully set out to use a variety of sources to ensure that their micro histories were as in-depth and comprehensive as possible.

Although there have been criticisms of earlier biographies because of their tendencies to focus on famous or important individuals, and/or treating them in a hagiographical manner,⁹³ micro historical approaches have sought to push the focus of analyses away from large-scale, macro level studies focused on trends or patterns and larger groupings of people to the smaller, more concrete scale.⁹⁴ In recent decades, one finds a lot of overlap between biography and microhistory, often making them indistinguishable, with the best authors writing about all kinds of individuals, placing them carefully in their historical contexts, and using a critical analytical lens.⁹⁵ However, in this thesis, I have chosen to use the micro historical approach. This is because, while microhistory, like biography, provides an in-depth analysis of an individual's life, microhistory very specifically focuses on ordinary individuals, and utilises the singular individual to study the culture, events, and social

⁹⁰ Carlo Ginzburg. *The Cheese and the Worms: The Cosmos of a Sixteenth Century Miller*. (New York: Penguin Books, 1982) and Giovanni Levi. *Inheriting Power: The Story of an Exorcist*. (Chicago: The University of Chicago Press, 1988).

⁹¹ Lepore, "Historians who Love Too Much: Reflections on Microhistory and Biography", 139.

⁹² Lepore, "Historians who Love Too Much: Reflections on Microhistory and Biography", 129-141 and Loriga, "The Role of the Individual in History", 90.

⁹³ Lepore, "Historians who Love Too Much: Reflections on Microhistory and Biography", 129-144 and Susan Magarey. "Three Questions for Biographers: Public or Private? Individual or Society? Truth or Beauty?" *Journal of Historical Biography*. (2008: 4), 1-26.

⁹⁴ Iggers, "From Macro- to Microhistory: The History of Everyday Life", 101-117.

⁹⁵ See for example, van Onselen, *The Seed is Mine* and Vahed, *Chota Motala: A Biography of Political Resistance in the KwaZulu-Natal Midlands*.

dynamics of the historical time.⁹⁶ In addition, it takes a much more critical approach in terms of the use of different types of sources to reconstruct a life. In this dissertation, I therefore draw upon a critically engaged micro historical approach to gain an in-depth understanding of Toms's life experiences within his historical context of apartheid and post-apartheid South Africa as a conscientious objector and activist.

Thirdly, I have drawn upon on masculinity theory in this thesis. Emerging in the 1970s and 1980s, studies on men and masculinities followed huge strides made in feminist theories. While feminist scholars strove to understand the gendered identities and inequalities experienced by women in societies, scholars such as Robert W. Connell and Robert Morrell sought to contribute to gender theories by analysing and understanding men and the formation of their masculine gender identities.⁹⁷ They considered how masculinity was not a natural attribute or universal established in all societies. Rather, they argued, masculinities were fluid identities that were susceptible to change and could take on multiple forms, depending on the historical context.

Furthermore, they highlighted how unequal power dynamics within societies have developed historically amongst men because of other overlapping race, class and sexual identities. This produced what they termed "hegemonic" and "subordinate" masculinities to understand better the nuances.⁹⁸ According to Connell and Morrell, hegemonic masculinities were the dominant identities held by men in power at a particular time in a particular context, which usually led to the repression of others with different identities.⁹⁹ For example, if a society's hegemonic masculinity was white and heterosexual, the legitimisation of their

⁹⁶ Lepore. "Historians who Love Too Much: Reflections on Microhistory and Biography". 141.

⁹⁷ R.W. Connell. *Masculinities*. (Cambridge: Polity, 1994); Robert Morrell. "Of Boys and Men: Masculinity and Gender in Southern African Studies". *Journal of Southern African Studies*. (1998, 4), 605-60 and Robert Morrell. *Changing Men in Southern Africa*. (Pietermaritzburg: University of Natal Press; and London and New York: Zed Books, 2001).

⁹⁸ Morrell, "Of Boys and Men: Masculinity and Gender in Southern African Studies", 607-609 and R.W. Connell and James W. Messerschmidt. "Hegemonic Masculinity: Rethinking the Concept". *Gender and Society*. (2005, 19: 6), 832-835.

⁹⁹ Connell and Messerschmidt, "Hegemonic Masculinity: Rethinking the Concept", 832.

identity led to the displacement or suppression of subordinates, usually women but also other men, such as gay men or black men. Such hegemonic masculinities could also lead to the propagation of violence against those deemed societal subordinates.

This dissertation explores Toms's life through the lens of masculinity to consider how his identity as a gay man in a conservative, homophobic apartheid South African society influenced his experiences.

Research Methodology and Methods

This dissertation uses a qualitative methodology to analyse Toms's life. Unlike a quantitative methodology that is concerned with collecting and analysing statistics to determine broader trends, a qualitative methodology emphasises in-depth analysis of data gathered through interviews and other sources, such as close textual analysis of written documents, to better understand people's ideas, opinions, and experiences.¹⁰⁰ By using this approach, I recognise that my study is not representative. Instead, my qualitative approach has sought to provide more in-depth insights into understanding a particular individual's role in the End Conscription Campaign and his other activist engagements in apartheid and post-apartheid South Africa. In line with many qualitative studies, I have used an interpretive research paradigm. This paradigm seeks to interpret the world through analysis of the lived experiences of individuals.¹⁰¹ I have also taken a narrative research approach, which utilises information collected to form a narrative to convey the history of this individual.¹⁰²

Due to the difficulties imposed by the Covid-19 pandemic and lockdowns for conducting face-to-face interviews in the 2020 to 2021 period when I undertook my research,

¹⁰⁰ Jennifer Mason. "Qualitative Interviewing: Asking, Listening and Interpreting". *Qualitative Research Methodology in Action*. Tim May ed. (London: Sage, 2002), 225-243 and Linda McKie. "Engagement and Evaluation in Qualitative Enquiry". *Qualitative Research Methodology in Action*. Tim May ed. (London: Sage, 2002), 260-285.

¹⁰¹ "Chapter 4: Research Methodology and Design", *University of South Africa*, 292-294, <https://uir.unisa.ac.za/bitstream/handle/10500/4245/05Chap%204%20Research%20methodology%20and%20design.pdf> (Accessed on 17 December 2021).

¹⁰² Colorado State University. "Introduction to Narrative Research Design", *Narrative Research Design*, <http://edrm600narrativedesign.weebly.com/> (Accessed on 17 December 2021).

this research was designed as a desktop study. In other words, it used primary and secondary sources available in the public domain (online and by visiting various public archives) to analyse my subject's life history. When doing research in archives, I followed government and university mandated Covid-19 safety research protocols, such as making an appointment ahead of time to work with the archival material, as well as practiced social distancing, wore a facemask, and used hand sanitizers going to and from and whilst working in these institutions. In terms of analysis, I have used content and thematic analysis techniques that carefully examine the content and key themes that emerged from the data.

The information for my research topic spans three archival sites, comprising many documents, as well as interview and video material, which I found in these archives. I have used the following primary archival sources to write this thesis.

National Archives Repository (SAR)

The National Archives Repository, located in Pretoria, is South Africa's national state archive. This archive yielded a lot of material in the form of correspondence, memoranda, maps, newspaper clippings, charts, and statistics. It provided useful material for my thesis on the establishment of the Empilisweni Clinic in Crossroads, where Toms worked after his deployment, the unrest that took place at Crossroads settlement in the 1980s, and the government's response to the HIV/AIDS crisis in the late 1980s and early 1990s, in which Toms was involved.

Wits Historical Papers

This archive is located at the University of the Witwatersrand in Johannesburg. This archive houses a vast quantity of material on a wide range of topics, including human rights activists, non-governmental organisations, trade unions, women's organisations, church bodies and political trials. The Wits Historical Papers collection was integral to my research as it housed a lot of material on my subject, Dr Ivan Toms. Of particular importance was a

special section I found on Toms in the ECC catalogue. This material included statements, newspaper clippings, pamphlets, booklets and letters. Another collection contained the transcript of his trial. I also found contextual material on Southwest Africa (Namibia) in the 1970s, where the SADF operated and where Toms was deployed. Finally, the Wits collection housed material on the National Primary Healthcare Network, for which Toms was a national coordinator for a time.

Gay and Lesbian Archive

This archive is located on the 7th floor of the Wits Art Museum, which is part of the University of the Witwatersrand. It houses a wide variety of material relating to the history, culture and the contemporary experiences and struggles of individuals in the LGBTQ community in South Africa. The Gay and Lesbian Archive was essential to my study as Toms was a key champion of the cause of the LGBTQ community in South Africa. GALA had a whole collection of archival material on Toms, such as an interview with Toms, statements, letters of support, newspaper clippings, magazine articles, discussion papers, booklets and photographs.

Alan Paton Centre and Struggle Archives (APCSA)

This archive is located at the University of KwaZulu-Natal on the Pietermaritzburg campus. Established in 1988, shortly after Alan Paton's death, it was formed to house material donated from various individuals and organisations who took part in the anti-apartheid struggle. It includes a large amount of material on the ECC, including documents on its founding and history, national and provincial reports and memoranda related to its activities, minutes of meetings, newspaper clippings, magazine articles, pamphlets, posters, and t-shirts. This material was vital to my study as it provided useful background information on this organisation and its activities to end conscription.

Used in conjunction with secondary sources, the primary sources collected from the above-mentioned archives were of great value to my study. Indeed, I could not have written my thesis without them. Using these various archives, I was able to find a great deal of first-hand recorded material taken from the historical period in which Toms lived. However, the researcher must use these sources critically as all sources; including primary sources have biases and limitations. Thus, scholars must ascertain the production of all sources used in their research, including who created them, when and why.¹⁰³ For example, newspaper articles can contain biased or slanted perspectives on events or people based on the interests of the writer of the article and/or the agenda of the newspaper. People with different interests and agendas also shape the perspectives conveyed in letters, memoirs, or autobiographies, as well as their omissions. Oral histories and interviews also convey the potential for bias, as memory may not always confirm facts, but include purposeful or accidental oversights or lapses in memory.¹⁰⁴

Biases do not exist only in sources, but also within the archives in which they are housed. Reid describes the archive as a “repository, not only of documents and records, artefacts and memorabilia, but the place where all that is important and special and valuable is kept and preserved for posterity”.¹⁰⁵ Trouillot characterises the archive as “institutions that organise facts and sources and condition the possibility of historical statements”.¹⁰⁶ However, archives cannot hold unlimited material due to space and other constraints. They are influenced too by socio-political agendas. As a result, archivists make material selections based on their archive’s priorities, and discard other material, which means some sources are

¹⁰³ Paul Thompson. *The Voice of the Past*. (Oxford: Oxford University Press, 1988), 119.

¹⁰⁴ Thompson, *The Voice of the Past*, 119-120.

¹⁰⁵ Graeme Reid. “‘The History of the Past is the Trust of the Present’: Preservation and Excavation in the Gay and Lesbian Archives of South Africa”. *Refiguring the Archive*. Carolyn Hamilton, Verne Harris, Graeme Reid eds. (Cape Town: David Phillip, 2002), 206.

¹⁰⁶ Michel-Rolph Trouillot. *Silencing the Past: Power and the Production of History*. (Boston, MA: Beacon Press, 1995), 52.

kept and others not.¹⁰⁷ Archives therefore influence what researchers are able to access about a particular subject matter.¹⁰⁸ Therefore, as much as the archive is the repository of valuable information on a variety of topics, it is important to recognise that human choices in archival collections lead to biases within the collections available in such institutions, which limit the sources preserved and thus available to researchers.

In his book, *The Voice of the Past*, Paul Thompson cited some general rules that historians should use when making use of sources. These include the need: “to look for internal consistency, to seek confirmation in other sources, and to be aware of potential bias.”¹⁰⁹ As mentioned earlier, for this thesis, I chose to use several archives to write this thesis. Using material from various archives was an important tactic as it enabled me to build up layers of information on Toms and fill in gaps as some archives housed material on some aspects of his life but not others. Use of a combination of different sources, such as written, interview and video sources, also helped me to verify sources and to create a more comprehensive analysis of Toms’s life and work.

Structure of this dissertation

Chapter 1: This chapter provides an introduction, discusses the research topic, literature review, theoretical framework, methodology and structure of dissertation.

Chapter 2: This chapter considers the background and context for the period of analysis in this thesis. This chapter analyses the apartheid system, the state’s military conscription of white South African men into the SADF and the emergence of the conscientious objector movement.

¹⁰⁷ Archille Mbembe. “The Power of the Archive and its Limits”. *Refiguring the Archive*. Carolyn Hamilton et al eds. (Cape Town: David Phillip, 2002), 20.

¹⁰⁸ Trouillot, *Silencing the Past: Power and the Production of History*, 52-53.

¹⁰⁹ Thompson, *The Voice of the Past*, 119.

Chapter 3: Considers the early life of Ivan Toms, his family background and education, including his medical studies, and his initial conscription into the SADF as a non-combatant doctor in South West Africa (now Namibia) in 1978 and 1979.

Chapter 4: Examines the period after his return and the factors that led him to become a conscientious objector, including his medical work at Empilisweni Clinic in Crossroads, his confrontation with SADF in this informal settlement, his religious beliefs, and his sexual identity.

Chapter 5: Focuses on the Toms's final experiences in Crossroads, his move into activism through his work in the ECC and Lesbians and Gays Against Oppression (LAGO) in the early 1980s. Toms's second call-up to military service in 1987, his refusal, which led to homophobic attacks, as well as his trial and imprisonment as a conscientious objector.

Chapter 6: Considers South Africa's transition to democracy, Toms's appeal and release from prison, the end of the ECC and Toms's contributions in the struggle to end conscription. This chapter also discusses how Toms's life as a conscientious objector and political prisoner affected his medical work, gay activism, and his personal life.

Chapter 7: Conclusion. This chapter covers his untimely passing and will sum up the main findings of the thesis and reflect on Toms's legacy.

Chapter 2:

The Apartheid System, Military Conscription for White Men, and the Conscientious Objector Movement

The history of South Africa has been a tumultuous one predicated on racial othering and inequality, unjust laws and a skewed political system. This culminated in a dark period – apartheid (meaning racial separateness) – that profoundly affected South Africa and its people. South Africa has also had a long history of military wars and violence, which shaped the country’s social, economic, and political landscape. During the apartheid period, South Africa became a highly militarised society to protect itself from many perceived threats, both foreign and domestic. The protection of the apartheid system, both within the country and on its border, ironically fell to those who benefitted from the system: white men. Men between the ages of 17 and 65 were charged with the country's defence.¹¹⁰ This chapter considers these issues to provide some broader background history to help contextualise the chapters on Ivan Toms. It analyses the apartheid system and the government’s conscription of white South African men into the SADF. In addition, it examines the broader history of conscientious objection in this country.

The apartheid era in the 20th century, with its racial legislation and segregationist policies, stemmed from the colonial period of the 19th century. The British in the Cape and the Dutch Voortrekkers in the Transvaal and Free State republics established the colonial era of racial segregation. The British implemented segregation through its divide and rule policies towards the end of the 19th century, creating “Reserves” (or segregated areas) for black South Africans, particularly in Natal. Here they delegated their power to African chiefs they controlled to oversee their territories. Afrikaner racial segregation stemmed from the Voortrekkers, whose ideas of white superiority and their quest to establish themselves in the

¹¹⁰ Judith Patricia Connors. “Empowering Alternatives: A History of the Conscientious Objector Support Group’s Challenge to Military Service in South Africa”. (Masters diss., University of KwaZulu-Natal, 2008), 245.

region against enemies such as the Zulu forged the notion that Africans were inferior to them.¹¹¹ After decades of conflict in the area between the settlers and indigenous peoples, the colonial governments of the British Cape and Natal colonies and the Boer republics negotiated to form the Union of South Africa in 1910.¹¹²

The white Union government built upon the segregationist policies initiated in the previous century and enacted legislation that severely discriminated and deliberately disadvantaged the black African and other “non-European” race groups. The first in a long line of racial legislation passed was the Mines and Works Act of 1911, which barred black South Africans from doing specific skilled jobs, such as in the mines and on the railways. The 1913 Native Land Act further damaged the opportunities of black South Africans by restricting black ownership of land to certain designated areas (usually the least arable) to prevent economic competition with white farmers. In 1923, the Urban Areas Act restricted Africans in urban areas to segregated areas reserved for Africans only. Furthermore, in 1936, the Representation of Voters Act stripped all black Africans of the right to vote.¹¹³ This early legislation ensured that racial segregation would be well entrenched in South African society and laid the groundwork for the mountain of legislation to follow in 1948.

The Union government’s implementation of discriminatory segregation prompted Africans to organise resistance to protect their rights in the newly established country.¹¹⁴ The first organisation to emerge was the South African Native National Congress (SANNC) in 1912, later renamed the African National Congress (ANC) in 1923, which comprised primarily African scholars and elites. It protested against the 1913 Land Act and the enacting

¹¹¹ Heather Deegan. *The Politics of the New South Africa: Apartheid and After*. (Harlow, England and New York: Longman, 2001), 3-13.

¹¹² Nancy L. Clark and William M. Worger. *South Africa: The Rise and Fall of Apartheid*. (Harlow, England; New York: Longman, 2011), 15-17 and Deegan, *The Politics of the New South Africa: Apartheid and After*, 3.

¹¹³ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 21-24.

¹¹⁴ Deegan, *The Politics of the New South Africa: Apartheid and After*, 15.

of racist legislation, which undermined their rights. The segregation era also saw the formation of worker organisations, such as the 1919 Industrial and Commercial Workers' Union, which organised workers to strike, voicing their opposition to oppressive working conditions and low salaries. It outgrew its trade union roots as thousands of its members demanded better wages, voting rights for tax-paying Africans, the end of the pass laws which restricted their movements, more land and the right to freedom of speech.¹¹⁵ By the 1930s and 1940s, the ANC (which in the 1940s increasingly promoted itself as a mass movement beyond African elites) and ICU, but also other organisations, such as the South African Community Party and Indian National Congress, were fully invested in ending enforced segregation. In addition, they demanded full rights as South African citizens, and rejected political and economic inequalities. They used various means, including strikes, protest marches, and boycotts, to force change in the country.¹¹⁶

Around the same time as the birth of the SANNC and just before the introduction of the 1913 Native Land Act, the government created the Union Defence Force to thwart any potential threats to the new South African state from internal and external enemies.¹¹⁷ Both British and Boer forces, previously enemies, were combined to form a new unified military force. The Defence Bill had been introduced in 1911, with a clause on compulsory conscription,¹¹⁸ and was signed into law in 1912, becoming the Defence Act. This Act stated that all white men between 17 and 65 were liable for military service during wartime. In peacetime, young men were required to undergo three months of training over four years.¹¹⁹

¹¹⁵ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 24-27.

¹¹⁶ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 39-40, 57.

¹¹⁷ Alan Paton Centre and Struggle Archives, Pietermaritzburg (APCSA), End Conscription Campaign Collection (ECC), PC 9. The "Coping with Conscription" Course Booklet, September to October 1989, 33 and Annette Seegers. *The Military in the Making of Modern South Africa*, (London; New York: Tauris Academic Studies, 1996), 12, 19.

¹¹⁸ Janet Cherry. "The End Conscription Campaign in South Africa: War Resistance in a Divided Society". *History Compass*. (2011, 9: 5), 19.

¹¹⁹ Annette Seegers. "South Africa: From Laager to Anti-Apartheid", *The New Conscientious Objection: From Sacred to Secular Resistance*. Charles Moskos and John Chambers eds. (New York: Oxford University Press, 1993), 127-128.

This Act further called for creating a small permanent force that the state could supplement with volunteers and conscripts via a ballot system, with the period of conscription consisting of 30 days with a possibility of 21 additional days for three years after initial service.¹²⁰

During the segregation era, the Union Defence Force was brought into action numerous times to quell internal protests and uprisings organised by black opposition groups and to seize Southwest Africa (Namibia) from German control in 1914 at the start of the First World War.¹²¹

The Apartheid System, the Build-Up of the SADF and the Military Conscription of White Men

In 1948, a white minority Afrikaner-led National Party (NP) government won the election and implemented its policy of apartheid. It came to power in a period of growing concern amongst the white electorate of black South Africans' opposition to white minority rule as well as job security, as thousands of Africans migrated to the cities in search of jobs during and immediately after the Second World War, which threatened white workers.¹²² The apartheid period saw the continuation, and indeed, over the years, the entrenchment of race-based segregation and discrimination policies by various NP governments over four decades, with the roll-out of even more legislation to protect white rule and social-economic privileges in South Africa.

Apartheid laws were all-encompassing, aimed at the total separation of white and black South Africans in all areas of life and instituted the beneficial treatment of whites over blacks, thus hampering opportunities and quality of life for black South Africans. For example, the passage of the Population Registration Act of 1950 formed the basis for further apartheid legislation. This Act required the classification and registration of the population

¹²⁰ Connors, "Empowering Alternatives", 42.

¹²¹ Seegers, *The Military in the Making of Modern South Africa*, 19.

¹²² Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 37-45.

into four definitive “race groups”. That same year, the state passed the Group Areas Act, which confined South Africa’s different “races” to designated areas to ensure segregated settlement patterns. Three years later, the Separate Amenities Act allocated separate areas and facilities for each group. At the same time, the Bantu Education Act created a separate education system for white and black South Africans to ensure that black population groups were only given sufficient skills to accept subservient work positions in the country of their birth. These laws also extended beyond the public domain. For instance, the Prohibition of Mixed Marriages Act of 1949 and the Immorality Act of 1950 forbade marriages and outlawed sexual intercourse between South Africa’s of different “race groups”. Thus, they firmly established apartheid in public and the most private and intimate areas of personal association.¹²³

The tumultuous years of resistance in the 1940s intensified when the NP began implementing apartheid laws. In retaliation, African organisations initiated massive protest action against the government and its policies. In 1949, the ANC assumed a Programme of Action to confront the apartheid government on their planned apartheid policies, beginning a period of boycotts, strikes, a national work stoppage, civil disobedience, and non-cooperation. In 1952, the ANC joined with Yusuf Dadoo’s South African Indian Congress (SAIC) in the Defiance Campaign, as thousands attended rallies and stayed away from work in April and July to persuade the government to repeal six pieces of discriminatory legislation. The ANC saw its membership climb above 100,000 at the end of 1952, which encouraged them and reaffirmed their commitment to non-violent forms of resistance.¹²⁴ The year 1955 saw the drafting of a landmark document by various anti-apartheid organisations, such as the ANC, the Congress of Democrats and the SAIC. The Freedom Charter contained

¹²³ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 48-55.

¹²⁴ Seegers, *The Military in the Making of Modern South Africa*, 121.

provisions for a non-racial, free, and democratic society.¹²⁵ Towards the end of the decade, mass resistance continued with strikes and boycotts. A milestone event was the women's march to the Parliament buildings in 1956, as 20,000 women gathered to protest the pass laws.

Of course, since apartheid laws were all-encompassing, they were also designed to bolster the powers of the police to ensure that the state could deal with internal resistance. During the 1950s, the NP government enacted various pieces of legislation. For example, in 1950, it passed the Suppression of Communism Act, which gave the government and its policing agencies the power to investigate and arrest any individual or organisation deemed suspicious of activities counter to the government, then ban and silence them removing any criticism of the government.¹²⁶ In the early to mid-1950s, around 8,500 people were arrested, while many leaders of the ANC were banned for their Defiance Campaign activities, in an attempt to decapitate the oppositions' leadership.¹²⁷ In 1956, the government also passed the Riotous Assemblies Act to prevent mass gatherings in public spaces and to prevent banned individuals from addressing crowds. In 1956, another 156 anti-apartheid leaders, including Albert Luthuli, Nelson Mandela and Walter Sisulu were arrested and went on trial in what became known as the Treason Trial. However, none were found guilty after this trial five years later.¹²⁸

In 1957, the NP government also enacted the Defence Act No. 44. This Act renamed the Union Defence Force the South African Defence Force (SADF). Importantly, this Act made all eligible white males of European descent aged between 17 and 65 liable for military service.¹²⁹ The Act set out the terms and provisions of compulsory military service as all

¹²⁵ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 58-61.

¹²⁶ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 57-58.

¹²⁷ Seegers, *The Military in the Making of Modern South Africa*, 121.

¹²⁸ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 58-61.

¹²⁹ Connors, "Empowering Alternatives", 245.

conscripts were liable to serve three months in the Citizen Force, a reserve component of the South African Armed forces.¹³⁰ In addition, they had to do 21 days in the Commando Force,¹³¹ which consisted of older men who had not been previously conscripted, also known as “Dad’s Army”.¹³² At this stage, selection for conscription was based on a ballot system that drew far more than was needed at the time. In laying the foundation for conscription, the Defence Act provided non-combatant status for conscripts whose religious denominations did not allow them to participate in war for religious reasons, with the same provisions reflected in the Defence Amendment Act of 1961.¹³³

Despite the efforts by the state to suppress anti-apartheid resistance efforts, they continued in the 1960s. For example, in early 1960, the Pan African Congress (PAC), a disgruntled group frustrated with the lack of significant progress made towards the goal of equality for all South Africans and broke away from the ANC, called for people to gather outside police stations with their pass books, in defiance of the pass laws, daring the police to arrest them. 21 March 1960 became known as the Sharpeville Massacre. The police shot and killed 69 people and injured 180 more in a peaceful protest against the pass laws outside a Sharpeville police station near Vereeniging. This led to a wave of protests, including stay-aways and further anti-pass demonstrations in other parts of the country in the days that followed, which culminated, on 30 March, in a march made up of 30,000-50,000 Africans to the Caledon Police Station in the Cape Town city centre.¹³⁴ On the same day, the apartheid government declared a state of emergency, which led to the arrest of 18,000 protestors, including leaders of both the ANC and PAC. Just a few days after the government declared

¹³⁰ Jacklyn Cock and Laurie Nathan. *War and Society: The Militarisation of South Africa*. (Cape Town: David Phillip, 1989), 17-19.

¹³¹ Connors, “Empowering Alternatives”, 57-58.

¹³² Catholic Institute for International Relations. “Conscription”. *Out of Step*. (London: CIIR, 1989), 54.

¹³³ Connors, “Empowering Alternatives”, 57, 245.

¹³⁴ Raeesa Pather and Azad Essa, “Remembering the Sharpeville Massacre”, *Mail and Guardian*, <https://mg.co.za/article/2015-03-21-south-africa-remembering-the-sharpeville-massacre/> (Accessed on 16 June 2022).

the state of emergency, it passed the Unlawful Organisations Act, which banned both organisations.¹³⁵ The government's actions also sparked global condemnation for their brutal handling of the suppression of these protests.¹³⁶

However, the government's actions failed to hinder the ANC and PAC. In new constrained circumstances, they began an armed, underground struggle through their militant wings, Umkhonto we Sizwe (MK), meaning the Spear of the Nation, and Poqo, meaning pure, in 1961. During this period, they targeted buildings and facilities vital to the government, such as power stations and police stations. To counter the continued resistance and sabotage, the government amended the General Law Act in 1962. This Act allowed repeated detentions of 90 days without trial, capital punishment for serious crimes and suppression of public gatherings. Later in this decade, amendments to the Suppression of Communism Act granted ministers greater censorship powers, and the Terrorism Act of 1967 extended the detention without trial period to 180 days.¹³⁷

As a result of these harsher legislative measures, between 1962 and 1963, Nelson Mandela, Walter Sisulu and eight other prominent leaders were arrested and tried in the infamous Rivonia Trial, and in 1964, found guilty of treason and sentenced to life imprisonment on Robben Island. Oliver Tambo, an ANC leader and president, managed to flee South Africa to Bechuanaland (Botswana) in 1960 and became president of the ANC in exile in London. There, he coordinated this organisation's resistance activities from abroad.¹³⁸ Indeed, many other anti-apartheid activists were pushed into exile during this period, finding shelter in neighbouring countries, such as Swaziland, Angola, Tanzania, Botswana, Zambia, Zimbabwe and Mozambique.¹³⁹ Several of these countries were newly

¹³⁵ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 61-62.

¹³⁶ Catholic Institute for International Relations, "Introduction", *Out of Step*. (London: CIIR, 1989), 13.

¹³⁷ Seegers. *The Military in the Making of Modern South Africa*, 126-127.

¹³⁸ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 62.

¹³⁹ Catholic Institute for International Relations, "Introduction", 13.

independent nations or were waging their liberation struggles against their colonial rulers. In some cases, these countries allowed, for example, the ANC's armed wing (MK) to establish military bases and conduct military training, to wage armed struggle against the apartheid regime. Over time, tensions steadily escalated between these newly independent states and apartheid South Africa as from the 1960s onwards, covert military operations were conducted in South Africa, coordinated from abroad.¹⁴⁰

Assessing the mass internal resistance and perceived threats on the border with alarm, the government once again amended the Defence Act in 1967, seeking to grow its military and armed forces through the conscript system to help counter these threats. This amendment ended the ballot system of conscription and introduced compulsory conscription for all eligible white South African males and some permanently residing immigrants.¹⁴¹

Although the amendment did not contain clauses granting exemption from military service for objectors, it did make provision for congregants of certain peace or pacifist churches. These included the Jehovah's Witnesses, the Seventh Day Adventists, the Society of Friends, and the Quakers, to serve in the military in non-combatant capacities. However, this was not automatic. Those seeking exemption based on religious pacifism grounds had to apply to review boards, which then ruled on that application to determine whether that member of a peace church was genuine.¹⁴² This process proved problematic as those who were Jehovah's Witnesses, for example, refused to perform any military service as it was against their beliefs to do so. Several members of the peace churches refused their call-ups

¹⁴⁰ "uMkhonto weSizwe (MK) in Exile", *South African History Online*, <https://www.sahistory.org.za/article/umkhonto-wesizwe-mk-exile> (Accessed on 30 May 2022).

¹⁴¹ Connors, "Empowering Alternatives", 59.

¹⁴² F. Hale. "Baptist Ethics of Conscientious Objection to Military Service in South Africa: The Watershed Case of Richard Steele". *Acta Theologica*. (2005, 25: 2), 20-21.

and so were sentenced to three months in military detention, often in solitary confinement, when cases were brought against them for non-compliance with the Defence Act.¹⁴³

During the 1970s, the heat generated from the first two decades of apartheid rule resulted in South African society approaching its boiling point. In what would be the apartheid state's penultimate decade, the 1970s was an era of rejuvenated resistance, which had receded somewhat toward the second half of the 1960s due to state repression. The resistance of the 1970s stemmed from the emergence at the end of the 1960s of the Black Consciousness Movement. The essence of this movement was the revival of "Black Pride", which sought to challenge the inference that black people were inferior.¹⁴⁴ It also stressed the need for black South Africans, whether African, Indian or Coloured, to free themselves psychologically from a defeatist mentality that undermined their ability to achieve their liberation.¹⁴⁵

Black Consciousness (BC) resonated strongly with the younger generation, as the South African Student's Organisation (SASO), which initially conceptualised BC ideas, was a black universities-based organisation. However, its ideas spread more widely throughout society during the 1970s leading to mass anti-apartheid mobilisation.¹⁴⁶ These ideas led, for example, to African schoolchildren protesting the use of Afrikaans as a medium of instruction in the mid-1970s, when the government sought to enforce this provision of the 1953 Bantu Education Act. This went entirely against the BC ideal of a proud black identity. These developments came to a head on 16 June 1976, in what became known as the Soweto Uprising when thousands of Sowetan schoolchildren gathered on the streets to march in

¹⁴³ Hale, "The Social Ethics of the Baptist Union of Southern Africa", 20-21 and Catholic Institute for International Relations. "Emergence of War Resistance". *Out of Step*. (London: CIIR, 1989), 79.

¹⁴⁴ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 73.

¹⁴⁵ Ian M. MacQueen. *Black Consciousness and Progressive Movements under Apartheid*. (Pietermaritzburg, South Africa: University of KwaZulu-Natal Press, 2018), 4-6.

¹⁴⁶ MacQueen, *Black Consciousness and Progressive Movements under Apartheid*, 122-124, 201 and Seegers, *The Military in the Making of Modern South Africa*, 148-149.

protest. The government responded in a typical fashion, as the police and the SADF were authorised to disperse the rioters using deadly force, resulting in the deaths of 176 people. Hundreds more lost their lives in the months following the Uprising during further waves of protest actions to oppose the apartheid system.¹⁴⁷ The Uprising also led to more militant black youth exiting the country to join the ANC and PAC underground movements and activities.

In addition to the renewed challenges faced internally through the 1970s, the apartheid state felt further threatened by developments on its borders. By the early 1970s, more European-ruled buffer states on South Africa's northern border threatened to fall to African nationalists who were supportive of the anti-apartheid cause.¹⁴⁸ South West Africa (now known as Namibia) and Angola became of great concern for the National Party. They were the regions the SADF would expend most of their efforts and military resources at this time.

The illegal occupation of South West Africa by South Africa proved to be a serious bone of contention for South Africa in the 1970s. The region had been colonised by Germany in 1884 but was invaded by South Africa in 1915 during the First World War and subsequently occupied for five years. United Party President Jan Smuts then tried unsuccessfully to incorporate the region into South Africa but found himself blocked by the United Nations, the successor to the League of Nations after the Second World War, which instead placed South West Africa under their mandate system. This allowed territories that had been freed from colonial rule to become self-governing eventually.¹⁴⁹ However, keen to

¹⁴⁷ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 82-83 and Robert Scott Jaster. *The Defence of White Power: South African Foreign Policy under Pressure*. (Basingstoke: Macmillan in association with the International Institute for Strategic Studies, 1988), 119.

¹⁴⁸ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 86-87.

¹⁴⁹ Ronald F. Dreyer. *Namibia and Southern Africa: Regional Dynamics of Decolonization, 1945-90*. (London; New York: K. Paul International distributed by Routledge, 1994), 7-12.

annex this territory for their own, South Africa ignored the mandate provisions, and in 1948, the newly elected NP government ruled South West Africa as a fifth province. All oppressive apartheid legislation promulgated by the NP was extended to South West Africa, with the region's governance placed directly under the central administration in Pretoria. The South African army was also deployed there to maintain law and order.

