

And the Criminals with Him

Essays in Honor of Will D. Campbell
and All the Reconciled

EDITED BY

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AND THE CRIMINALS WITH HIM

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Contents

Part 1: Introduction | 1

- 1 From Institution to Community—*Richard C. Goode* | 3
- 2 The Good News from God in Jesus is Freedom to the Prisoners
—*Will D. Campbell and James Y. Holloway* | 16
- 3 Law and Love in Lowndes—*Will D. Campbell* | 22

Part 2: Naming the Powers | 29

- 4 What Has Happened Since 1973?—*Preston Shipp* | 33
- 5 The Societal Impact of the Prison Industrial Complex, or Incarceration for Fun and Profit . . . Mostly Profit—*Alex Friedmann* | 43
- 6 Why It Pays to Imprison: Unmasking the Prison-Industrial Complex—*Andrew Krinks* | 54
- 7 Why I am a Prison Abolitionist—*Lee Griffith* | 70

Part 3: A Demonic Principality | 87

- 8 Security and Rehabilitation and God in a Godless World
—*A. Puchalski* | 93
- 9 The Incarcerated Village—*Shelly A. Breeden* | 103
- 10 What Prison Has Taught Me—*Crystal Sturgill* | 112
- 11 Transformations: How Prison Changed Me—*Donna McCoy* | 119

Why It Pays to Imprison

Unmasking the Prison Industrial Complex

ANDREW KRINKS

IN A FEBRUARY 2010 special feature spotlighting nine of the region's most promising and innovative new entrepreneurs, Nashville, Tennessee's *City Paper* celebrated the entrepreneurial acumen of the owner of Prisoner Transportation Services of America (PTS), "a prisoner extradition company that transports inmates for state and local agencies." Taking advantage of a key niche in the marketplace, PTS proved not only to possess "a lot of room for growth," but even showed signs of being "recession-proof," which, as the editors of *The City Paper* note, surely proves the company was "doing something right" in an economic climate in which showing any profit whatsoever was nearly unprecedented. Just how much growth did the company experience? When PTS's owner bought the company in 2003, it "did less than \$1 million in revenue . . . [but] has since grown 13-fold, doubling in 2008 alone."

As any free market economist knows, the key to successful entrepreneurialism lies less in being able to summon profit from scratch and more in identifying and narrowing in on those areas of the market that bear unique potential for profitability. In the case of PTS, the cue very well may have been taken from the climate surrounding recent discussion of U.S. immigration policy. With widespread and growing resentment at an ever-increasing influx of illegal immigrants coming across the U.S. border, the company's owner was right to expect continued growth. As *The City Paper* explains, "Crackdowns against illegal immigration are helping to grow a

new line of business for PTS—sending planes full of deportees back to their home countries and continents."¹

But PTS isn't the only company making a celebrated profit off criminalization and incarceration. Corrections Corporation of America (CCA) was recently named one of America's "Best Big Companies," and was listed as the "Best of the Best" in the "Business Services and Supplies" category by *Forbes* magazine.² It is no surprise to learn, then, that CCA—the fourth largest corrections system in the nation with approximately 75,000 offenders and detainees warehoused in over sixty facilities nationwide—joined the New York Stock Exchange in 1994, making it a major competitor on the world economic stage.³ Illustrative of a burgeoning phenomenon, companies like CCA and PTS represent the heart and soul of what is called the "prison industrial complex," the multi-faceted network of businesses and corporations that keep a growing number of state and local correctional facilities operating by offering their services on a for-profit basis. And clearly, there is serious profit to be made in a country like the United States where the number of incarcerated men and women—over two million in recent years, nearly 25 percent of the world's inmates—far surpasses every other country on the globe.⁴

If there was ever any doubt, we can now be sure: it pays to imprison.

The question is: *why?*

In a world where crackdowns against illegal immigration and disproportionately high incarceration rates serve as the means by which entire industries achieve economic success, a world in which such business practice is deemed most exemplary and exceptional, it is imperative that we learn to dig beneath the numbers themselves in search of the concrete realities such figures actually signify. What unacknowledged presuppositions, forces, and structures, we ought to ask, are at work beneath the surface of the prison industrial complex that guarantee the companies that comprise it such success? If it pays to imprison, then what is the *human* cost, and what might that cost tell us about the fundamental nature of those systems and structures—those institutions, principalities, and powers—out of which the numbers arise in the first place?

