

[4]
REVD. T.D. HAYWARD
DIOCESE OF NATAL PRISON CHAPLAIN
35 A NORTH CLIFFE AVENUE
WESTVILLE 3630
TEL: (031) 861783

17 February, 1992.

Messrs. C.O.D.E.S.A.,
P.O. Box 307,
ISANDO,
1600.

Received 19/02/92
→ WG 1

My dear Brothers and Sisters in Christ,

I greet you in the name of our Lord Jesus and assure you that you and your work are in my daily prayers.

Enclosed herewith is a copy of three sermons which I have preached, the pages whereof are numbered 1 to 11. I have already previously, as early as the end of last year, sent copies of pages 1 to 8 to both the Ministers of Correctional Services and Justice and have asked them for an appointment to discuss the contents with them. To date I have merely received formal acknowledgments from them but when I hear something more specific I shall send them each a copy of the third sermon, pages 9 to 11.

Please will you place the enclosures before your committee which deals with matters of the Prisons and Justice. Please also be assured that if it is deemed desirable, I will be quite prepared to appear before your committee to answer any questions or supply further information.

I am also very much against the death sentence and pray that all death sentences will be commuted. I have written to the State President in this connection but although he has referred the letter to the Minister of Justice, I have since heard nothing further. If at all possible I would also like the enclosure to be placed before the committee that will deal with death and life sentences, if this is different from the committee on Prisons and Justice, and if requested I would also be quite ready to prepare a sermon for submission to such a committee dealing with this subject.

Although I have only been the Natal Diocesan Chaplain since May of last year I have had considerable experience in dealing with both the prison and legal/judicial systems because I was an Attorney in private practice for twenty two years prior to being called into full time ministry in the Church. I am now the full time Diocese of Natal Prison Chaplain.

If there is any way in which I can be of assistance to you in any of your work or if there is any further information you may require, please do not hesitate to contact me.

I look forward to hearing from you in due course.

Your brother and servant in Christ,


REVD. T.D. HAYWARD

...the Bible. Accounts of Jesus' arrest, trial and crucifixion provide us with some fearful information as how convicted criminals were treated in those early days.

Unfortunately times have not changed a great deal but at least today the executions are not a lingering death, even though the mental anguish leading up to the execution is just as cruel.

One of the greatest problems with the whole prison system is that there is just no real rehabilitation, mostly due to financial restraints, and so the prisoners eventually pass out of prison having been well taught by other prisoners.

There are accounts of people being incarcerated for periods of 20 - 30 days for such petty things as stealing a pen, even making an unauthorized phone call.

Sometimes people are locked up for stealing food because they don't have money to pay for it and they obviously don't have money to pay a fine.

One of the things that worries me is what this sort of person learns while in prison - I know of at least one prisoner who is serving a 40 year sentence and I can't help but wonder what got him started in crime - maybe he stole an apple????

To protect itself from criminals society has decided to either execute wrongdoers or deprive them of all freedoms and treat them worse than most people treat their animals.

BUT, what is the alternative to this barbaric treatment?

I would like to suggest that the alternative, God's answer, is right there in the Bible, in His Holy Word.

I ask you to listen very carefully to what I'm about to say - to what I believe is a very clear word from the Lord.

While I am dealing specifically with prisons, what I have to say applies equally to every person you come into contact with.

When you have heard what I have to say you will have to ask yourself whether or not what I say is Biblically correct and if it is you will have to decide whether or not you are going to take seriously the challenge of the Lord.

Right! How does God treat criminals in the Bible and how does Jesus advise us to treat our neighbours?

Well, since Cain murdered Abel.... since David committed adultery with Bathsheba and murdered her husband, God has been trying to show us the alternative.

He gives us a realistic, workable alternative to our terrible response to convicted criminals.

He calls us to put an end to the cycle of violence and retribution - the criminal hurts us so we have to hurt him in return.

But our God - a God who dares, is no ordinary God.

When Cain killed Abel God knew that he, as our human sinfulness would be all set to impose our perverted and retributive form of justice on him.

We would go all out to punish him and get even.

I'm sure that God wept for Abel and his loved ones for their suffering was oh so very real and tragic.