After years of oppressive rule, in 1960, a group of black Namibians formed the South West African People's Organisation (SWAPO), which became an important anti-apartheid organisation.¹⁵⁰ Like the ANC and other anti-apartheid organisations, it initially sought to bring about Namibian independence through non-violent constitutional means, such as lobbying support from international countries and seeking change through the system of rule. However, when these attempts failed, and South Africa ramped up its repression, SWAPO and other groups turned to violence to achieve their aims.¹⁵¹ This began in the mid-1960s, led by, for example, SWAPO's military wing, the People's Liberation Army of Namibia, which began armed guerrilla tactics. In August 1966, South African security forces engaged SWAPO at its Omgulumbashe base in Ovamboland, heralding the first significant engagement between South Africa and SWAPO. By the end of August, thousands of SADF troops had entered Namibia to search for SWAPO guerrillas. More conflicts would follow.¹⁵²

Many of these skirmishes took place on the Angolan-Namibian border, as South Africa had established a presence there due to military partnership with Angola's Portuguese colonial rulers, as SWAPO and the People's Movement for the Liberation of Angola (MPLA) had become significant threats in the Southern African region.¹⁵³ Indeed, Angola had also become of great concern to the apartheid government as various organisations within Angola

¹⁵⁰ Wits, HP, ECC 1983-1988, Namibia Factsheet.

¹⁵¹ Wits, HP, ECC 1983-1988, Michael Evans, "Desert Conflicts", 13-14.

¹⁵² Daniel Conway. *Masculinities, Militarisation and the End Conscription Campaign: War Resistance in Apartheid South Africa*. (Manchester: Manchester University Press, 2012), 35-36.

¹⁵³ Dreyer, *Namibia and Southern Africa*, 65-66.

sought to overthrow the Portuguese colonial government.¹⁵⁴ As mentioned above, the most prominent groups were the MPLA, founded in 1956, the National Liberation Front of Angola (FNLA), founded in 1961, and the breakaway group from the FNLA, the National Union for the Total Independence of Angola (UNITA), founded in 1966.¹⁵⁵ Beginning in 1961, the MPLA and FNLA had been engaged in guerrilla fighting with the Portuguese army. What concerned the South African government too was the support provided to MPLA by the Soviet Union and FNLA by China, which could make the region a local theatre of the Cold War.¹⁵⁶ Concern for the region also ramped up in the early 1970s when a military coup toppled the Caetano regime in Portugal, which led to the rapid decolonisation of Angola and Mozambique.¹⁵⁷

Because of this rapid decolonisation, the reconstitution of the buffer states on South Africa's border signalled a security threat for the apartheid regime's minority rule. After Angola achieved independence, the Soviet and Cuban-backed MPLA was poised to take power. In South Africa's eyes, Namibia became a vital buffer territory to prevent the country from a communist threat where SADF troops were deployed to defend against any threat from north of its borders.¹⁵⁸ It was also used as a launch pad from which incursions into Angola were initiated from the Operational Area on the border of Angola.¹⁵⁹ Between 1974 and 1976, the SADF sent around 16,000 men to South West Africa and then into Angola to assist UNITA (the right-wing capitalist friendly opposition to the MPLA) militarily i.e. with

¹⁵⁴ James Michael Roherty. *State Security in South Africa: Civil-Military Relations under P.W. Botha*. (Armonk, New York: M.E. Sharpe, 1992), 69-70.

¹⁵⁵ Seegers, *The Military in the Making of Modern South Africa*, 136.

¹⁵⁶ Brian Johnson Barker, Paul Bell, Chiara Carter etc. "Luanda or bust...". *Reader's Digest Illustrated History of South Africa: The Real Story*. Second Edition. Dougie Oakes ed. (Cape Town: The Reader's Digest Association of South Africa, 1992), 436 and Jaster, *The Defence of White Power: South African Foreign Policy under Pressure*, 68-69.

¹⁵⁷ Dreyer, *Namibia and Southern Africa*, 78-79.

¹⁵⁸ Catholic Institute for International Relations, "War beyond the Border", 34-35.

¹⁵⁹ Seegers, *The Military in the Making of Modern South Africa*, 210.

the supply of arms, troops and equipment.¹⁶⁰ This number multiplied to 50,000 in the years immediately after.¹⁶¹

These events prompted changes to conscription. In 1972, the South African government made amendments again to its Defence Act, particularly to the terms of service, as the SADF sought to expand its presence in South West Africa and on the border of Angola. A major amendment made was to increase military service for conscripts to one year with a subsequent five years of camps, each comprising 19 days.¹⁶² To ensure that those conscripted would carry out their military service, a provision in the Defence Act was passed to discourage anyone from assisting in dissuading conscripts from performing their military service. The penalties for this offence were a R6000-00 fine or six years imprisonment.¹⁶³

In 1975, to obtain the military personnel required to invade Angola, the government increased the period of camps to three months duration¹⁶⁴, after the initial conscription period was completed. The Defence Act was once again amended in 1976. In this amendment, the state dropped the clause that a conscript had to give consent before deployment outside the country's borders. The terms and length of military service were also increased from one to two years, with additional camps thereafter increasing from five to eight years starting in 1977.¹⁶⁵

During the 1980s, the last full decade of apartheid, the anti-apartheid struggle intensified, as did efforts by the South African state to halt what they perceived as threats to its rule. During this decade, the United Democratic Front (UDF) was formed in 1983. The

¹⁶⁰ Dreyer, *Namibia and Southern Africa*, 78-79 and Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 36.

¹⁶¹ Catholic Institute for International Relations. "War beyond the Border". *Out of Step*. (London: CIIR, 1989), 30.

¹⁶² Seegers, "South Africa: From Laager to Anti-Apartheid", 129.

¹⁶³ Seegers, "South Africa: From Laager to Anti-Apartheid", 129-130.

¹⁶⁴ Connors, "Empowering Alternatives", 61.

¹⁶⁵ Connors, "Empowering Alternatives", 65.

UDF was a collection of various groups, such as civic groups, students or youth groups, church groups and trade unions, with the single purpose of ending apartheid and bringing about a democratic South Africa. At its height, the UDF had 700 affiliated groups. The main thrust of the UDF was to protest the formation of the new Tri-Cameral Parliament, which gave limited representation for Coloured and Indian South Africans, but none for black Africans.¹⁶⁶ During the 1980s, the UDF instigated or led many mass protests against the apartheid system, and sought to make the country ungovernable. These included worker strikes or stay aways, school boycotts, university students' protests and general unrest in the townships, which often turned violent.¹⁶⁷

Adding to the chaos and upheaval of the 1980s, the ANC's MK operatives, some living in South Africa, and some living abroad, had returned to the country and carried out bomb attacks on various state institutions. These included courthouses and government offices, which they viewed as responsible for implementing apartheid legislation. Other attacks were economically driven, such as on fuel depots and power stations. Post offices, a key state communication service, were also targeted.¹⁶⁸ High profile bombings were carried out on the South African Coal, Oil and Gas Corporation (SASOL) in 1980, the Koeberg nuclear power station in 1982, and the intelligence headquarters of the South African Air Force in 1983. 42 alleged ANC attacks were carried out in 1983 alone.¹⁶⁹

Furthermore, in 1980, Zimbabwe – another white colonial buffer state–fell when its citizens obtained their independence from British rule. This left the apartheid state feeling more vulnerable since Zimbabwe shared a border with South Africa, and it offered a

¹⁶⁶ Deegan, *The Politics of the New South Africa: Apartheid and After*, 57.

¹⁶⁷ Ineke van Kessel. *Beyond Our Wildest Dreams: The United Democratic Front and the Transformation of South Africa*. (Charlottesville: University Press of Virginia, 2000), 19-20, 22-24, 35; Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 99 and Deegan, *The Politics of the New South Africa: Apartheid and After*, 58-60.

¹⁶⁸ Jaster, *The Defence of White Power: South African Foreign Policy under Pressure*, 119.

¹⁶⁹ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 88.

sanctuary for exiled anti-apartheid activists.¹⁷⁰ In addition, aggressive tactics on South Africa's north eastern border left South Africa exposed. In the early 1980s, South Africa began a proxy war in Mozambique, training and funding the Mozambican National Resistance Movement (RENAMO) to destabilise this independent country's ruling Liberation Front of Mozambique (FRELIMO) government to weaken it.¹⁷¹ As a consequence, South Africa faced the potential for retaliation.

In response to these threats, the apartheid government, under former Defence Minister turned State President P.W. Botha, believed that the country was facing a "Total Onslaught" from enemies both within and outside the country and required a "Total Strategy" to counter this. His proposed plan emphasised military strategy to protect South Africa's political, economic and social power bases.¹⁷² The government made the South African Police force (SAP) responsible for internal security, whilst the SADF were responsible for the greater southern African region. The government also created a Bureau of State Security (BOSS) in 1969, to coordinate the military and police actions.¹⁷³ It was vital to the NP government that most of the white minority bought into this strategy. To do this, the government rebranded the SADF as a "peacekeeping" force that served the people of South Africa in both black and white communities. It was also necessary to cast South Africa as being under constant threat, hence needing conscription into the SADF and a well-developed police force, which turned South Africa into a highly militarised state.¹⁷⁴

Total Strategy enabled the apartheid government to retaliate in a more aggressive and more heavy-handed manner toward anti-apartheid activists within South Africa in the 1980s.

¹⁷⁰ Catholic Institute for International Relations, "War Beyond the Border", 33-34.

¹⁷¹ Catholic Institute for International Relations, "War Beyond the Border", 37-38.

¹⁷² Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 88 and Roherty, *State Security in South Africa*, 43.

¹⁷³ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 62-63.

¹⁷⁴ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 37-42.

To quell the growing civil disobedience, unrest, and violence, the SADF was deployed throughout the country to assist the SAP, particularly in hot spot areas. The government also declared a State of Emergency in July 1985.¹⁷⁵ This gave the government extraordinary powers to use the SADF within South Africa's black townships. It deployed troops to supplement the SAP in open-top Jeeps with mounted machine guns and armed commandos on horseback.¹⁷⁶ These State of Emergency powers included arresting and detaining any person deemed suspicious, conducting house-to-house, building and car searches, setting up roadblocks and the right to break up meetings and "unlawful" gatherings. The Security Forces, as the government referred to the combined SADF and SAP, harassed community leaders and members; enforced curfews; dispersed strikes, stay aways and political meetings; set up roadblocks to restrict movement in and out of certain areas and patrolled constantly; as well as conducted illegal searches of township homes. Black schools were also infiltrated by the SADF to thwart mobilisation, and the state applied emergency regulations to make sure that children were in school to limit engagement in illegal extra-curricular activity.¹⁷⁷

In addition, SADF troops, other than being stationed on the borders to protect South Africa from external attacks, continued in the 1980s to undertake cross border raids into neighbouring countries, such as Mozambique, Botswana, Zimbabwe, Swaziland, Zambia, Angola and Lesotho, to root out anti-apartheid operatives.¹⁷⁸ Counter-insurgency measures by the apartheid government became more frequent between 1980 and 1983. These raids constituted abductions, shootings, and bombings of targets. For example, in August 1982, Ruth First, an anti-apartheid activist in exile in Mozambique, was killed by a parcel bomb.¹⁷⁹ Raids into Angola were particularly devastating, as the infamous 32 Battalion would employ

¹⁷⁵ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 98-99.

¹⁷⁶ Connors, "Empowering Alternatives", 88.

¹⁷⁷ Catholic Institute for International Relations. "Troops in the Townships". *Out of Step*. (London: CIIR, 1989), 41-42.

¹⁷⁸ Jaster, *The Defence of White Power: South African Foreign Policy Under Pressure*, 119-120

¹⁷⁹ Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, 88.

scorched earth tactics and clear a massive area in their attempts to root out SWAPO guerrillas. They interrogated and tortured men, women, and children for information and indiscriminately killed people who were suspected of belonging to or supporting SWAPO.¹⁸⁰

Of course, all these Total Strategy activities needed men to keep expanding the military, which meant continuation and extension of conscription. During the 1980s, the length of service and camps were increased again with further amendments to the Defence Act. The 1982 amendment maintained the two years of military service but extended the supplementary camps to 120 days every two years for six two-year cycles.¹⁸¹ In addition, the following year, the act was further amended to crack down on religious, political, and moral objectors who refused to perform their service and increase the prison sentence for refusal to perform military service from two to six years. Additionally, the 1983 amendment established a Board for Religious Objection (BRO), which assessed whether a conscript who objected on religious grounds was eligible for alternate service. This was problematic, however, as the board was subjective, but the length of alternate service, four years, was two years longer than military service, which made it punitive.¹⁸²

Conscientious Objection in South Africa

In the context of this thesis, Conscientious objection refers to a decision made by an individual, or group of people, to refuse compliance with the government's directive to serve in the military or armed forces. Conscientious objectors came to prominence in the apartheid period (particularly the 1970s and 1980s), but it was not a new concept. It first became evident during the First World War when individual leaders of the newly established Union army refused to comply with the government's order to annex the German colony of South West Africa. They refused because they would not fight with the British, as they had been the

¹⁸⁰ Jaster, *The Defence of White Power: South African Foreign Policy Under Pressure*, 119-123.

¹⁸¹ Connors, "Empowering Alternatives", 74

¹⁸² Seegers, "South Africa: From Laager to Anti-Apartheid", 131-132.

enemies of the Boers just 12 years earlier and had not forgiven them for confining their people to concentration camps.¹⁸³

A similar sentiment influenced the decision of some right-wing, white Afrikaner nationalists during the Second World War, who refused to fight on the side of the Allies (i.e., with the British) against Nazi Germany. These individuals felt that South Africa had no business fighting a war that did not directly involve them and identified with Nazi Germany's emphasis on nationalism. As a reaction to this mass outcry, the government made provisions for those who refused to fight outside South Africa's border, allowing them to serve on the home front instead. The Dutch Reformed Church supported those who refused, citing that a citizen's loyalty was to God first and then the state.¹⁸⁴

During the apartheid period, conscientious objectors emerged shortly after the Defence Act was first promulgated in 1957. From this period onwards, conscientious objectors cited various reasons for their refusal to be called up to perform military service, though religious conviction was a key reason. Among the first to object were members of the "Peace Church" denominations, such as the Jehovah's Witnesses, Seventh Day Adventists, the Society of Friends, Quakers, and other pacifist churches that did not allow their members to serve in the military.¹⁸⁵ Christianity and pacifism were often cited together as reasons for the objection. Members of the South African Council of Churches (SACC), such as Baptist, Catholic, Methodist, Anglican and other affiliated churches, also cited their objection to military service in the 1970s and 1980s.¹⁸⁶ Moral and political reasons were also given for objection, as some objectors viewed the SADF as defending apartheid, an unjust society

¹⁸³ Catholic Institute for International Relations, "Emergence of War Resistance", 76-78.

¹⁸⁴ Catholic Institute for International Relations, "Emergence of War Resistance", 76-78.

¹⁸⁵ Hale, "The Social Ethics of the Baptist Union of Southern Africa", 20-21.

¹⁸⁶ Seegers, "South Africa: From Laager to Anti-Apartheid", 129.

based on race, and South Africa's subjugation of South West Africa.¹⁸⁷ Many of these individuals refused to bear arms against their fellow black South Africans.

Because of the lack of state-approved alternate options for conscription, eligible white men employed different methods to postpone or avoid drafting. In addition to the previously mentioned attempts (often unsuccessful) to apply for exemption by members of the peace churches, others sought asylum in Britain and the Netherlands or fled to Zimbabwe and Botswana. Still, others stayed in the country, constantly changed their addresses, or did not have a permanent place of work. Some who stayed became permanent students at universities, hoping to avoid conscription. Arguably, the most challenging and overt means of avoiding conscription was to remain in the country and become a conscientious objector.¹⁸⁸

Objection to conscription initially began slowly and sporadically during the apartheid period. In the 1960s, a handful of members of the peace churches refused to perform military service due to their faith. Due to a lack of provision for religious objection in the Defence Act, those who refused unwaveringly their service were sentenced, as punishment, to three months in the military detention barracks.¹⁸⁹ In addition, although from 1967, when an amendment to the Defence Act allowed such individuals to apply for exemption on religious grounds, it meant intense scrutiny into their lives and religious beliefs by the exemption board to verify their claims. Such appeals also did not always go in their favour. In 1978, a small group of Jehovah's Witnesses were charged and imprisoned for failing to perform their military service, whilst others were forced to leave the country.

As South Africa's aggression in defence of apartheid escalated, the call-ups of men conscripted increased to meet this escalation. Subsequently, the greater the number of call-

¹⁸⁷ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 48.

¹⁸⁸ Cherry, "The End Conscription Campaign in South Africa: War Resistance in a Divided Society", 354.

¹⁸⁹ Hale, "The Social Ethics of the Baptist Union of Southern Africa", 21.

ups increased conscientious objection. By the early 1970s, many religious groups, beyond just the peace churches, started wrestling with the concept of compulsory military service. Churches, such as the Catholic Church, Anglicans and Methodists, also began to challenge the idea of military service on moral grounds.¹⁹⁰ For example, Reverend Dennis Hurley of the Catholic Church, citing the “just war theorem”,¹⁹¹ denounced military service and characterised it as ethically wrong and unjust in defending the apartheid regime, which itself was immoral and unjust.¹⁹² The South African Council of Churches followed Rev. Hurley’s example. At a South African Council of Churches Conference held in 1974, a resolution was put forward, which contained amongst other important resolutions, the rejection of South Africa’s use of violence and its propagation of an “unjust war”, and that its members in their endeavour to follow Christ must be allowed to consider conscientious objection.¹⁹³ Hurley and the SACC’s position on military service was ground breaking at the time, as it challenged the conventions of apartheid society. Indeed, it questioned if the use of military force and violence was just and whether apartheid society itself was just and if the military was responsible for maintaining this unjust society.

Various religious groups, such as Quakers in Cape Town, also tried to convey the viability of alternative forms of national service, such as working as ambulance drivers and healthcare workers in black areas, but these suggestions were ultimately ignored. Instead, as previously mentioned, the state continued to implement stricter penalties for those who failed to perform military service. With another amendment of the Defence Act in 1978, conscientious objectors who were not members of peace churches could be fined R2000-00

¹⁹⁰ Seegers, “South Africa: From Laager to Anti-Apartheid”, 129.

¹⁹¹ The Just War theory stipulates that a war must be justified, fought in defence of justice and of the innocent, and in defence of moral values.

¹⁹² Paddy Kearney. *Guardian of the Light: Denis Hurley: Renewing the Church, Opposing Apartheid*. (Scottsville, Pietermaritzburg: University of KwaZulu-Natal Press, 2009), 200-201.

¹⁹³ Seegers. “South Africa: From Laager to Anti-Apartheid”, 129.

or imprisoned for two years and were repeatedly called up and charged often for failure to render military service.¹⁹⁴

In addition, white student organisations, such as the National Union of South African Students (NUSAS), also sought to provide more publicity on the conscientious objection issue. Formed in 1924 at the more liberal, English-speaking, historically white universities of Cape Town, the Witwatersrand and Natal, NUSAS students had been activists for social and political change, such as taking part in social community work. This entailed educating adult black South Africans and setting up feeding schemes for all race groups.¹⁹⁵ University student activism continued and arguably increased in the apartheid period, which included marches, protests and sit-ins at university administrative offices.¹⁹⁶ In 1978, responding to the situation on the border, NUSAS decided to form Milcom, a committee tasked with investigating options for conscripts, finding alternatives to military service, and investigating the effects of SADF service on conscripts.¹⁹⁷

Furthermore, high profile objectors began to appear during this period. Almost immediately after the passage of the 1978 Defence Amendment Act, prominent individual conscientious objectors, who openly rejected their call-ups and were fully conscious of the consequences, began to emerge. These objectors differed from the peace church objectors who based their objection on religious grounds. These new objectors chose to publicise their stand through letters to the SADF explaining their decision and giving interviews explaining their refusal to the media. They based their objection on the SADF's defence of apartheid and South Africa's occupation and subjugation of South West Africa and its people. Cousins,

¹⁹⁴ Catholic Institute for International Relations, "Emergence of War Resistance", 80-81.

¹⁹⁵ Benjamin Kline. "The National Union of South African Students: A Case-Study of the Plight of Liberalism, 1924-77". *The Journal of Modern African Studies*. (1985, 23: 1), 139 and "National Union of South African Students (NUSAS)", *SA History Online*, <https://www.sahistory.org.za/article/national-union-south-african-students-nusas> (Accessed on 16 June 2022).

¹⁹⁶ "National Union of South African Students (NUSAS)", *The O'Malley Archive*, https://omalley_nelsonmandela.org/omalley/index.php/site/q/03lv02424/04lv02730/05lv03188/06lv03212.htm (Accessed on 16 June 2022).

¹⁹⁷ Catholic Institute for International Relations, "Emergence of War Resistance", 80.

Peter Moll and Richard Steele were the first pair of such conscientious objectors detained for refusing their call-ups in 1979 and 1980. They objected for both political and religious reasons.¹⁹⁸ Both men were sentenced to a year in a detention barracks.¹⁹⁹ Other prominent objectors, such as Niel Mitchell and Billy Paddock in 1982 and Pete Hathorn and Paul Dobson in 1983, followed Moll and Steele's stands and imprisonment. All four were imprisoned for their refusal to do military service too.²⁰⁰

To assist and show support for imprisoned conscientious objectors, the Conscientious Objector Support Group (COSG) was established after the parents, families and friends of Peter Moll and Richard Steele rallied around to support them. This, in turn, prompted friends, families and conscientious objectors to support other imprisoned objectors. As conscientious objectors grew in number, COSG grew to embrace a wider group of people affected by these issues. COSG provided help in various ways, by supporting conscientious objectors and their families in coming to terms with conscientious objection; assisting objectors with legal documents and at their trials; assisting in funding legal representation for objectors; encouraging the objector to persist in their stand, especially when in prison; and lobbying the government to allow alternative service for conscientious objectors.²⁰¹ Through their efforts, COSG raised public awareness about militarisation, conscription and conscientious objection through meetings, fundraising campaigns and publications.²⁰²

During the early 1980s, another organisation – the Black Sash – also played an essential role in spurring the objector movement. The Black Sash, founded on 19 May 1955 by six white, middle-class women, opposed what they regarded as unjust apartheid laws, namely the Senate Bill of that same year, which aimed to remove Coloured voters from the

¹⁹⁸ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 48.

¹⁹⁹ Catholic Institute for International Relations, "Emergence of War Resistance", 81.

²⁰⁰ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 48.

²⁰¹ Connors, "Empowering Alternatives", 68-70.

²⁰² Catholic Institute for International Relations, "Emergence of War Resistance", 81.

voters' roll. The women organised marches, including a march to Parliament comprising thousands of women carrying a petition with over 100,000 signatures protesting the bill. The Black Sash, whose membership grew rapidly over the years, wore black sashes, a symbol of mourning, for what they regarded as the death of South Africa's Constitution. They also stood in silent vigil wherever ministerial work was conducted, such as the Union Buildings in Pretoria, to highlight their dissatisfaction with the NP government.²⁰³ By the early 1980s, its all-female membership, which by this stage also included a few black women, had grown in size and prominence with several regional branches countrywide.

As grandmothers, mothers, aunts, sisters and wives of white men who fell within the eligible age for conscription, they also felt keenly the plight of men who were required to serve. At their national conference in 1983, the Black Sash passed a resolution calling on the government to end compulsory military service. They argued that the conflict in Southern Africa was political, not military, and believed that since it was a political conflict, the conscript should be allowed to choose military service. The Black Sash also understood that not all conscripted men were religious pacifists but refused to fight on political and moral grounds. Furthermore, because the 1983 Defence Amendment Act did not make provisions for these men, the Black Sash decided to issue a resolution.²⁰⁴ In its resolution, the Black Sash stated that the occupation of South West Africa was illegal, that there was no need to have a standing army to protect the country, and that there was no Total Onslaught against South Africa.²⁰⁵ This resolution, made by a well-established anti-apartheid organisation, provided the impetus needed for the various anti-military service groups and individuals to

²⁰³ Kathryn Spink. *Black Sash: The Beginning of a Bridge in South Africa*. (London: Methuen, 1991), 24, 33-34 and "History of the Black Sash," *The Black Sash*, <https://www.blacksash.org.za/index.php/our-legacy/history-of-the-black-sash> (Accessed on 2 February 2021).

²⁰⁴ Spink, *Black Sash: The Beginning of a Bridge in South Africa*, 218-219.

²⁰⁵ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 48.

move towards creating a more unified conscientious objector organisation with clear aims and goals.²⁰⁶

1983 proved to be a seminal year. This year, the Conscientious Objector Support Group seized upon the Black Sash resolution. At its annual conference, COSG delegates agreed to form a national organisation, to bring together different anti-conscription groups and organisations, in common cause to fight to end conscription. Thus, the End Conscription Campaign (ECC) was born that year. The diverse organisations brought together in coalition included: the Black Sash, NUSAS, COSG, the Catholic War and Peace Group, the Catholic Justice and Peace Commission, the National Education Union of South Africa, the Methodist Citizenship Group, Students Unions for Christian Action, and many other smaller political, religious, youth, student and women's groups.²⁰⁷ Indeed, in a short space of time, by the closing months of 1983, the ECC had established regional branches in Johannesburg, Cape Town and Durban, which extended in later months and years to Pretoria, Stellenbosch, Port Elizabeth, Grahamstown, East London and Pietermaritzburg. It also established a strong presence at several universities and cultivated links with the UDF and Progressive Liberal Party.

The ECC's campaign was based on a particular issue, to end compulsory military conscription in the service of apartheid. Echoing the Black Sash resolution, the ECC contended that conscription and military service were implemented to defend the apartheid regime and its policies, maintain its illegal occupation of South West Africa and instigate war against Angola and Mozambique. They further argued that conscription violated the freedom

²⁰⁶ Catholic Institute for International Relations. "The End Conscription Campaign". *Out of Step*. (London: CIIR, 1989), 86.

²⁰⁷ Catholic Institute for International Relations, "The End Conscription Campaign", 86-89.

of conscience and played a significant role in South African society's acceptance of political and social militarisation.²⁰⁸

In terms of their objectives, ECC campaigners sought to pressurise the government to end conscription and generate awareness of South Africa's heightened militarisation and the destructive role of the SADF in the greater Southern African region. It also sought to garner support for alternative service for objectors and strive for peace and justice in South Africa.²⁰⁹ Since the ECC focused on ending the Afrikaner NP government's military conscription policy, mostly white liberal men were affected. ECC members and activists were diverse and ranged from middle-class English men who mainly had liberal views to Afrikaans-speakers joining later. Female membership also increased over time, comprising 50 per cent of the ECC membership by the mid-1980s.²¹⁰

Shortly after its establishment, the ECC embarked on a series of campaigns through the mid- to late-1980s. Because the ECC was a pacifist organisation, its campaign events were peaceful in nature. Events, such as "No War in Namibia" and "Stop the Call-Up", comprised activities for those in attendance, such as seminars, cultural activities, public meetings, and workshops, including fun runs, kite flying and street theatre. There were also rock concerts, art exhibitions, film festivals and cabaret shows. It also hosted many high-profile speakers, such as Archbishop Denis Hurley, Bishop Desmond Tutu and Nadine Gordimer.²¹¹ As the 1980s progressed, campaigns consisted of fasts too, such as "Troops Out of the Townships";²¹² community-building projects, such as "Working for a Just Peace";²¹³

²⁰⁸ Seegers, "South Africa: From Laager to Anti-Apartheid", 132.

²⁰⁹ Connors, "Empowering Alternatives", 85.

²¹⁰ Catholic Institute for International Relations, "The End Conscription Campaign", 89.

²¹¹ Catholic Institute for International Relations, "The End Conscription Campaign", 89-91.

²¹² Cherry, "The End Conscription Campaign in South Africa: War Resistance in a Divided Society", 356.

²¹³ Catholic Institute for International Relations. "Working for a Just Peace". *Out of Step*. (London: CIIR, 1989), 105-106.

and informative campaigns that educated white young men on conscription, such as “Know Your Rights”.²¹⁴

All events were aimed at raising awareness on the issue of conscription, South Africa’s militarisation and the plight of the conscientious objector. The focus of their campaigns was directed toward the white community, as they were the group primarily affected by conscription. In seeking to influence and divide the white community on conscription, the ECC hoped this would subvert and undermine the SADF, as the white population formed their base of power, especially young white men.²¹⁵ The regional branches were integral to the roll-out and success of these events, as they publicised, planned, and implemented these events, which the ECC’s National Committee conceptualised. The success of these events was vital in launching a national profile for the ECC, making the ECC known to the public, and posing serious questions about the role of the SADF.²¹⁶

From 1985 onward, the ECC drew the ire of the NP government, as their campaigns were beginning to influence military conscription and the white community.²¹⁷ Indeed, by the mid-1980s, the ECC campaign produced hundreds of more conscientious objectors, pushing the number of conscientious objectors up into the thousands.²¹⁸ By this time, the government realised the danger the ECC posed to their conscription programme and white minority support, the heart of their support base.

In retaliation, the state conducted smear campaigns and targeted ECC members with abuse, harassment, and legal restrictions. NP and SADF top brass, such as Deputy Defence Minister Adriaan Vlok, Defence Minister Magnus Malan and Major General Van

²¹⁴ Cherry, “The End Conscription Campaign in South Africa: War Resistance in a Divided Society”, 359-360.

²¹⁵ Cherry, “The End Conscription Campaign in South Africa: War Resistance in a Divided Society”, 355.

²¹⁶ Catholic Institute for International Relations, “The End Conscription Campaign”, 89-90.

²¹⁷ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 51.

²¹⁸ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 50.

Loggerenberg issued scathing attacks against the ECC, branding them as “Communists” or “Marxists” and with links to the Irish Republican Army.²¹⁹ This was done through pamphlets, stickers and posters.

With the State of Emergency implemented that same year, the ECC also became a prime target. During this period, the ECC was prohibited from making statements deemed subversive, essentially statements that challenged and destabilised the government’s military conscription programme. To do so was punishable by 10 years in prison or a R20,000-00 fine. The second objective of the government’s crackdown was to detain activists ranging from ages 17 to 65. As a result, the Security Police targeted members of the ECC, as their homes and offices were raided whilst others were assaulted. 75 ECC members were arrested, though none were ever charged.²²⁰ In response to the government’s heavy crackdown, the ECC heightened its security and held its meetings in secret, making it less susceptible to police surveillance and apprehensions.

The smear campaigns against the ECC were successful to an extent, as the reputation of the ECC was damaged within conservative Afrikaans-speaking communities, as they came to be viewed as treasonous. However, despite the government’s harassment and smear campaigns, the ECC remained well supported by English-speaking liberal communities, as they largely ignored and dismissed the slanders insinuated by the NP government and the SADF. Ironically, in 1989 the ECC managed to score a victory against the SADF, as after losing a court injunction, the SADF admitted that they were behind most of the harassment and smears targeting the ECC.²²¹

²¹⁹ Catholic Institute for International Relations, “Troops Out of the Townships”, 94.

²²⁰ Catholic Institute for International Relations, “Harassment of the ECC”, 112-113.

²²¹ Catholic Institute for International Relations, “Harassment of the ECC”, 115.

Conclusion

The apartheid era was a constant escalation of oppressive and brutal measures by the NP government to maintain and protect its unjust and racist system. As a result, South Africa underwent a sustained period of militarisation that intensified as the apartheid regime continued and fervent anti-apartheid activists tried to hinder its efforts. In meeting its challengers, the government turned to the white minority population, their support base, to undertake service in the defence forces. Whilst thousands of white men underwent compulsory military service to fight the causes of their government, a small group wanted no part in this. This diverse group – some motivated by religious convictions, others by political beliefs or moral principles, rallied against conscription. It was out of these opponents of conscription that the ECC was born. The next chapter focuses on one individual, Dr Ivan Toms, who took part in the effort to end conscription. His life and actions were deeply affected by the apartheid regime, including the push towards greater militarisation and the conscription of white South African men. He came to play an important role in trying to undermine conscription as a key leader of the ECC campaign.

Chapter 3:

The Early Life and Conscription of Ivan Toms into the South African Defence Force

When charting an individual's life history, it is important to discuss their upbringing and what set them on the path to who they eventually became. To that end, this chapter discusses the beginning of Ivan Toms's journey from his birth in Germiston to his upbringing and schooling in Durban to his study of medicine at the University of Cape Town. While Toms saw some facets of apartheid society in his younger years, it was during his internship at Kimberley Hospital that his eyes were opened to the racial discrimination of apartheid society. His two years of service in the South African Defence Force further politicised him through his experiences in South West Africa (Namibia), prompting him on the path to conscientious objection and activism.

Ivan Peter Toms was born in Johannesburg on 11 July 1952 to Edward and Millicent Toms, his working-class parents. He had one older sibling, Charles.²²² He and his family lived in Germiston for the first two years of his life. In 1954, Toms's family moved to Durban, where his father, a veteran of the Second World War,²²³ worked as a water meter reader for the Durban Municipality. His mother stayed at home and gave music lessons to earn extra money.²²⁴ Growing up in a sheltered white suburban household during the apartheid era, where all laws and policies were geared towards protecting and privileging white South Africans, Toms recalled that the country's politics were rarely discussed in his home. Apartheid existed in the background for him and his family.²²⁵

²²² Gay and Lesbian Archive (GALA), AM2798, Ivan Toms. Anel Powell and Anso Thom, "Ivan Toms Found Dead", *The Cape Times*, 26 March 2008.

²²³ GALA, AM2798, Ivan Toms. Linda Vergnani, "Squatter Camp Medic Hounded for His Beliefs", n/d.

²²⁴ University of the Witwatersrand (Wits), Historical Papers Collection (HPC), AG1977, ECC Conscientious Objection, Ivan Toms. "Curriculum Vitae of Lieutenant Ivan Peter Toms (Medical Doctor)", 1.

²²⁵ GALA, AM2798, Ivan Toms. Lynda Schuster, "Braving Prison for a Principal- South African Resistor Rejects Army Role in Townships". *Christian Science Monitor*, 23 February 1988.