1. "The 2010 Entrepreneurs of the Year," *The City Paper*, Nashville, TN, February 22, 2010.

2. <http://www.correctionscorp.com/cca-history/>.

3. Preston Shipp, "What Has Happened Since 1973?" See above.

4. "World Prison Population List, 8th Ed.," International Centre for Prison Studies, http://www.prisonstudies.org/images/downloads/wppl-8th_41.pdf.

Digging critically beneath the surface in this way constitutes what might be understood as a sort of deconstruction: a *de*-construction of the ideological and linguistic *constructs* by which institutions like the prison industrial complex form their identity. And since it is largely through constructs—through deceptive masks that obscure reality and personify praiseworthiness—that institutional powers live and move and have their being, the work of *de*-constructing and *un*-masking those institutions that reap their profit by way of systematic dehumanization is an indispensable one. Indeed, such has been the vocation of a long line of prophets, idol-crashers, and holy fools: those men and women bold enough to proclaim that what the powers call sane may actually be insane, that what the principalities call “justice” may in fact be injustice in disguise, that what the institutions call “doing something right” may indeed be the very embodiment of evil.⁵

In short, I will argue that the criminal justice system and its prison industrial complex, together, constitute an institution that fosters not justice but estrangement; a principality in the business not of correction but transformation, commodification, and violence; and a power that so inverts language that its very way of being becomes a perversion of that which its own core vocabulary—“justice” and “correction”—purports to evoke.

Assertions like these are far from popular in a society that celebrates the supposed genius of companies like PTS and CCA. As Will Campbell once said, “It is never good news to say to those who stake their lives on the political order and its distinctions that God frees the prisoners.”⁶ But the good news of liberation has, indeed, been proclaimed (Luke 4:14–30). The Christian’s task is simply to live as though it were actually true—and it is. Which means the most faithful response to those systems and structures that know only how to imprison and deport, dehumanize and diminish, may very well be to live as though the very presuppositions upon which they stand were nothing more than a set of illusions. And yet, as the concrete walls, iron cages, and barbed wire fences of our many prisons make clear, illusions often serve as catalysts for some of the most specious forms of violence. Therefore, the first and most important step in moving beyond any such illusion is to learn the nature of the illusion itself—to learn so as to unlearn, to unlearn so as to foster something new.

5. Isaiah 5:20: “Ah, you who call evil good / and good evil, / who put darkness for light / and light for darkness, / who put bitter for sweet / and sweet for bitter!” (All scripture citations, unless otherwise noted, are from the NRSV.)

6. Campbell, *Writings on Reconciliation and Resistance*, 21.

The Institutionalization of Estrangement

If it is true—if it is “righteous” and “just”—that we no longer regard anyone from the point of view by which their misdeeds are counted against them (2 Cor 5:16–20), then what are we to make of a so-called justice system that regards a person’s misdeeds as punishable by death? And if it is true that to grace strangers and enemies with love and welcome is to be more deeply rooted in the spirit of the living God than to abide by those laws that establish and uphold borders (Lev 19:33–34; Deut 10:17–19; Matt 5:43–48; Luke 10:25–37), then what can be said of an industry that thrives off laws and policies that ensure estrangement?

According to the writers of Hebrew scripture, there is no such thing as justice apart from community. As Old Testament scholar Bruce Birch explains, the Hebrew word for justice, *mišpat*, a word used frequently throughout Hebrew scripture, particularly in the writings of the prophets, “relates to the claim to life and participation by all persons in the structures and dealings of the community, and especially to equity in the legal system.”⁷ Often paired with justice, the Hebrew word for righteousness, *śedaqah*, “a more personal term, refers to the expectations in relationship for intentions and actions that make for wholeness in that relationship.”⁸ Life, participation, equity, wholeness—if the God of Israel desires anything, it is that human beings learn to interact with one another in ways that foster the flourishing of the whole community—including even those who exist outside of it.