But once the human tendency for retribution reared its ugly head, God had to step in and take sides.

And take sides He did - Cain's! The criminal's!

When this first murder occurred God knew what was coming next - retribution - and He would have none of that so he sided with Cain.

He sided with Cain while he was still proud and repentant.

God's action here was to arrange for the escape of a known murderer and God insisted that no retribution be exacted.

Here in the world today we would not only have locked Cain up but we would probably have executed him.

God on the other hand freed Cain.

What about that other trouble maker, Moses. He slew a couple of Egyptians but God let him escape whereas we would have put him in chains of hanged him.

In doing this we would have told ourselves that what we were doing was "only justice" and we would claim that our actions were the only realistic response to the crime on our streets.

The God who dares had a different idea though. No jails. No execution God set Moses free and even went so far as to make him one of His most respected messengers and prophets.

From the 1st chapter of the Book of Genesis to the last words of the Book of Revelation there is only one Gospel, only one hope for humankind and only one guide as to how each of us should live.

That Gospel, from the God who dares, is to our way of thinking radical, because while we were yet sinners He dared to wipe out our guilt.

The God who dares took the only action that had any chance of breaking this chain of violence and retribution - God forgave.

To show what true forgiveness is all about, Jesus was crucified on a cross for you and I, the sinners of the world.

And as He hung there on the cross, He didn't point to us and tell us we deserved to suffer, that we deserved to be punished.

He cried out, "Father, forgive them for they know not what they do."

He would have made that forgiveness conditional on the serving of a prison sentence but God's forgiveness isn't limited to those who have earned it or who acknowledge their guilt.

Jesus died for all. No exclusions. No preconditions.

Scripture records some of the worst crimes the world has known but nowhere in Scripture do we find a divine endorsement of prisons.

Nowhere in Scripture are we told to literally punish one another for our sins but in Scripture we do encounter a God who, while calling us to a commitment to good, always stands ready to forgive.

He sets the captives free. He breaks their chains and protects those on whom we would take vengeance.

"Vengeance is Mine", says the Lord. "Judge not, lest you be judged," says Jesus. "Forgive, and you will be forgiven," say the Gospels.

Remember, God has paid the price for our sin and to demand that a price be paid again is to demean the sacrifice of Christ. It is to deny our own redemption.

"What?" you say. "If we let these people out of prison they might kill or steal again. Surely you aren't talking about releasing that type of person?"

"Yes, I am," replies Jesus.

"But Jesus, if we forgive them once do we have to forgive them again?"

"If we do we might have to forgive five, six or even seven times!"

"No!" cries Jesus. "Not seven times, but seventy times seven times!"

"But surely Jesus you don't mean ALL prisoners do you?"

And Jesus gently replies, "The Spirit of the Lord is on me,
because He has anointed me to...
proclaim freedom for the prisoners..."

When Jesus gave us the Lord's prayer He taught us to say, "Forgive us our sins as we forgive those who sin against us".

He didn't tack onto the end of this a proviso to only forgive those who serve a prison sentence.

When the woman was caught in adultery and dragged before Jesus, her accusers wanted her stoned to death in accordance with their laws.

Did Jesus say, "Sure thing. Kill her!" He didn't even say, "Let's rather lock her up in prison".?

No! He said, "He that is without sin among you, let him cast the first stone at her".

And then he forgave her and told her to go and sin no more.

We, by sinning and sinners, we the forgiven, we who have done nothing to deserve or earn our forgiveness, it is our duty to reflect in our own behaviour the lavishness of God's behaviour.

We must bestow freedom and forgiveness on all around us, even when they don't deserve it, just as we don't deserve forgiveness.

This is the Gospel - we who are the forgiven are to pass on that forgiveness to all who wrong us.

We are not called to be judges but forgivers.

Remember that it is in the character of evil to beget evil and so when we resort to capital punishment and put people in chains and behind bars, then evil wins.

All through Scripture God points to another way and makes it clear evil can be overcome with good.

Do we serve a God of love and forgiveness or a God of retribution? Forgiveness is the only hope for humanity - and that is Gospel.

FORGIVENESS - PUTTING IT INTO PRACTICE

Prisons hurt, pain and kill. They demoralize and feed the self-hatred generated by failed human potential.