Toms's school years took place entirely in Durban. He first attended Sea View Primary School and then Glenwood High School, where he enrolled in 1965.²²⁶ The school was founded in 1910 and was originally known as Day Continuation School, comprising only 26 boys. In 1915, it became known as Durban Technical High School, and 14 years later, the school split with Mansfield Road Intermediate School, who took over the technical subjects and moved to its present site in 1929. In 1934, the school was renamed Glenwood High School to reflect its new location.²²⁷ In the years during Toms's attendance, the school admitted white South African boys only. Thus, Toms and his classmates enjoyed the highest standards of "European"-based education at the time, whilst black South Africans were subjected to the 1953 Bantu Education Act, which meant far fewer resources leading to inferior quality education. This unequal education system severely limited opportunities for the black population whilst heavily increasing opportunities for the white minority.²²⁸

During his school years, Toms earned a reputation for being mischievous. In a 1999 interview, Toms described himself as "the naughty little boy" and "a pain in the neck".²²⁹ He recalled using his smile and charm to get away with things other learners did not. For example, highlighting one incident, he mistakenly knocked a hole in a ceiling to hang a disco ball for a school social. This made the headmaster angry, but Toms promised to fix the hole,

²²⁶ Wits, HPC, AG1977, ECC Conscientious Objection Ivan Toms, "Statement by Ivan Peter Toms as to reasons for his conscientious objection to serving in the SADF", n/d, 1.

²²⁷ Glenwood High School, "Our History", *Glenwood High School*, <https://www.glenwoodhighschool.co.za/our-school/#history> (Accessed on 3 June 2022) and Gerald Buttigieg, "Durban Schools. A Historical Listing", *Facts About Durban*, <https://www.fad.co.za/2014/01/25/durban-schools-a-historical-listing/> (Accessed on 2 August 2022).

²²⁸ Heather Deegan. *The Politics of the New South Africa: Apartheid and After*. (Harlow, England and New York: Longman, 2001), 52-56.

²²⁹ GALA, AM2798 Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 5-6.

and his beguiling manner helped him avoid getting into trouble.²³⁰ His mischievous and humorous side displayed itself too in the many practical jokes he played on his classmates.²³¹

During his school years, Toms's homosexual inclinations began to manifest themselves. He recalled experimenting with his sexuality as an adolescent, having sex first with a friend, a boy who lived next door to him, and with another boy in high school.²³² However, at this point in his life, he did not perceive that he was gay. Indeed, he even took a girl to his matric dance and captained the second rugby team, which in his mind defined him as "butch" in line with white hegemonic masculinity at the time.²³³ This form of patriarchal and heterosexual hegemonic masculinity, that influenced Toms's perception of himself and his sexuality, had been enthused into the thinking of white men in South Africa through ideas brought to this country by European settlers.²³⁴ These ideas sought to make the colonial male ruling classes appear stronger, as a way to maintain their dominance over women, including white women, and all black South Africans. Those promoting a hegemonic form of masculinity also used sport, particularly rugby, to promote and ingrain certain masculine traits such as toughness, competitiveness, aggression, domination, and athleticism. This collective of masculine traits marginalised women, black South Africans, and homosexuals of all races.²³⁵

In addition, he did not openly discuss such issues with his family or friends. Although he did not explain why this was the case, he would have likely been conscious, at some level,

²³⁰ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 5-6.

²³¹ Glenwood High School. "Yesterday, Today and Tomorrow- A Tribute to Ivan Toms", *Glenwood High School*, <https://www.glenwoodhighschool.co.za/yesterday-today-and-tomorrow-a-tribute-to-ivan-toms-4/> (Accessed on 21 February 2022).

²³² GALA, AM2798 Ivan Toms, "First Draft - The Trial of Being Gay", 1.

²³³ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 6.

²³⁴ Robert Morrell. "Of Boys and Men: Masculinity and Gender in Southern African Studies". *Journal of Southern African Studies*. (1998, 24: 4), 616-617.

²³⁵ Morrell, "Of Boys and Men", 616-619 and Robert Morrell. *From Boys to Gentlemen: Settler Masculinity in Colonial Natal, 1880-1920*. (Pretoria: UNISA, 2001) and Connell and Messerschmidt, "Hegemonic Masculinity: Rethinking the Concept", 850.

of the stigma surrounding homosexuality in South Africa. During the 20th century, various South African governments had endeavoured to control the sexual behaviour of its citizens through laws such as the 1927 Immorality Act, forbidding sexual relations between the different race groups and the 1950 Mixed Marriages Act banning marriage between people of different races. In 1957, the Immorality Act was amended to outlaw prostitution, with a further amendment passed in 1969, which forbade sexual activity between members of the same sex.²³⁶ At university, he realised he was gay when he began to feel the clash between his homosexual inclinations and the Christian doctrine regarding homosexuality.²³⁷

Despite his mischievous personality, Toms excelled in high school. He enjoyed a well-rounded and decorated school career as a bright student.²³⁸ Indeed, by the end of his school career in 1969, he had been appointed Deputy Head Prefect and Secretary of his school house team, he captained the second rugby team, earned half-colours for rugby, earned honours for academics, and won the Good Fellowship Award.²³⁹

In his matric year, Toms took the Cooper Preference Aptitude Test to see what areas of work he might be suited to once he left high school. It produced three options: a teacher, a minister or a doctor. He spoke to his teachers about going into the teaching profession and was dissuaded from doing so, as many felt disillusioned about the profession at the time.²⁴⁰ Toms was not religious then, so becoming a preacher did not interest him. As a result, he chose to become a doctor. His love of science, excellent marks in science and maths, and desire to care for and help people propelled his interest in medicine as a career.²⁴¹

²³⁶ Neville Hoad. "Introduction". *Sex and Politics in South Africa*. Neville Hoad, Karen Martin and Graeme Reid eds. (Cape Town: Double Storey, 2005), 15-17.

²³⁷ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 6.

²³⁸ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 7.

²³⁹ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Curriculum Vitae of Lieutenant Ivan Peter Toms (Medical Doctor)", 1.

²⁴⁰ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 7-8.

²⁴¹ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 7-8.

Toms's career choice, however, left his parents distressed, as they were working-class people who could not afford the fees needed to pay Toms's six years of tuition to study medicine. In the end, they did not have to. When choosing universities, Toms could not attend the University of Natal's Medical School (UNMS). Although it was located in Durban, close to his home, this segregated institution, which opened in 1951 to align with the apartheid state's separate development plans, only accepted black students.²⁴² Indeed, when Toms was choosing which medical school to attend, the UNMS was the only institution offering medical training to black students. In contrast, white students had several to choose from around the country. As a result, he had to apply to other universities. Eventually accepted at the Universities of Cape Town (UCT) and the Witwatersrand's (Wits) Medical Schools, Toms chose to attend the former as he won a scholarship there.²⁴³ This allowed him to pay his way through university and not burden his parents.²⁴⁴

Toms's University Education

After completing the first semester at UCT, Toms got the opportunity in July 1970 to defer his studies to travel to the U.S.A. to spend a year as a foreign exchange student with the American Field Service in Madison, Connecticut.²⁴⁵ The American Field Service began as a voluntary ambulance corps in 1915 and became a global humanitarian organisation. After the Second World War, it started a programme of international exchanges, volunteer work, and intercultural learning.²⁴⁶

In July 1971, Toms returned to UCT, and took up residence in Smuts Hall to continue his studies. As with other medical students' experiences at the time, the six-year medical

²⁴² Vanessa Noble. *A School of Struggle: Durban's Medical School and the Education of Black Doctors in South Africa*. (Pietermaritzburg, South Africa: University of KwaZulu-Natal Press, 2013).

²⁴³ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 1.

²⁴⁴ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 7.

²⁴⁵ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 64 and "Curriculum Vitae of Lieutenant Ivan Peter Toms (Medical Doctor)", 1.

²⁴⁶ American Field Service Intercultural Programs. "AFS History Timeline", *American Field Service Intercultural Programs*, <https://afs.org/> (Accessed on 23 February 2022).

training programme was gruelling. It required him to work hard to get through all the academic and clinical training work requirements. Yet, as a medical student, he still found the time to work as a volunteer at the Retreat clinic, run by the Students' Health and Welfare Centres Organisation (SHAWCO). This was a non-governmental organisation formed in the 1930s and affiliated to UCT,²⁴⁷ and was one of the world's largest and oldest student-run organisations. SHAWCO medical student volunteers, who worked with qualified doctors and nurses who also volunteered their time, sought to provide healthcare, health education, and social services to thousands of township residents in the Cape Town area.²⁴⁸

Beyond his academic studies, the broader experiences he gained as a student greatly influenced Toms. While studying at UCT, he recalled becoming more politically conscious because of the presence and activities of more leftist leaning white students at UCT. Part of this leftist affiliation included the National Union of South African Students (NUSAS). NUSAS was formed in 1924 as a white liberal university student organisation, with students joining from white, English speaking, liberal-minded universities, such as Cape Town, the Witwatersrand, Natal, Rhodes, Stellenbosch and Potchefstroom.²⁴⁹ Students could become a member of NUSAS at their campus, and could enjoy various benefits, such as finding work for them, supplying them with stationery, selling discount priced textbooks and printing exam papers and lecture notes, even offering discounts on overseas travel.²⁵⁰ However, its purpose was to create a spirit of unity between all South African students on non-racial lines, and to represent their interests locally and abroad.²⁵¹ As was the case in 1945 when NUSAS

²⁴⁷ Wits, HPC, AG3176, NPPHCN, "Leading Community Worker to Head SHAWCO", *Monday Paper*, 30 August 1993.

²⁴⁸ GALA, AM2798, Ivan Toms. Chris Calitz, "Toms Talks on SHAWCO", n/d and Marianne Thamm, "Making a Difference", n/d.

²⁴⁹ Benjamin Kline. "The National Union of South African Students: A Case-Study of the Plight of Liberalism, 1924-77". *The Journal of Modern African Studies*. (1985, 23: 1), 139.

²⁵⁰ Clare Elizabeth Anne McKay, "A History of the National Union of South African Students (NUSAS), 1956-1970", (Doctor of Literature and Philosophy, University of South Africa, 2015), 3.

²⁵¹ McKay, "A History of the National Union of South African Students (NUSAS), 1956-1970", 50-51.

displayed its liberalism and allowed black students to join, such as those from the University of Fort Hare.²⁵²

By Toms's time at UCT in the early 1970s, NUSAS had become a nationwide organisation, with a presence on many of the country's university campuses. During apartheid, NUSAS took a more robust public stand against racial discrimination and encouraged its student members to participate in anti-apartheid activities, including marches and demonstrations. An excellent example of this was the mass demonstrations by NUSAS against the 1957 Separate University Education Bill, which UCT students participated in.²⁵³ During the 1940s, a token number of black students had been granted permission to study at some of the country's liberal white universities, such as UCT, Wits and the University of Natal, but this Bill sought to segregate all university campuses completely, and also build separate universities to cater for black students. Unfortunately, their NUSAS protests were unsuccessful as the government passed this legislation, renamed the Extension of University Education Act in 1959. During the late 1960s and early 1970s, NUSAS was further radicalised by a breakaway group, led by a black student, Steve Biko, who formed the South African Students' Organisation (SASO). This blacks-only student organisation challenged the go-slow liberal approach of NUSAS. During the early 1970s, UCT students had many public debates about the purpose of NUSAS, and Toms, studying at this time, was influenced by what was going on around him.²⁵⁴

One incident that sparked Toms's attraction to activism was a political demonstration he attended whilst in his second year. Toms and a group of approximately 100 UCT students

²⁵² Kline, "The National Union of South African Students", 139-140 and "National Union of South African Students (NUSAS)", *SA History Archive*, <https://www.sahistory.org.za/article/national-union-south-african-students-nusas> (Accessed on 7 June 2022).

²⁵³ Kline, "The National Union of South African Students", 140-142.

²⁵⁴ Ian M. MacQueen. *Black Consciousness and Progressive Movements under Apartheid*. (Pietermaritzburg, South Africa: University of KwaZulu-Natal Press, 2018), 73-83.

gathered at Cape Town's St Georges Cathedral steps with placards to demonstrate against the unequal Bantu Education system.²⁵⁵ The police attempted to break up the demonstration and began beating up protestors, including a protestor standing next to Toms. Toms recalled in his Truth and Reconciliation Commission (TRC) that when he spoke up to oppose what the police were doing, the police then turned on him and beat him up, resulting in a broken nose and baton marks on his back.²⁵⁶ He also remembered how his parents wanted him to leave UCT as they feared for his safety at the time.²⁵⁷

However, while Toms and some of his fellow students at UCT were liberal and even leftist in political outlook during the apartheid era, it is important to note that while UCT and other historically white liberal universities were often cast as institutions of protest, the institution of UCT largely complied with the apartheid government's racist policies.²⁵⁸ For example, the experiences of Ralph Lawrence, an Indian doctor who studied at UCT, have been illustrated by Teresa Barnes. In her work, Lawrence experienced blatant racism as he was not allowed into operating theatres with white students or working on white cadavers, highlighting a double standard for the few black students who were admitted to this university from the 1940s.²⁵⁹

Although at the time, Toms gave a statement to an official in Parliament that detailed the peaceful protest and unprovoked assault by the police, nothing came of this. In addition,

²⁵⁵ "Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997", <https://www.justice.gov.za/trc/special/index.htm#hsh> (Accessed on 2 March 2022) and GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 1.

²⁵⁶ "Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997".

²⁵⁷ GALA, AM2798, Ivan Toms. Sydney Duval, "Cathedral Fast- Day by Day". *Spectrum*, 1985.

²⁵⁸ "A New Paper on Historical Research about Institutionalized Complicity at UCT Written by Prof Terri Barnes", <http://www.historicalstudies.uct.ac.za/hst/news/terri-barnes-institutionalized-complicity-at-UCT> (Accessed on 8 August 2022).

²⁵⁹ Newsroom, "Ralph Lawrence: 1920-2009", *University of Cape Town News*, <https://www.news.uct.ac.za/article/-2010-01-25-ralph-lawrence-1920-2009> (Accessed on 8 August 2022) and "A New Paper on Historical Research about Institutionalized Complicity at UCT Written by Prof Terri Barnes", <http://www.historicalstudies.uct.ac.za/hst/news/terri-barnes-institutionalized-complicity-at-UCT> (Accessed on 8 August 2022).

he perceived the response by the opposition United Party to the National Party government's brutal apartheid activities as weak, leaving him unsatisfied. At this point, Toms realised that if he genuinely wanted change, he needed to become actively involved to help achieve that change and not rely on politicians to do so. Acting on his newfound political awareness, Toms joined the United Party Youth, which was a youth organisation within the United Party. Whilst he was a member, he got to meet Sir De Villiers Graaff, the leader of the United Party, and even attended some of his functions. Still, he considered this association unproductive as he recalled that few constructive ways were discussed to change South Africa's political situation.²⁶⁰

At UCT Toms became a devout Christian, which profoundly influenced his life from then onwards. Toms had grown up in a Christian home, but he acknowledged only becoming a firm believer in 1971 after hearing a testimony from a friend who underwent a conversion experience. He felt inspired by this and began to view the Bible and his faith differently, and underwent his own conversion, developing a deeper personal commitment to his faith in August 1971 and becoming a member of the Anglican denomination.²⁶¹ Following this, in 1973 Toms was elected a committee member of the UCT Student Young Men's Christian Association (YMCA).²⁶² That same year, he was also elected as Head of the Christian Association, a Christian fellowship Bible study group held regularly at Smut's House.²⁶³ He had these positions for three years.

²⁶⁰ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 1-2.

²⁶¹ Wits, HPC, AG1977, ECC Conscientious Objection Ivan Toms, "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 3 and GALA, AM2798, Ivan Toms. Chris Barron, "Ivan Toms: Bold Campaigner Against Bigotry", *The Sunday Times*, 30 March 2008.

²⁶² "UCT Student YMCA", *The University of Cape Town*, <https://studentyuct.co.za/> (Accessed on 6 June 2022).

²⁶³ Wits, HPC: AK2213, Political Trials, "Ivan Peter Toms v the State", 67-68 and AG1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 1.

Although the public record is mute on whether he developed relationships with any male students during his university period, it is evident from the existent record that during his time as a student at UCT, he continued to struggle with his sexuality. This became the case particularly after his conversion to Christianity, as he struggled to reconcile being both gay and Christian, as Christian churches historically had been firmly against homosexuality in their scripture and doctrine.²⁶⁴ Indeed, Toms experienced homophobia in his initial forays into Christianity and church life, as he was only allowed to hand out the hymn books and welcome people, with no further involvement permitted. This upset Toms, who was nearly driven to turn away from the church at this time.

Fortunately, he was invited to become involved in St George's Cathedral, which had gay congregants, and later joining the Anglican St John's Parish, Wynberg.²⁶⁵ It was at St George's Cathedral that Toms was able to explore further the conflict between being Christian and gay, when he was able to confide in a friend, a priest, who took a more progressive view on the matter and tried to assure Toms that God accepted him as he was. Buoyed by this, Toms, who was then in his mid-twenties, came out to his family and friends and started his journey as a champion for LGBTQ rights.²⁶⁶

Toms's dilemma was at the time, and remains today, a cause of enormous disagreement in the church.²⁶⁷ At the time, the wider Anglican Church's acceptance of homosexuality was the exception rather than the rule. Although the acceptance of gay congregants in all aspects of Christian life, including, eventually, the ordination of priests and same-sex marriage, developed within several Anglican Churches over time in countries such

²⁶⁴ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 6.

²⁶⁵ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 3 and *Death/Memorial*. "Ivan Toms: Bold Campaigner against Bigotry", 2008.

²⁶⁶ GALA, AM2798, Ivan Toms, *Death/Memorial*. "Ivan Toms: Bold Campaigner against Bigotry", 2008.

²⁶⁷ GALA, AM2798, Ivan Toms, Dr Glyn Jones, "The Homosexual Debate", 14-22 and GALA, AM2798 Ivan Toms, "Homosexuality - What the Bible Does... And Does Not Say!", 1-9.

as Canada, England, New Zealand, Brazil, and South Africa, this was not the case in all countries.²⁶⁸ Many Anglican Churches, and other denominations, including in Africa, have viewed, and continue to view homosexuality as a sin and stood vehemently against the acceptance of gay members or ordination of gay priests and bishops.²⁶⁹

Toms completed his studies in 1976, obtaining an MB ChB (Bachelor of Medicine and Bachelor of Surgery) degree. This was the year of the June Uprisings when schoolchildren protested the Bantu Education system, particularly its requirement that black schoolchildren be taught in the medium of Afrikaans. He recalled how this wave of protests, which led to the deaths and detentions of many black South Africans, made a deep impression on him, particularly the violence and inequalities faced by black South Africans under the apartheid system.²⁷⁰ Another factor that helped to further develop his political consciousness was his intern work, which exposed him directly to the stark inequalities of the apartheid regime.

²⁶⁸ Anglican Church of Canada General Synod and House of Bishops, “History of Statements and Resolutions about Homosexuality”, *The Anglican Church of Canada*, <https://www.anglican.ca/faith/focus/hs/ssbh/hsrh/> (Accessed on 4 August 2022); Tim Wyatt, “Factsheet: Sexuality Timeline in the Church of England”, *Religion Media Centre*, <https://religionmediacentre.org.uk/factsheets/factsheet-sexuality-timeline-in-the-church-of-england/> (Accessed on 4 August 2022); “Anglican Church in New Zealand Opens the Door to Blessing Same-sex Relationships” *Anglican Communion News Service*, <https://www.anglicannews.org/news/2018/05/anglican-church-in-new-zealand-opens-the-door-to-blessing-same-sex-relationships.aspx> (Accessed on 4 August 2022); Luiz Carlos Teixeira Coelho Filho. “Inclusivity the Brazilian Way: The Road to Same-sex Marriage in the Episcopal Anglican Church of Brazil”. *Journal of Anglican Studies*. (2020, 18: 1); and Rebecca Harrison, Itumeleng Seakamela, “Jesus Supports Gay Rights, say S. African Anglicans”, *Reuters*, <https://www.reuters.com/article/lifestyle-religion-safrica-gays-dc-idUKN2041437220061024> (Accessed on 4 August 2022).

²⁶⁹ Hugo Greenhalgh, “Anglican Church Slammed for Excluding Same-sex Spouses from 2020 Conference”, *Reuters*, <https://www.reuters.com/article/us-britain-lgbt-church-idUSKCN1Q71L3> (Accessed on 4 August 2022); Rédaction Africanews with AP, “Across Africa, Major Churches Still Strongly Oppose LGBTQ Rights”, *Africanews*, <https://www.africanews.com/2021/10/20/across-africa-major-churches-still-strongly-oppose-lgbtq-rights/> (Accessed on 4 August 2022); and Muriel Porter, “How the Anglican Church has Hardened its Stance Against Same-sex Marriage”, *The Conversation*, <https://theconversation.com/how-the-anglican-church-has-hardened-its-stance-against-same-sex-marriage-98149> (Accessed 4 August 2022).

²⁷⁰ GALA, AM2798, Ivan Toms, Michael Morris, “The People’s Doctor who defied the Apartheid State’s Call to War”, 26 March 2008.

Toms's Internship

Toms undertook his internship at Kimberley Hospital in 1977, a segregated provincial public hospital where he worked, for the first time, closely with doctors and other health care workers of different races. He recalled his working experience as one that significantly challenged his moral convictions.²⁷¹ During his year there, Toms saw first-hand the stark disparities, particularly in providing nursing care and allocation of space in the hospital for black and white patients.²⁷² As it was a public hospital overseen by the government, apartheid legislation ensured that patients were physically separated from each other and treated differently based on race. He recalled how the white side of the hospital, where he worked, had almost no patients with many empty beds and many nurses, whilst the black section was always understaffed, pressurised, and overcrowded.

In addition, at this hospital, he got the opportunity to work and socialise with health workers from South Africa's different so-called "race groups", which also influenced his outlook.²⁷³ In his submission to the TRC, Toms noted how the black medical professionals he worked with proved to be equal to, if not better at their jobs than he was. This was particularly the case for an Indian doctor, whom Toms regarded as "the best by a distance", which drastically altered the apartheid perception, long ingrained in him, that black South Africans were inferior.²⁷⁴ Indeed, during his upbringing, he had only seen black South Africans at a distance and rarely interacted with them other than as black domestic workers or gardeners. During his interactions with black health care workers, he had many conversations with his colleagues about the inequalities of the apartheid situation and came to realise that

²⁷¹ Wits, HPC, AG1977, ECC Conscientious Objection Ivan Toms, "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 3 and Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 65.

²⁷² Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 2-3.

²⁷³ GALA, AM2798, Ivan Toms, Michael Morris, "The People's Doctor who defied the Apartheid State's Call to War", 26 March 2008.

²⁷⁴ "Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997".

voting for a white-only Parliament was immoral and that he needed to identify with those that the system excluded.²⁷⁵ As a result, Toms stopped voting in government elections in support of his friends and colleagues, who were denied the right to vote.

At this time, Toms was further affected by the death of a friend, Phakamile Mabija, an Anglican Youth Organiser who died in police detention in June 1977. The official reason for his death was that he committed suicide by jumping from the sixth floor of a police station in Kimberley.²⁷⁶ The truth was that he had been pushed out of the said window.²⁷⁷ Indeed, as discussed in the previous chapter, the passage of many oppressive acts gave the government the power to hold and torture those perceived to be enemies of the state, leading to many deaths in detention. An infamous symbol of this legislation was John Vorster Square in Johannesburg, a state-of-the-art police station where the security police beat and tortured political prisoners. The government often covered up the deaths that occurred there from violence. Mabija suffered the same fate as another political activist Ahmed Timol, who was pushed out of a 10-storey window at John Vorster Square on 27 October 1971.²⁷⁸

Toms attended Mabija's funeral in Kimberley, which he recalled as being a highly emotional occasion.²⁷⁹ No white South Africans were allowed to enter the Galeshewe Township on the day of the funeral. Toms, however, was angry at what had happened to his friend and insisted to the South African Police Force, demanding that he be allowed in to attend the funeral, citing his profession as a doctor. After attending the funeral, the security police began viewing and treating Toms with suspicion, including visiting Toms and

²⁷⁵ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 4.

²⁷⁶ GALA, AM2798, Ivan Toms, Michael Morris, "The People's Doctor who defied the Apartheid State's Call to War", 26 March 2008.

²⁷⁷ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 3.

²⁷⁸ South African History Archive, "Detention without Trial in John Vorster Square", *South African History Archive*, <https://artsandculture.google.com/story/8AXhQ-3oNAMA8A?hl=en> (Accessed on 5 June 2022).

²⁷⁹ GALA, AM2798 Ivan Toms, Lynda Schuster, "Braving Prison for a Principle - South African Resistor Rejects Army Role in Townships", *The Christian Science Monitor*, 23 February 1988.

employing various tactics against him. These included tapping his telephone, which he came to know about when during one interrogation session, the security police asked how his father was doing after experiencing a heart attack just four days prior.²⁸⁰ The security police also informed the Kimberley Hospital superintendent about his activities and planted an informer at the hospital to try to befriend him.²⁸¹

Toms's Conscription into the South African Defence Force

Toms received his call up to perform his military service in the South African Defence Force (SADF) in the second half of 1977. His experiences during his studies and internship played a significant role in Toms's unease and unhappiness at being drafted into the army and performing his military service. In addition to all the factors mentioned above, whilst at UCT, Toms had also been influenced by the talks provided by Mennonite and Pacifist, Dr Howard Yoder. He referenced the Sermon on the Mount and the ethic of love, explaining that to kill was not the Christian way.²⁸²

During 1977, the period of military service was set at two years, with additional camps of eight years.²⁸³ Like many of his fellow conscripts at the time, Toms was unsure what his options were regarding military service. Prominent conscientious objectors, such as Peter Moll and Richard Steele, had not yet made their public stands against conscription,²⁸⁴ meaning there were no overt examples he could follow to determine his next move.

Toms battled with the prospect of conscription for several months during the latter part of 1977 while he finished his internship. During this period, he remembered spending

²⁸⁰ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 15.

²⁸¹ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 15.

²⁸² Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 3.

²⁸³ Charles Moskos and John Whiteclay Chambers eds. *The New Conscientious Objection: Sacred to Secular Resistance*. (New York: Oxford University Press, 1993), 129.

²⁸⁴ Daniel Conway. *Masculinities, Militarisation and the End Conscription Campaign: War Resistance in Apartheid South Africa*. (Manchester and New York: Manchester University Press, 2012), 48.

many hours in prayer to determine what to do and sought advice on the matter from various people, including Archbishop Dennis Hurley. The latter advised Toms to stay in South Africa to use his acquired skills to help people in the country.²⁸⁵ Toms also attempted to contact the Quaker Church since the government recognised membership of this peace church as a valid reason not to object. However, nothing came of this option.²⁸⁶ Emigration was another option explored, but this too did not pan out, as he ultimately decided that remaining was the “right thing to do”.

Furthermore, he considered simply objecting and being sent to prison to serve his sentence. However, he admitted that he was “too young [and] too scared” to make such a drastic decision.²⁸⁷ He also realised that the prison option was futile, as he would be sentenced for two years to a military barracks each time he was called up and refused, which would have put him in a vicious cycle. As a result, Toms reasoned, unhappily, that he had to get it over with, that is, perform his military service while continuing to question the system.²⁸⁸

In January 1978, Toms began his two-year period of military service in the SADF. On the first day of his basic training, Toms and his fellow conscripts faced a barrage of propaganda by the SADF in the form of lectures by military dominees (or chaplains). Toms recalled being told that “Communists” were waiting on the border to invade the country and that South Africa had already been infiltrated, poisoning the country’s youth with rock

²⁸⁵ “Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997” and Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. “Summary of Evidence to be led in Mitigation of Sentence of Lieutenant Ivan Peter Toms”, 1988.

²⁸⁶ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 72.

²⁸⁷ GALA, AM2798 Ivan Toms, Lynda Schuster, “Braving Prison for a Principle- South African Resistor Rejects Army Role in Townships”, *The Christian Science Monitor*, 23 February 1988.

²⁸⁸ Wits, HPC, AG1977, ECC Conscientious Objection Ivan Toms, “Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF”, 3-4 and “Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997”.

music.²⁸⁹ The face of “the Communist”, according to the SADF, was black. So were the faces of the targets that the military conscripts practised shooting at during their training. In its attempt to brainwash its conscripts, the SADF adopted a blatantly racist attitude that classified the enemy as black to dehumanise them. Toms recalled how many young conscripts he trained with were influenced by this propaganda, developing deep feelings of resentment and hatred towards those branded “the enemy”.²⁹⁰

Toms spoke out in opposition to how black South Africans were portrayed at these indoctrination sessions. In his submission to the TRC, the SADF dominees did not take kindly to him questioning their perspectives or challenging their lecturers and branded him as an “opstoker” or troublemaker.²⁹¹ Conscripts who disagreed with the SADF’s propaganda were also labelled as “kaffirboeties” (meaning brothers of a black person) or as “Communists” themselves.²⁹² This made his life difficult in the army over the long run as he experienced aggressive treatment and additional punishments from his superiors, such as his deployment to a dangerous zone in the Operational Area (see further below).²⁹³

Toms underwent three months of basic training at Voortrekkerhoogte in Pretoria at the South African Medical Services Corps. Here, he learnt many combatant skills, including how to use a rifle and pistol. After that, he received his commission as a Full Two Pip Lieutenant²⁹⁴ and was posted to the Eastern Province Command in Port Elizabeth (now Gqeberha), where he was deployed to work in the Ciskei Homeland as a medical doctor. For nine months, Toms worked at the Mount Coke Hospital for three months and the Cecilia

²⁸⁹ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. Ivan Toms, “I’ll Never Wear and SADF Uniform Again”, n/d 1984.

²⁹⁰ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. Ivan Toms, “I’ll Never Wear and SADF Uniform Again”, n/d 1984.

²⁹¹ “Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997”.

²⁹² Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. Ivan Toms, “I’ll Never Wear and SADF Uniform Again”, 1984.

²⁹³ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 16.

²⁹⁴ A pip is a colloquial name for a star worn on a military badge of rank.

Makawane Hospital in Umtanzani outside East London for six months. Initially, Toms was optimistic about this deployment as he believed he could put his medical skills to good use as doctors were in desperate need in the homelands. At the time, the ratio of doctors to patients in the Ciskei Homeland was alarming, with only one doctor to every 10,000 people.²⁹⁵ However, upon his arrival, during his briefing about the role he was expected to play, a military intelligence major informed him that his primary role was to spy on and gather information on the patients he treated for military intelligence purposes.²⁹⁶

These orders were hugely problematic for Toms as they conflicted with his professional medical ethics, which did not allow doctors to divulge patient information. Spying on patients and sharing this knowledge with the SADF violated patients' confidentiality and highlighted, as Toms argued, how the military was much more concerned about serving its own needs than helping people.²⁹⁷ These orders served further to estrange Toms from the SADF and the government.²⁹⁸

Whilst working in the Ciskei, in conjunction with his order to spy on his patients, the SADF also ordered him to always wear his military uniform whilst administering to his patients. The SADF required him and other health professionals to do this to show people in the homelands that the military cared for them and were their friends. Toms highlighted how this stood in stark contrast with its actual purposes.²⁹⁹

²⁹⁵ Wits, HPC, 2213, Political Trials, "Ivan Peter Toms v the State", 74.

²⁹⁶ Wits, HPC, 2213, Political Trials, "Ivan Peter Toms v the State", 72 and "Truth and Reconciliation Commission, Special Submission on Conscriptation, Cape Town, 23 July 1997".

²⁹⁷ Wits, HPC, 1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 4.

²⁹⁸ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 72.

²⁹⁹ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. Ivan Toms, "I'll Never Wear and SADF Uniform Again", 1984.

Toms's military service in the Ciskei coincided with the implementation of P.W. Botha's "Total Strategy" in 1978.³⁰⁰ Other than completely restructuring the South African government, with a primary focus on strengthening its military arm, it also developed a strategy of moderation over outright aggression. This meant the need to gain the support of local populations with which the SADF interacted. Defence Minister General Magnus Malan believed the concept of war was predominantly psychological, hence the need to have the endorsement of the people. This was known as the "Hearts and Minds" strategy, which had been in place since 1974 with the implementation of the Civic Action Program (CAP).³⁰¹ This programme sought, through its activities, to win the hearts and minds of the people, both black and white. This programme also sought to rebrand the SADF as peacekeepers or instruments of peace to engender consent when force was used, and to curry favour with the public.³⁰²

Toms's role and orders formed part of the Civic Action Program, which required him to undergo training and deployment to a homeland or South West Africa. Under this programme, the SADF selected and deployed conscripts with different vocations in various fields, such as doctors, engineers, veterinary surgeons, tour guides, sports organisers, lawyers, and dentists. They were required to do their work while always wearing their military uniform and their 9mm pistol on their hip. Those who performed these civic roles had to show that they were friends of the black community amongst whom they worked. Their

³⁰⁰ Nancy L. Clark and William M. Worger. *South Africa: The Rise and Fall of Apartheid*. (Harlow, England and New York: Longman, 2011), 88.

³⁰¹ Wits, HPC, AG1977, ECC Conscientious Objection Namibia. "Work in Progress, Caught in the Crossfire: The War in Namibia", 19-20.

³⁰² Daniel Conway. *Masculinities, Militarisation and the End Conscriptio Campaign: War Resistance in Apartheid South Africa*. (Manchester: Manchester University Press, 2012), 41.

primary task, which Toms was given, was to report on anything suspicious, gauge the feeling of the local community, and monitor persons of interest.³⁰³

Following his time in the Ciskei Homeland, Toms spent a year and a half working and transferring between the Operational Area on the South West Africa-Angolan border and 2 Military Hospital Wynberg in Cape Town. He spent six months at 2 Military Hospital Wynberg, a military hospital which opened in 1899 to treat soldiers wounded or sick and continued to do so during the Border wars for sick and wounded SADF soldiers³⁰⁴, in a situation vastly different to his deployment in the Ciskei. Whilst the Ciskei hospitals had a vast disparity in the ratio between doctors and patients, the Paediatrics Department at 2 Military Hospital Wynberg, reserved for white SADF soldiers, where Toms was sent to work in the latter months of 1978, had more doctors than patients on the wards. This again concerned Toms as he felt that his skills were not being adequately utilised by the army but used by the SADF for its own ends. However, when he commented on this disparity publicly, his superiors once again labelled him an “opstoker”, and deployed him to the Operational Area on the South West Africa-Angolan border.³⁰⁵

Upon learning of his deployment to the Operational Area, Toms decided to apply for non-combatant status, in other words, a person who did not have to partake in combat activities. In a letter dated 30 October 1978, Toms conveyed to Major General Nieuwoudt, a commanding officer, the reasons for his refusal to carry a gun whilst deployed by the SADF. In the letter, he explained that he had been a committed Christian for seven years. This meant following the teachings of Jesus Christ and loving (not harming) one’s neighbour. The status of non-combatant was vital for Toms as he could not reconcile his Christian conscience with

³⁰³ Wits, HPC, 1977, ECC Conscientious Objection Namibia. “Work in Progress, Caught in the Crossfire: The War in Namibia”, 19-20.