Thus, whenever a Hebrew prophet, claiming to speak on God’s behalf, arrives on the scene and begins to shout, it is because the indispensable communality of God’s covenant with God’s people has been compromised. As James Mays puts it, “Where someone cries out for justice, all hear in that word a claim that something has gone wrong in the relation between a society and its members.”⁹ Raining down curses and omens upon Israel for their perversion of justice,¹⁰ for their mistreatment of the poor, the orphan, and the widow,¹¹ and for their misdirected worship,¹² the prophets are not upset because the letter of the law has been breached in some su-

7. Birch, *Let Justice Roll Down*, 259.

8. *Ibid.*, 259–60.

9. Mays, “Justice: Perspectives from the Prophetic Tradition,” 146.

10. See Amos 5:7; 6:12b

11. See Isaiah 1:16–17; 3:15; 10:1–2; Jeremiah 22:13–17; Amos 2:6–7; 8:4–6

12. See Amos 5:21–24; Hosea 4:12; 6:6

perfidious sense, but because the people of Israel, if they are to be anything, are to be a *people*, meaning they are to be concerned, ultimately, with one another's livelihood. The prophets' call for justice, therefore, is a call upon the people to repent of their demonic and destructive disposition toward the fostering of estrangement, the fragmentation of community.

The irony of the criminal justice system, then, is that to be made prisoner, to be served "justice," is to be made stranger, alien, other—systematically cut off from relationship and community. In today's prison system, estrangement, for some, means spending twenty-three hours a day in a cramped, windowless cell, deprived of all human touch or interaction, for months, years, or decades on end. For others in prison, estrangement is the perpetual realization that, in a matter of months or years, one will lie on a stretcher to be poisoned with chemicals, drowned in a sea of concrete and barbed wire, with few, if any, who will stand by to weep or mourn at such a loss. If the God of Israel is a god who loves and executes justice (Psalm 99:4), a god who lovingly creates each human in order that she might flourish in relationship and community with others, then an institution that so systematically deprives even the most sinful and broken human beings of community, love, and livelihood is surely a godless one.

Thus, the good news that Christ, echoing the prophet Isaiah, proclaims at the synagogue (Luke 4:16–19), and which Paul later elucidates (2 Cor 5:16–20), is that since all humans have been liberated, redeemed, and reconciled to God, and thus to one another, estrangement is not the final word. Jesus proclaims freedom for the prisoners, then, because prison is the very institutionalization of estrangement, of the refusal to give life and restore community even in response to wrongs committed, of counting a person's misdeeds against them, even to the point of death. Thus, as Will Campbell and others bear witness, to follow Christ is to live and move and have our being in contradiction—in resistance—to those systems and structures that foster and institutionalize estrangement, not least of which are the criminal justice system and its prison industrial complex. For as Campbell says, "there is no such thing as 'prisoner' where the gospel is concerned."¹³

Transformation, Commodification, and Violence

The road from the courtroom to the prison cell, much like the road to Damascus, is a path that promises the complete transformation of those

13. Campbell, *Writings on Reconciliation and Resistance*, 29.

who pass along it. Like Jacob, Simon, Saul, and others in the biblical tradition, men and women convicted of crimes and sentenced to time in prison are given, by the sovereign power to which they are subject, a brand new name and identity. In other words, my friend Morris is no longer "Morris" and my friend Donna is no longer "Donna"; they are #126121 and #301924, prisoners of the state of Tennessee. Thus, despite the parallels, the difference between the renaming authority of God and that of the state should be obvious. In the biblical tradition, to be renamed is to be redeemed, gifted with new life. In the criminal justice system, however, to be renamed is to be deemed unredeemable, deprived of identity, deprived of the possibility of a productive livelihood.¹⁴ In one kingdom, a new name is a sign of belovedness; in the other, a new name is a sign of nothingness. In response to wrongdoing, one gives life, while the other takes it away; in response to sin, one forgives and restores, while the other diminishes and destroys.