To the person caged, shackled and bound, is a humiliation which makes one feel sub-human.

Fear abounds - not just fear of the warders and the system but also fear of other prisoners and the future. Violence such as stabbings, beatings and gang rapes are the order of the day.

The slow and methodical stripping of a person's dignity, the torture of his spirit, continues day after day : men and women in our prisons are convinced that they have no worth, no purpose, no hope, no rights, no chance.

For too many, this terrible lie becomes the truth, a prophecy fulfilled repeatedly in on so many ways day and night.

As the Prison Chaplain I try to convince these prisoners that God loves them just as much as He loves you and me and that Jesus died for them just as he died for you and me.

After all Isaiah (53:4-5) assures us, "He was wounded for our transgressions, He was bruised for our iniquities; the chastisement of our peace was upon Him, and with His stripes we are healed".

But the trouble is that prisoners look at the system and how it hits them and then they start to doubt me, and worse still, they start to lose faith and start to doubt Jesus.

"But," you might well say, "If they had listened to Jesus in the first place they wouldn't be in prison now, would they?"

True! But what happened to forgiveness?

And then I ask you: as a general rule why is it that the people in prison are all poor people? Why don't rich people go to jail?

These are the questions I, as Prison Chaplain, have to answer.

I have to tell them that irrespective of what society thinks, when they repent, confess their sins and turn to Jesus, the slate is wiped clean of their sins and they start a new life.

Jeremiah 31:34 assures us that God will forgive us our sins and remember them no more.

When I tell them this they want to know why God only forgives the rich and not the poor and I try to explain to them that when Jesus walked this earth He chose to spend most of His time with sinners and the poor, people just such as them, and that they too are forgiven.

And then they want to know why only poor people go to prison and the rich don't.

Unfortunately, what they say is true.

You see, the rich can afford the best lawyers and then they can

afford the fines.

In most instances when a person is convicted of a crime they only have to go to prison if they can't pay the fine and poor people can't afford to pay fines.

On the other hand a person convicted of theft, for example, probably can't afford to pay the fine or he wouldn't have stolen in the first place, and so he goes to jail.

Does that sound like justice to you? I'm sure it doesn't!

Well then, what's the alternative? ...FORGIVENESS!

What does this mean in practice?... to forgive.

Well, does it mean when you forgive you just wash your hands of the person you have forgiven and walk away from him?

No! Indeed it doesn't. That's how Pontius Pilate treated Jesus - he washed his hands of Him and let them crucify Jesus.

How then does God forgive? Well, He cares for us and loves us - in fact He cares and loves so much He died for us so that we wouldn't have to suffer for our sins.

Can you see the difference between Pilate and us on the one hand and God on the other hand?

Pilate and us, we forgive and then ignore the problem; but God on the other hand, He takes action - He is a God who dares to take action no matter how unpopular that action might be in our eyes.

You think I'm talking nonsense?

You think that God taking the action of dying on the cross for us is really pushing the bounds of credulity.

Well then let's take another more practical example.

How about Cain when he murdered Abel? As you know God forgave Cain. He set him free and insisted that nobody take retribution on Cain.

God didn't just forgive Cain and then wash His hands of him.

No! He forgave him and then this God of ours, the God who dares, He took action.

God God insisted that no retribution be taken against Cain and then He proceeded to deal with the problem.

God didn't then lock Cain in prison to rot - No! He sent him away and let him lead, in so far as is possible, a normal life while He, God, dealt with the problem.

What about Jesus when the woman was caught in adultery?

Jesus didn't punish her but forgave her, told her to sin no more and then He didn't just leave the matter there.

PAGE 7

No! The God who cares. He took action and dealt with the problem, not by locking her up or having her stoned to death in accordance with the law, but He ministered to her and the secular relief is that this terribly sinful woman - the real life Mary Magdalene who became one of His followers.

How then do we forgive like Jesus?

Well, for starters, we can't say we forgive a person and then lock him up - No! We have to find out what the problem is so that we can treat it.

If you hear that someone has been talking about you behind your back saying untrue things, you have to deal with that problem.

You have to approach that person to find out why these things are being said, but this could well be a long and even painful process which may be very difficult to do and so therefore your forgiveness must be genuine and given in love.