³⁰⁴ “2 Military Hospital”, *War in Angola*, <http://www.warinangola.com/default.aspx?tabid=1239&Parameter=194> (Accessed on 16 June 2022).

³⁰⁵ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 16.

what they expected him to do if he carried and used a firearm. He wrote that while he was still prepared to serve out his time in the SADF, based on his religious convictions, he was only prepared to do so in a non-combatant role.

Ultimately, the SADF granted his request; however, his superiors viewed his letter as a severe breach of protocol as he had not followed the correct chain of command in his request, which did not win him any favours.³⁰⁶ After being granted non-combatant status, he also had to field many questions from his fellow troops, who could not understand why he was not required to carry a gun.³⁰⁷ Many felt that Toms's status as a non-combatant defied the status quo. As a type of punishment or spiteful retaliation, Toms recalled how one of his superior officers, when he found out about his new status, sent him to Ovamboland, one of the most unstable and thus dangerous areas under his command right on the border with Angola.³⁰⁸

While stationed in this area, Toms worked in several missionary clinics and hospitals and visited army bases to treat patients. The fact that he did not carry a gun meant nothing to the local people he treated. He recollected how they continued to look upon him in his SADF uniform, which he had to continue wearing, with coldness and lack of trust.³⁰⁹ In addition, as a Christian, he also remembered a hurtful, frosty reception from the Lutheran Swedish and Norwegian missionary nursing sisters. Stationed in this under-resourced area, they were begrudgingly required to accept Toms's medical assistance, as they had no other option, with doctors so scarce in the region. However, they too remained distrustful of him as a military doctor because he was part of the occupying force in South West Africa, which subjugated

³⁰⁶ Wits, HPC, 2213, Political Trials, "Ivan Peter Toms v the State", 307-309.

³⁰⁷ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 75.

³⁰⁸ GALA, AM2798 Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 16.

³⁰⁹ "Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997".

the local people.³¹⁰ Neither his patients nor the sisters bought into the idea that he and the SADF were there to help. They remained the oppressors mandated to carry out the apartheid regime's directives, including violently suppressing any opposition.³¹¹

Whilst serving his two years in the SADF, Toms never let on or came out that he was gay to anyone in the army.³¹² This occurred for several reasons. As in the broader South African society, as discussed earlier, homosexuality was condemned, and homosexuals who did come out were treated as if they were mentally ill, or as Toms argued, "as if they had the plague".³¹³ Some gay conscripts also suffered verbal or physical abuse by other conscripts and were not allowed into leadership roles. Indeed, the term "gay" was often used as a derogatory term to demean conscientious objectors at the time, while conscripts were portrayed as heroes.³¹⁴ During the 1970s, the apartheid government even employed various methods to "cure" conscripts of their homosexuality. Known as the Aversion Project, gay conscripts were belittled and beaten to "build cohesion" amongst the troops. In some instances, gay conscripts were even subjected to shock therapy, chemical castration and hormonal or drug treatment.³¹⁵ Reduction in the use of these procedures started in the 1980s when those in the mental health field no longer supported these "therapies", since they could not be proven scientifically to have altered gay people's sexuality.³¹⁶

³¹⁰ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 75 and "Truth and Reconciliation Commission, Special Submission on Conscript, Cape Town, 23 July 1997".

³¹¹ Wits, HPC, 2213, Political Trials, "Ivan Peter Toms v the State", 75.

³¹² GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 16.

³¹³ GALA, AM2798, Ivan Toms. Ivan Toms, "Experiences as a Gay Person", 1.

³¹⁴ Aaron Belkin and Margot Canaday. "Assessing the Integration of Gays and Lesbians into the South African National Defence Force". *Scientia Militaria, South African Journal of Military Studies*. (2010, 38: 2), 2-4.

³¹⁵ Belkin and Canaday, "Assessing the Integration of Gays and Lesbians into the South African National Defence Force", 4-5.

³¹⁶ Jeanelle De Gruchy and Simon Lewin. "Ethics that Exclude: The Role of Ethics Committees in Lesbian and Gay Health Research in South Africa". *American Journal of Public Health*. (2001, 91: 6), 865-868.

Despite the many challenges Toms encountered he was able to push through due to the strength of his faith.³¹⁷ At the end of 1979, Toms completed his two-year mandatory national service and returned to South Africa. Yet even though Toms had completed his mandatory service, he knew that he still needed to deal with the issue of the call up to serve in additional compulsory training camps, as other conscripts had to do.³¹⁸ However, more than ever, he was determined not to do so as he could see clearly how the military was serving to prop up the apartheid government's unequal regime.³¹⁹

Conclusion

This chapter has focused on charting Toms's early years. It considered his childhood, adolescence, university years, religious conversion, and national service. The experiences he gained from this period are vital to understanding the man that he became and the choices he would come to make. The next chapter focuses on Toms's life immediately after returning to South Africa. During these years, buoyed by his negative military service experiences and religious convictions, Toms's felt a strong desire to serve. He resolved to use his medical skills in a Cape Flats community that desperately needed them. Whilst there, he would witness first-hand further violence undertaken by the apartheid regime, which would spur his move into activism against both conscription and the apartheid regime.

³¹⁷ GALA, AM2798, Ivan Toms. Chris Barron, "Ivan Toms: Bold Campaigner against Bigotry", *The Sunday Times*, 30 March 2008.

³¹⁸ GALA, AM2798, Ivan Toms. Michael Morris, "The People's Doctor who Defied the Apartheid State's Call to War", *The Cape Argus*, 26 March 2008.

³¹⁹ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 3-4.

Chapter 4:

Toms's Medical Work, Sexual Identity, and Involvement in the End Conscription Campaign

After Toms completed his period of military service, he returned to South Africa. Upon his return in December 1979, he set up a health care clinic in Crossroads, an under-serviced and poverty-stricken black township outside Cape Town. This chapter considers his decision and efforts to do so. In addition, the early 1980s period covered in this chapter was vital in terms of Toms coming to terms with his sexuality. As a gay man in apartheid South Africa, he felt ostracized for his sexuality, which he struggled with during this period. Furthermore, this chapter considers the violence he witnessed between the Crossroads community and the SADF during this period, which encouraged him to join the End Conscription Campaign.

Towards the end of his military service, Toms recalled thinking carefully about what type of work he wanted to do after returning to South Africa. He knew that he wanted to make a positive difference through his medical work in the country. Toms recalled thinking that he could not make the type of difference he wanted to in a large hospital or private practice environment. He also decided that work in a remote rural missionary clinic or hospital was not for him, as he wanted to be closer to Cape Town, where he chose to live. Toms knew he wanted to live in an urban environment where he had more opportunities to develop his personal life, particularly his relationships with gay men. Furthermore, he wanted to remain a member of the congregation of the Anglican St John's Parish in Wynberg, Cape Town, which he had joined whilst studying in Cape Town, where he felt cared for both spiritually and emotionally.³²⁰

³²⁰ Gay and Lesbian Archive (GALA), AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 17.

During this period, Toms also searched the Cape Town area to see if he could find somewhere where his medical skills would be best utilised to help a disadvantaged community and settled on the Crossroads area.³²¹

Empilisweni Clinic in Crossroads

The area he identified in the late 1970s as in great need of medical services was Crossroads, a black township in the Cape Flats area located about 20 kilometres from Cape Town's CBD.³²² The origins of this township began decades before the area was settled, as starving and unemployed black South Africans, the majority being isiXhosa-speakers from the Ciskei and Transkei homelands, migrated in large numbers to the city in search of work. Crossroads came into existence almost overnight in the early months of 1975, when makeshift dwellings were built in the Modderdam Road area.³²³ This was due to the demolition of black settlements in the Cape Peninsula by the apartheid government, which wanted to develop it as a white residential area.³²⁴ This forced its black inhabitants out of the area and in search of another area to live that was not too far from the CBD where many travelled to find jobs.³²⁵

However, almost immediately after informal housing began popping up in the Crossroads area, the city's white authorities, represented by the police, began harassing its inhabitants. The city did not want black communities to settle permanently in this area.³²⁶ As more people settled in the area over time, the police started using bulldozers to pull down housing structures, used teargas and bullets to suppress resistance, and arrested people who

³²¹ University of the Witwatersrand (Wits), Historical Papers Collection (HPC), AK2213, Political Trials, "Ivan Peter Toms v the State", 1988, 69.

³²² Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 69.

³²³ National Archives Repository (SAR), 8/7/3/2/K1/1, Grondsake, "Squatters - A word that sends out real shudders". *Pretoria News*, 22 February 1983.

³²⁴ Wits, HPC, AG1977, ECC Conscientious Objection. Ivan Toms. Ivan Toms, "How Crossroads Clinic gave them comfort...", n/d.

³²⁵ GALA, AM2798, Ivan Toms. Ivan Toms and Sid Luckett, "Crossroads - What Happened and Why?", n/d.

³²⁶ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 70.

tried to defy them. Over the next four years, this led to tensions and sporadic violent clashes between the residents and local authorities.³²⁷ Despite the force used to try to remove people from this area, people continued to settle in the area as it offered more space for them to build their homes (compared to the marked overcrowding in areas such as Gugulethu), and the area was closer for them to work in the CBD.³²⁸ Less than three years after Crossroads was first settled, the number of people living in Crossroads had increased to 20,000.³²⁹

At the end of 1979, Dr Piet Koornhof, Minister of Plural Relations and Development, was tasked with solving the Crossroads issue. He and his team devised a plan to move the Crossroads inhabitants to another site that was to be developed next to Nyanga Township. This new site, called “New Crossroads”, was to be built in several phases. With Phase 1, which had a budget of R15 million, the government aimed to provide 3,000 permanent houses,³³⁰ which was to be accompanied by the relaxation of the Urban Areas Act that restricted African access to the cities.³³¹ This legally allowed the residents who, at the time, occupied the original Crossroads settlement to continue living there and live on the New Crossroads site when it was ready to settle. However, as we shall see below, this quickly unravelled as more people kept arriving to live in the area. Over time, the area also saw the emergence of vocal leaders who demanded that authorities accommodate the new arrivals, which led to further clashes with the authorities over broken promises and inadequate service delivery.³³²

³²⁷ SAR, 6/6/2/k1/4, Rassestreeksbeplanning. “n Oorsig van Kruispad, met die Klem op Leierbotsings en die Aanloop to die Huidige Situasië”, 27-29 May 1986, 1-2.

³²⁸ SAR, 6/6/2/k1/4, Rassestreeksbeplanning. “n Oorsig van Kruispad”, 1 and “Why Crossroads”, *Ikamva Labantwana*, <https://ikamvalabantwana.org/learn-more/why-crossroads/> (Accessed on 29 of April 2022).

³²⁹ SAR, 8/7/3/2/K1/1, Grondsake, “Squatters - A word that sends out real shudders”, *Pretoria News*, 22 February 1983.

³³⁰ SAR, 6/6/2/k1/4, Rassestreeksbeplanning. “n Oorsig van Kruispad”, 2.

³³¹ SAR, 8/7/3/2/K1/1, Grondsake, “Squatters - A word that sends out real shudders”, *Pretoria News*, 22 February 1983.

³³² Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms, “How Crossroads Clinic gave them comfort...”, n/d.

This was the situation in Crossroads when Toms decided to work as a medical doctor in this area. During his research and selection of possible work sites, Toms discovered that Crossroads' health care system was highly inadequate for the needs of its growing population. By 1979, it did not even have a permanent medical facility, only a mobile clinic, which visited the area twice a week, run by volunteer medical students from UCT.³³³

Thus, after settling on the Crossroads area as the place he wanted to work, Toms approached the government to ask whether there were any plans to build a permanent clinic or hospital in the Crossroads area. They replied that Crossroads inhabitants' current site was temporary and that it had no plans to build any permanent health care structure in the area.³³⁴ The government's response to his query fell in line with the proposed plans of Koornhof, in seeking to move the residents of this informal settlement to another permanent site.

After the government's disparaging response, Toms was not deterred. He knew that the government's new housing development at another site would take time to build, so he pushed on with this plan. Toms contacted several residents of Crossroads whom he had met a few months earlier at a South African Christian Leadership Assembly conference, who had gathered with about 3,000 South Africans of all "races" to discuss a way forward for the church in apartheid South Africa. During his meeting with these 25 Crossroads residents, they brainstormed the idea of him creating a clinic for their community, which was received positively.³³⁵

At the same time, Toms also contacted Reverend David Russell, a well-connected Anglican priest with good contacts in this informal settlement,³³⁶ to get his advice on the

³³³ SAR, 8/7/3/2/K1/1, Grondsake, "Squatters - A word that sends out real shudders", *Pretoria News*, 22 February 1983.

³³⁴ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 69-70.

³³⁵ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms and Gorry Bowes-Taylor, "Called to Serve". *The Argus*, 15 November 1984.

³³⁶ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 65.

possibility of opening a clinic in the area.³³⁷ Toms recalled feeling nervous when he first visited Russell, who was banned at the time for his many acts of defiance, including lying down in front of bulldozers that sought to remove informal structures in the Modderdam area near Crossroads.³³⁸ During their meeting, Russell expressed support for Toms's idea and told him that there was "a great need" for medical services in the Crossroads area. He also spoke in religious terms and encouraged Toms to take up the challenge to use his skills in "God's service for his people".³³⁹ After these meetings, Toms recalled how his Christian beliefs, political ideas, and medical skills began to take on "a singular form", merging his different interests.³⁴⁰

However, before construction could begin, Toms needed permission from the authorities that presided over the Crossroads area. The fact that Koornhof had spoken at the previously mentioned SACLA conference was advantageous to Toms. They strategically used this connection to his advantage to gain permission to open his Christian clinic in Crossroads informal settlement.³⁴¹ To build his clinic, Toms obtained donations by consulting with many members of his parish and other concerned individuals and formed a committee, which helped him initiate the SACLA clinic project.³⁴² To keep the building costs low, to construct the clinic's foundation, Toms sought donated builders' rubble (leftover waste material from other construction projects, excavation, and dig sites), which he picked up in his trailer.³⁴³ He hired a building company to put in the clinic's floor and used site office

³³⁷ Wits, HPC, 2213, Political Trials, "Ivan Peter Toms v the State", 69-70 and GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 17.

³³⁸ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 65 and Sapa, "Anti-Apartheid Activist and Bishop David Russell Dies of Cancer", *Mail and Guardian*, <https://mg.co.za/article/2014-08-18-anti-apartheid-activist-and-bishop-david-russell-dies-of-cancer/> (Accessed on 27 April 2022).

³³⁹ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 127.

³⁴⁰ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 8.

³⁴¹ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 9.

³⁴² Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 127.

³⁴³ "Truth and Reconciliation Commission, Special Submission on Conscriptio, Cape Town, 23 July 1997", <https://www.justice.gov.za/trc/special/index.htm#hsh> (Accessed on 2 March 2022).

panels internally for the walls. In addition, to keep things as economical as possible, he recruited several friends from UCT to help him with the construction work on weekends. The building structure was built using tar poles, zinc-iron planks, and hardwood, and when it opened, it was the only building with electricity in the settlement.³⁴⁴ Construction took several months and was completed in June 1980. At the time of its opening, it was given the name Empilisweni SACLA Clinic. Empilisweni is an isiXhosa word meaning “a place where people are healed or made whole”.³⁴⁵

Initially, Toms was enthusiastic about his new venture. He saw a need and wanted to meet that need. However, he was also naïve, as he believed that he could work at the clinic in the afternoons and do his other work for his registrar position in Psychiatry at either the Universities of Cape Town and Stellenbosch medical schools in the mornings, where he had been offered posts.³⁴⁶ This soon proved unrealistic, as within six weeks of opening the clinic’s doors, Toms was seeing around 80 patients per day and needed to work at the clinic full-time to keep up, so he had to withdraw from his prospective registrar position.³⁴⁷ Funding for the clinic's operation came from church and other philanthropic donations, while Toms and his clinic staff’s salaries came from the Cape Provincial Administration.³⁴⁸

Over the next four years, the clinic expanded to accommodate the many medical needs of the Crossroads community, who sought treatment at this facility. While it started as only a small initiative, with just Toms initially, by 1985, the Empilisweni Clinic had 20 staff members. This included two medical doctors, Toms and Dr Di Hewitson, another UCT

³⁴⁴ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms. Glynnis Underhill “SACLA surviving against the odds”. *Focus*, n/d.

³⁴⁵ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 65-66.

³⁴⁶ While Toms was still figuring out what to do after his return, he had applied and was accepted as a registrar in Psychiatry, enabling him to specialize in this field.

³⁴⁷ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms interview, 1999, 8-9 and Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 110.

³⁴⁸ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms. Glynnis Underhill, “SACLA surviving against the odds”. *Focus*, n/d.

graduate (who qualified in 1977), whom Tom persuaded to join him. The other staff included two receptionists, Toko Mtulu and Pymla Tyutu, an interpreter, Tandie Sitshongaye, a baby-weigher, a handyman, a pharmacist, Mfanya Petros, nursing sisters, including Fezeka Zantsi, nursing assistants such as Nontsapho Nomtshongwana, a dentist, Neil Myburgh, who ran the dental side of the clinic under the University of the Western Cape's Community Dentistry Department, and religious counsellor Elijah Klaasen.³⁴⁹

Over time, the growth of the staff necessitated the expansion of the clinic to provide more space to treat their patients. Beyond the initial patient treatment rooms and waiting area, additions included, for example, a dressing room to dress patients' wounds and burns; a family planning room where the staff provided sex education information; and a dentistry room. The Philiani Nutrition Centre, which was added in 1983, and headed by Nozizwe Nyakaza, was a building that was constructed next to the clinic to care for and provide breakfast and lunch meals for malnourished children. It was also a place where young mothers could go to learn how to make well-balanced meals for their children. The clinic also developed a vegetable garden, which helped supply the Nutrition Centre. Furthermore, an office area was built for Toms, who occupied a room in the central hub of the clinic, and an adjacent office outside the clinic for the religious counsellor.³⁵⁰

During his period working out in the community at Crossroads Clinic, Toms became a part-time lecturer in UCT Medical School's Department of Community Health for seven years. Fourth year UCT medical students were required to visit the Crossroads clinic once, on a rotational basis, with a certain number of students visiting during that specified time, where Toms gave them a lecture and the community health workers would show them around.

³⁴⁹ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms and Gorry Bowes-Taylor, "Called to Serve". *The Argus*, 15 November 1984.

³⁵⁰ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms and Gorry Bowes-Taylor, "Called to Serve". *The Argus*, 15 November 1984.

Whilst the students were being given a tour, discussions would be held on the implications of health in conjunction with the apartheid policies, as well as the realities of the black townships.³⁵¹

Toms's Religious Activities

In addition to his medical duties at Empilisweni Clinic, Toms remained a regular churchgoer and became more heavily involved with the St John's Parish over time. Indeed, during the early 1980s, he became an associate member of staff, which consisted of 12 priests and associates, and shared worship and Holy Communion with the other associate members every Wednesday morning.³⁵²

The St John's Parish also elected Toms to chair the Board of Social Responsibility in 1981, a church body of the Anglican Church that worked with other people, groups, and organisations for the betterment of the community.³⁵³ His involvement in this body would prove to be significant in the years to come, as it was through this body that he became involved in organizing a forum on religious objection to military service. Furthermore, since Toms was chairperson of this Board in 1982, he also became a member of the Parish Council, which was responsible for the financial affairs of the St John's Parish Church, and the maintenance of this church's assets and buildings. In this role, he also assisted the clergy in managing this church's affairs in the parish and promoted the mission of this church.³⁵⁴

In addition, in 1983, following his deeper involvement in his church's affairs, Toms began studying for a bachelor's degree in Theology from the University of South Africa, majoring in Missiology and Theological Ethics.³⁵⁵ This same year he also became a member

³⁵¹ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 66-67.

³⁵² Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 70-71.

³⁵³ Sapa, "Objectors Board has heard 936 Cases, says Chairman", *The Daily News*, 26 August 1986.

³⁵⁴ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 70-71.

³⁵⁵ Wits, HPC, AG1977, ECC, Conscientious Objection. "Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF", 4.

of the Missionary Training Committee, which sought to provide people with missionary proclivities with short-term (three weeks) training in methods to encourage religious conversion. The training focused on church doctrine and teaching and mission rules to engage “properly” with the people they sought to serve and teach on their missions.³⁵⁶

Toms was also elected to be a delegate of the Cape Town Diocesan Synod, the Anglican Church's senior decision-making body.³⁵⁷ It was as a member of this body that he was able to second a motion raised by the Synod for the rejection of the parameters put forward by the Board for Religious Objection in 1983 that determined whether a conscientious objector met the government’s slim criteria to be granted permission to perform alternate service.³⁵⁸

Toms’s Relationships and Friendships

The early 1980s were also crucial for Toms in terms of developments related to his personal life. During this period, the apartheid regime continued to criminalise same-sex relationships under the Immorality Act.³⁵⁹ As mentioned earlier, he had chosen to live in a cosmopolitan urban environment like Cape Town to provide him with more opportunities to explore his sexuality. Cape Town had, since the late 19th century, had a growing, largely underground LGBTQ community, with various gay subcultures that had sprung up amongst the Coloured community. In the 1970s, Coloured hairdressers used the phrase “moffie taal” (Gay language) to spread the word about gay gatherings.³⁶⁰ Indeed, by this period, the gay communities in Cape Town and around the country organised underground clubs and private

³⁵⁶ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 70-71.

³⁵⁷ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 70-71.

³⁵⁸ Wits, HPC, AG1977, ECC, Conscientious Objection. “Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF”, 4

³⁵⁹ Neville Hoad, “Introduction”, *Sex and Politics in South Africa*. Neville Hoad, Karen Martin and Graeme Reid eds. (Cape Town: Double Storey, 2005), 15-17.

³⁶⁰ Ken Cage, “How Cape Town’s “Gayle” has Endured – and been Adopted by Straight People”, *The Conversation*, <https://theconversation.com/how-cape-towns-gayle-has-endured-and-been-adopted-by-straight-people-117336> (Accessed on 11 June 2022).

gatherings where members of the LGBTQ community had opportunities to gather, meet and express themselves.³⁶¹

During this period, Toms developed relationships, over time, with several different people. Interestingly, one of his first serious relationships was a heterosexual one with a woman, Pat Orpen, whom he met through church activities. Although he believed that they had been “brought together by God”, this relationship was rocky from the start, producing an on-again-off-again relationship as Toms struggled with his homosexuality. His continued pursuit of a relationship with Orpen possibly ran deeper than desire and mutual attraction. It was likely influenced by Toms’s attempt to align his masculine identity with the white hegemonic masculinity present in his society at the time. The favoured hegemonic masculinity was a white heterosexual man. Toms likely felt a strong pressure, even if unconsciously, to conform to this prevailing masculine identity to avoid stigmatisation and rejection, which homosexual men of all races experienced in the conservative circumstances of apartheid South Africa at this time.³⁶² Eventually, Toms ended the relationship after five years, realising that he was not attracted to women.³⁶³

The rest of his relationships during the 1980s involved same-sex partners. He met these people by participating in the Cape Town gay social scene. Some lasted for short periods (just a few months), while others lasted longer. For example, in an interview Toms gave for a programme on conscientious objection in 1999, he explained that in the early 1980s, likely during an off-again period with Orpen, he began his first same-sex relationship with Stanley Herman.³⁶⁴ They had a tempestuous three-month relationship because Herman

³⁶¹ “The History of LGBT Legislation”, *SA History Online*, <https://www.sahistory.org.za/article/history-lgbt-legislation> (Accessed on 11 June 2022).

³⁶² Connell and Messerschmidt, “Hegemonic Masculinity: Rethinking the Concept”, 832 and Conway, “The Masculine State in Crisis”, 423.

³⁶³ GALA, AM2798 Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 32 and GALA, AM2798, Ivan Toms. Ivan Toms, “First Draft- The Trial of Being Gay”, 8 June 1992, 2.

³⁶⁴ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 33.

was an alcoholic. Toms, who developed strong feelings for Herman when they were together, also helped get him sober and put his life back together. Toms recalled taking their breakup, initiated by Herman, very badly and struggled for two years to get over it.³⁶⁵ After that, he became involved with another man, Graham Perlman, which lasted longer, and got serious enough that they eventually bought a house together.³⁶⁶

Toms's sexuality came to be intrinsically linked with how he perceived himself and helps explain why he kept his sexuality firmly in the private domain. It was dangerous to "come out" in apartheid South Africa, as Toms mentioned once, in a chapter he wrote for an edited collection on gay experiences in apartheid South Africa, fearing "being gay bashed for walking hand in hand with my lover along Pringle Bay Road".³⁶⁷ Toms struggle a great deal with his sexual identity over the years and the rejection he felt from a homophobic society and initially within the church.³⁶⁸ As a result, only his family and a select group of close friends knew about his sexuality for many years.³⁶⁹ This included a progressive priest at St John's Parish, John Freeth, whom Toms had told during his university days, and who supported him. However, others in the Anglican Church continued to condemn homosexuality.³⁷⁰

³⁶⁵ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 34.

³⁶⁶ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 32-34.

³⁶⁷ Ivan Toms. "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign, and Me". *Defiant Desire: Gay and Lesbian Lives in South Africa*. Mark Gevisser and Edwin Cameron eds. (New York: Routledge, 1995), 259.

³⁶⁸ Ivan Toms. "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign, and Me". *Defiant Desire: Gay and Lesbian Lives in South Africa*. Mark Gevisser and Edwin Cameron eds. (New York: Routledge, 1995), 259 and GALA, AM2798, Ivan Toms. Ivan Toms, "First Draft- The Trial of Being Gay", 8 June 1992.

³⁶⁹ Ivan Toms. "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign, and Me". *Defiant Desire: Gay and Lesbian Lives in South Africa*. Mark Gevisser and Edwin Cameron eds. (New York: Routledge, 1995), 259. Also see Chris Barron, "Ivan Toms: Bold Campaigner against Bigotry", *The Sunday Times*, 30 March 2008.

³⁷⁰ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 122-124; GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 3-4 and Toms, "Ivan Toms is a Fairy?", 258 and 261.

This highlights how the apartheid regime's concept of hegemonic masculinity, which was white and straight at the time, made life difficult for Toms and other gay men, as derogatory terms such as "moffie" and "queer" were often used in public to denigrate and emasculate gay men. They were also branded and punished as criminals when caught in same-sex relationships, as the Immorality Act of 1968 carried penalties, depending on the offence, of a R200.00 fine or two years imprisonment up to a R1000.00 fine or six years imprisonment.³⁷¹ People like Toms feared societal judgement, ostracization and criminalisation because of the people they loved.³⁷² For these reasons, Toms likely remained in his relationship with Orpen for so long to "play straight" to attempt to fit in.³⁷³ However, over time, he realised that this was not being true to himself, which led him to end this relationship and become more actively involved with LGBTQ activist groups in the latter 1980s, to protest against discrimination and campaign for gay rights.³⁷⁴

Crossroads and the Brutality of the SADF

During the early 1980s, whilst working at the Empilisweni Clinic, Toms received several post-deployment call-ups to attend SADF training camps. The first came in 1981, which was to last a month between 1 February and 1 March. When he received his call-up papers, he wrote to the SADF to explain the nature of his work in the Crossroads area, mainly because he was the only doctor working in this informal settlement. Toms stressed the point that with no replacement should he attend the camp, it would require the clinic to close.³⁷⁵ As a result, the SADF granted him a deferment.³⁷⁶

³⁷¹ GALA, AM2798, Ivan Toms, Kurt Swart, "Proud to be Gay", n/d.

³⁷² Toms, "Ivan Toms is a Fairy?", 259.

³⁷³ GALA, AM2798, Ivan Toms. Ivan Toms, "First Draft- The Trial of Being Gay", 8 June 1992.

³⁷⁴ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 18, 30.

³⁷⁵ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 30.

³⁷⁶ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 30-31.

Two more call-up notifications followed in 1982 and 1983. The 1982 call-up was for a one-day shooting camp. He once again requested a deferment in a letter, the crux of which followed the contents of his 1981 letter. However, he also included an emphasis on his status as a non-combatant. In this letter, he emphasised that he had permission not to carry a firearm, so he did not need training. Based on these arguments, he obtained another deferment. The 1983 call-up for a training camp between May and June was also deferred based on the same reasoning outlined in the 1982 letter.³⁷⁷ He had once again obtained a reprieve but worried that his arguments would be ignored for future call-ups.

As Toms and his colleagues continued to provide clinic services in the early 1980s, the many problems plaguing Crossroads as a settlement became more prominent. In 1980, Phase 1 of New Crossroads was implemented with the construction of 1,731 houses, and many families moved to this new area in late November of that year.³⁷⁸ Phase 2 entailed a proposed construction of 1,289 homes in the new development by 1983. However, while the implementation of these development phases ran relatively smoothly, control of the influx and settlement of people into the Crossroads area became increasingly difficult to control by the government authorities over time. While some Africans met the work and residence requirements to remain legally in the area, others, whom the government derogatively called “bush people”, who had recently come to the area from various homeland areas, did not.³⁷⁹ These groups countered by arguing that returning to their homelands was not an option as opportunities to make a living there were scarce.

In 1981, to alleviate this problem, Koornhof announced that the newer arrivals, who had employment, would receive permits to remain, while those who did not were to be

³⁷⁷ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 31-32.

³⁷⁸ SAR, 6/6/2/k1/4, Rassestreeksbeplanning. “n Oorsig van Kruispad”, 3.

³⁷⁹ This was a derogatory term referring to the indigenous people of the Western Cape and larger Western South Africa, the Khoisan.

relocated to other black township areas around Cape Town close to government-identified job opportunities. This repatriation was not successful, however, as in 1981; the police made 13,694 pass arrests for people who violated these conditions, preferring to remain in or return to (if forcibly removed) the Crossroads area whether they were legally permitted to do so or not because of the better chance of finding work.³⁸⁰

These problems rolled over into 1982. As the situation in the Bantustans deteriorated, more people moved from these areas to cities like Cape Town to find work. In February 1982, a reporter noted in the *Pretoria News* that “900 bush people” were granted temporary permits to live in Crossroads, which expired in September of that year and could subsequently reapply.³⁸¹ The plan was to consider applications based on merit, with unsuccessful applicants settling elsewhere near available employment. According to the law, this plan remained problematic as there were around 2,500 people living in the township illegally at that time.

By 1983, Koornhof’s scheme was under severe pressure as more and more people settled in the Crossroads area. In addition, many people who lived in Crossroads reached their breaking points over the government’s perceived broken promises, frustrations around limited job opportunities, and other grievances.³⁸² For example, many were angry about not receiving the promised permits to live in New Crossroads. At the same time, some expressed anger at the government for forcibly removing individuals back to their homelands.³⁸³ Others voiced opposition to the poor administration of the new township, the government’s inadequate delivery of services in some areas, and the slow pace of formal housing

³⁸⁰ SAR, 8/7/3/2/K1/1, Grondsake, “Squatters - A word that sends out real shudders”. *Pretoria News*, 22 February 1983.

³⁸¹ SAR, 8/7/3/2/K1/1, Grondsake, “Squatters - A word that sends out real shudders”. *Pretoria News*, 22 February 1983.

³⁸² SAR, 6/5/2/k1/4, Rassestreeksbeplanning. Letter from the Urban Foundation to Dr Koornhof, 1982.

³⁸³ SAR, 6/5/2/k1/4, Rassestreeksbeplanning. Political Staff, “Fears on ‘Koornhof Deal’ at Crossroads”.

construction for all legal residents. Other residents expressed dissatisfaction that inhabitants of New Crossroads had to pay high rates for water, which they claimed the other “old” Crossroads area residents did not have to pay.³⁸⁴

The year 1983 proved to be significant for Toms, specifically September, which informed and enforced his eventual decision to refuse to undergo further military service. This year, Toms and his clinic staff were caught up in a protracted three-week battle between the old Crossroads inhabitants and the SADF. This battle stemmed from the settlement on the periphery of the Crossroads area of a large group of isiXhosa-speaking migrants, who had been forced out of the Transkei and Ciskei due to a severe drought.³⁸⁵ Many who migrated from these areas were mothers with children, who came to join their husbands or partners in the city. Because they did not have permits or formal housing, they set up makeshift dwellings using wood branches and black plastic to cover these structures.³⁸⁶

The government did not take kindly to this, as the past four years had been devoted to granting certain groups permits to stay and allowing others to move to New Crossroads to remove all people from the original Crossroads settlement. To deal with these structures, camouflaged casspir military vehicles were brought in to help knock down the structures, transport SADF troops and equipment into the area, and assist the security forces of the Crossroads Administration Board and riot police.³⁸⁷ After pulling down these structures, they subsequently arranged the building materials in huge piles and burnt them in front of the residents, leaving them without homes and protection from the elements.³⁸⁸

³⁸⁴ SAR, 6/5/2/k1/4, Rassestreeksbeplanning. Political Staff, “Fears on ‘Koornhof Deal’ at Crossroads”.

³⁸⁵ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. “Doctor Ivan Toms - The Angel of Crossroads”, n/d.

³⁸⁶ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 80 and GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 9-10.

³⁸⁷ Wits, HPC, AG1977, ECC, Conscientious Objection Ivan Toms, “Doctor Ivan Toms - The Angel of Crossroads”, n/d.

³⁸⁸ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 9-10.

In the aftermath of these actions, Empilisweni Clinic treated numerous cases of people who became sick. Common ailments included bronchitis,³⁸⁹ specifically among children who developed chest infections.³⁹⁰ Residents were also treated for typhoid, cholera, and other diarrhoeal type health problems, which spread rapidly at the time. Toms recalled visiting a distraught mother with a sick child, as she had been forced to care for her new-born baby out in the rain due to her home being torn down.³⁹¹ The destruction of temporary dwellings developed into a vicious cycle where the structures would be hastily rebuilt, and the following day would be pulled down and burnt.³⁹²

The standoff between the authorities and the residents came to a head on a Friday, three weeks after the migrants started building their structures. Several women, who had had enough of the constant destruction, stood in front of their homes or held onto their dwellings' branches and refused to let the authorities pull down their homes. The security forces resorted to violence for what they perceived as a riot. The South African Police Force and SADF used rubber bullets, teargas, and police dogs to remove the threat of these so-called "rioters" by battering them into submission.³⁹³ The targets of this extreme force were primarily women and children who posed no lethal threat. This extreme force resulted in many severe injuries, which were attended to at the clinic, such as fractured skulls, rubber bullet impact injuries, allergic reactions to the teargas, and people who were bitten by police dogs.³⁹⁴ At the end of the standoff, 16 raids destroyed 1,079 shelters.³⁹⁵

³⁸⁹ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 80.