The transformation from free world citizen to prisoner of the state, furthermore, constitutes a phenomenon that philosopher Giorgio Agamben calls "the politicization of bare life."¹⁵ Identified anew in terms of their subjection to a sovereign who literally "decides on the value or the nonvalue of life as such," a power who determines both one's every move and one's very future, the life of men and women in prison is life that has been re-conceptualized as "life unworthy of being lived." First employed by National Socialist lawyers and doctors in 1920s and '30s Germany, "life unworthy of being lived" was the term used to describe persons "devoid of value," the "incurably lost": those who were physically and mentally ill beyond repair, and thus deemed incapable of contributing anything worthwhile to society. As Agamben explains, however, the ethos that undergirded National Socialism's self-styled humanitarian euthanasia program eventually translated into the ethos that guided the genocide of millions of Jews and others who did not fit the standards of legitimate human life in Nazi Germany.¹⁶ Thus, while the parallels between the policies of the American criminal justice system and National Socialism are certainly limited, the fact remains that sovereign state power is power that is capable of deciding upon the value or nonvalue of human life, of trans-

14. The near insurmountable challenge of obtaining sustainable employment and housing as an ex-convict is, in many ways, the punishment that keeps on punishing for as long as an ex-convict lives. For further information see Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*.

15. Agamben, *Homo Sacer: Sovereign Power and Bare Life*, 4.

16. *Ibid.*, 136–43.

forming human beings into that which is less than human, and therefore capable of being justifiably done away with.

But the powers of human transformation are not limited to the state or the criminal justice system alone. According to the French philosopher Michel Foucault, to grasp the full breadth and depth of its influence, power must be defined *beyond* the concepts of prohibition and repression. If it is to be effective in the work it sets out to do, Foucault argues, power must act in more compelling and productive ways than through the use of brute, juridical force alone. "What makes power hold good," he writes, "what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse."¹⁷ And indeed, if the praises sung by *Forbes* and *The City Paper* offer any insight, the private prison industry has more than succeeded in making repressive power highly compelling. But beneath its compelling veneer, the total effects of politico-economic power on the men and women living inside the walls of the industry's prisons are anything but laudable.

To start, it must be understood that essential to every industry is its raw material: some expendable element, steady in supply, that is capable of being exploited on a large scale and transformed into a commodity that will reap a profit. From forests to petroleum fields, corn crops to coal mines, raw materials literally make the industrial world go round, producing goods that create jobs and bolster economies the world over. But the prison industrial complex utilizes an element quite unlike those of other industries.

In the eyes of companies that own and operate correctional facilities on a for-profit basis—companies that function, like any other company, on the basis of their "bottom line"—an empty prison bed literally represents a loss in profit, which is why, for companies like CCA and PTS, higher incarceration rates equal higher profit. Indeed, without a reliably steady supply of prisoners, there would be no private prison industry to begin with. So integral are high incarceration rates to the private prison industry that, as a special report by National Public Radio in October 2010 reveals, officials of CCA recently went so far as to help draft what would eventually become the state of Arizona's infamous tough-on-immigration bill, SB 1070. In the wake of the bill's eventual signing into law, the company's president made explicitly clear his intentions for the future of the business: "I can only believe the opportunities at the federal level are going

17. Foucault, "Truth and Power," in *The Foucault Reader*, 60–61.

to continue apace as a result of what's happening. Those people coming across the border and getting caught are going to have to be detained," he said, which can only mean one thing: "there's going to be enhanced opportunities for what we do."¹⁸

Clearly, once again, it pays to imprison. But in order to reap a profit off imprisonment, human beings must first be transformed into the expendable raw materials of the industry. And in order for something to be conceived of as a raw material it must first be reduced or diminished from whatever it was prior to a lifeless entity to be utilized in the "free" exchange that takes place in the market.¹⁹ Indeed, businesses that comprise the prison industrial complex cannot, by their very nature, conceive of prisoners in any other way: the very profitability of each company depends upon such a dehumanizing reduction. Thus, if the criminal justice system can be said to transform human beings into that which is less than human, then the prison industrial complex is a force that functions by transforming that which is already less than human into something even less: profit-reaping raw material, a statistic on an end-of-year business report, a number shouted from the floor of the New York Stock Exchange, and, perhaps most ironically, a success story celebrated by the likes of *Forbes* and *The City Paper*.