So too, for example, when a person steals we can't just lock him up in jail and leave the matter there.

We have to find out why he stole.

And let me assure you that more often than not you will find it was because of poverty or because of some sort of family problems which resulted in attention seeking.

Then when you know the cause of the problem your forgiveness will become genuine when you seek to deal with the problem and eradicate the cause.

What then of the person who doesn't steal out of poverty or some such problem?

What about the serial killer who is so much in the news at times?

Well, these people are really sick because I believe that no-one in his right mind would walk into a fast food restaurant and shoot to death 22 people.

This sort of person is sick and when you have a family member who is sick you don't send them to prison, you treat the sickness, usually in a hospital or some such institution.

Well let me tell you right now that our prisons are supposed to be institutions of rehabilitation, but they aren't.

There are virtually no rehabilitation programmes, probably mainly due to lack of funds, and so the criminal going in at the beginning of his sentence is generally the same person who comes out of prison at the end of serving his sentence.

He comes out unrehabilitated but now he is usually even worse than before he went to prison because he has been mixing with other prisoners and now comes out as an expert.

About 90% of prisoners who spend some time in prison, over 6 months or so, usually end up back in prison and this tells me quite clearly that the present system isn't working.

PAGE 2 .

The system is not working mainly due to a lack of funds to hire more social workers, teachers, psychologists and the like to work with the prisoners.

Funds are desperately needed too for recreational and sports facilities as well as to buy books and materials so that the prisoners can further their formal education.

Most prisoners are sadly under educated and if they could be released from prison with say a matric certificate or some sort of artisan's certificate, they would much more readily be successfully absorbed back into society.

Well, what can you as an individual do about this travesty of justice?

Firstly, you can write to the Minister of Justice and demand an immediate end to the death sentence.

Then you could write to the Minister of Correctional Services and demand that the whole system of prisons be investigated with a view to placing much more emphasis on rehabilitation and that all prisons staff be educated to this end.

Then you can write to your own Member of Parliament with the same demands and you could raise this issue in the media and open some debate on the subject.

Then too, you can form a committee in your parish to assist in raising funds so that we who work in the prisons can start upgrading the facilities and buying books etc. for study purposes for the prisoners.

This committee could also become an employment bureau to assist the prison authorities in finding work for prisoners so that they could be released on parole.

This committee could set up workshops where the whole question of prisons and an alternative to imprisonment could be looked at.

In Luke's Gospel Jesus gives us the parabel of the pharisee and the tax collector. Do we stand with the pharisee and say we are glad we are not sinners like the tax collector, or do we, like Jesus, take action to show compassion to the poor sinner?

The prophet Micah too puts this so clearly when God says through him,
"And what does the Lord require of you?
To act justly and to love mercy and to walk humbly with you God".

To forgive is not to look the other way - it is not to pretend that crime and violence don't exist and it certainly is not to act as if what one does doesn't matter.

To forgive is to acknowledge evil as Jesus did but not to try and make two wrongs into a right.

To forgive means that even while knowing full well the awfulness of the crime, we are to wrap our arms around the sinner in a loving embrace, to show him he is truly forgiven while, with Christ, we deal with his problem.

God dares us to unleash the incredible power of redemption. Will you help?

Then our courts are also not without blame because they don't spend enough time digging into the cause of the crime, that the criminal has committed and then to top this, the courts generally use very little

greatest cause of crime.

This imbalance is a direct cause of poverty and poverty is the single and allows a few people to have too much while so many have too little. doesn't start there. The problem starts back in society which sits back and allows an indictment on our prison system and yet the problem

Some of the prisoners, despite the cruelty and other hardships of the prison system, become so reliant on life in prison that they can't cope with life outside and quite often they will commit a crime again just to get back into prison. You see, there in prison they feel they have a roof over their heads and two meals a day; its some sort of security.