³⁹⁰ GALA, AM2798, Ivan Toms. Phillip van Niekerk, "Bed Camp Children are Ill". *Cape Times*, 23 September 1983.

³⁹¹ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms. Ivan Toms, "A Change of Heart-Experiences in the Crossroads Clinic", n/d.

³⁹² "Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997". <https://www.justice.gov.za/trc/special/index.htm#hsh> (Accessed on 2 March 2022).

³⁹³ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. "Doctor Ivan Toms - The Angel of Crossroads", n/d.

³⁹⁴ Wits, HPC, 2213, Political Trials, "Ivan Peter Toms v the State", 80.

³⁹⁵ Wits, HPC, 1977, ECC, Conscientious Objection. Ivan Toms, "Police Violence; 'Symbol of Provocation". *Objector*, 1 September 1983.

A journalist from the *Weekend Argus* covering the unrest asked Toms whether what he had witnessed, in terms of the violence, made any difference to his life. Toms told the reporter that he could never wear a SADF uniform again or serve in the SADF.³⁹⁶ “As a Christian”, he argued, the violence he witnessed at the hands of the police and SADF clashed heavily with his pacifist beliefs. In addition, he could no longer rationalise serving in the SADF on the oppressor's side whilst also serving in the black community they oppressed.³⁹⁷ Furthermore, working in Crossroads had given him a deeper personal understanding of the brutality of the apartheid regime that viewed and treated “black people ... as if they were a non-human people as if they were animals”.³⁹⁸ Because of these factors, he came to realise that he could no longer be a part of that oppressive system.

Conscientious Objection and the End Conscription Campaign

These experiences led Toms towards the end of 1983 to become a member of the End Conscription Campaign (ECC). Through his leadership role in the Anglican Church’s Board of Social Responsibility, he became a member of the ECC. The ECC encouraged white, initially English-speaking, middle-class, liberal and radical-minded, religious and secular young men and young men and women to join the organisation. Of those who joined, many were conscientious objectors, activists from various anti-apartheid organisations, and members of COSG.³⁹⁹ At the early ECC meetings, he found other members who were passionate about the conscription issue and sought to introduce changes that would either improve the conscript’s options or end conscription altogether. Its members’ passion excited Toms, who felt it presented an important collective organisational opportunity to bring about

³⁹⁶ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 17-18.

³⁹⁷ “Truth and Reconciliation Commission, Special Submission on Conscription, Cape Town, 23 July 1997”, <https://www.justice.gov.za/trc/special/index.htm#hsh> (Accessed on 2 March 2022).

³⁹⁸ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 81.

³⁹⁹ Catholic Institute for International Relations, “The End Conscription Campaign”, *Out of Step*. (London: CIIR, 1989), 88-89.

change. As a result, Toms became heavily involved in the ECC from its inception.⁴⁰⁰ He would eventually be elected to the position of Vice-Chairperson of the Cape Town regional branch in 1986.⁴⁰¹

As part of his efforts to extricate himself from military service, Toms wrote a strongly worded letter dated 28 September 1983 to Colonel Nel, who oversaw his unit (3 Medical Battalion), stating his unwillingness to serve in the SADF.⁴⁰² In his letter, he said that his Christian conscience could no longer allow him to serve, not even as a non-combatant medical officer.⁴⁰³ Toms stated that he was performing “National Service” to South Africa and the informal settlement dwellers of Crossroads at his clinic and wanted to continue working in this area instead of serving in the SADF. This letter was seemingly ignored as he never received a response, though he continued receiving call-up notifications.⁴⁰⁴

Towards the end of 1983, Toms received the subsequent notification of his military service call sometime in 1984.⁴⁰⁵ Toms wrote another letter to Colonel Nel on 30 March 1984, reiterating his points of objection covered in his previous letters. However, Colonel Nel requested that he be called up as soon as possible, as there was now a second doctor, Di Hewitson, at the Empilisweni Clinic to cover for him.⁴⁰⁶

In preparation for his military service, Toms was called-up to attend a training camp in May. However, this call-up was withdrawn due to an intervention made by the US Ambassador under the Constructive Engagement Policy. This policy, used by the Reagan Administration to engage with the apartheid government in the 1980s, led to the cancellation

⁴⁰⁰ GALA, AM2798, Ivan Toms. Orientation Times, “Prisoners of Conscience: The Objectors Speak”. *Conscientious Objection*, n/d.

⁴⁰¹ Wits, HPC, AG1977, ECC, Conscientious Objection, “Statement by Ivan Toms as to Reasons for his Conscientious Objection to Serving in the SADF”, 2.

⁴⁰² Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 48.

⁴⁰³ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 317-318.

⁴⁰⁴ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 33.

⁴⁰⁵ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 35.

⁴⁰⁶ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 319-320.

of several camps, including the one Toms was called up for, which bought him another reprieve.⁴⁰⁷ In July 1984, he was called up again to attend another training camp, but this was cancelled, just five days before Toms was due to report. The stress in the lead-up to these camps and their cancellations brought much psychological turmoil for Toms but also pushed him to ready himself for the real probability of prison for his anti-conscription beliefs.⁴⁰⁸

1985 would prove to be another tumultuous year for Toms that confirmed his decision to become a conscientious objector. Towards the end of 1984, the government announced that it was developing another area for residents on the sand dunes of Khayelitsha called “Terrein C” or Site C, where all of the old Crossroads residents were to be relocated.⁴⁰⁹ This location was 15 kilometres from Crossroads and 32 kilometres from Cape Town, thus further away from the CBD.⁴¹⁰ The government intended February 1985 to be the date for relocating all residents. The government publicly stated that the relocation was to alleviate the overcrowding of the old Crossroads settlement, where many people lived in squalid conditions with a lack of services, such as running water, electricity and refuse removal. However, behind the scenes, the mass relocation of residents to Khayelitsha was a strategy to strengthen state security. The SADF could then set up military installations along this new township’s long straight access roads to better control its black residents.⁴¹¹

On Sunday, 17 February, the day before the mass relocation was to begin from Crossroads, the community decided, at a mass meeting, to resist the forced relocation, which

⁴⁰⁷ The Anti-Apartheid Movement in North Texas. “Constructive Engagement and the Sullivan Principles”, <https://blog.smu.edu/theanti-apartheidmovementinnorthtexas/history/constructive-engagement/> (Accessed on 24 March 2022) and GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 18.

⁴⁰⁸ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 99-100.

⁴⁰⁹ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms, “Why I Refuse to Serve in the SADF - Statement by Lieutenant Ivan Toms”, 3.

⁴¹⁰ SAR, 6/6/2/k1/4, Rassestreeksbeplanning. “n Oorsig van Kruispad”, 18.

⁴¹¹ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Ivan Toms, “A Change of Heart: Experiences in the Crossroads Clinic” and Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms, “Why I Refuse to Serve in the SADF - Statement by Lieutenant Ivan Toms”, 3.

would require them to live in an area further away from Cape Town's CBD.⁴¹² As part of their plan, the men decided not to go to work the following day but to remain behind to protect their families and homes.⁴¹³ This was because, as had occurred on many previous occasions, the police and SADF had sought to demolish the community's housing structures and forcibly relocate the women and children whilst the men were at work.

When Toms and his clinic staff, who lived outside Crossroads, arrived in the area at 8:30 am on Monday, they found the whole of Crossroads cordoned off by a large contingent of riot police. There had been incidents of community members stoning vehicles and company trucks who had been sent to the area to pick up labourers earlier that morning.⁴¹⁴ The security forces would not allow Toms and the clinic staff into Crossroads. They then drove away some distance from the security checkpoint, parked their cars on the freeway and entered the Crossroads area on foot, where they walked through the bush to reach their clinic.⁴¹⁵

Once they reached the clinic, the Crossroads Executive Committee (the factional leaders of the township) asked Toms to open that day to treat casualties from the community's defence of the township homes. From 10:00 am, the casualties began flooding into the clinic. The injuries were initially from rubber bullets, but as the day wore on, most came from birdshot, small ammunition pellets fired from riot firearms or shotguns, inflicting injuries to people's backs as they ran away from the riot police.⁴¹⁶ Toms described the clinic as a field hospital full of patients bleeding from their wounds.⁴¹⁷

⁴¹² Wits, HPC, AG1977, ECC, Conscientious Objection Ivan Toms, "How Crossroads Clinic Gave Them Comfort...", n/d.

⁴¹³ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 81.

⁴¹⁴ GALA, AM2798, Ivan Toms. Ivan Toms, "Crossroads - What Happened and Why?", n/d.

⁴¹⁵ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 81.

⁴¹⁶ GALA, AM2798, Ivan Toms. Ivan Toms, "Crossroads - What Happened and Why?" n/d.

⁴¹⁷ Wits, HPC, AK2213, Political Trials, "Ivan Peter Toms v the State", 82.

On the first day, the clinic treated 112 injured patients and referred ten more seriously injured patients to the hospital. Toms recalled that the decision to refer proved incredibly difficult as ambulances could not enter the area due to police blockades and the makeshift barricades, using drums, felled trees and burning cars, set up by Crossroads residents.⁴¹⁸ To get around this problem, a few Crossroads residents made a plan to take the seriously injured in their own vehicles via a little-known dirt road to an agreed-on spot on the freeway, where the waiting ambulances then picked them up. Later, Toms found out that these referred patients were placed under police guard, arrested, and charged for public violence.⁴¹⁹ The hospitals they were sent to had marked the folders of those brought in as Crossroads patients, which allowed the police to identify them easily.⁴²⁰

The next day began quietly, but from around 10:00 am, the clinic rapidly became swamped with people hit by birdshot and buckshot (buckshot were bigger round projectiles than birdshot). The clinic once again became like a wartime first-aid post. The number of patients brought in numbered 65 on this day, lower than the day before. However, the injuries were much more severe, as three patients brought into the clinic died.⁴²¹ One of the patients brought in was a man who had been shot in the groin by buckshot, which had severed his femoral artery. Although the clinic staff tried to stabilise him to treat his injury, he bled to death.⁴²² Rubber bullet injuries were common and included deep lacerations and fractures. One patient had half her calf muscle blown away by an unidentified weapon.⁴²³ Another patient, a 13-year-old girl who had been going to buy bread for her family was shot with buckshot, which severely injured the right side of her body.⁴²⁴ The clashes between the

⁴¹⁸ GALA, AM2798, Ivan Toms. Ivan Toms, “Crossroads - What Happened and Why?” n/d.

⁴¹⁹ GALA, AM2798, Ivan Toms. Ivan Toms, “Crossroads - What Happened and Why?” n/d.

⁴²⁰ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 82.

⁴²¹ GALA, AM2798, Ivan Toms. Ivan Toms, “Crossroads - What Happened and Why?” n/d.

⁴²² Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 82.

⁴²³ GALA, AM2798, Ivan Toms. Ivan Toms, “Crossroads - What Happened and Why?” n/d.

⁴²⁴ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Ivan Toms, “A Change of Heart: Experiences in the Crossroads Clinic”, n/d.

security police and Crossroads residents subsided after the second day. Over the two days of unrest, the Empilisweni Clinic treated 178 injuries, many of whom were children and young adults under 25. Five people died in the clinic, with 18 dead in total.⁴²⁵ Once the violence died down, the Minister of Law and Order, Louis le Grange, asserted that the police had been deployed to Crossroads as a last resort to maintain “law and order”.⁴²⁶

On 26 February, a week after the violence, Toms was invited to speak at a United Democratic Front (UDF) meeting in the Claremont Civic Centre about his experiences of these two days of unrest and the unnecessary deaths of 18 people in Crossroads.⁴²⁷ During his talk, he vehemently refuted the government’s view. He portrayed its security forces as the prime instigators of the violence as they arrived with a large contingent of heavily armed military personnel – “demolition men” – who gathered on the perimeter of Crossroads on the morning of 18 February, which fuelled the tensions.

The presence of SADF troops in the townships was not a new phenomenon that sprung up in 1985. Indeed, their presence had been felt several times since 1984 to suppress what the apartheid government regarded as threats to their security. The increased levels of violence in the townships during the 1980s necessitated a more robust security force presence. Before the near-ungovernable state of the country in the mid-1980s, the SAP were already present in the townships, whilst the SADF were deployed in a supportive role to assist the SAP in controlling the uprisings in the townships. Their assistance became hands-on when the townships became comparable to warzones.⁴²⁸ For example, in October 1984, the Vaal townships’ mass rent protests led to attacks on apartheid-affiliated institutions, such

⁴²⁵ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 82.

⁴²⁶ Wits, HPC, AG1977, ECC, Conscientious Objection Ivan Toms, “How Crossroads Clinic Gave Them Comfort...”, n/d.

⁴²⁷ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Ivan Toms, “Doctor Tells of Unrest Injuries”, 1985.

⁴²⁸ J-A Stemmet, “Troops, Townships and Tribulations: Deployment of the South African Defence Force (SADF) in the Township Unrest of the 1980s”, *Journal for Contemporary History*, (2006, 31: 2), 178-183.

as schools and post offices. The government responded by first deploying the police, and then the SADF to support them by cordoning off the townships and suppressing the unrest with their weapons and teargas.⁴²⁹

Because of these developments, the ECC received greater support for their cause, particularly from English-speaking white liberals because of their apprehension around troop deployments in the townships, which they regarded as too heavy-handed a response; essentially a declaration of war against fellow South Africans to maintain apartheid rule.⁴³⁰ The more regular use of troops within South Africa to suppress unrest in the townships also meant the need to conscript more white men to do the work of the SADF. This resulted in a boost of support for the end of conscription. In response, the new ECC decided it would run a “Troops Out of the Townships” campaign, with the focal point being a three-week fast.⁴³¹

This was not an uncommon form of protest, as hunger strikes, fasting’s secular counterpart, dated back hundreds of years in various guises during the eras of ancient India, Rome and in Ireland, as a form of non-violent resistance.⁴³² As Toms and the other fasters were hoping to accomplish, the goal of a hunger strike was to attract attention to their cause and to effect change. One of the most famous instances of a hunger strike internationally, which Toms, the ECC, and even the apartheid government (who accused the ECC of having links to) were aware, was Bobby Sands’s death as the result of a hunger strike.⁴³³

⁴²⁹ GALA, AM2798, Ivan Toms. Ivan Toms, “SADF OUT!” *At Ease*, 1 July 1987 and Catholic Institute for International Relations. “Introduction”. *Out of Step*. (London: CIIR, 1989), 41.

⁴³⁰ Janet Cherry. “The End Conscription Campaign in South Africa: War Resistance in a Divided Society”. *History Compass*. (2011, 9: 5), 19.

⁴³¹ Catholic Institute for International Relations. “Troops Out of the Townships”. *Out of Step*. (London: CIIR, 1989), 93.

⁴³² Stefan Simanowitz, “The Enduring Power of the Hunger Strike: How Extinction Rebellion are Looking to History”, *Euronews*, <https://www.euronews.com/2019/11/26/the-enduring-power-of-the-hunger-strike-extinction-rebellion-are-looking-to-history-view> (Accessed on 3 August 2022).

⁴³³ Catholic Institute for International Relations. “Troops Out of the Townships”, 94.

Sands, a paramilitary member of the Provisional Irish Republican Army (IRA), was the first of 10 prisoners to die from hunger strikes. He succumbed on the 5th of May 1981, after a 66-day hunger strike protesting the treatment of IRA prisoners, the revoking of their “special treatment” by the British government, and their goal of an independent Ireland, reunified with Northern Ireland. Ultimately, the hunger strikes were successful, the prisoners were seen as martyrs, their rights were restored, and their sacrifice helped revive and galvanise the IRA’s fight for Irish independence.⁴³⁴ The ECC, Toms, and the other fasters, would have hoped that their protest achieved a similar result.

Initially, the ECC planned to have people fast in relays. However, the ECC’s political strategists felt that it would be more impactful to have someone fast for the whole duration of the three-week campaign. Another prominent conscientious objector and ECC member, Pete Hathorn, asked Toms if he would undertake this fast to make it a focal point. Hathorn felt he was the right person for the task because he had “such a high profile as a doctor in Crossroads, and no one can fault you”.⁴³⁵ Toms recalled how he viewed this as a sign or “calling” from God and agreed to do it.⁴³⁶ Another prominent conscientious objector, Richard Steele, and a UCT student, Harold Winkler, decided to join him, though both undertook their fasts in Johannesburg.⁴³⁷

Thus, on 17 September 1985, the International Day of Peace,⁴³⁸ the ECC launched the fast with a Mass for around 200 people at St George’s Anglican Cathedral in Cape Town, whilst a corresponding Mass with a similar number was held at St Mary’s Roman Catholic

⁴³⁴ Peter Taylor, “Bobby Sands: The Hunger Strike that Changed the Course of N Ireland's Conflict”, *BBC News*, <https://www.bbc.com/news/stories-56937259> (Accessed on 2 August 2022).

⁴³⁵ Daniel Conway. *Masculinities, Militarisation and the End Conscription Campaign: War Resistance in Apartheid South Africa*. (Manchester: Manchester University Press, 2012), 93.

⁴³⁶ GALA, AM2798, Ivan Toms. “Ivan Toms: Fasting for a Just Peace”, *Perspective*, 1 September 1985.

⁴³⁷ Catholic Institute for International Relations, “Troops Out of the Townships”, 93 and Barbra Ludman, “Why We’re Fasting for Peace”, n/d.

⁴³⁸ GALA, AM2798, Ivan Toms. Political Staff, “Doctor Plans Three-Week Protest Fast”, 1985.

Cathedral in Pietermaritzburg. Toms did not have to bear the load of fasting himself, as over one hundred people fasted in relays with him,⁴³⁹ consuming no food and drinking three litres of water a day.⁴⁴⁰ With the Bible as his only reading material, Toms fasted in a small Cathedral crypt in St George's Cathedral Cape Town, decorated with posters and flowers he received from his well-wishers and a divan to sleep on and chairs for his visitors.

Fasting was and is the act of refrainment by an individual, usually in religious observance, generally from food and drink. The ECC enjoyed strong support from church denominations, their groups and organisations. These included, for example, the Catholic Church, the Catholic War and Peace Group, and the Catholic Justice and Peace Commission; the Methodist Church with the Methodist Citizenship Group; and the Students Unions for Christian Action.⁴⁴¹ Use of a powerful religious sentiment, such as fasting, was in keeping with the support from the ECC's affiliated religious groups.

However, fasting was not only directly tied to Christianity (and other religions) but was also a powerful political tool used to highlight the moral and religious base of the ECC's message. It focused on the plight of the individual objectors, casting them as martyrs in their cause. The concept of a fast was a means of empowerment, as it allowed individuals to reclaim a sense of lost power, such as prisoners who went on hunger strikes to protest something. Through the act of fasting, the ECC sought to encourage individual white men to interrogate what was considered the accepted norm and reclaim their power and choice.⁴⁴²

The impact of the fast was not only on the individual objectors who's fast was the focal point of the campaign but also on the people who joined in the campaign. Many who

⁴³⁹ GALA, AM2798, Ivan Toms. Staff Reporter, "City Protest Fasts For 'A Just Peace' Begin at Cathedrals", 1985.

⁴⁴⁰ GALA, AM2798, Ivan Toms. "No Stranger to Fasting", *South*, 16-22 February 1989.

⁴⁴¹ Catholic Institute for International Relations, "The End Conscriptio Campaign", 86-89.

⁴⁴² Conway, *Masculinities, Militarisation and the End Conscriptio Campaign*, 92-93.

visited the fasters also participated in a 24-hour solidarity fast on the anniversary of the troop's deployment in the townships. Those who visited the fasters also participated in various educational activities around the fasters.⁴⁴³ In addition, other visitors conducted their own fasts in solidarity with Toms, Steele and Winkler. The fasters also received international support, as many overseas fasted in solidarity. The ECC also invited journalists to witness and write about the fasts and the ECC's cause. Any publicity in the media regarding Toms, Steele and Winkler helped attract further attention and raised awareness of the ECC's campaign issues.⁴⁴⁴

During his three weeks fast, it is reported that Toms received thousands of visitors, who came to show their support for his stand against conscription.⁴⁴⁵ They hailed from diverse walks of life, various places, backgrounds, ethnic groups, and religions. They included, for example, schoolboys from the South African College School and Bishops Diocesan College and several black priests from the Transvaal. The visitor records also note that he received a "Muslim nominal faster", "a middle-class Indian", as well as "a Coloured woman and her family".⁴⁴⁶ Parish priest John Freeth from Wynberg's St John's Parish also joined Toms in his fast for 15 days until the end of the fast.⁴⁴⁷ In addition, another source mentions that he was visited by Crossroads residents and 225 Jewish visitors, including Rabbi John Spiro, who presented him with a Jewish prayer book.⁴⁴⁸ Furthermore, many other

⁴⁴³ Catholic Institute for International Relations, "Troops Out of the Townships", 93.

⁴⁴⁴ GALA, AM2798, Ivan Toms. Gorry Taylor-Bowes. "A Wedding, a Dinner, a Walk in the Country", 1985 and Barbra Ludman, "Why We're Fasting for Peace", n/d.

⁴⁴⁵ GALA, AM2798, Ivan Toms. "No Stranger to Fasting", *South*, 1989.

⁴⁴⁶ GALA, AM2798, Ivan Toms. Sydney Duval, "Cathedral Fast- Day by Day", *Spectrum*, 8 October 1985.

⁴⁴⁷ GALA, AM2798, Ivan Toms. Religion Reporter, "Priest Joins Dr Toms in Cathedral Fast for Peace", *The Argus*, 1985.

⁴⁴⁸ GALA, AM2798, Ivan Toms. Staff Reporter, "Worldwide Support for Peace Fast", 1985.

visitors pledged to fast in solidarity with Toms.⁴⁴⁹ Toms cited that support from these visitors boosted his morale and helped him cope with the fast.⁴⁵⁰

Fasting was a cunning strategy to use in a political sense, as whilst those attending meetings, campaigns and other political gatherings could be suppressed through arrest and detention, the state could not regulate or control those who fasted in the same way. The police faced the threat of widespread condemnation if they entered a place of worship, such as cathedrals where many of these ECC fasts took place, in their attempt to quash them. This was highly beneficial for the fasting objectors, such as Toms, as it casts conscription as something immoral and rendered the state ineffective, encouraging others to join the fasting campaign.⁴⁵¹

The fast ended on 7 October 1985. The fast was difficult for Toms, who suffered physically and mentally from the experience. Subsisting for three weeks on water alone meant that over time, he grew progressively weaker, experienced severe hunger pangs and stomach cramps, drastic weight loss and sagging energy levels that made it difficult for him to concentrate and want to sleep more. By the end of the second week, he had lost eight kilograms (weighed just 60 kilograms) and could do very little, talk to visitors and well-wishers, pray and meditate.⁴⁵² Towards the latter part of his hunger fast, he also experienced bouts of dizziness and low blood pressure, leading to him passing out on occasion.⁴⁵³

The ECC held a rally at the Cape Town City Hall to mark the end of the fasting campaign.⁴⁵⁴ Over 4,000 people, a racially mixed crowd, attended the rally. At one point, the contingent of police and SADF troops stationed outside the building turned away hundreds of

⁴⁴⁹ GALA, AM2798, Ivan Toms. Sydney Duval, "Cathedral Fast- Day by Day", *Spectrum*, 8 October 1985.

⁴⁵⁰ GALA, AM2798, Ivan Toms. "No Stranger to Fasting", *South*, 1989 and GALA, AM2798, Ivan Toms. Sydney Duval, "The Doctor in the Cathedral". *Objector*, n/d.

⁴⁵¹ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 92-93.

⁴⁵² GALA, AM2798, Ivan Toms. Sydney Duval, "The Doctor in the Cathedral", *Objector*, n/d.

⁴⁵³ GALA, AM2798, Ivan Toms. Staff Reporter, "Doctor Toms Reports Dizzy Spells", 1985.

⁴⁵⁴ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms, ECC City Hall Tape, Transcript, 1-3.

Crossroads township residents. These people had come by bus to attend the ECC rally as they wanted to show their support for Toms and the ECC campaign. This was because the campaign's message of ending conscription resonated with many black South Africans living in township environments who opposed the destruction of their homes and the oppression they suffered at the hands of the SADF in their communities.⁴⁵⁵ Fortunately, on this occasion, the organisers negotiated with the security forces to allow the crowd to leave peacefully, which they did.⁴⁵⁶

Toms was one of the people who spoke at the rally. Whilst delivering his speech, he broke down whilst thanking all the people who had visited and supported him during his three-week fast.⁴⁵⁷ Although it was difficult, Toms argued that he felt a sense of accomplishment and a greater sense of peace as the fast gave him time to reflect deeply on what he wanted for his life and work.⁴⁵⁸ Furthermore, he stated he was pleased that his fast brought so much attention to the ECC's cause. In his speech, he also conveyed to the audience his personal story. He told them about some of the factors that drove him to take up such as challenge, highlighting the horrific violence he had seen inflicted on black South Africans at the hands of the police and SADF whilst working in Crossroads. On this occasion, he vowed publicly to never serve in the SADF again.⁴⁵⁹ Years later, Toms the traumatic nature of these events for Toms were evidence once again when he shed tears during an interview for a documentary called *Eat My Callup* in 2006. Despite the hardships,

⁴⁵⁵ Cherry, "The End Conscription Campaign in South Africa", 356.

⁴⁵⁶ GALA, AM2798, Ivan Toms. Moira Levy. "Protests... From Inside a Ring of Troops", *The Weekly Mail*, 11-17 October 1985.

⁴⁵⁷ GALA, AM2798, Ivan Toms. Moira Levy. "Protests... From Inside a Ring of Troops", *The Weekly Mail*, 11-17 October 1985.

⁴⁵⁸ GALA, AM2798, Ivan Toms. Sydney Duval, "Cathedral Fast - Day by Day", *Spectrum*, 8 October 1985.

⁴⁵⁹ Wits, HPC, AG1977, ECC, Conscientious Objection. Ivan Toms, ECC City Hall Tape, Transcript, 1-3.

Toms recalled that they gave his “life had an incredible sense of meaning. You really lived life to the full”.⁴⁶⁰

Ultimately, the fast and the ECC’s “Troops Out of the Townships” campaign was declared a success by the ECC. The campaign sought to protest the presence of troops in the townships and build solidarity with township citizens confronting the SADF. A secondary aim was to promote the idea that conscripts deserved a choice about their service in the townships.⁴⁶¹ The campaign sought to encourage non-racialism, showing the opposition to apartheid in the white community and the army defending the apartheid system. However, its most important objective was to build a just peace in South Africa.⁴⁶² These aims were successful, as people of different races or ethnic groups and religions became involved in the campaign to end conscription as they too were against the troops’ presence in the townships. Therefore, the ECC’s efforts crucially shifted the campaign from being viewed as exclusively white to being supported by all races. This broader support was vital as the security forces sought to heighten racial tension by stirring up anti-white sentiment in the townships.⁴⁶³ The campaign’s success was evident too through the 4,000 people who attended the ECC’s public meeting at Cape Town City Hall.⁴⁶⁴

Conclusion

After his experiences in the SADF, Toms was determined to make a positive difference in a disadvantaged South African community by using his skills as a doctor. After consulting with many people, he settled on Crossroads, an informal settlement community with little medical support structure. As a result, he set up and helped run the Empilisweni Clinic with a handful of staff. However, whilst the clinic was being established, Crossroads

⁴⁶⁰ GALA, AM2798, Ivan Toms. Michael Morris, “The People’s Doctor who Defied the Apartheid State’s Call to War”, n/d.

⁴⁶¹ GALA, AM2798, Ivan Toms. “Ivan Toms: Fasting for a Just Peace”, *Perspective*, 1 September 1985.

⁴⁶² Catholic Institute for International Relations, “Troops Out of the Townships”, 92-93.

⁴⁶³ Catholic Institute for International Relations, “Troops Out of the Townships”, 93.

⁴⁶⁴ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 92.

residents were constantly under threat of removal by the government, who used the riot police and SADF to achieve this. Toms witnessed incidents of violence as battles between the residents and security forces left Toms and the clinic staff with many injured residents to treat. As a result, Toms resolved never to wear his uniform and serve in the SADF. Because of his social involvement through the church and his passion for the issues of conscription, he joined the ECC, becoming one of the figureheads for the ECC's "Troops Out the Townships" campaign. The next chapter considers the mid-to late-1980s period, a disastrous period for Toms, when the SADF forced the closure of his clinic, and arrested, tried and imprisoned him for his failure to render military service when called up to do so. The next chapter also discusses his foray into LGBTQ activism.

Chapter 5:

Last Days in Crossroads Clinic, Growing Activism, Trial, and Imprisonment

After Toms's involvement in the ECC's fast, he returned to work at Empilisweni Clinic in Crossroads. Because of what he had seen in terms of the devastation and hardship caused by the apartheid regime in trying to forcibly relocate the residents to other areas, Toms was determined to never serve in the SADF again. This chapter focuses on the final confrontations he witnessed whilst working in Crossroads, which encouraged him to increase his public criticism of conscription and SADF. Indeed, as we shall see in this chapter, he became more deeply involved in ECC activities. In addition, this chapter will examine how Toms was forced to leave his clinic work and his arrest, trial and imprisonment for being a conscientious objector. Furthermore, this chapter examines Toms's move into gay rights activism.

Crossroads, the SADF and Closure of the Empilisweni Clinic

During 1985 and 1986, Toms continued his medical work at Empilisweni Clinic. The situation for the Crossroads residents did not improve during this period. It worsened in mid-1986 when Toms was travelling overseas for a few weeks.⁴⁶⁵ During this period, the government began working with armed local vigilantes known as "Witdoeke" (white cloths) to forcibly remove the inhabitants of old Crossroads and other informal settlement areas, such as KTC (Kayenta Township Commission) township, Nyanga Extension and the Portland Cement site, and to pull down their dwellings to try to rectify the failure of the forced removals from February 1985.⁴⁶⁶ Toms described these developments as his "worst

⁴⁶⁵ University of the Witwatersrand (Wits), Historical Papers Collection (HPC), AK2213, Political Trials. "Ivan Peter Toms v the State", 120-121 and Gay and Lesbian Archive (GALA), AM2798, Ivan Toms. "Under Threat - Dr Toms, Conscientious Objector, End Conscription Campaign Booklet", n/d, 2.

⁴⁶⁶ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State" (compiled by Mrs K. Green), 1988, 82 and Josette Cole. *Crossroads: The Politics of Reform and Repression 1976-1986*. (Johannesburg: Ravan Press, 1987).

experience”⁴⁶⁷ and as “the ultimate evil”,⁴⁶⁸ highlighting his dismay and outrage at the events taking place during this time. These activities led to 60 deaths and the destruction of approximately 70,000 structures. The vigilantes were paid for their services, and the SADF assisted by supplying them with guns but also partook in the destruction of dwellings.⁴⁶⁹ The SADF also cordoned off the destroyed areas with barbed wire and set up patrols to prevent community members from returning to rebuild.⁴⁷⁰

When he returned from his trip, he heard from his staff about the destruction and deaths, as well as how the Witdoeke had harassed the clinic’s black staff. Indeed, some staff told Toms that the Witdoeke had threatened to kill them if they continued working at the clinic.⁴⁷¹ Soon after his return, he and other clinic staff heard that the Witdoeke were planning to attack the New Crossroads settlement, where most of the clinic’s black staff lived. Fearful that the Witdoeke would attack the clinic staff on their way to work, Toms decided to temporarily close the clinic for a few days so that they could stay home to protect their homes and families in the event of an attack.⁴⁷²

Five days later, on 16 June 1986, Toms was informed that the SADF’s South African Medical Services Corps, the same unit he had initially served with, had occupied the clinic’s buildings. Although the SADF notified Toms that he could return to work, they were not prepared to let his black staff return, so Toms refused.⁴⁷³ Toms recalled feeling angry,

⁴⁶⁷ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms: Ivan Toms, “A Change of Heart: Experiences in the Crossroads Clinic”, n/d.

⁴⁶⁸ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms: Ivan Toms, End Conscriptio Campaign, “Why I Refuse to Serve in the SADF”, n/d, 3.

⁴⁶⁹ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms: Ivan Toms, “A Change of Heart: Experiences in the Crossroads Clinic”, n/d and Ivan Toms, End Conscriptio Campaign, “Why I Refuse to Serve in the SADF”, n/d.

⁴⁷⁰ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms: Ivan Toms, “A Change of Heart: Experiences in the Crossroads Clinic”, n/d, Toms, “Why I Refuse to Serve in the SADF”, 3 and Josette Cole. *Crossroads: The Politics of Reform and Repression 1976-1986*. (Johannesburg: Ravan Press, 1987).

⁴⁷¹ Wits, HPC, AK2213, Political Trials, “Ivan Peter Toms v the State”, 117.

⁴⁷² Wits, HPC, AK2213, Political Trials. “Ivan Peter Toms v the State”, 117.

⁴⁷³ Wits, HPC, AK2213, Political Trials. “Ivan Peter Toms v the State”, 118.

frustrated and upset by the SADF's occupation of the clinic as he had built the clinic and, with local community members, had run the clinic for six years. During the last few months before the SADF's occupation of the clinic, Toms and his colleagues, numbering 27 people, were treating 170 patients and 60 dental patients a day, six days a week.⁴⁷⁴ However, there was nothing he could do. The State of Emergency at the time gave the SADF the power to do as it pleased with no recourse. It was the final straw for Toms, who vowed never to serve in the SADF again.⁴⁷⁵

As discussed in a previous chapter, the SADF's occupation of the clinic formed part of their attempt to win the "Hearts and Minds" of the local community.⁴⁷⁶ Their occupation entailed pulling down all the clinic's old posters and putting up, for example, "SADF: From the People for the People" posters to advertise their so-called "positive" work in this black township.⁴⁷⁷ However, this set-up meant creating an environment where doctors and nurses treated patients with guns on their hips, a situation that Toms had vehemently opposed during his military service. Most also spoke Afrikaans, which created a language barrier in an area where most of their patients were isiXhosa speakers.