And yet, despite the contemporaneity of the private prison industry, the problem of systematic exploitation and commodification is anything but new. Even ancient Israel could not resist the opportunity for profit that God's gifts possessed for those keen enough to exploit them. For the wealthy of Israel, the primary means of exploitation was the land itself: where it once served to support the people, the land eventually grew to serve an elite few at the expense of many. But before long, exploitation was no longer limited to the land alone. As James Mays explains, Israel's gradual shift in socioeconomic orientation included not only "the shift of the primary social good, land, from the function of support to that of capital," but also "the reorientation of social goals from personal values to economic profit," which included the "subordination of judicial process to

18. Sullivan, "Prison Economics Help Drive Arizona Immigration Law."

19. There is a notable irony to the fact that the *free* market here thrives off the explicit, systematic confinement of others—the *un*-freedom of millions of human beings. Such arrangements inevitably lead us to reconsider what, exactly, true freedom consists of. For a helpful discussion on the notion of "freedom" within free market economics, see Cavanaugh, *Being Consumed: Economics and Christian Desire*, especially pp. 1–32.

the interests of the entrepreneur.”²⁰ In other words, writes Mays, “Justice was being commercialized.”²¹

Little has changed in three thousand years. As the prison industrial complex of today demonstrates, when human beings are so dehumanized and diminished as to be subordinated to the role of raw material, justice itself becomes subordinated to the interests of a handful of politically influential business leaders. Listed, in effect, among entities like paper, gold, or oil, justice itself becomes a commodity to be bought, sold, and traded on the market. The irony, then, is that by transforming humans into raw materials and justice into a commodity, the criminal justice system and its prison industrial complex set in motion another significant transformation: the transformation of justice into injustice.

The fundamental business of the prison industrial complex, then, is not the business of correction, but the business of human diminishment, of transformation and commodification. And if one is in the business of transforming human beings into raw materials, of transforming justice into a commodity, then one is fundamentally in the business of *violence*. For the fact of the matter is, anywhere human beings are systematically diminished, reduced, made invisible, their dignity rendered irrelevant or nonexistent, then, regardless of whether anyone has been inflicted with physical harm or not, violence has been carried out. Indeed, human diminishment itself, more than just a form of violence, is in fact the very ground out of which *all* violence grows. For whether it be the more explicit violence of assault, murder, or warfare, or the more subtle violence of taking away a person’s dignity, of reducing complex individuals into flat, objective numbers, it all begins with diminishment, with the moment at which it becomes possible to think of others in terms less than human.

Thus, when a person enters prison for the crime of trespassing the law, the means of their apparent “correction” is violence—not violence as explicit as the kind for which they may be in prison, but a more subtle, systematized, and slow-working form of violence. It is also important to recognize, however, that prisoners themselves are by no means the only victims of violence and diminishment in the criminal justice system and its prison industrial complex. Indeed, it is often the case that those whose job it is to imprison others are so dehumanized by their actions that they, too, are made victim in the process, though perhaps in a less recognizable

20. Mays, “Justice: Perspectives from the Prophetic Tradition,” 148.

21. *Ibid.*, 153.

way.²² Therefore, from the initial victims of crime, to those imprisoned for acts of crime, to those charged with carrying out their punishment, the prison system makes victims of all parties involved.

It is for these reasons that a “justice” system that operates on the basis of violence and human diminishment can never truly be just, for true justice does not diminish or do away with human beings, no matter how criminal their actions may be. True justice undertakes the difficult work of restoration, reconciliation, and resurrection; true justice makes things right by remembering that all human beings are beloved by God. True justice acts with the understanding that human beings are made, at their most fundamental level, for community, that, indeed, the fracturing of community itself is one of the primary catalysts of crime and poverty in the first place. True justice, therefore, *re-members* those who have been *dis-membered* from community.²³

Thus, in the end, while good things—restoration, job-training, education, and so on—certainly do take place in the midst of correctional institutions owned and operated by companies that comprise the prison industrial complex, it would be a mistake to concede that such things comprise the heart and soul of the industry. On the contrary, the heart of the industry would cease its beating if its fundamental mission were truly the restoration of individuals, for the restoration of individuals cannot come about as a result of the systematic diminishment of individuals. Indeed, if we can be certain of one thing, it is that the spirit that makes true restoration possible is not the same spirit that makes its profit off the diminishment and objectification of human beings, for authentic restoration does not even compute to a system whose bottom line (increased profit) excludes the possibility of engaging its raw materials (prisoners) as dignified, God-beloved persons. Authentic restoration is not the product of a system that can only operate as a diminishing force; authentic restoration is a seed that subverts such systems. And the fact that such seeds find their way inside prisons at all is a source of great hope. “The light shines in the darkness, and the darkness did not overcome it.”²⁴