Some of the prisoners, despite the cruelty and other hardships of the prison system, become so reliant on life in prison that they can't cope with life outside and quite often they will commit a crime again just to get back into prison. You see, there in prison they feel they have a roof over their heads and two meals a day; its some sort of security.

protected by the prison system.

by normal human rules and regulations, so much for society being dumped when released they don't regard themselves as being bound

and eventually come to regard themselves as animals and less than humans. Almost all prisoners are created like murderers, others are assaulted by

condition inflicted on society, some prisoners are assaulted by others who have honed their illegal talents into a skill, as released and in this part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

involved in illegal activities ranging from petty smuggling to taking part in gang activities. Then at the end of his sentence the prisoner who

THE BIBLE AND HOW OUR PRISONS SHOULD FUNCTION

PAGE 10 .

imagination in passing sentence. Whereas community service would often be an appropriate alternative to imprisonment, or maybe even periodical imprisonment. This doesn't often happen and so the family breadwinner is incarcerated and the whole family suffers as much as the criminal. Then, too, the courts should, I believe, not necessarily send a convicted person to jail for a specific period of time but for a specific purpose. What I mean by this is, for example, if a person has been convicted of a crime and the court feels a prison sentence is appropriate, I feel the court should then enquire into the criminal's educational background, amongst other things, and if for example it is found that he has passed standard eight, the court should then sentence him not to two years in prison but to passing his matric whether this takes him six months or six years. He then leaves prison an improved person who, hopefully, has a better chance of being absorbed back into society.

The possibilities of this type of sentencing are virtually limitless but this presupposes one precondition, and that is that the necessary rehabilitation facilities are available in prisons, which they are not. I concede that this would take a lot of money to set up but once in operation the scheme could well pay for itself as the prisoners are taught a trade and then put out to work. For example, I know of one Head of a prison who would like to get welding equipment so that he can teach the prisoners to manufacture burglar guards because he is able to obtain almost limitless buyers for these products but the problem is the initial cost of the relevant equipment.

What we need is a massive re-education programme. The prisoners need to be re-educated and then provided with some sort of viable support system when they are released. The authorities need to be re-educated, in both the prisons and the courts, to see that they have a duty of care and that God expects and demands that they exercise their authority and perform their duties with compassion, remembering at all times that they are the guardians and protectors, on behalf of the Lord, of these social outcasts, in fact the very people Jesus chose to mix with. Then society too has to be re-educated to understand that if it wants to be protected it too has a duty: a duty to ensure that the released prisoner is given a chance because when the prisoner gets out of prison now, he encounters a hostile society that refuses to believe that the ex-convict has paid for his mistakes. Just try and find employment for an ex-con and you'll see what I'm talking about. But our God is watching us to see how we will react to His challenge to "Set the prisoners free" - will we react with love and forgiveness or will we apply only retribution?

What, you may ask, gives me the right to believe that I have found a solution that no-one else has? Well, firstly, I believe that each and every one of the scriptures that I have quoted has been given me by the Lord at various times. I confess that I too doubted whether the Lord had called me to proclaim His message or whether it was just my own thoughts. After a great deal of prayer by myself and others we were all led to the Book of the Prophet Ezekiel (2:1-8). I know now from this passage that the task that the Lord has set for me will not be easy and that I will encounter many obstacles ("rebellious") but nevertheless I must not rebel against what I perceive to be a very clear directive from the Lord to proclaim His message. I must "open my mouth" and speak His words.

From the foregoing I am aware that I will be attacked and belittled (as has already happened), yet I have no option but to proceed with my task. I speak what I believe I have been instructed to speak by my God. The message from the Gospel is so clear and yet when people who are

PAGE 11 .

Christians will not put aside their prejudices and open the ears of their hearts to the words of the Bible, I can only conclude, "Why do you not understand what I say? It is because you cannot bear to hear my word....but, because I tell you the truth you do not believe me. He who is of God hears the words of God" (John 8:43-47). And then we should always remember that, "If you continue in my word, you are truly my disciples, and you will know the truth, and the truth will set you free" (John 8:31-32).



Revd TD Hayward
35 A Northcliffe Ave
Westville
3630

26 /2/92

Dear Sir

We hereby acknowledge receipt of your letter dated 17/2/92.

Your keen interest in the processes of CODESA, exemplified through your letter is highly appreciated.

For your interest, we enclose a copy of the Declaration of Intent adopted at the Conference for a Democratic South Africa on 20/12/91.

Yours Sincerely

Murphy Morobe
(Head: CODESA Administration)