The SADF occupied the clinic for six months. At the end of December 1986, the SADF withdrew their staff from the clinic. In the months leading up to their departure, they worked to encourage the Cape Provincial Administration (CPA) to take over the clinic services and build a temporary day hospital, which the Cape government did then run.⁴⁷⁸

⁴⁷⁴ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. "Summary of Evidence to be led in Mitigation of Sentence of Lieutenant Ivan Peter Toms", 3.

⁴⁷⁵ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Ivan Toms, "A Change of Heart: Experiences in the Crossroads Clinic", n/d.

⁴⁷⁶ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. "Why I Refuse to Serve in the SADF", 3.

⁴⁷⁷ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. Ivan Toms, "A Change of Heart: Experiences in the Crossroads Clinic", n/d.

⁴⁷⁸ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 83.

For Toms and his clinic staff, ending their time at the Empilisweni Clinic did not mean the end of work in the health sector or even the end of working in disadvantaged communities. Indeed, during 1986, while the SADF occupied their clinic, Toms and some of his staff got involved with the South African Christian Leadership Assembly (SACLA) and the Church of the Province of South Africa to start a new project – the SACLA Health Project.⁴⁷⁹ This project sought to provide primary health care services to poor, underprivileged and under-serviced communities in townships around the greater Cape Town area, such as Khayelitsha. What was new in this project was the desire to encourage people to take greater responsibility for their health by using Community Health Workers (CHWs). CHWs were trained to go out into communities to share knowledge with community members about how to prevent ill health and improve good health. They were taught about the treatment of common ailments and when to refer people to nearby clinics for the treatment of more serious conditions. Toms continued to work in the Modderdam area as the newly found SACLA Research Project moved to Khayelitsha. However, towards the end of 1986 and into 1987, his stand as a conscientious objector and his LGBTQ activism began to take up most of his time and efforts.⁴⁸⁰

Toms's Expanding Interest in LGBTQ Activism

During the mid-to-late-1980s, Toms became involved in LGBTQ activism. Indeed, his experiences of discrimination as a gay man in a homophobic, apartheid-era South African society did much to encourage him to become actively involved. So did his friendship with Sid and Cathy Luckitt, who were LGBTQ activists. Furthermore, in 1985, Toms came face-to-face with a lack of support for LGBTQ issues from anti-apartheid organisations, such as

⁴⁷⁹ GALA, AM2798, Ivan Toms. "Under Threat - Dr Toms, Conscientious Objector, End Conscription Campaign Booklet", n/d, 2.

⁴⁸⁰ Wits, HPC, AG3176, National Progressive Primary Health Care Network (NPPHCN). Catherine Mathews, Di Hewitson and Hester van der Walt. "Evaluation of the SACLA Health Care Project", *Health for All Research Service*, 1991, 4-5.

the African National Congress (ANC) and South African Communist Party.⁴⁸¹ At a conference concerning apartheid, oppression and children in Harare, Toms found out in his informal chats with various activists that there was either no support or little thought on these issues because the “struggle” against apartheid was *the* primary focus of these activists.⁴⁸²

In South Africa, LGBTQ organisations first developed in the early 1980s, such as the Gay Association of South Africa, which was formed in Johannesburg in 1982. GASA’s members were predominantly middle-class, white, gay men sought to remain non-confrontational and apolitical to stay out of the crosshairs of the apartheid government and were not interested in confronting the issue of racial inequality. Their interests lay in promoting gay right for white men and women almost exclusively, whilst not accommodating other race groups, as well as ensuring their organisation’s survival.⁴⁸³ This played a large role as to why activists became disillusioned with GASA. Its activities included, for example, the opening of a community centre in Cape Town in 1984 to run a counselling service for gay men and lesbians and the organisation of gay social events. In 1985, it also held a convention in Johannesburg, where guest speakers gave speeches on the issue of gay rights.⁴⁸⁴

However, disillusionment with GASA led to other breakaway LGBTQ organisations, such as Lesbians and Gays Against Oppression (LAGO), which was formed in Cape Town in 1986. LAGO opened its doors to gay people of all races, sought to speak out more strongly against the government’s policies which oppressed gay South Africans, and sought to champion the rights of the gay and lesbian community. In addition, it sought to include the fight for gay and lesbian rights within the liberation struggle and inspire support in the gay

⁴⁸¹ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 1999, 11-12.

⁴⁸² GALA, AM2798, Ivan Toms. Ivan Toms, “First Draft - The Trial of Being Gay”, 8 June 1992, 4.

⁴⁸³ Neville Wallace Hoad, Karen Reid and Graeme Reid. *Sex and Politics in South Africa*. (Cape Town: Double Storey, 2005), 34-37.

⁴⁸⁴ Hoad, Reid and Reid, *Sex and Politics in South Africa*, 238 and “The History of LGBT Legislation”, *SA History Online*, <https://www.sahistory.org.za/article/history-lgbt-legislation> (Accessed on 14 June 2022).

and lesbian community towards the liberation movement.⁴⁸⁵ Several LAGO activists were affiliated with anti-apartheid organisations, such as the United Democratic Front (UDF), the End Conscription Campaign (ECC) and the National Union of South African Students (NUSAS).

In October 1987, LAGO rebranded, becoming the Organisation of Lesbian and Gay Activists (OLGA). This was due to ideological differences, as most in the organisation sided with the democratic movement against the apartheid regime, whilst a minority saw both as the enemy of the gay liberation movement. LAGO's constitution needed a consensus vote for decisions to be made, which was achieved in October 1987, leading to the renaming. Soon after that, OLGA later became an affiliate of the UDF.⁴⁸⁶

OLGA initiated a variety of activities to bring awareness to their campaign. This included producing and distributing posters and pamphlets, maintaining a presence at progressive political forums and events, organising workshops for other organisations on the issue of sexuality and gay rights, holding discussion panels and video events around gay issues, and participating in the HIV/AIDS programme run by the National Progressive Primary Health Care Network.⁴⁸⁷ At struggle events, they also made their presence known by being "explicitly open", which included wearing t-shirts and badges with slogans such as "Dykes for Democracy" and "No Liberation Without Gay and Lesbian Representation". Due to the State of Emergency at that time, rallies were replaced with cultural events, where OLGA set up stalls to provide information to help educate the general public. They made sure they were visible with large banners reading "Gay" and "Lesbian".⁴⁸⁸

⁴⁸⁵ GALA, AM2798, Ivan Toms. Organisation of Gay and Lesbian Activists, "Organisation of Gay and Lesbian Activists - Constitution: What is OLGA?", n/d.

⁴⁸⁶ Hoad, Reid and Reid, *Sex and Politics in South Africa*, 73 and 242.

⁴⁸⁷ GALA, AM2798, Ivan Toms. Organisation of Gay and Lesbian Activists, "Organisation of Gay and Lesbian Activists - Constitution: What is OLGA?", n/d.

⁴⁸⁸ Hoad, Reid and Reid. *Sex and Politics in South Africa*, 73-74.

Toms became involved in gay and lesbian activism in 1986 when he joined LAGO/OLGA.⁴⁸⁹ As a prominent ECC activist, his membership helped link this organisation to broader anti-apartheid activism at the time. Toms stated that involvement in OLGA was the first time his activism in terms of his conscientious objection, was brought together with his sexuality. By 1987, as a member of this organisation, he participated in OLGA's awareness-generating campaigns at cultural events.⁴⁹⁰ During this period, OLGA partnered with the ECC to publicise Toms's stand as a conscientious objector.⁴⁹¹

Toms stated that involvement in OLGA was the first time his activism in terms of his conscientious objection, was brought together with his sexuality.⁴⁹² When Toms became involved in LBTQ activism, and had taken on a more visible role in the ECC, he realised that his experiences as a gay individual helped him to in some way understand the plight of black South Africans who were under constant repression and denied rights due to their race. Toms could empathise because he was repressed and denied his right of freedom to love another person. Whilst this helped Toms come to terms with his sexuality and his stand as a conscientious objector, he still struggled to be a proudly open gay man. He felt stuck and hesitant about promoting both the ECC's and OLGA's messages, and partly still wanted his closet to remain closed. He came to understand that he was not being true to himself and realised that he needed to be true to himself.⁴⁹³

Toms's Growing Involvement in the ECC

Toms became more deeply involved in ECC work in the latter part of the 1980s. In 1986, Toms was elected to the position of Vice-Chairperson of Cape Town's regional ECC

⁴⁸⁹ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 11 and Wits, HPC, AK2213, *Political Trials*. "Ivan Peter Toms v the State", 62.

⁴⁹⁰ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 29-30.

⁴⁹¹ GALA, AM2798, Ivan Toms. Ivan Toms, "First Draft - The Trial of Being Gay", 4.

⁴⁹² GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 29.

⁴⁹³ GALA, AM2798, Ivan Toms. Anso Thom, "Tributes Pour in for Ivan Toms", *The Cape Times*, 26 March 2008 and Ivan Toms. "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign, and Me". 259-260, 263.

branch. As an executive member of this branch, he was responsible for enacting the ECC's activities and campaigns within his region, which the ECC's National Committee planned and coordinated.⁴⁹⁴ In 1986, the ECC conducted the "Working for a Just Peace" campaign, where members worked in both black and white communities to be of service, including involvement in building projects.⁴⁹⁵ Towards the end of 1986, the priority of the ECC turned from overt campaigning to one of support through assisting outspoken objectors and those in hiding. In 1987 and 1988, it embarked on a campaign called "Know Your Rights", which equipped school leavers and young men with knowledge on how to approach their conscription and inform them of their options.⁴⁹⁶

In 1987, Toms also embarked on speaking tours to various places in South Africa, including different universities, to publicise his objection to performing military service.⁴⁹⁷ In addition, ECC distributed materials, such as pamphlets, concerning Toms's objection⁴⁹⁸ and produced media coverage on these issues,⁴⁹⁹ with much of the material heavily referencing Toms's Crossroads experiences.⁵⁰⁰ In August 1987, Toms joined a group of 23 objectors independent of the ECC and other organisations and groups protesting conscription.⁵⁰¹ They delivered their joint statement of refusal to serve to army headquarters in Cape Town.⁵⁰² Their statement highlighted their refusal to participate in what they felt was a civil war

⁴⁹⁴ Catholic Institute for International Relations. "The End Conscription Campaign", *Out of Step*. (London: CIIR, 1989), 89-91.

⁴⁹⁵ Catholic Institute for International Relations. "Working for a Just Peace", *Out of Step*. (London: CIIR, 1989), 105-106.

⁴⁹⁶ Janet Cherry. "The End Conscription Campaign in South Africa: War Resistance in a Divided Society". *History Compass*. (2011, 9: 5), 359-360.

⁴⁹⁷ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 21.

⁴⁹⁸ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Ivan Toms. "Why I Refuse to Serve in the SADF", n/d and Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. "Conscripts Need Alternatives: Support Ivan Toms", Pamphlet, n/d.

⁴⁹⁹ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Clare Harper, "Objector to Report for Duty but Not to Serve", *The Cape Times*, 12 November 1987.

⁵⁰⁰ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Ivan Toms, "A Change of Heart: Experiences in the Crossroads Clinic", n/d.

⁵⁰¹ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Staff Reporter, "23 Refuse Publicly to Serve in SADF", *The Cape Times*, 4 August 1987.

⁵⁰² Catholic Institute for International Relations. "The New Wave of Objectors", *Out of Step*. (London: CIIR, 1989), 126 and GALA, AM2798, Ivan Toms. "We Won't Go to SADF", n/d.

against their fellow black South Africans, which went against their morals. They also refused to serve in the SADF, which they characterised as the central pillar upholding the apartheid regime.⁵⁰³ In commenting on and publicly supporting the 23 objectors' stands, the ECC challenged the government to allow alternative service for conscripts that was morally and socially acceptable.⁵⁰⁴

At the time, we must remember that there was much upheaval going on in South Africa, as the sheer number of activists and anti-apartheid organisational activities combined to challenge the apartheid system and make the country ungovernable. In reaction, draconian States of Emergency were implemented by the apartheid government at various points in the mid-to-late-1980s to suppress any person or organisation it deemed fit. As a result, the ECC drew the ire of the apartheid regime, as their campaigns were negatively influencing military conscription and effectively targeting the white minority to change their minds on the conscription issue, which threatened to undermine the state's power base.⁵⁰⁵

As a result, the ECC became a prime target of the State of Emergency. The government attempted a crackdown on the ECC by prohibiting statements deemed subversive, which challenged military conscription, and secondly, it arrested and detained ECC activists. The ECC was also targeted by a relentless smear campaign using pamphlets and posters. This included, for example, claims that this organisation was "Communist" or "Marxist" and linked with the radical Irish Republican Army.⁵⁰⁶ The Defence Act of 1983

⁵⁰³ Judith Patricia Connors. "Empowering Alternatives: A History of the Conscientious Objector Support Group's Challenge to Military Service in South Africa". (Masters diss., University of KwaZulu-Natal, 2008), 92.

⁵⁰⁴ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Staff Reporter, "23 Refuse Publicly to Serve in SADF", *The Cape Times*, 4 August 1987.

⁵⁰⁵ Daniel Conway. *Masculinities, Militarisation and the End Conscription Campaign: War Resistance in Apartheid South Africa*. (Manchester and New York: Manchester University Press, 2012), 51.

⁵⁰⁶ Catholic Institute for International Relations. "Introduction". *Out of Step*. (London: CIIR, 1989), 112-113.

also increased imprisonment for refusing to serve to six years. However, despite these measures, resistance to conscription continued to grow.

While all this was happening, Toms received another SADF call-up notice scheduled to start in July 1987. Although he was notified, just five days before he was due to report, his call-up was cancelled, apparently due to the SADF having enough doctors to serve during that call-up period, it highlighted a pattern of harassment.⁵⁰⁷ Indeed, during the 1980s, Toms received several call-ups with last-minute cancellations or postponements, which kept him on edge but did not dissuade him from his objection.⁵⁰⁸

These examples of harassment were not isolated incidents. Harassment and smear campaigns against Toms had occurred since 1983, when he first publicly stated his objection to national service. Targeted by the SADF's "dirty tricks" department that operated from the Castle in Cape Town, Toms noted how they also "weaponised" his sexuality to discredit him in the court of public opinion.⁵⁰⁹ They hoped the public would turn on him if they knew he was gay.⁵¹⁰ Homophobia was one of the methods used to stigmatise conscientious objectors by defaming their personal lives. They sought to cast them as effeminate and cowards to undermine their masculinity and label them as "sexual deviants".⁵¹¹ In so doing, they tried to nullify their political message and undermine the stand of the ECC amongst their liberal support base.⁵¹² Posters placed in and around Cape Town, including on-street poles and billboards, bore slogans such as "ECC Does It from Behind", "The ECC Believes in Fairy Tales", and "ECC Home Perverts".⁵¹³

⁵⁰⁷ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 100-101.

⁵⁰⁸ Hoad, Reid and Reid, *Sex and Politics in South Africa*, 92.

⁵⁰⁹ Ivan Toms. "Ivan Toms is a Fairy? The South African Defence Force, the End Conscription Campaign, and Me". *Defiant Desire*. Mark Gevisser and Edwin Cameron eds. (New York: Routledge, 1995), 258.

⁵¹⁰ GALA, AM2798, Ivan Toms. Ivan Toms, "First Draft - The Trial of Being Gay", 3.

⁵¹¹ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 145.

⁵¹² GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 19.

⁵¹³ Catholic Institute for International Relations. "Harassment of ECC", *Out of Step*. (London: CIIR, 1989), 113 and Toms, "Ivan Toms is a Fairy?", 258.

Arguably, Toms endured the most withering personal attacks.⁵¹⁴ The harassment escalated in 1985. On 29 October, he was detained by the security police, who confiscated documents and questioned him for several hours regarding his work for the ECC before releasing him.⁵¹⁵ In July 1986, he barely evaded serious injury when a wheel came off his car while driving because someone had loosened the tyre nuts. In the early months of 1987, his car was advertised for sale without his knowledge, unauthorised magazine subscriptions were taken out in his name, and pig manure was dumped on his doorstep. Black-painted condoms with anti-gay messages were sent to him as well. In addition, his car tyres were slashed, and his car was graffitied with homophobic language. His home and other places were also tarnished with slogans such as “Toms is a Moffie Pig”, “Ivan Toms Fucks Young Boys”, “Toms Does it Rectally” and “Ivan Toms is a Fairy?”⁵¹⁶ Toms even had to resort to installing chicken wire on his home windows to protect against petrol bombs and at one point received around 25 obscene, threatening or abusive phone calls a day.⁵¹⁷ Toms believed that many of these incidents, which occurred throughout 1987, sought to force him to accept call-ups or scare him into leaving the country.⁵¹⁸ They succeeded in doing neither.

However, the SADF were not the only entity concerned about Toms’s sexuality. Certain members of the ECC executive also struggled initially to come to terms with Toms’s openly gay stance. During the first few weeks when Toms joined the ECC, his sexuality initiated a fierce debate within this organisation. This was because Toms wanted to include in his statement of reasons for objecting to military service the oppression he experienced as a

⁵¹⁴ Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 145.

⁵¹⁵ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. “Curriculum Vitae of Lieutenant Ivan Peter Toms (Medical Doctor)”, 3 and Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Anthony Robinson, “Activists Arrested in Cape Town Area Crackdown”, *The Financial Times*, 30 October 1985.

⁵¹⁶ Toms, “Ivan Toms is a Fairy?”, 258.

⁵¹⁷ GALA, AM2798, Ivan Toms. Peter Tatchell, “Campaign of Dirty Tricks by Apartheid Regime”, *The Pink Paper*, 14 April 1988.

⁵¹⁸ GALA, AM2798, Ivan Toms. Sapa, “Harassment of a Conscientious Objector”, *The Natal Witness*, 4 November 1987.

gay man. However, the Western Cape ECC branch ruled that Toms must exclude all mention of his sexuality, which he had to accept if he wanted to remain a part of this organisation.⁵¹⁹ The ECC worried that Toms's advocacy for gay rights would detract from the ECC's principal task of combating conscription. They were also concerned that homophobic members of the white community would reject him and, by extension, the ECC.⁵²⁰ This resistance by the ECC highlighted the suppressed homophobia in liberal political organisations at the time. It also led to discord with Toms's other affiliated group, OLGA, which had initially helped with his campaign, including some members joining the ECC to strengthen their efforts.⁵²¹ Some OLGA members argued that he was letting down the LGBTQ community by suppressing his sexual identity, which did not help their cause.⁵²² This situation highlighted the unenviable position Toms found himself in because of different parts of his identity and activist interests.

His Arrest, Detention and Trial

Towards the end of 1987, when Toms received another call to attend a one-month training camp, which was to start on 12 November 1987, again, Toms notified the SADF that he refused to perform military service.⁵²³ Once more, Toms cited his work in Crossroads and Khayelitsha (as part of the SACLA Health Project) amongst disadvantaged black South African communities as his "true" national service.⁵²⁴ He also mentioned that this call-up was

⁵¹⁹ GALA, AM2798, Ivan Toms. Ivan Toms, "First Draft - The Trial of Being Gay", 4.

⁵²⁰ Hoad, Reid and Reid, *Sex and Politics in South Africa*, 77 and Toms, "Ivan Toms is a Fairy?", 259-260.

⁵²¹ Toms, "Ivan Toms is a Fairy?", 259-260.

⁵²² GALA, AM2798, Ivan Toms. Ivan Toms, "First Draft - The Trial of Being Gay", 4.

⁵²³ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Dale Lautenbach and Jeremy Dowson, "Toms Refuses to Serve, Arrested", *The Argus*, 12 November 1987.

⁵²⁴ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. "Bishops Call for Draft Law Changes", *The New Nation*, 12 November 1987 and GALA, AM2798, Ivan Toms. Staff Reporter, "Objector Toms Does 'True National Service'", *The Argus*, 11 November 1987.

disruptive to his mental health and the communities he worked with at the time in Khayelitsha.⁵²⁵

As the date approached, Toms worried about whether there would be another possible postponement of the call up, as there had been in the past, or whether this time, he faced the prospect of prison, which entailed a four-year term for objecting to military service. He was also anxious about his intention to report, a necessity for all military conscripts, to prevent being charged for failure to report, which had happened to a fellow objector Philip Wilkinson.⁵²⁶ On the day he was due to report, Toms first attended an early morning special prayer service at 7:00 am at St George's Cathedral, where around 200 people came to show support for Toms. At 8:00 am, joined by his lawyer, a co-founder of the ECC Mike Evans, and Reverend John Freeth, he reported to his unit, 3 Medical Battalion in Goodwood, and informed Captain Stanley Russel, the military authority there, that he refused to perform the 20-day camp he had been called up for. Russell then asked Toms if he wanted to apply for religious objector status, which Toms declined.⁵²⁷ Toms believed that the Board for Religious Objection parameters were too narrow and would exclude him.⁵²⁸

As a result, Toms was arrested by the SADF, escorted to the Goodwood Magistrates Court and charged with contravening Section 126A (1) a of the Defence Act No. 44 of 1957.⁵²⁹ This section stipulated that any person liable to render military service when called up but refused to do so was guilty of an offence and liable to conviction on the maximum calculation of one and a half times the amount of service the conscript was still required to

⁵²⁵ GALA, AM2798, Ivan Toms. Dale Lautenbach, "Objector Willing to Serve in 'Just War'", *The Argus*, 11 November 1987.

⁵²⁶ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. "Ivan Toms Will Report for Army Camp- With his Lawyer at His Side", *The Star*, 10 November 1987.

⁵²⁷ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 26.

⁵²⁸ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Sapa, "Unexpected Turn Leads to Toms Conviction", 2 March 1988.

⁵²⁹ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 26.

serve.⁵³⁰ In Toms's case, the total time was 31 and a half months, or roughly two years, six months. After he was charged, the SADF released Toms and gave him a date on which he had to return to court for his "Plea and Trial".⁵³¹ On 30 November, Toms's plea to the charge was not guilty. After his plea, he was released on bail, which allowed him to continue his work for the SACLA health project in Khayelitsha until his trial began.

Toms's arrest and prosecution was not an isolated incident. Around this time, other conscientious objectors, and members of the ECC were arrested and tried. Conscientious objector Philip Wilkinson had been arrested for refusing to render service in reaction to troops entering a township near his home. He was the first to be tried in 1987 under the legislation of the 1983 Defence Amendment Act and was subsequently ordered to pay a R600.00 fine to avoid a prison sentence.⁵³² Conscientious objector David Bruce, the first conscientious objector to refuse on political grounds, was tried in 1988 and handed the maximum sentence of six years for failing to render any service.⁵³³ Charles Bester was the youngest objector to be tried and he too was given the maximum six-year sentence.⁵³⁴ Janet Cherry was an activist who was heavily involved with anti-apartheid groups such as the ECC, NUSAS, the Black Sash and the UDF. In the 1980s, she was arrested and detained four times without having committed an offence.⁵³⁵

In the three months leading up to the trial, the ECC and other regional affiliated support groups publicised and lent their support to Toms's stand as a conscientious objector,

⁵³⁰ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State: Annexure A".

⁵³¹ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Dale Lautenbach and Jeremy Dowson, "Toms Refuses to Serve, Arrested", *The Argus*, 12 November 1987.

⁵³² Catholic Institute for International Relations, "The New Wave of Objectors", 124-125 and Conway, *Masculinities, Militarisation and the End Conscription Campaign*, 50-51.

⁵³³ Catholic Institute for International Relations, "The New Wave of Objectors", 126-127.

⁵³⁴ Catholic Institute for International Relations, "Banned", 131.

⁵³⁵ "Janet Mary Cherry", *SA History Online*, <https://www.sahistory.org.za/people/janet-mary-cherry> (Accessed on 16 June 2022).

as did fellow conscientious objectors and members of the “23”.⁵³⁶ He also received letters of support in the days leading up to his trial, most notably from Nan Cross, a stalwart in ending conscription, who had helped to found the Consciousness Objector Support Group in 1980 and the ECC in 1983.⁵³⁷ Before the commencement of his trial, vigils were also held in support of Toms at places such as St Martin’s-in-the-Veld Anglican Church in Rosebank, Johannesburg.⁵³⁸

The case of Ivan Peter Toms v The State began on 29 February 1988 and took place at the Wynberg Magistrate’s Court in Cape Town, lasting five days. The trial was presided over by Magistrate A.P. Kotze, whilst the State Prosecutor was J.P. Marais. Toms’s legal counsel was Advocate Edwin Cameron, a friend, fellow gay rights activist, and future judge of the Constitutional Court in post-apartheid South Africa. Advocate Cameron, an experienced and prominent lawyer regarded as one of the best legal practitioners of his day, had defended ANC activists charged with treason, argued the cases of other conscientious and religious objectors, and had experience defending people in land tenure, forced removals, and LGBTQ equality cases, for which he was well known.⁵³⁹ Cameron was also noted for his critique of apartheid era judges and judiciary, such as challenging decisions in security cases, and criticising the judiciary for perpetuating oppression and circumventing justice.⁵⁴⁰ Toms’s

⁵³⁶ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms: Tracy Clayton, Press Release, “Ivan Toms-Conscientious Objector”, *End Conscription Campaign*, 26 October 1987; Johannesburg Conscientious Objector Support Group, “On Trial for His Conscience”, Statement, n/d; Facing the Call-Up: Support C.O. Dr Ivan Toms, Flyer, n/d; End Conscription Campaign, “We declare our support for the stand taken by Ivan Toms...”, Written Statement, n/d.

⁵³⁷ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. “Letter addressed to Ivan Toms from Nan Cross”, 28 February 1988 and Connors, “Empowering Alternatives”, 221.

⁵³⁸ Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. End Conscription Campaign, “Vigil to Support Ivan Toms on Trial as a Conscientious Objector”, Flyer, n/d.

⁵³⁹ “Justice Cameron”, *The Constitutional Court of South Africa*, <https://www.concourt.org.za/index.php/11-former-judges/179-justice-cameron-2> (Accessed on 4 May 2022).

⁵⁴⁰ Staff Reporter, “Legal Academic Calls on Judges to Resign”, *Mail and Guardian*, <https://mg.co.za/article/1987-08-07-00-legal-academic-calls-on-judges-to-resign/> (Accessed on 29 July 2022) and Shaun De Waal, “Judge who Lives with Aids”, *Mail and Guardian*, 29 April 1999.

original lawyer, Mike Evans, who represented the firm of Mallinck, Ress, Richman and Closenber, assisted Cameron with the Defence.⁵⁴¹

The trial began with the Prosecution setting out its case against Toms. It called on several witnesses to testify that Toms's stance as a conscientious objector contravened Section 126A (1) a of the Defence Act. These included various military people, such as Captain Stanley Russell, the personnel officer for the 3 Medical Battalion, to which Toms had been conscripted, as well as several doctors who worked for the military, such as Dr Johan Theron Nel, who headed the 3 Medical Battalion from 1981 to April 1987, and Dr Nikolaas Liebenberg, who had taken over command of this Battalion in May 1987.⁵⁴² It also scrutinised Toms's military history with the SADF, including the number of days he had been credited with in terms of military service and his call-up history.⁵⁴³

After the Prosecution presented its case, Toms's Advocate, Edwin Cameron, immediately closed the Defence's case. Cameron stated that he would not attempt to dispute the Prosecution's case, which led to the Magistrate's verdict of "Guilty as Charged". Immediately after the judgment, Cameron asked the court permission for Toms to speak before his sentencing, which the Magistrate granted.⁵⁴⁴ As discussed earlier, Toms discussed his experiences and reasons for objecting to doing military service. During the opportunity to cross-examine Toms, the Prosecutor questioned many things about Toms's life, including his Christian beliefs, his views on the SADF, his medical work, his ECC and gay rights activism, and his experiences of harassment.⁵⁴⁵

⁵⁴¹ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 1.

⁵⁴² Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 1-12 and 47-55.

⁵⁴³ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 23-44 and Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Sapa, "Not Guilty Plea by Doctor Charged with Refusing Army Service", *The Star*, 1 March 1988.

⁵⁴⁴ Wits, HPC, AG1977, ECC, Sapa, "Unexpected Turn Leads to Toms Conviction", no publication, 2 March 1988 and Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 62-63.

⁵⁴⁵ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 91-124.

After Toms answered the Prosecutor's questions, Advocate Cameron called on further witnesses to give evidence, which the Defence hoped would mitigate Toms's sentence. Several people testified about the vital work done by Toms in under-serviced communities and about his character. These included, for example, Anglican Bishop David Russell, who had interacted with Toms through his Crossroads clinic work and work for the Anglican Church;⁵⁴⁶ and Toms's Parish priest, Reverend John Freeth, who had known Toms from his university days. Many of these witnesses also brought up the issue of the overly restrictive parameters of the Board of Religious Objection, which disqualified a person like Toms from gaining exemption through this Board for military service.⁵⁴⁷

After hearing the closing arguments, Magistrate Kotze delivered his verdict, expressing sympathy for Toms. Kotze noted in his sentencing that imprisoning Toms was a tremendous loss to the community where he worked, as he was offering an invaluable service there. He said, "You are not a criminal. In fact, you are just the opposite, you have always been an asset to society in the services you have rendered".⁵⁴⁸ However, although the Magistrate expressed sympathy for Toms, he ultimately fell on the Prosecution's side, stating that the law was clear on the issue and that the mandatory sentence had to be given to individuals like Toms who refused to render military service.⁵⁴⁹ Considering Toms's prior military service and what he still owed, the Magistrate sentenced Toms to 630 days imprisonment.⁵⁵⁰

⁵⁴⁶ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 126-140; Toms, "Ivan Toms is a Fairy?", 261 and Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Tony Spencer-Smith, "The Toms Trial", *The South African*, n/d.

⁵⁴⁷ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 143-154 and Toms, "Ivan Toms is a Fairy?", 262.

⁵⁴⁸ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 230 and Toms, "Ivan Toms is a Fairy?", 262.

⁵⁴⁹ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 228-229.

⁵⁵⁰ Wits, HPC, AK2213, Political Trials. "Ivan Peter Toms v the State", 230-231, Toms, "Ivan Toms is a Fairy?", 262 and Wits, HPC, AG1977, ECC, Conscientious Objection, Ivan Toms. Sapa, "Conchie Gets 630-Day Sentence", *The Citizen*, 3 April 1988.

His Imprisonment

After the trial, Toms was taken to Pollsmoor Prison in Cape Town. He was taken to Section C, the section for white male prisoners with the least privileges afforded to them. He recalled that it stank and was overcrowded. The communal cells had over 30 prisoners each, with shutters on the doors, which let in almost no air and light.⁵⁵¹ Toms noted that there was nothing worse than hearing the doors locked behind him when he entered prison. He recalled that there was a constant sound of locking and unlocking of doors, gates, and grills, which, even after he left prison, still haunted him. He also remembered that the prison wardens would double lock the gate and door to his cell at 15:30 each afternoon, leaving him in his 8-by-4-foot cell until the next morning.⁵⁵² He spent the first two days of his sentence in a communal cell, then was moved per his request to a single cell, where he remained for the rest of his sentence.⁵⁵³

Toms was allowed out to exercise for only one hour per day, was allotted one hour for shower time and time for meals in the communal canteen, but otherwise, he was locked up in his cell.⁵⁵⁴ He described the prison food as “disgusting” as it alternated between boiled cabbage, soya mince and what he termed “landmine chicken” because it looked like it had exploded when cooked.⁵⁵⁵ All he had in his cell was a toilet, a small bed, and a little steel trunk. He had a lot of time to himself and could finish his Theology degree with UNISA, did yoga in his cell, and spent a lot of time watching the clouds above Devil’s Peak. He also recalled spending a lot of time in prayer. Toms realised the value of what it meant to have

⁵⁵¹ GALA, AM2798, Ivan Toms. Gaye Davis, “After the ‘Landmine Chicken’, A Glass of Wine”, *Human Rights Focus*, n/d.

⁵⁵² GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 23.

⁵⁵³ GALA, AM2798, Ivan Toms. “Statement of Ivan Peter Toms”, 28 March 1989, 1.

⁵⁵⁴ GALA, AM2798, Ivan Toms. “Statement of Ivan Peter Toms”, 28 March 1989, 1.

⁵⁵⁵ GALA, AM2798, Ivan Toms. Gaye Davis, “After the ‘Landmine Chicken’, A Glass of Wine”, *Human Rights Focus*, n/d.

freedom, which he compared to health, as he argued its importance was not truly known until it was gone.⁵⁵⁶

In prison, it did not matter that Toms was a conscious objector, as he was treated as a common criminal and placed with rapists and murderers. He attempted to get a transfer to Pretoria Central, where the state often sent political prisoners. Still, his request was twice rejected by the Commissioner of Prisons, with no reasons given.⁵⁵⁷ Toms was also not permitted to use his skills as a doctor whilst in prison, except on one occasion when a fellow inmate tried to hang himself in his cell. When the warders asked for his help, Toms managed to resuscitate him.⁵⁵⁸

In prison, the authorities, who knew he was gay, tried to tempt him to do something to break the law that forbade sodomy. Zackie Achmat has examined how the legal position on sodomy was achieved over time, as homosexuality became seen historically by policy makers, theologians, psychiatrists and criminologists as an “unnatural vice”.⁵⁵⁹ He also considers how prisons were complex sites where men from South Africa’s white ruling class tried to passivize the “criminal” male body, but also how male prisoners used single sex prison sites to regain some semblance of power by subordinating weaker (e.g. physically, or with few supporters in prison) male prisoners.

When Toms arrived at Pollsmoor, he learnt of prisoners known as “queens”. They would take on a feminine role by shaving their legs, changing their names, and behaving in a feminine manner so that a “hawk” or “mannetjie” (males) would take one of these prisoners as a “wyfie” (wife) or “haasie” (little rabbit). The hawk or mannetjie would get a sexual

⁵⁵⁶ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 24.

⁵⁵⁷ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 27-28 and Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms. Letter from Ivan Toms to the ECC, his support group and his friends, 9 January 1989.

⁵⁵⁸ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 27.