22. Stringfellow, *An Ethic for Christians and Other Aliens in a Strange Land*, 131.

23. Dark, *The Sacredness of Questioning Everything*, 122.

24. John 1:5

Language as the House of Being

The German philosopher Martin Heidegger writes, “language is the house of Being.” To be human, he suggests, is to dwell in the house of language, to *be* by way of words.²⁵ Indeed, so integral is language to concrete, lived human experience that it is even possible to assert with the French philosopher and theologian Jean-Luc Marion that “language constitutes us more carnally than our flesh.”²⁶ But just as a tree is known by its fruit, so one’s language does not necessarily represent the concrete reality one inhabits or embodies. And as the criminal justice system and its prison industrial complex demonstrate, it is all too possible to speak an uninhabited, disembodied language, to build with one’s words “a house where nobody lives,”²⁷ to create a body with nobody in it. But so long as they are taken at their word, institutions like the criminal justice system and its prison industrial complex are free to create whatever reality they choose.

William Stringfellow argues that one of the primary stratagems employed by the demonic principalities and powers for the sake of their own self-perpetuation is the use of contorted language. From inverted definitions, to jargon, to euphemism, to doublespeak—the language of the demonic powers is fundamentally the language of manipulation.²⁸ Consider, for instance, the word “justice.” If one is to take the criminal justice system at its word, then “justice” signifies not the establishment of a community sustained by participation, equity, and wholeness, but the violently systematic estrangement of already-broken human beings, the isolation, alienation, and execution of offenders of the law. And yet, because they carry the sovereign power and authority of the state and the law, the criminal justice system makes “justice” to mean whatever it wants it to mean. Indeed, for the criminal justice system, to even utter the word is to bind the bodies of human beings in captivity—a captivity that actually has very little to do with the true spirit of justice. Likewise, if one is to take the prison industrial complex at its word, then “correction” signifies not the act of righting wrongs, of restoring to wholeness the order that is displaced by an act of crime, as well as the disorder that long existed in the life of the person who committed it, but the transformation of humans into raw materials, the transformation of justice into a commodity. And

25. Heidegger, “Letter on Humanism,” in *Basic Writings*, 217.

26. Marion, *God Without Being*, 141.

27. Tom Waits, “House Where Nobody Lives” (1999).

28. Stringfellow, *An Ethic for Christians and Other Aliens in a Strange Land*, 100–101.

yet, because they operate under the edifice of economic progress, so long as they simply utter the word, the compelling power of profit thrives.

If language is, indeed, the house of our being, if it constitutes us more carnally than our flesh, then manipulatively contorted language leaves us unable to *be*—to *be with* other human beings—in any truly just, restorative, or redemptive posture. And if the language we speak builds a house, then the language the criminal justice system speaks builds a prison; likewise, if the words we utter constitute our very bodies, then the words spoken by the prison industrial complex constitute a broken, maimed, and bruised body—a malleable body shaped not for living and flourishing, but for profit-making.

The question that must be asked, then, is how “just,” how “corrective,” can an institution be if it depends upon the transformation of men and women into raw materials, the transformation of human subjects into sub-human objects, the transformation of the realm of law into a marketplace wherein concern for justice is eclipsed by concern for profit? If such realities truly represent justice and correction—if the institutions themselves are truly willing to use such words to describe their actual function in society—then we are confronted with the very inversion of language, which is, itself, the perversion of the very body that speaks it. Thus, perhaps what truly needs correcting—even more than those men and women who have offended the law—are the very systems and structures that claim the execution of “correction” and “justice” as their first and only purpose.