⁵⁵⁹ Zackie Achmat. “‘Apostles of Civilised Vice’: ‘Immoral Practices’ and ‘Unnatural Vice’ in South African Prisons and Compounds, 1890–1920”. *Social Dynamics*. (1993, 19:2), 98, 99, 101-102.

release from these prison “relationships” while the wyfie or haasie would get protection.⁵⁶⁰ These prison relationships, whilst appearing homosexual, were intricate and governed by various rules containing social elements. These homosexual practices concerned power, bodies, and desires.⁵⁶¹ These rules were primarily enforced and upheld by the notorious “Numbers” gangs, which subverted gender roles and gender identities. Prisoners, through practices of assessing gender other than physical traits by a specified prisoner called the “Medical Doctor”, would be divided into “men” and “women”, and therefore into dominants and subordinates. Generally according to the rules, the prisoner would be confined to the female or subordinate role once they submitted to sex or penetration occurred. Usually, older, or high-ranking men in the gangs took “wyfies”, who would be expected to clean the dominant male’s cell and provide sex. In return, the “manneljie” would provide protection and material benefits in prison life for his “wyfie”.⁵⁶²

Although Toms noted his refusal to partake in such relationships, preferring to keep to himself, he recalled an incident when the security police once placed a prisoner in his cell to tempt him into having sex with him. Although he did many things, including stripping down to tempt Toms, Toms did not fall for it as he thought the man might be an informer sent to report on “acts of sodomy” to the authorities. He refused to crack, and the man was removed from his cell after four days.⁵⁶³

Whilst Toms’s time in prison was largely uneventful, he remembered one incident that shook him deeply. On 28 June 1988, another inmate physically assaulted Toms. The inmate, Daniel Knipe, was well known at Pollsmoor Prison for having a violent streak,

⁵⁶⁰ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 26-27 and GALA, AM2798, Ivan Toms. Ivan Toms, “First Draft - The Trial of Being Gay”, 6.

⁵⁶¹ Achmat, ““Apostles of Civilised Vice”, 98, 99, 101-102.

⁵⁶² Sandra Gear, “Rules of Engagement: Structuring Sex and Damage in Men's Prisons and Beyond”, *Culture, Health & Sexuality*, (2005, 7: 3). 195-203.

⁵⁶³ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 26-27 and GALA, AM2798, Ivan Toms. Ivan Toms, “First Draft - The Trial of Being Gay”, 6.

psychological problems and being sexually promiscuous, which landed him in a straitjacket and solitary confinement on several occasions.⁵⁶⁴ In the days leading up to the assault, Toms and Knipe had had a heated argument because Toms had complained to the warden about the loud, vulgar noises that Knipe made in his cell, which was located near Toms. As a result, Knipe retaliated one morning during their shared bath time by grabbing Toms's backside and making lewd comments which suggested he wanted to rape him. This was a continuation of the day before, when Knipe had pinned Toms against a wall of the bathroom and had thrust his pelvis at him. Fortunately for Toms, a warder stopped that potential assault.⁵⁶⁵

On this occasion, a fight broke out, where Toms and Knipe shared blows until other prisoners and warders separated them. However, once the fight started, all Toms could do was cover his face and shout for help, as Knipe, became, according to Toms, like a fearsome "wild animal" who struck him repeatedly.⁵⁶⁶ Knipe was eventually pulled off Toms by his fellow inmates and prison warders. Toms received many injuries, including a deep gash under his eye, and Knipe was sent to solitary confinement for initiating the fight. After the attack, Toms expressed surprise at his engagement in a fight, believing it to be a culmination of the homophobia he endured and his deprivation of freedom in his first four months of imprisonment.⁵⁶⁷

However, despite Toms's complaints, Knipe was eventually returned to his prison cell and given the same bath time as Toms. He was only removed once the incident had been publicised in the media by a member of the prison services. Knipe's targeted attacks on Toms were likely an attempt to make him submit, and to force him to become Knipe's "wyfie". If

⁵⁶⁴ GALA, AM2798, Ivan Toms. "Statement of Ivan Peter Toms", 28 March 1989, 2-3 and Toms, "Ivan Toms is a Fairy?", 262.

⁵⁶⁵ GALA, AM2798, Ivan Toms. "Statement of Ivan Peter Toms", 28 March 1989, 3-4 and Toms, "Ivan Toms is a Fairy?", 262.

⁵⁶⁶ Toms, "Ivan Toms is a Fairy?", 263.

⁵⁶⁷ GALA, AM2798, Ivan Toms. "Statement of Ivan Peter Toms", 28 March 1989, 4-5; Toms, "Ivan Toms is a Fairy?", 262-263 and GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 26-27.

the dominant male met continued resistance, such as the case with Knipe and Toms, violence usually broke out.⁵⁶⁸

After the leak of the incident to the media, Toms was subsequently moved to Section B of the prison in late July 1988. This prison section was also for white prisoners, but the cells and conditions were better. Whilst there, Toms enjoyed more privileges such as cells staying open for longer, he got more time outdoors and could play rugby and even table tennis on Saturday mornings. Although he did not have access in this section to television, magazines, newspapers, or tea, coffee or sweets, he was allowed to spend R50.00 on toiletries and cigarettes. Other privileges included an allowance of 25 non-contact visits of two people half an hour in length per year, as well as writing and receiving 32 letters, 12 Christmas cards and 12 so-called “other” cards.⁵⁶⁹

Whilst in Section B of this prison, he received an endless stream of support via written correspondence and visits from gay and lesbian organisations and individuals, as well as his friends and family.⁵⁷⁰ Four months after his physical assault, a special session in the prison courtroom was convened to investigate the incident. Knipe was ultimately found guilty of assault with intent to do “grievous bodily harm” and was sentenced to 30 days of observation in a mental institution. Toms subsequently sued the Minister of Justice for failing to protect him as he was a political prisoner, which was later settled out of court.⁵⁷¹

Conclusion

For approximately four years, from 1985 to 1988, Toms underwent possibly the most traumatic period of his life. The Witdoeke attacks in the Crossroads community were among

⁵⁶⁸ Sandra Gear, “Rules of Engagement: Structuring Sex and Damage in Men's Prisons and Beyond”, *Culture, Health & Sexuality*, (2005, 7: 3). 199.

⁵⁶⁹ GALA, AM2798, Ivan Toms. Gaye Davis, “After the ‘Landmine Chicken’, A Glass of Wine”, *Human Rights Focus*, n/d.

⁵⁷⁰ GALA, AM2798, Ivan Toms. Ivan Toms, “First Draft - The Trial of Being Gay”, 8.

⁵⁷¹ GALA, AM2798, Ivan Toms. Gaye Davis, “After the ‘Landmine Chicken’, A Glass of Wine”, *Human Rights Focus*, n/d and GALA, AM2798, Ivan Toms. Ivan Toms, “First Draft - The Trial of Being Gay”, 7-8.

the worst he had seen and dealt with in the clinic. The clinic he had built and run for six years was taken away from him by the SADF, the military body he abhorred. He was able to turn this around, however, as he and the other clinic members formed a new health service focused on training community health workers to administer medical services in their communities. Toms also became involved in LGBTQ activism, though this proved a challenge when its objectives conflicted with the ECC's. Toms endured vicious harassment and slander by the SADF and the government, who attempted to intimidate him and undermine his stand and the ECC's message. This included using his homosexuality against him. Eventually, in November 1987, Toms was arrested for refusing, once again, to render military service. This led to his trial in 1988, where he was sentenced to 630 days imprisonment in Pollsmoor Prison, where he survived an assault and attempted rape by an inmate. The next chapter will cover Toms's appeal and subsequent release from prison, his life after prison, his HIV/AIDS activism, his work as a doctor in the newly democratic South Africa and his life as a government minister.

Chapter 6:

Life, Activism and Work after Prison

During the latter 1980s, Toms's activism as a conscientious objector culminated in his trial and imprisonment in 1988. This chapter considers his appeal, which he won towards the end of 1988. It also examines the last few years of the existence of the ECC in the late 1980s and early 1990s, leading up to the transition to South Africa's democratic dispensation in 1994. The latter part of this chapter discusses Toms's life after prison, including how he re-joined the SACLA Health Project in 1989 and became, in the early 1990s, the national coordinator for the National Progressive Primary Health Care Network (NPPHCN), responsible for developing a national HIV/AIDS programme. Furthermore, it discusses how he became Director of the Student's Health and Welfare Organisation (SHAWCO), a non-governmental organisation linked to UCT, and his local government work eventually became Cape Town's Director of Health.

Toms's Appeal

After Toms's trial ended on 4 March 1988, Toms asked his lawyers to appeal his sentence of 630 days for refusing to render military service. The appeal was heard on 24 October 1988 in the Cape Town Supreme Court.⁵⁷² The appellant's argument was based on two parts. The first was Toms's sentence as specified in Section 126A (1) a. The second was whether or not the sentence given in Section 126A (1) a was mandatory. Justice Foxcroft, who presided over the appeal, dealt with the second issue first and stated that the 18 months must be the first sentence given, then the one and a half times the outstanding service if applicable. As a result, he upheld the state's argument for a mandatory sentence for Toms's imprisonment. Justice Foxcroft then turned to the first part of the appeal, which was the calculation of Toms's sentence. Justice Foxcroft determined that Toms should have been

⁵⁷² University of the Witwatersrand (Wits), Historical Papers Collection (HPC), AG1977, ECC Conscientious Objection, Ivan Toms. Letter from Ivan Toms to the ECC, his support group and his friends, 9 January 1989.

credited with 60 days. According to the calculation in Section 126A (1) a, 60 multiplied by one and a half gave 90, which reduced Toms's sentence to 530 days from his original sentence. As 18 months was the greater of the sentences, Toms's sentence was reduced from 21 months to 18 months.⁵⁷³ However, he would only have to serve half of that time, as he was released from prison on bail at the end of 1988.⁵⁷⁴

Whilst Toms had won a victory regarding his sentence, he had lost his main point regarding mandatory sentencing. They again appealed this matter in the Appellate Division in August and September 1989 in Bloemfontein. This had significance, as this decision would be a precedential case, and have a bearing on the cases of other conscientious objectors such as Charles Bester and David Brice, discussed in the previous chapter, who were serving full six-year prison sentences. Ultimately, on 27 February 1990, the appeal was successful, as the Appellate Division ruled that the Defence Act did allow for discretion when sentencing conscientious objectors and concluded that the objectors who were in prison with maximum sentences should be reassessed. The Appellate Division's decision, with its new ruling that objectors should receive parole on their sentences, meant that the prisoners who were either in prison or out on bail, such as Ivan Toms, Charles Bester, and David Bruce, were released and their sentences over.⁵⁷⁵

The Banning of the ECC

While Toms was imprisoned, the apartheid government turned its oppressive gaze on the ECC. Due to the ECC's growing influence with its public campaigns, such as "Know Your Rights", its Alternate Service campaign and the mass of objectors' collective stands, the

⁵⁷³ Wits, HPC, AG1977, ECC Conscientious Objection, Ivan Toms: The South African Law Reports 1989, S v Toms, 568-569 and Letter from Ivan Toms to the ECC, his support group and his friends, 9 January 1989.

⁵⁷⁴ GALA, AM2798, Ivan Toms. Gaye Davis, "After the 'Landmine Chicken', A Glass of Wine", *Human Rights Focus*, n/d.

⁵⁷⁵ Judith Patricia Connors. "Empowering Alternatives: A History of the Conscientious Objector Support Group's Challenge to Military Service in South Africa". (Masters diss., University of KwaZulu-Natal, 2008), 103.

government felt the need to silence the ECC.⁵⁷⁶ This need increased after the imprisonment of Ivan Toms and David Bruce, which caused a mass outcry and garnered further support for the objector campaign. In August 1988, the Minister of Law and Order, Adriaan Vlok, banned the ECC.⁵⁷⁷ It was the first and only white organisation to be banned outright and the first white anti-apartheid organisation to be banned in 20 years.⁵⁷⁸ In his argument explaining the banning order, Vlok highlighted that the ECC represented a threat to the apartheid state by discouraging white conscripts from joining up, which it needed to defend its regime.⁵⁷⁹ It was also concerned about its potential to erode, on a broader scale, its support base, the white minority, which the apartheid state needed on its side to remain in power.⁵⁸⁰

The public response to the ECC's banning was one of outrage, with widespread protests of anger. Political organisations, such as the Progressive Federal Party Youth,⁵⁸¹ dismissed the government's reasons for the banning and labelled the government's charge that the ECC was 'subversive' as absurd. Anti-apartheid groups, such as the Black Sash, condemned the banning, stating that "the ECC has done more to create goodwill and understanding than any action by the government".⁵⁸² The ECC did not remain banned for long, as it decided to ignore the government's banning order and "unbanned" itself. As a

⁵⁷⁶ Janet Cherry. "The End Conscription Campaign in South Africa: War Resistance in a Divided Society". *History Compass*. (2011, 9: 5), 360.

⁵⁷⁷ Catholic Institute for International Relations. "Banned", *Out of Step*. (London: CIIR, 1989), 128.

⁵⁷⁸ Daniel Conway. *Masculinities, Militarisation and the End Conscription Campaign: War Resistance in Apartheid South Africa*. (Manchester: Manchester University Press, 2012), 50 and "End Conscription Campaign (ECC)", *SA History Online*, <https://www.sahistory.org.za/article/end-conscription-campaign-ecc> (Accessed on 15 June 2022).

⁵⁷⁹ Catholic Institute for International Relations, "Banned", 128-129.

⁵⁸⁰ Connors, "Empowering Alternatives", 168-169.

⁵⁸¹ "End Conscription Campaign (ECC)", *The O'Malley Archives*, https://omalley_nelsonmandela.org/omalley/index.php/site/q/031v02424/041v02730/051v03188/061v03200.htm (Accessed on 15 June 2022).

⁵⁸² Catholic Institute for International Relations, "Banned", 128-129.

result, despite facing a significant threat of arrest, its leaders continued with the ECC's operations, including joining the 1989 mass acts of defiance.⁵⁸³

Furthermore, banning the ECC did not quell the growing number of conscientious objectors. In 1989, the number of conscientious objectors grew to 771, highlighting the continued problems around conscription for the state.⁵⁸⁴ The year 1989 also proved momentous for nation-wide action, as the United Democratic Front (UDF), which had been banned in 1987,⁵⁸⁵ reorganised itself, by combining with other anti-apartheid groups and trade unions to form the Mass Democratic Movement⁵⁸⁶ to work finally to push to achieve an end to the oppressive apartheid system.⁵⁸⁷ The 1989 campaign of mass defiance the ECC participated in took place five days before the 1989 general election and was like the 1952 Defiance Campaign in scope. Various anti-apartheid groups and activists joined the UDF and the trade unions to protest the election. In retaliation, the police detained at least 100 people.⁵⁸⁸

The Early 1990s

In hindsight, the early 1990s proved crucial years for South Africa, the ECC, and Toms. For South Africa, this period saw a critical moment of transition that led to the end of the apartheid regime. In September 1989, a new President, F.W. de Klerk, took control of the National Party. Under mounting domestic and international pressure to end the oppressive apartheid system, de Klerk decided to release the African National Congress (ANC) leader,

⁵⁸³ "End Conscription Campaign (ECC)", *SA History Online*, <https://www.sahistory.org.za/article/end-conscription-campaign-ecc> (Accessed on 15 June 2022).

⁵⁸⁴ Cherry, "The End Conscription Campaign in South Africa", 360.

⁵⁸⁵ "The United Democratic Front (UDF) is Dissolved", *SA History Online*, <https://www.sahistory.org.za/dated-event/united-democratic-front-udf-dissolved> (Accessed on 15 June 2022).

⁵⁸⁶ A loose alliance of protest movements, with the main organisations being the United Democratic Front, the Coalition of South African Trade Unions and prominent clergy. See Ineke van Kessel. *"Beyond Our Wildest Dreams": The United Democratic Front and the Transformation of South Africa*. (Charlottesville: University Press of Virginia, 2000), 43-44.

⁵⁸⁷ Cherry, "The End Conscription Campaign in South Africa", 360.

⁵⁸⁸ "United Democratic Front Timeline 1983-1990", *SA History Online*, <https://www.sahistory.org.za/article/united-democratic-front-timeline-1983-1990> (Accessed on 15 June 2022).

Nelson R. Mandela, in February 1990.⁵⁸⁹ In March 1990, Namibia also finally gained its independence from South Africa, and South Africa ended its hostilities with Angola and Mozambique.⁵⁹⁰ In addition, during this year, as part of the efforts to negotiate a peaceful end to the apartheid system, President de Klerk also unbanned all anti-apartheid organisations, including, amongst others, the ANC, the Pan Africanist Congress, the South African Communist Party, the UDF and the ECC.⁵⁹¹

The early 1990s were important too for conscientious objectors. The period between 1991 and 1993, which had carried over from the second half of the 1980s, was incredibly violent, as faction fighting between the ANC and the Inkatha Freedom Party (IFP) dominated the political landscape. This stemmed from competition for power in what was soon to be the new democratic South Africa. Tensions had also been heightened by a “Third Force”, consisting of security force members who assisted both sides. This resulted in the IFP, ANC and the government becoming highly suspicious and hostile toward one another. This faction fighting had also destabilised parts of the country, such as Zululand in Natal.⁵⁹² Despite these growing tensions, the South African government, under enormous pressure to end apartheid and from conscientious objectors to end conscription, decided to relax the laws and intake for National Service.⁵⁹³ In 1990, it cut the term of military service for conscripts from two years to one year, and the prison sentence for conscientious objectors was halved, which led to the release of some imprisoned conscientious objectors.⁵⁹⁴

⁵⁸⁹ Heather Deegan. *The Politics of the New South Africa: Apartheid and After*. (Harlow, England; New York: Longman, 2001), 76.

⁵⁹⁰ Nancy Clark and William Worger. *South Africa: The Rise and Fall of Apartheid*, (Harlow, England; New York: Longman, 2011), 108.

⁵⁹¹ Cherry, “The End Conscription Campaign in South Africa”, 360-361.

⁵⁹² Heather Deegan, *The Politics of the New South Africa*, 65 and “Events Leading to the Civil War: 1990 – 1994”, *Constitutional Hill*, <https://ourconstitution.constitutionhill.org.za/south-african-constitution/negotiating-our-freedom/a-low-grade-civil-war-between-the-ifp-and-the-anc/> (Accessed on 15 June 2022).

⁵⁹³ Cherry, “The End Conscription Campaign in South Africa”, 360-361 and “Events Leading to the Civil War: 1990 – 1994”.

⁵⁹⁴ Cherry, “The End Conscription Campaign in South Africa”, 360-361.

In February 1991, the ECC, as part of its campaign, called for an end to prosecutions against conscripts who refused military service. Moreover, they called for an end to conscription based on race. Richard Steele, another prominent conscientious objector at the time, argued that repealing the 1950 Population Registration Act in 1991 rendered this racialized form of conscription null and void.⁵⁹⁵ In 1992, race-based conscription ended with an amendment to the Defence Act. In addition, the Defence Act was again amended, removing all mention of mandatory service, though compulsory conscription was still allowed during wartime. Since compulsory service ended, the SADF (renamed the South African National Defence Force in 1994) only recruited voluntarily.⁵⁹⁶ Thus, by 1993, the intake of those called up had dropped to around one-third of the number conscripted in the late 1980s, and as a result, the conscription system collapsed. The last intake of conscripts was in July 1993, with a halt to conscription in August of that year. With the birth of a democratic South Africa in 1994, the newly elected Defence Minister Joe Modise announced there would be no further prosecutions against conscripts. With that development, the ECC finally disbanded.⁵⁹⁷

The early 1990s period was also significant for Toms. After Toms was released from prison on bail at the end of 1988, he continued with the conscientious objector movement. When the ECC unbanned itself in 1989, Toms also got involved in the mass action leading up to the general election in 1989.⁵⁹⁸ He still had to wait on the outcome of his pending appeal and was ready to face prison again if it meant standing up for his beliefs. He also expressed a desire to return to what he considered “true national service”, his medical work in the townships.⁵⁹⁹

⁵⁹⁵ Cherry, “The End Conscription Campaign in South Africa”, 362.

⁵⁹⁶ Connors, “Empowering Alternatives”, 49.

⁵⁹⁷ Cherry, “The End Conscription Campaign in South Africa”, 360-361.

⁵⁹⁸ Catholic Institute for International Relations. “Introduction”. *Out of Step*. (London: CIIR, 1989), 6.

⁵⁹⁹ GALA, AM2798, Ivan Toms. Staff Reporter, “Jail has Made Me Twice as Determined”, *The Argus*, 1 December 1988.

In terms of his work life, this period was vital for Toms too. In the immediate post-prison years, Toms returned to work for the SACLA Health Project in Khayelitsha, where he helped initiate the Community Health Worker (CHW) Project. During this period, he and the other SACLA staff decided to overhaul the CHW Project. As part of the evaluation of this project, the SACLA team surveyed disadvantaged communities living in Site B (in Khayelitsha), New Crossroads, KTC (Kayenta Township Commission) township and Miller Camp to evaluate people's knowledge of health issues, including HIV/AIDS; knowledge about prevention of common diseases; and their knowledge about where to go for their health care needs. They were keen to understand the needs and issues of the areas they worked in, both socially and medically, and what such communities expected from their health care providers. They found significant gaps in people's knowledge about these issues. As a result, the SACLA staff focused on implementing a home visiting programme, where CHW would visit homes in their area to share their knowledge about preventing illness, promoting good health, and identifying people who needed further treatment. They also referred those needing additional care to nearby available health resources.⁶⁰⁰

In 1990, Toms left the SACLA Health Project to become the National Coordinator of Service Development for the National Progressive Primary Health Care Network (NPPHCN). Toms was no stranger to this organisation, having served as its first Secretary from its founding in 1987.⁶⁰¹ The NPPHCN was a larger, national, non-governmental health advocacy organisation that was aligned with the Mass Democratic Movement. It sought to undo the racially unequal and expensive hospital-focused healthcare system developed under the apartheid system by promoting primary healthcare level clinic services and a range of

⁶⁰⁰ Wits, HPC, AG3176, NPPHCN. Catherine Mathews, Di Hewitson and Hester van der Walt. "Evaluation of the SACLA Health Care Project", 1991,6-43.

⁶⁰¹ Wits, HPC, AG3176, NPPHCN. "The National Progressive Primary Health Care Network: National Executive Committee", n/d, 5.

healthcare workers, including CHWs, to provide more accessible and affordable healthcare services for all South Africans, particularly its racially disadvantaged communities.⁶⁰²

As the National Coordinator of Service Development for the NPPHCN, Toms's duties involved this organisation's general management and running. This included brainstorming, drafting and implementing strategic plans, and managing staff.⁶⁰³ He was also involved in strategizing the building of a community health-training centre in the Western Cape, training people in primary health care, and worked to bring NPPHCN members together to share their experiences.⁶⁰⁴ In addition, he prepared the NPPHCN's policies for the future democratic dispensation in the new South Africa. During the early 1990s, the NPPHCN worked with the transitional government's Ministry of Health to help bring primary health care level services to the fore in developing a new, post-apartheid national health care service.

Furthermore, during his tenure as National Coordinator, a position he held until August 1993, Toms also played a central role in helping to develop the country's National Aids Programme (NAP).⁶⁰⁵ The NAP started its work in July 1991 as a programme of the NPPHCN with fundraising, planning and consultation. Initially formed from a conference in Maputo, Mozambique, concerning health in South Africa in 1990, major progressive health organisations gathered to initiate the NAP.⁶⁰⁶ Initially, a single committee made up of a handful of people; it expanded to become a national programme with 12 regional committees and over 100 staff, many of whom were recruited from various disadvantaged communities

⁶⁰² Wits, HPC, AG3176, NPPHCN. "Health for the Rainbow Nation: The Story of the National Progressive Primary Health Care Network", n/d, 1-7.

⁶⁰³ Wits, HPC, AG3176, NPPHCN. "Constitution of the National Progressive Primary Health Care Network", 1987, 8-9.

⁶⁰⁴ Wits, HPC, AG3176, NPPHCN. "Health for the Rainbow Nation: The Story of the National Progressive Primary Health Care Network", n/d, 8.

⁶⁰⁵ GALA, AM2798, Ivan Toms. Michael Morris, "The People's Doctor who Defied the Apartheid State's Call to War", n/d.

⁶⁰⁶ Wits, HPC, AG3176, NPPHCN. "National AIDS Programme: Another Kind of Struggle", 1993, 2.

and trained as CHWs, which continued as an independent advisor to the government in its NGO capacity.⁶⁰⁷

The NAP sought to reach community groups in underprivileged rural and urban areas countrywide and to play a role in education, community mobilisation and development in disadvantaged communities. Its primary aim was to raise awareness about how to prevent HIV/AIDS and used the mass media to get its prevention message to permeate into schools, religious and other civic (or community) organisations. It also sought to target groups at risk of infection that could be used to influence their greater society. This included youth groups, women's groups, traditional healers and taxi drivers, but also groups at high risk of HIV infection, such as sex workers. CHW workers affiliated with the NAP were tasked with establishing 100 committees in various communities around the country to plan and implement HIV/AIDS awareness activities in their areas. The aim was to make people in such communities trust the information supplied by the NAP, as trained members of their communities conveyed this information to them.⁶⁰⁸

When Toms's completed his tenure with the NPPHCN in August 1993 (he remained a member of the Network), he became warden, later renamed Director, of the Students' Health and Welfare Centres Organisation (SHAWCO), the student-run NGO linked to UCT, which delivered healthcare, education, and social services to thousands of township residents.⁶⁰⁹ As discussed in earlier chapters, Toms had previously worked with SHAWCO as a UCT medical student when he worked at the Retreat Clinic in the 1970s. He continued his association with UCT in the 1980s before his arrest when he worked as a part-time lecturer in UCT's Department of Community Health. SHAWCO took fourth-year medical students to the

⁶⁰⁷ Wits, HPC, AG3176, NPPHCN. "National AIDS Programme: Six Monthly Report July to December 1993" and "National AIDS Programme Plans for 1994 to 1997", 28-29.

⁶⁰⁸ Wits, HPC, AG3176, NPPHCN. National Progressive Primary Health Care Network, "National AIDS Programme (NAP)", 1995, 16-17.

⁶⁰⁹ GALA, AM2798, Ivan Toms. Chris Calitz, "Toms Talks on SHAWCO", n/d and Marianne Thamm, "Making a Difference", n/d.

Crossroads Clinic to learn about community healthcare in this township.⁶¹⁰ Utilising his vast experience of working in the community, Toms applied his considerable knowledge, both medically and within disadvantaged communities, from the SACLA Clinic to the NPPHCN and SHAWCO, as his approach to primary healthcare was to not only to treat people medically, but also to initiate developmental work in those communities to improve people's health.⁶¹¹

As Director of SHAWCO, Toms sought to restructure this organisation, which entailed a re-evaluation of its mission, vision, and objectives, which comprised five sectors: health, welfare, education, fundraising and support services. In addition, Toms sought to ensure that SHAWCO worked with the community and that community representatives were incorporated into SHAWCO's decision-making. A 12-member council comprising six students and six staff was responsible for making the organisation's decisions.⁶¹²

Toms's role as Director was to implement the SHAWCO council's decisions, make emergency decisions when necessary and facilitate the development of staff and students working for or affiliated with SHAWCO.⁶¹³ For example, one of the many programmes Toms oversaw during his directorship, was SHAWCO mobile clinics run by UCT medical students, which operated in townships.⁶¹⁴ Toms was also instrumental in developing the Students' HIV/AIDS Resistance Programme (SHARP) with Dr Wendy Orr and other UCT staff and students.⁶¹⁵ SHARP was the first university-run HIV/AIDS peer-education programme

⁶¹⁰ Wits, HPC, AKz2213, Political Trials, "Ivan Peter Toms v the State", 66-67.

⁶¹¹ Wits, HPC, AG3176, NPPHCN. "Leading Community Worker to Head SHAWCO", *Monday Paper*, 30 August 1993.

⁶¹² GALA, AM2798, Ivan Toms. Chris Calitz, "Toms Talks on SHAWCO", n/d.

⁶¹³ GALA, AM2798, Ivan Toms. Chris Calitz, "Toms Talks on SHAWCO", n/d

⁶¹⁴ "Ivan Toms Found Dead", *Health-E News*, <https://health-e.org.za/2008/03/26/ivan-toms-found-dead/> (Accessed on 16 May 2022).

⁶¹⁵ Dr Wendy Orr was a medical practitioner who played a role in the anti-apartheid struggle by treating political prisoners and exposing their torture at the hands of the police. Orr worked in several health care settings, including the private sector, non-profit sector, and tertiary education sector. She also played a role in spearheading UCT's HIV/AIDS policy development and implementation processes and was asked by then President Nelson Mandela to be a commissioner for the Truth and Reconciliation Commission in 1996. "Wendy

developed in South Africa, which allowed UCT students to administer educational workshops around HIV/AIDS for students from various schools and higher education facilities in Cape Town.⁶¹⁶

Beyond his work in the health sector, Toms continued to involve himself in OLGA and lesbian and gay rights activism after his release from prison. In February 1990, OLGA became a UDF affiliate. The reasons for the lateness were some OLGA members' hesitancy to join the UDF and the fact that OLGA was not a mass organisation. When it eventually joined the UDF, Toms and other OLGA members attended UDF meetings and participated in anti-apartheid rallies and protests wearing OLGA T-shirts to promote their organisation and to spread awareness of gay rights issues.⁶¹⁷

OLGA and 11 other gay rights organisations also worked to pressure South Africa's early 1990s transition government to include a gender rights clause in the drafting of a new Constitution, prohibiting discrimination on the grounds of sexual orientation. Albie Sachs, a senior ANC member and future Chief Justice of the Constitutional Court, stated that the ANC legislators for the draft Constitution in 1990 were heavily influenced by the fact that anti-apartheid activists Ivan Toms and Simon Nkoli were gay and that their own comrades were affected by homophobic oppression.⁶¹⁸ However, Toms realised that provisions in the Constitution would not be enough to engender acceptance of the gay community. Acting as an OLGA spokesman in 1990, Toms stated that whilst the submissions focused on legal

Orr 2012", *Nelson Mandela University*, <https://www.mandela.ac.za/Leadership-and-Governance/Nelson-Mandela-University-Council-Award/Wendy-Orr-2012> (Accessed on 16 May 2022).

⁶¹⁶ Newsroom, "Tribute to Ivan Toms", *UCT News*, <https://www.news.uct.ac.za/article/-2008-03-27-tribute-to-ivan-toms> (Accessed on 16 May 2022).

⁶¹⁷ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 11.

⁶¹⁸ Simon Nkoli was a black gay anti-apartheid activist who founded the Gay and Lesbian Organisation of the Witwatersrand (GLOW). His coming out as gay whilst in prison for treason during the Delmas Trial played a significant role in changing the ANC's stance on gay and lesbian issues. Nkoli was one of the first high-profile men with HIV/AIDS, becoming a foremost leader of combatting aids, ultimately succumbing in 1998. See Simon Nkoli. "Wardrobes: Coming Out as a Black Gay Activist in South Africa". *Defiant Desire: Gay and Lesbian Lives in South Africa*. Mark Gevisser and Edwin Cameron eds. (New York: Routledge, 1995).

aspects, he, OLGA, and the other LGBTQ organisations believed that the public needed to be educated on gay and lesbian issues to combat homophobia, which was rife in South Africa. He continued that those gay activists who contributed to the struggle were afraid to come out as gay. Eventually, after much lobbying by OLGA, the 11 other gay rights organisations, and lawyers Edwin Cameron and Kevin Botha, amongst others, the gender rights clause was included in the Constitution's final draft and adopted by the Constituent Assembly in 1996.⁶¹⁹

Toms's Local Government Work in Post-Apartheid South Africa

Toms continued to work at NGOs until 1996 when he moved into planning and management of local government health services with the Cape Metropolitan Council in the post-apartheid period.⁶²⁰ Whilst working as Director of Health Services on the Cape Metropolitan Council, Toms had to deal with many service delivery issues related to providing local health care services. This included the challenge of rolling out primary-level community health care centres in the Cape Town area, overwhelming patient numbers, and insufficient medical and nursing staff and equipment. Acting as spokesperson, Toms said that the newly introduced District Health System could not be blamed, as plans for its implementation and finalisation were still underway.⁶²¹

After he completed his 15-month contract with the Council,⁶²² he was then appointed Medical Officer for Health in the Tygerberg Municipality, which included Khayelitsha, Bonteheuwel, Belville and Durbanville.⁶²³ In this position, he put in place programmes to tackle the rise of HIV/AIDs and Tuberculosis in the Tygerberg Municipality, such as distributing condoms from public facilities, such as libraries and schools to promote safer

⁶¹⁹ Hoad, Reid and Reid, *Sex and Politics in South Africa*, 78-83, GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 12 and "Gays Applaud Human Rights Clause", *The South*, 5 December 1990.

⁶²⁰ "Ivan Toms (1953-)", *The Presidency: The Republic of South Africa*, <https://www.thepresidency.gov.za/national-orders/recipient/ivan-toms-1953> (Accessed on 18 May 2022).

⁶²¹ Adele Baleta, "Primary Health Care Crisis in W Cape", *The Weekend Saturday Argus*, 11 May 1997.

⁶²² Judith Soal, "Ivan Toms to Head City Health Dept", *The Cape Times*, 17 May 1999.

⁶²³ Judith Soal, "23 % Leap in Infant Death Rate Shows City was 'Sleeping'", *The Cape Times*, 18 November 1998.

sex.⁶²⁴ He also instigated the running of workshops to educate communities about TB by dispelling the stereotypes surrounding the illness and stressing the need to continue their entire course of medication.⁶²⁵

In June 1999, Toms's time working at the Tygerberg Municipality ended when he was appointed the Medical Officer of Health for Cape Town after enduring a gruelling selection process to achieve the position. Part of the reason for his appointment were his political views, which closely echoed those of the ANC city council's. His appointment was challenged by the New National Party (NNP), stating that he was "too white". The following year, the Democratic Party would merge with the NNP and the Federal Alliance, forming the Democratic Alliance.⁶²⁶ In another show of support, Toms, including other prominent white South Africans from various fields, also endorsed the ANC in its election campaigns.⁶²⁷ Toms saw his role as a manager who needed to connect funds to planning and sought to ensure that available funds were adequately allocated to areas in the most need.⁶²⁸ He found himself in a difficult position as he took over a service beset by long queues, dissatisfied patients, and low staff morale. There had also been mismanagement and budget cuts.⁶²⁹

As the Medical Officer of Health, Toms acted as Cape Town's Department of Health spokesperson on various issues and would enact and carry out programmes and campaigns on health issues or crises.⁶³⁰ One of the first issues Toms dealt with was the dumping of medical waste in the Cape Flats area. Children were affected as they were playing with dirty needles.