So, if the language of the criminal justice system and its prison industrial complex exemplify the inversion of language, then what do words well-employed look like? Peculiar as it may seem, the purest example of faithful speech at our disposal is the very “speech” of God, namely the utterance, the evocation of the “word made flesh,” Jesus of Nazareth.²⁹ In the Christian tradition, when God speaks, it is an embodied speech, a speech in which what is evoked is made manifest in flesh and blood. And indeed, to take into full account what this divine embodiment of language—Jesus—looks like is to encounter a way of being that welcomes strangers, loves enemies, and challenges the pretenses of empires, that proclaims good news to the poor and freedom for the prisoners. If Jesus is what the divine embodiment of speech looks like, then what, we might ask, ought our language look like? And how might it take flesh?

Walter Brueggemann writes that “the evocation of an alternative reality consists at least in part in the battle for language and the legitimization

29. John 1:1–14

of a new rhetoric.³⁰ And as both the Hebrew prophets and Jesus bear witness, the language most capable of breaking through the demonic jargon—the cold and lifeless speech of the principalities and powers—is the language of poetry. Poetry—from the Greek *poiesis*, meaning “making” or “creating”—is, at its root, the language of openness to that which is other, language that creates new contexts in which to imagine new possibilities for being human. In contrast to the lifeless language of the principalities and powers—what David Dark calls “the death sentences that generate a sort of verbal totalitarianism”³¹—the poetic word is that word which opens otherwise unimaginable spaces, spaces in which what was once dead receives new life. Awakening a new imagination, poetry summons us to see the world, and those in it, with new eyes. As the language of depths, poetry possesses the power to plunge beneath the pseudo-realities propounded by the principalities and powers, and there, to illuminate, evoke, and embody an alternative reality.

Indeed, one can almost hear the poet-prophet intone:

*You who turn justice into a prison cell
and confuse righteousness with retribution;
you who deprive the poor of justice in the courtroom
and deny freedom to those who have been slaves all their lives;
you who earn your keeps by sending the alien packing,
by stuffing your law-breakers into cramped warehouses,
by taking away names only to replace them with numbers—
your claims to just authority disgust me;
I hate your pretensions of righteousness.*

*The words of your mouth
are the words of a tongue struck dumb—
a tongue that keeps on talking, but makes no sound
other than the sound of Babel.
Woe to you, for the day will soon come
when true justice will roll down like a river
and wash your hollow house of mirrors away.*

30. Brueggemann, *The Prophetic Imagination*, 18.

31. Dark, *The Sacredness of Questioning Everything*, 122.

To Be What Our Words Evoke: A Conclusion

It has been said, “an enemy is someone whose story you have not heard.”³² To listen to an enemy’s story is to risk the possibility of glimpsing his humanity, which might even lead to the eradication of the very concept of “enemy” altogether. And since having an enemy to loathe and fear helps fuel much of what passes as politics in our world, it follows that there is not a whole lot of storytelling or listening going on. For indeed, it is a great deal easier to keep enemies than to submit ourselves to the vulnerability of standing in someone else’s shoes for even a moment. To make ourselves vulnerable to the ways in which other people (enemies, prisoners, “illegal aliens”) live—to the dark and messy complexity of their often tragic histories and contexts—is to submit ourselves to a death of sorts: the death of what Cornel West calls our “tacit assumptions and unarticulated presuppositions,”³³ our limited worldviews, our solipsistic prejudices about the ways of the world.

Will Campbell writes that “one who understands the nature of tragedy can never take sides.”³⁴ The social, economic, political, spiritual, historical, and geographical factors that give rise to such things as crime (and tragedy) are such that a black-and-white system of retributive punishment—a form of “taking of sides”—will never be effective in restoring or bringing life to either the victims or the perpetrators of crime. Indeed, since the factors that give rise to crime (and illegal immigration) are infinitely complex, it follows that our responses ought to be more complex, more nuanced, which means being vulnerable, flexible, and open to the uncertainty that comes with failure.