⁶²⁴ Marlene van Houwelingen, "T'berg se Biblioteke gaan gou Kondome Uitdeel", *Die Burger*, 4 December 1997.

⁶²⁵ Marlene van Houwelingen, "Stad Tygerberg Wil TB Verminder met Veldtog", *Die Burger*, 15 October 1998.

⁶²⁶ "History", DA, <https://www.da.org.za/why-the-da/history> (Accessed on 19 August 2022).

⁶²⁷ GALA, AM2798, Ivan Toms. "Join Us and Vote ANC", n/d.

⁶²⁸ Judith Soal, "Ivan Toms to Head City Health Dept" *The Cape Times*, 17 May 1999 and Di Caelers, "City Health Service Set for Injection of Enthusiasm", *The Cape Argus*, 2 June 1999.

⁶²⁹ Judith Soal, "Ivan Toms to Head City Health Dept" *The Cape Times*, 17/05/1999, "The Health Buck Stretches Here" *The Cape Times*, 19 May 1990 and Di Caelers, "City Health Service Set for Injection of Enthusiasm", *The Cape Argus*, 2 June 1999.

⁶³⁰ Di Caelers, "City Health Service Set for Injection of Enthusiasm", *The Cape Argus*, 2 June 1999.

To combat this, Toms and the Department sought to warn and prosecute where necessary for this practice. They also sent letters to doctors, tattoo artists, vets and dentists reminding them of the by-laws prohibiting the dumping of medical waste.⁶³¹ Shortly after that, he became project manager for the redevelopment of Manenberg and Gugulethu after a freak storm damaged the infrastructure of these communities. The project included upgrading houses, schools, and sports and recreational facilities. He also sought to reduce crime and gangsterism in the area through community participation.⁶³²

Later that year, he coordinated a Task Unit to scrutinise the quality of service that district surgeons rendered because of the low-quality reports they provided on autopsies.⁶³³ In 2000, after completing a survey into homelessness, Toms, who was also Acting Executive Director of the Cape Metropolitan Council, launched a Homelessness Awareness Week to dispel myths on homelessness and draw attention to the issue. As interim Executive Director, Toms also enacted plans to create employment opportunities and sought ways to improve homeless people's skills so they could earn a living.⁶³⁴

Whilst Toms's dealt with numerous medical and health issues during his time as Cape Town's Medical Officer for Health, one issue that he focused a lot of time on was the fight against HIV/AIDS. An issue close to his heart, having worked on these issues whilst at NPPHCN and SHAWCO, and through his LGBTQ activism work (the HIV/AIDS issue was an important campaign issue for OLGA), as well as being an issue which deeply affected the gay community, of which Toms was a part,⁶³⁵ Toms sought to educate and encourage preventative measures on HIV/AIDS. In the late 1990s, HIV/AIDs had become a significant cause of concern, as Department of Health surveys highlighted an increase in HIV prevalence

⁶³¹ Jim McLagan, "Gloves are Off Over Dumping of Medical Waste", *The Star*, 20 June 1990.

⁶³² Judith Soal, "Upgrade for Disaster Areas", *The Cape Times*, 1 September 1999.

⁶³³ Myolisi Gophe, "Task Unit to Monitor District Surgeons", *The Cape Argus*, 3 December 1999.

⁶³⁴ Yolanda Mufweba, "1300 People Live on Mother City's Streets", *The Cape Argus*, 11 October 2000.

⁶³⁵ GALA, AM2798, Ivan Toms. *Idol Pictures: Ivan Toms Interview*, 1999, 33.

in the Western Cape.⁶³⁶ By 2000, it became the second-highest cause of death in the Cape Town area, after homicide, with most of the area's infant mortality due to HIV/AIDs.⁶³⁷

A giant poster of a condom, in the blue and green of the city's colours, was placed on the side of the Civic Centre building in Cape Town. This was Toms's brainchild and was part of a plan to encourage the practice of safe sex to prevent infection. It was also the start of a R2.1 million campaign, which included HIV education in schools, enhancing health services to treat sexually transmitted infections, and training HIV/AIDS peer educators amongst council workers.⁶³⁸ Furthermore, because misconceptions still existed about HIV/AIDS and its transmission, Toms, as a member of the Department of Health entered a partnership with the Soul City Institute for Health and Development, the South African National Editors Forum and Health-eNews, to publish an educational booklet on HIV/AIDs, which was distributed to the public.⁶³⁹

In January 2002, Toms was promoted to a higher level in local government when he was appointed Director of Health for the City of Cape Town by the Democratic Alliance, the municipal governors in the area.⁶⁴⁰ His directorship involved creating a vision and setting objectives for the health care services for the Cape Town area. In this position, he also oversaw the health of Cape Town and its surrounding areas, addressed numerous health concerns and delivered health services in various capacities during his six-year tenure. He was operating in a similar capacity to his work as Medical Officer, though with a larger staff working under him and a bigger budget, Toms supervised many projects and sought to liaise

⁶³⁶ Judith Soal, "HIV has more than Doubled in Areas", *The Cape Times*, 7 July 2000.

⁶³⁷ Raymond Joseph, "Family was doomed to Die", *The Sunday World*, 16 January 2000.

⁶³⁸ Judith Soal, "Yes, it is a Giant Civic Condom", *The Cape Times*, 12 November 1999.

⁶³⁹ Yunus Kemp, "Deadly Myths about HIV", *The Cape Argus*, 30 November 2001.

⁶⁴⁰ Staff Reporter, "Ivan Toms, 'Bravest of the Brave', Dies in Cape Town", <https://mg.co.za/article/2008-03-25-ivan-toms-bravest-of-the-brave-dies-in-cape-town/> (Accessed on 20 May 2022) and Ashley Smith, "City Intends to Halve it's Workforce over 10 years", *The Cape Times*, 19 May 2003.

with the media and public on health and health-related issues concerning the city and its residents.

Regarding the health of the city, in 2003, under his directorship, for example, he set up an inter-governmental task team to investigate and address industrial pollution, including mercury poisoning, at Vissershok near Table View. This was due to complaints from the public concerning air quality and other environmental issues.⁶⁴¹ A few months later, Toms also had to deal with another environmental issue in Table View when a Caltex oil refinery accidentally blasted a gas cloud into the air.⁶⁴² Although he decided not to take action against this oil refinery on this occasion as his investigating team found it more a health nuisance than a health hazard, he was harsher on the Chevron refinery, which had also emitted oil onto Milnerton two years later, fining them for their second incident.⁶⁴³

Other issues handled by Toms included disease outbreaks, such as E. coli in the suburb of Milnerton in 2004. During this outbreak, which made residents violently ill, Toms's team found the cause and rectified this: leakage from a sewage treatment plant in the area into this suburb's drinking water.⁶⁴⁴ Toms likewise handled issues related to keeping companies in line by fining them or closing them down if they did not properly dispose of human medical waste.⁶⁴⁵ In 2006, he also enacted an air quality management plan to lower air pollution levels by building an air pollution monitoring station and distributing special equipment to different parts of the city to monitor areas notorious for high emissions, such as refineries.⁶⁴⁶ As part of this plan, a crackdown on vehicle emissions was also initiated. In

⁶⁴¹ Ashley Smith, "Task Team to Probe Mercury Poisoning Near Table View", *The Cape Times*, 9 April 2003.

⁶⁴² John Yeld, "Caltex Taken to Task after Day it Rained Oil", *The Cape Argus*, 5 July 2004 and Nazma Dreyer, "Oil Rains Down on City Suburb", *The Cape Times*, 5 July 2004.

⁶⁴³ Julie Maritz, "Milnerton Refinery Gets Spot Fine of R2500 for Pollution", *The Cape Times*, 26 January 2006

⁶⁴⁴ Maureen Marud, "Sewage Fouls City Tap-Water", *The Cape Argus*, 28 May 2004.

⁶⁴⁵ Johan Schronen, "Human Waste 'Cleared by Today'", *The Cape Argus*, 31 December 2004 and Babalo Ndenze, "City Suspends Waste Disposal Firm's Contract", *The Cape Times*, 24 February 2005.

⁶⁴⁶ Melanie Peters, "City's Filthy Air Shock", *The Sunday Argus*, 22 October 2006.

addition, he introduced a long-term plan to test the viability of public-private partnerships for municipal clinics, hoping it would save the city money whilst providing better quality health services to its citizens.⁶⁴⁷ He took complaints from the public about long wait times, understaffing and poor quality services seriously and often visited the offending municipal clinics personally to determine the problems so that he could implement steps to try to solve them.⁶⁴⁸

During his tenure as Director of Health, Toms remained centrally involved in matters related to HIV/AIDS. The number of cases continued to rise, mainly, by this stage, amongst heterosexuals. In 2001, a report titled “Cause of Death and Premature Mortality” outlined the two highest causes of death for young Capetonians, which were homicide followed by HIV/AIDS for men, and HIV/AIDS followed by homicide for women.⁶⁴⁹ Under Toms’s direction, in 2003, around 1000 patients were placed on antiretroviral drugs, with the numbers set to double the following year. According to a statement by Toms at this time, women were more likely to be infected with HIV/AIDs than men. Several reasons caused this. For example, Toms argued that the larger surface area of the vaginal tract increased the risk of infection in women. Younger women were also more susceptible to contracting HIV/AIDS, as they often could not acquire the necessary contraceptives to prevent transmission, which men in some cultures refused to use. Gender-based violence also played a role, with women usually falling prey to sexual violence, including rape, carried out by men.⁶⁵⁰

⁶⁴⁷ Di Caelers, “City to Test Viability of Public-Private Clinics”, *The Cape Argus*, 13 October 2006.

⁶⁴⁸ Ivan Toms, “City Clinics Always Looking to Better Their Service”, *The Cape Argus*, 2 October 2007.

⁶⁴⁹ Di Caelers and Lynnette Johns, “Murder Town”, *The Cape Argus*, 13 September 2003.

⁶⁵⁰ Di Caelers and Lynnette Johns, “Murder Town”, *The Cape Argus*, 13 September 2003, Gus Cairns, “South Africa: Women May Have Higher Rates of HIV than Men because Fewer Men are on Treatment”, *Aidsmap*, <https://www.aidsmap.com/news/mar-2018/south-africa-women-may-have-higher-rates-hiv-men-because-fewer-men-are-treatment> (Accessed on 15 June 2022) and “HIV and Women”, *Be in the Know*, <https://www.beintheknow.org/understanding-hiv-epidemic/community/hiv-and-women> (Accessed on 15 June 2022).

As a result, to prevent the virus's passing to children, Toms rolled out the “Mother to Child Plus” project to public clinics in the city. The project sought to provide antiretroviral drugs to pregnant mothers to prevent the spread of the infection to their foetuses, but also to save the life of mothers to avoid a high number of orphans in the future.⁶⁵¹ This was a success, as offering antiretrovirals to HIV-positive pregnant mothers at an early stage in their pregnancy lowered HIV infection and infant mortality levels. Toms had to be bold in his decision-making. His decisions contravened the erratic government policies at the time, which prohibited administering antiretrovirals in public health settings, such as clinics.⁶⁵²

In 2006, Toms also concerned himself with the spread of HIV/AIDS amongst Cape Town’s youth. In an interview with a journalist, he warned that the youth, both gay and straight, were not taking the threat of the virus seriously, believing that the virus would not affect them or could be handled with medication. Condoms, Toms argued, were not being used enough in casual sex encounters. This was increasing the number of infections amongst all strata of youth. As a result, Toms and his department stepped up their efforts in school and other community forums to educate the city’s youth to rectify their misunderstandings, practice safe sex and take HIV/AIDS and HIV/AIDS prevention seriously.⁶⁵³

Another central area of concern for the city and Toms was the rise of Tuberculosis (TB). During Toms’s tenure as Director of Health in 2006, the number of deaths caused by the combined infections of TB and HIV began to increase at an alarming rate. Toms realised that whilst TB and HIV caused the death rate to grow, it was just as possible to treat an HIV-positive person with TB as an HIV-negative person with the same illness. According to his

⁶⁵¹ Di Caelers and Lynnette Johns, “Murder Town”, *The Cape Argus*, 13 September 2003.

⁶⁵² Di Caelers and Lynnette Johns, “Murder Town”, *The Cape Argus*, 13 September 2003 and Pat Sidley, “Ivan Peter Toms”, *PubMed Central*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2386607/> (Accessed on 22 May 2022).

⁶⁵³ Di Caelers, “Dangerous Sex Spreads HIV”, *The Cape Argus*, 31 October 2006 and Dominique Herman, “Gay Youths Play Unsafe Sex Games”, *The Cape Times*, 31 October 2006.

research in personally compiling statistics, he also understood that the risk of contracting TB for HIV-positive individuals was higher, which resulted in more TB-related deaths.⁶⁵⁴

Whilst Toms conducted his own research to chart and combat TB and HIV, he was not alone in his efforts. The medical faculty at UCT produced leading researchers on these often related medical conditions, such as Dr Stephen Lawn, a researcher and lecturer at the Desmond Tutu HIV Centre based in UCT's Institute of Infectious Disease and Molecular Medicine, who conducted research and published over 30 articles on TB and its association with HIV, for which he subsequently received an award.⁶⁵⁵ Lawn's findings echoed Toms's, with further concern on the emergence of drug resistant TB strains.⁶⁵⁶ Professor Gary Maartens was also a leading researcher in the field of TB and its association with HIV at UCT as Chair of Clinical Pharmacology. His research assessed the treatment of TB and HIV in patients, noting the efficiency of the treatments applied to both and how these epidemics collided with each other whilst being treated. He also noted that antiretrovirals dramatically reduced TB and HIV cases.⁶⁵⁷

Utilising Toms's personally collected data, and presumably the research gathered by UCT's expert medical researchers, the city's health department employed a Directly Observed Treatment Short Course (DOTS). This six-month treatment programme made sure that people took their medication daily. The Programme was conducted by councillors from the same areas as the TB patients. The council paid them R300 to monitor and ensure that the

⁶⁵⁴ Di Caelers, "Health-Officials to Meet as TB Deaths Rocket", *The Cape Argus*, 12 September 2006.

⁶⁵⁵ "University of Cape Town (UCT)", *Nature Index*, <https://www.nature.com/nature-index/institution-outputs/south-africa/university-of-cape-town-uct/513906bf34d6b65e6a0005f3> (Accessed on 17 August 2022) and Nadia Krige, "SA a World Leader in HIV Research", *Institute of Infectious Disease and Molecular Medicine*, <http://www.idm.uct.ac.za/news/sa-a-world-leader-in-hiv-research> (Accessed on 17 August 2022).

⁶⁵⁶ "TB Researcher Receives International Honour", *UCT News*, <https://www.news.uct.ac.za/article/-2006-11-29-tb-researcher-receives-international-honour> (Accessed on 17 August 2022).

⁶⁵⁷ "When Plagues Collide", *UCT News*, <https://www.news.uct.ac.za/article/-2006-02-09-when-plagues-collide> (Accessed on 17 August 2022).

patients took their TB medicine daily.⁶⁵⁸ Furthermore, knowing the high drop-off rate for TB patients who tended not to keep taking their medication through their six-month treatment programme, Toms lobbied successfully for a plan to use text messaging on TB patients' cell phones to remind them to take their medication. Together, these programmes helped increase the rate of successful treatment from 64% to 73%.⁶⁵⁹

Conclusion

Toms's life was about to begin its final act, as he would complete his life of activism and struggle with service. After Toms's release from prison, the dawn of the 1990s heralded a time of significant change for South Africa and for Toms. Whilst there is not much on Toms's personal life in the public record during this period; indeed, he remained fiercely protective of his personal life, we know that he remained a committed LGBTQ activist. Certainly, he and OLGA, as well as other LGBTQ activists campaigned hard in the early-to-mid-1990s to ensure that the gay and lesbian community were protected under South Africa's new Constitution, which was finalised in 1996. Whilst the country was making its way toward becoming a democratic nation, Toms embarked on a career in assisting disadvantaged people in the field of community health care. After holding senior positions in the NPPHCN and SHAWCO, he moved into local government in the mid-1990s. He was first appointed Medical Officer for Health in the Tygerberg Municipality in 1997 before being appointed the Medical Officer of Health for Cape Town in 1999. His career culminated with his appointment to Director of Health for Cape Town in 2002, which he held until 2008. In his roles over an 18-year career, Toms dealt with various health issues, both individual health

⁶⁵⁸ Karen Clement, "TB Cure Rate Drops to 44% in Khayelitsha", *The Cape Argus*, 21 December 2005 and Geoff Bough, "Project Seeks to Boost TB Cure Rate with Hi-tech Service", *The Cape Times*, 10 December 2006.

⁶⁵⁹ Pat Sidley, "Ivan Peter Toms", *PubMed Central*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2386607/> (Accessed on 22 May 2022).

and the environmental health of the city and surrounding areas. He also had significant successes in attempts to curb the spread of HIV and TB.

Chapter 7:

Conclusion

It was with complete surprise that South Africans heard about the sudden passing of Ivan Toms on Tuesday, 25 March 2008.⁶⁶⁰ He was a fit man of 55 years, who even did the Cape Argus cycle race. Toms was found that morning when a work colleague, James Vos, Councillor and Chair of the City's Health Portfolio Committee, alerted the police that something might be wrong because he failed to attend a scheduled meeting or answer his phone.⁶⁶¹ The police found Toms lying on his bed, with no signs of a break-in or evidence of a struggle. Later, the state pathologist reported after the autopsy that Toms had died from meningococcal meningitis, an infection of the protective membranes surrounding the brain. The report noted that Toms likely died in the late afternoon or early evening the day before. It was speculated that Toms had taken medication for his symptoms (an intense headache, fever, stiff neck, possibly vomiting), went to lie down, then slipped into a coma and died.⁶⁶²

Toms was alone when he died. A self-professed workaholic, from what can be traced in the archival records, he lived alone in the latter decades of his life and did not settle down in a serious relationship or have children of his own.⁶⁶³ Yet, the outpouring of sadness and tributes after his death points to a man with many friends and someone who touched the lives of many.

UCT Vice-Chancellor Njabulo Ndebele said that Toms “was a true son of UCT” and would be remembered for his fierce opposition to conscription and apartheid and his resolute

⁶⁶⁰ Gay and Lesbian Archive (GALA), AM2798, Ivan Toms. Di McIntyre, “A Life of Justice and Openness”, *Mail and Guardian*, 28 March 2008.

⁶⁶¹ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁶² GALA, AM2798, Ivan Toms. Ni’emah Davids and Ella Smook, “Autopsy Shows Meningitis Killed Health Chief Toms”, *The Cape Argus*, 27 March 2008.

⁶⁶³ GALA, AM2798, Ivan Toms. Idol Pictures: Ivan Toms Interview, 1999, 34-36.

campaigning for gay and lesbian rights.⁶⁶⁴ Mike Evans, a friend, former lawyer, and member of the ECC, who was managing director at the Mallinicks law firm at the time, conveyed in a news report his great sadness, as he had known Toms for over 30 years. Evans stated that he was a huge admirer of “his bravery, his compassion, and his contribution to change in South Africa. He was truly someone who lived out what he believed”.⁶⁶⁵ Stanley Herman, a long-time friend, artist, and former lover of Toms said that he could not think of Toms in the past tense and that the issues he stood for were very much alive.⁶⁶⁶ Archbishop Emeritus Desmond Tutu, said he wanted to pay him the “highest possible tribute” and continued, “I thank God that I knew him. Knowing him makes (one) feel proud. This is a prime example of someone who had *ubuntu*. He was utterly selfless”.⁶⁶⁷

Dr John Frankish remembered Toms’s 20 years of sustained service in public health in the Western Cape and Cape Town. Frankish argued that Toms “was passionate in his advancement of the public health service in general and of services to address the HIV/AIDS epidemic in particular ... His passing will be sorely felt for a long time”.⁶⁶⁸ Health MEC Pierre Uys saluted Toms as “a champion” for his contributions to provincial health care and efforts in the apartheid era.⁶⁶⁹ A representative from the Provincial Health Department said that he would be remembered for his “total devotion to his work, his commitment to improving the health of all communities, and his infectious sense of humour”.⁶⁷⁰ Close friend

⁶⁶⁴ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁶⁵ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁶⁶ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁶⁷ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁶⁸ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁶⁹ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁷⁰ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

Louise Robinson said, “He was warm and generous and desperately proud of being gay”.⁶⁷¹

Reverend John Freeth was one of the last people to see Toms alive. He described Toms as like a member of the family, and said of their last meeting, a dinner with Freeth and his family on the Wednesday before he passed, “He was on great form as usual. He was so full of life. It is difficult to believe he is dead. He was larger than life as a character”.⁶⁷² Cape Town Mayor Helen Zille said that Toms had led his department to exceed expectations regarding reducing HIV and TB infection rates and added, “We will sorely miss our colleague and friend. Our organisation, the Democratic Alliance, has lost one of its most talented leaders”.⁶⁷³

St George’s Cathedral, where he had worshipped, served, and conducted his 21-day hunger strike, held the service for Toms on 2 April 2008. Even though it was a sweltering day, hundreds of people attended to pay their respects. Cape Town Mayor Helen Zille and the mayoral committee, including executive directors and officials, occupied the first few pews. Friends, colleagues and comrades of the apartheid struggle occupied the rest of the cathedral. Draped in the Pride flag, Toms’s casket was carried by 12 pallbearers, including Mike Evans. Ivan’s older brother Charles and his wife Dee, Cathedral Head Rowan Smith, Archbishop Emeritus Desmond Tutu presided over the service, and Reverend John Freeth led the procession. In his eulogy, Charles Toms revealed that Toms, in a strange foreshadowing, had said, “We all need to live life to its fullest, instead of in the future”.⁶⁷⁴ A religious man too, he argued that although his passing was sudden, it was “what God wanted”.

⁶⁷¹ Anso Thom, “Tributes Pour in for Ivan Toms”, *The Cape Times*, 26 March 2008.

⁶⁷² Anso Thom, “Tributes Pour in for Ivan Toms”, *The Cape Times*, 26 March 2008.

⁶⁷³ GALA, AM2798, Ivan Toms. Ane’l Powell and Anso Thom, “Ivan Toms Found Dead”, *The Cape Times*, 26 March 2008.

⁶⁷⁴ GALA, AM2798, Ivan Toms. Ane’l Powell, “Hundreds Cram into Cathedral to Salute Ivan Toms”, *The Cape Times*, 3 May 2008.

City manager Achmat Ebrahim, who spoke at the service, noted in his eulogy how Toms had touched the lives of so many people: “He was a doctor, comforter, manager, leader, all woven into one” and “packaged in chirpy, zesty energy”.⁶⁷⁵ Archbishop Tutu joked that the service was like a “struggle funeral but without the teargas”. He remarked that Toms “was minute, but what a dynamo for goodness”.⁶⁷⁶ Representatives from SACLA paid tribute to him for setting up the Empilisweni Crossroads clinic. It was reported by *The Cape Times* that the casket exited the cathedral to “thunderous applause from the hundreds of congregants”.⁶⁷⁷ Toms was cremated the next day in a private ceremony.

Using a micro-historical lens, this dissertation has examined the life history of Ivan Toms. Following an introductory chapter, which laid out the research topic, literature review, theoretical framework and methodology, Chapter 2 considered the study’s broader historical background or context. This included a discussion of the coming to power of the oppressive apartheid regime, the state’s military conscription of white South African men into the SADF to protect the government from its perceived foreign and domestic enemies, and the emergence of the conscientious objector movement.

Born in 1952 into a white middle-class family, Chapter 3 considered Toms’s early life in apartheid South Africa, including his schooling, adolescent experiences of sexual interest in boys, his training as a medical doctor at UCT and his conscription into the SADF as a non-combatant doctor in 1978. His time at UCT was formative as it was there that he was exposed to and attended anti-apartheid demonstrations. Influential too was his time working as an intern at Kimberley Hospital, where he witnessed the considerable disparities in treatment

⁶⁷⁵ Ane’l Powell, “Farewell to Doctor, Leader and Comforter”, *The Star*, 3 May 2008 and Chris Bateman. “Ivan Toms – A Selfless Model of Social Conscience”. *South African Medical Journal*. (2008, 98: 5), 1-2.

⁶⁷⁶ GALA, AM2798, Ivan Toms. Ane’l Powell, “Hundreds Cram into Cathedral to Salute Ivan Toms”, *The Cape Times*, 3 May 2008.

⁶⁷⁷ GALA, AM2798, Ivan Toms. Ane’l Powell, “Hundreds Cram into Cathedral to Salute Ivan Toms”, *The Cape Times*, 3 May 2008.

between black and white patients. Arguably, however, it was his time working as a soldier in the SADF, where he experienced first-hand the brutality of the apartheid regime's military arm that set him on his path of activism.

The 1980s was the decade Toms became a fully-fledged conscientious objector and activist. Upon completing his military service in 1979, Toms sought to put his medical skills to use in the greater Cape Town area. Chapter 4 examined the period after Toms's return, including the medical services he provided with other health care staff at the SACLA Empilisweni Clinic in the Crossroads area. Here he witnessed the violence experienced by many informal settlement residents as the apartheid-era police and SADF forces destroyed their homes and forcibly removed them to areas designated as appropriate for black residents under the Group Areas Act. It also considers his experiences of being gay, including the homophobia he experienced, and his work for the End Conscription Campaign, including his three-week hunger fast to raise awareness for the ECC's issues.

Chapter 5 analysed Toms's continued and growing involvement in the ECC and his involvement in LGBTQ activism, particularly in OLGA, as a way to struggle for equal rights for gay men. It also examines his repeated call-ups to serve in the SADF, his refusal to do so, and his eventual arrest, trial and imprisonment for being a conscientious objector. In prison, a fellow inmate viciously assaulted him. Following his appeal on his sentence, which he served in Pollsmoor Prison, the judge reduced his sentence to 18 months; then, he was released on bail after nine months. Another appeal threw out the original judgement against Toms by 1990.

The final content chapter of this thesis, Chapter 6, considered the 1990s and early 2000s period. It highlighted how South Africa underwent many political changes, including the demise of the ECC campaign, as the new democratic government did away with conscription. It also examined Toms's continued LGBTQ activism and his medical work in

the community health field, his NGO work, and then his move into local government, eventually rising to Executive Director of Health for Cape Town in 2006. During his tenure, his measures helped slow the increase of HIV/AIDS infections, made enhancements in terms of patients staying on their TB treatment and helped steady the rates of infant mortality.⁶⁷⁸ His department, under his guidance, also made interventions that sought to improve environmental pollution, including air pollution.

Looking back over his short life, Toms's work as a conscientious objector, activist and doctor did not go unrecognised and unrewarded. Six months after his release from prison, in 1989, he received Honorary Life Membership from the University of London Union⁶⁷⁹ for his stand against the apartheid regime.⁶⁸⁰ In 1997, he was a finalist for the Nelson Mandela Award for Health and Human Rights, nominated for exhibiting extraordinary leadership, personal commitment, and accomplishment to improve the health of underprivileged people.⁶⁸¹ In 2006, Toms received the Order of the Baobab in Bronze Award, a national award for service in business and the economy, science, medicine, technological advancement, sports, the arts, and community service. It was conferred on him by then President Thabo Mbeki for his "outstanding contribution to the struggle against apartheid and sexual discrimination".⁶⁸²

After his death, to honour Toms and his public health work, the City of Cape Town renamed its busy Mfuleni Clinic, completed in August 2007 to provide family planning,

⁶⁷⁸ Pat Sidley, "Ivan Peter Toms", *PubMed Central*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2386607/> (Accessed on 22 May 2022).

⁶⁷⁹ This was the Student's Union for the University of London. Farah Sheikh, "Student Central is Closing Down and Removing its Pool", *The Tab*, <https://thetab.com/uk/london/2021/06/04/student-central-is-closing-down-and-removing-its-pool-41091> (Accessed on 16 June 2022).

⁶⁸⁰ GALA, AM2798, Ivan Toms. Letter from the University of London Union to Ivan Toms, 27 April 1989.

⁶⁸¹ GALA, AM2798, Ivan Toms. "The Henry J. Kaiser Family: The Nelson Mandela Award for Health and Human Rights Award 1997", 29 April 1997.

⁶⁸² "Ivan Toms (1953-)" *The Presidency: The Republic of South Africa*, <https://www.thepresidency.gov.za/national-orders/recipient/ivan-toms-1953> (Accessed on 18 May 2022) and Chris Barron, "Ivan Toms: Bold Campaigner against Bigotry", *Sunday Times*, 30 March 2008.

paediatric and HIV/AIDS treatment and services, the Ivan Toms Clinic.⁶⁸³ Moreover, the following year, the Ivan Toms Centre for Men's Health was opened in Woodstock, Cape Town. This facility was named to commemorate Toms's gay and lesbian activism and his service to public health. The centre was created to offer free HIV testing, screening for sexually transmitted infections (STIs), antiretroviral treatment, and counselling for those who have HIV/AIDS. The centre has become a space where men afflicted with STIs, including HIV/AIDS, could be treated without fear of judgment or rejection.⁶⁸⁴

Significance of this Study

This study of Ivan Toms drew on three theoretical approaches, which helped to bring out the significance of Toms's life, work and contributions. Firstly, it drew on social history. The theory of social history allowed historians to examine the lives of ordinary or lesser-known people, gave these people a voice and agency in making their own lives and questioned the over-determinacy of structure from earlier Marxist approaches. This study of Toms, which drew on social history, attempted to understand the complex history of a lesser-known South African activist. While there has been a surge of interest in studying black anti-apartheid activists in the post-apartheid period, there has been a shift away from analysing white social activists who contributed to the anti-apartheid movement. This study used a social history lens to help bring back attention to the struggles of a white South African activist, who was active in the ECC, gay rights movement and health rights struggle.

The social history approach also facilitated careful analysis of Toms's life in relation to broader socio-economic and political factors in apartheid South Africa, which influenced his life, such as the apartheid state's militarisation, which led to compulsory military service, as well as having to hide his sexuality due to the government's oppressive legislation around

⁶⁸³ Jean Yung, "Mfuleni Clinic Named After Late City Director of Health", *The Cape Times*, 1 July 2008.

⁶⁸⁴ Helen Bamford, "Health Clinic for Men Opens in Woodstock", *The Saturday Weekend Argus*, 13 June 2009.

sexuality. Yet, it also enabled me to show how his personal choices and actions had an impact. His ability to act meant he could challenge the apartheid state on the conscription issue and gay rights, but these actions also had consequences, including his imprisonment. Ultimately, his decision to stand in opposition to the apartheid government had positive repercussions. Together with other activists, his efforts eventually contributed to the end of conscription and recognition of LGBTQ rights in South Africa's post-1994 Constitution.

Secondly, a micro-historical lens helped push the analyses away from large-scale, macro-level studies to the smaller, more concrete level. In addition to contributing to the historiography by writing an in-depth account of a lesser-known person's life, taking a micro-level approach also provided another angle from which to view the history of apartheid, military conscription, the border wars, conscientious objection, gay and lesbian rights activism, and health care work. While many of these issues are often covered in a broader, general manner, taking a micro-historical lens sought to provide an in-depth understanding, from the perspective of a particular individual, of all these things to provide more detail about these issues in South African history.

Thirdly, this thesis explored Toms's life through the lens of masculinity theory to consider the inequalities of gender power dynamics in his experiences. As other gender scholars have argued, overlapping race, class and sexual identities significantly influenced men's experiences in South Africa.⁶⁸⁵ While Toms grew up a white man in South Africa during apartheid, his gay sexuality placed him amongst the country's subordinate masculinities. Indeed, as a result, he faced homophobia throughout most of his life, including during his period of compulsory military service. Interestingly, his intersecting race and sexual identities also spurred him into action. Toms's sexual identity was closely intertwined

⁶⁸⁵ Robert Morrell. "Of Boys and Men: Masculinity and Gender in Southern African Studies". *Journal of Southern African Studies*. (1998, 24: 4).

with his ECC activism, which he cited as one of the main reasons for becoming a conscientious objector. It also played a crucial role in his comprehension of the racial oppression of black men. While Toms subverted the apartheid regime's hegemonic masculinity by being a gay activist and conscientious objector, one can also see in this thesis how the state used a person's sexuality as a weapon to try to undermine them and the organisations to which they belonged.

Limitations of thesis

Writing a micro level historical analysis on an individual's life, whilst insightful, has its limitations. The narrower scope of analysis, and the factors affecting a person's life and death, are not representative of all South African experiences or even white male experiences. Focusing on only one person's life makes it essential to remember that no biographical study is complete. An author can never know every detail of what happened in a person's life. Also, some issues considered significant to the subject of the study might have been prioritised by the subject. In contrast, other issues left out would influence what the historian must work with when writing on their individual subject's history.

One must also consider the possibility of sympathising too much with the subject of the study, resulting in the author casting that person in too positive a light while downplaying the negative aspects of that person's life. Casting Toms in this manner was a danger, but this was counteracted with the use of a wide variety of sources to achieve a more rounded view of him and his life. These included his personal writings and interviews where he offered a personal perspective, newspaper and media articles gave a more objective viewpoint, whilst material surrounding the issues and events covered in this thesis, serve to provide a balanced approach to analysis of Toms's life.

In addition, the data collection for this thesis took place during the Covid-19 era, in 2020 and 2021. As a result, to avoid exposure to Covid-19 for potential participants and

myself, this study was designed and approved by UKZN's Ethical Clearance department as a desktop study. Therefore, I only used publicly available archival sources to write this thesis and online and library secondary material. Although the archival material that I accessed at the GALA Archive, Alan Paton Centre and Struggle Archives and National Archives Repository were extensive, the fact that I relied on this information only obviously limited the data used in this thesis. It also limited the scope of my analysis as I mainly focused on Toms's public life, for which there were plentiful records, while his personal life, which he kept very private, was often in shadow. Conducting my own interviews with people who knew Toms would likely have yielded additional information.

Hopefully, a thesis such as this paves the way for future research. The historiography of the conscription era and the South African border wars is still very ripe for investigation. Further biographies still need to be written on conscientious objectors, such as David Bruce and Richard Steele, or those closely involved, such as Janet Cherry. Other studies on the security forces (SADF and SAP) and those who participated and objected, individually or collectively, would contribute significantly to the historiography of military service and conscientious objection in apartheid South Africa. Hopefully, a biographical study of a person such as Ivan Toms can also serve as a spur to bring to the fore the lives and contributions of other white activists and contributors, who strove and sacrificed alongside other prominent struggle figures to end apartheid oppression.

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