One might easily argue that the whole of these observations too easily overlooks the fact that prisoners are, in many case, people who have committed gravely serious offenses with real-life victims who continue to live in the shadow of the crimes committed against them. Indeed, one ought not emphasize the forgiveness and restoration of people in prison in such a way that the depth of suffering endured by the victims of crime goes unacknowledged. There can be neither justice nor reconciliation without some form of accountability. As Wendy Farley urges: “Forgiveness is not

32. Quoted in Žižek, *Violence: Six Sideways Reflections*, 46.

33. Cornel West, quoted in Taylor, *Examined Life: Excursions with Contemporary Thinkers*, 3.

34. Campbell, *Brother to a Dragonfly*, 225–26.

the first word to the afflicted; if it comes at all, it comes very late . . . An antidote to humiliation must first be offered.³⁵

There is no question, therefore, that prisons are full of people guilty of all sorts of wrongdoing. But the world outside our many prisons is full of people guilty of all manner of wrongdoing, as well: "If you, O Lord, kept a record of sins, O Lord, who could stand?"³⁶ In the end, to struggle for forgiveness and restoration over condemnation and retribution is not to suggest that there is no such thing as crime, that murder, rape, abuse, exploitation, theft, and other grievous acts are not committed on a daily basis. Rather, it is to suggest, first of all, that no one is without sin, that, as Aleksandr Solzhenitsyn writes, "the line dividing good and evil cuts through the heart of every human being."³⁷ As Elder Zosimas in Dostoevsky's *The Brothers Karamazov* articulates so well:

Remember especially, that you cannot be the judge of anyone. For there can be no judge of a criminal on earth until the judge knows that he, too, is a criminal, exactly the same as the one who stands before him, and that he is perhaps most guilty of all for the crime of the one standing before him. When he understands this, then he will be able to judge. However mad that may seem, it is true. For if I myself were righteous, perhaps there would be no criminal standing before me now.³⁸

To struggle for forgiveness and restoration over condemnation and retribution, then, is to embody the reality articulated by the apostle Paul that, having been reconciled to God through Christ, our trespasses are no longer counted against us (2 Cor 5:19), which means we are freed to relate to one another beyond that which would otherwise separate us.

Thus, as far as the gospel is concerned, it no longer makes any sense to repay one wrongdoing with another. By the power of God made flesh in the man who asks God to forgive even his own executioners (Luke 23:32–34) one may seek to disarm wrongdoing by committing oneself to the long, hard work of blessing, forgiveness, and acquittal (Rom 12:14–21; 1 Peter 3:8–22). If such is the power of God at work in the world, then we would do well to reflect critically and at length upon the fact that the

35. Farley, "Evil," 17.

36. Psalm 130:3 (NIV).

37. Solzhenitsyn, *The Gulag Archipelago*, Volume 1: *An Experiment in Literary Investigation*, 168.

38. Dostoevsky, *The Brothers Karamazov*, 320–21.

"justice" systems of the world claim to make things right by returning violence for violence, by repaying wrongdoing with still more wrongdoing.

In the end, the wisdom of those who visit men and women in prison—who pray and break bread with, who teach and learn and laugh with, who are, indeed, "reconciled" with—is that they possess the foolishness by which to proclaim a deeper truth within a context that does not know what to do with such truth: the truth that each man and woman behind those prison walls is not primarily a number, a "criminal," or a raw material, but a name, a face, and a beloved child of God. Indeed, it is often the case that we don't *actually* learn this truth in all its confounding fullness until we are willing to walk through the prison walls ourselves and learn it from those who know it best, those who live and breathe it through their daily prayers on behalf of those who are supposed to be their enemies: their prosecutors, their victims and victims' families, and the prison guards who manage their every move. For until we actually learn what it means to *be* reconciled with those made invisible and all but nonexistent by the criminal justice system and its prison industrial complex—until we come close enough to listen, to allow "Morris" and "Donna" to eclipse #126121 and #301924—then our words will remain but noisy gongs and clanging cymbals (1 Cor 13:1).

William Stringfellow writes, "there comes a moment when words must either become incarnated or the words, even if literally true, are rendered false."³⁹ And as the lifeless language of the criminal justice system and its prison industrial complex demonstrate, disembodied words are more than just disembodied—they are deadly. Which means that, for those who seek to follow the word-made-flesh, the most faithful, most subversive thing one can do when confronted with such powers is to *be* what our words (justice, liberation, reconciliation) evoke, to embody the life that stirs within them—to live and move and have our being as if there were, in fact, no such thing as "prisoner."

39. Stringfellow, *An Ethic for Christians and Other Aliens in a Strange Land*, 21.