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Incarnation Against Incarceration: A Dialogue Between Christian Theology and Prison
Abolitionism

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Abstract

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Incarnation Against Incarceration brings Christian theological ethics and prison abolitionist theory into conversation. Episcopal theologian Kathryn Tanner's christologically-grounded principles of unconditional, universal, and non-competitive giving provide a frame for this dialogue. Her approach is then used to engage with data ranging from the theoretical to the social scientific to the practical. Specifically, this thesis argues that Tanner's three principles of giving offer an alternative to punitive theological and ethical theories, make a critique of the material dynamics of incarceration, and provide a direction for practical action in movements for social change. On this basis, I conclude that faithful Christian discipleship calls for rejection of penal theories and carceral practices, on the one hand, and, on the other hand, calls for participation in abolitionist movements, sustained by hope in God's grace.

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Introduction

Contemporary Episcopal theologian Kathryn Tanner ends her book *Theories of Culture* with the observation that “the recognition of God’s free and uncontrollable Word...desocializes Christians, so to speak; it breaks the habit of the normal, and thereby frees them for renewed attention to the Word.”¹ In other words, faithful Christian living not only involves witness and proclamation but also listening and discernment. And since the grace of God is universal, Christians must not only learn from other Christians past and present but also remain prayerfully sensitive to God’s activity in the world. One such witness Christians today must allow to challenge their complacency is the prison abolitionist movement. Conversely, religious scholars Vincent Lloyd and Joshua Dubler note, “The challenge for would-be abolitionists is actually living the commitments we profess to hold. This means habituating ourselves to actually respond to the daily injustice that one encounters, and it means doing so in ways that are themselves just. If one is to be truly ethical, then succumbing to despair is simply not an option.”² Religious traditions and communities such as Christianity offer a resource for this crucial ethical and spiritual dimension. Hence, from both a Christian and an abolitionist standpoint, it is past overdue to bring Christian theology and prison abolitionism into sustained dialogue with one another.

To this end, this thesis argues that Tanner’s theological ethics gives a frame for a Christian dialogue with prison abolitionism because her three christologically-grounded principles of giving offer an alternative to punitive theological and ethical theories, make a critique of the material dynamics of incarceration, and provide a direction for practical action in movements for social change. Tanner’s incarnation-centered theology of atonement provides a

vision of gracious justice that contrasts with carceral accounts of justice as retribution, rehabilitation, or deterrence and atonement as penal substitution, moral influence, or moral government. For Tanner, Christians are called to participate in the divine mission of unconditional, universal, and mutual giving revealed in Christ and his atoning work. In turn, Tanner's framework opens up an avenue for dialogue between Christian ethics and the scholarship of abolitionist thinkers like Ruth Wilson Gilmore and Jackie Wang because these principles serve as a lens not only to critique theological and ethical theory but also to judge the material dynamics of the carceral system. This dialogue indicates a horizon of non-penal justice that avoids the pitfalls of reformism or utopianism.

This introduction consists of three main sections. First, I review contemporary scholarship on the relationship between Christianity, prisons, and abolition. This scholarship covers a range of disciplines, including theology, ethics, and history. These studies fall into two broad categories: critical and constructive. While the former critique Christianity's role in the creation and maintenance of the modern carceral system, the latter use Christian beliefs to argue for reform or abolition of that system. Second, I explain my primary sources and methods. My primary sources are sociological and theological. The social scientific sources serve to establish an understanding of the carceral system, while the theological sources serve as both a constructive resource and objects of critique. Third, I outline the three chapters of the thesis. In the first, I establish an understanding of Tanner's theology and ethics and compare and contrast it with competing models. With this ethical framework established, I bring it into conversation with the sociopolitical analysis of critical theorists and abolitionist scholars to advance a critique of the material dynamics of the United States carceral system. Last, I bring these ethical and

material critiques to bear on the work of other contemporary Christian ethicists in order to indicate a horizon for faithful Christian action against incarceration.

Contemporary Scholarship

Several recent works have begun the task of bringing Christian theology and religious experience into conversation with the topic of prisons and prison abolition. Among these are research in the fields of constructive theology, biblical theology, religious studies, religious history, and social ethics. As noted above, these fall into two camps: critical works that analyze Christianity's contribution to modern carceral ideologies and constructive works that mine it as a resource to combat these ideologies. That being said, these two orientations are not mutually exclusive, and some works emphasize one or the other approach while other works combine the two. Each approach is important for the present thesis as its goal is both critical and constructive. On the one hand, it is critical in the sense that it develops critiques of both penal theories of justice and the carceral system as such. On the other hand, it is constructive in the sense that it advances a non-penal framework of justice and indicates a horizon for anti-carceral action. Tanner's theology provides the basis for each of these tasks. Her argument in *Economy of Grace* provides a model for critiquing social systems through a quasi-structuralist method that compares and contrasts their patterns of relations with those patterns evidenced in Christ. Moreover, the threefold pattern of theo-ethical principles she advocates are both flexible enough and specific enough to give positive direction to Christian life. In this way, the thesis's argument contributes to the ongoing conversations of both the critical and constructive approaches and helps to bridge the gap between the two. In the following paragraphs, I map the basic contours of this conversation. First, I analyze works that trace the impact of Christian religious ideas on the evolution of the American prison system from its inception through the rise of mass incarceration

to the contemporary era. Then, I examine a number of theological texts that call for prison reform or abolition from a range of perspectives.

On the historical level, Jennifer Graber's *The Furnace of Affliction* outlines how Protestant theological ideas about redemptive suffering inspired the construction of prisons in early United States history as "penitentiaries" for the spiritual reformation of those incarcerated in their walls.³ Specifically, she argues Protestant reformers both defined the purpose of incarceration as rehabilitation and set early prison policy on the state level, before gradually losing influence. In turn, the compromises required to sustain this project—shifts from enforced solitude to communal work, from psychological rumination to physical brutality—reshaped Protestant theology and redefined the role of religion in public life. Graber makes a close reading of primary texts from reformers, officials, and inmates in order to reconstruct this history. Her historical background to the creation of the United States prison system highlights the importance of finding different ways of understanding these theological ideas because it demonstrates the mutual influence of Christian theology and the United States prison system. Therefore, it is crucial, on the one hand, to critique the theological justifications of the carceral system, and, on the other hand, to critique the carceral concessions impacting Christian theology. Besides lending this urgency to the aims of the thesis, Graber's book also offers a valuable resource for the first chapter's work of tracing the correlations between various atonement theories, ethical theories, and penal frameworks.

Considering more recent history, Aaron Griffith's *God's Law and Order* examines the role of evangelicals in the creation of mass incarceration in the United States.⁴ He argues that evangelicals were historically essential to this shift in American politics, as they were instrumental in developing broader consensus around issues of punishment. More specifically,

Griffith claims evangelicals' interest in conversion motivated their concern for crime. In order to demonstrate this, he uses the methods of cultural history to show how the politics of imprisonment became infused with uniquely evangelical meaning-making. Griffith's contribution offers a useful complement to Graber's book. While the latter focuses on the inception of incarceration in the United States, the former focuses on its latest chapter. Each relates this to the activities and theologies of Protestant activists. Like Graber, Griffith develops a layered account of the mutual influences of Christian theology on carceral politics and carceral politics on Christian theology. Therefore, the two works considered together constitute a solid historical foundation for my theological-ethical reflections examining these links between Christian theology and carceral politics in order to set the two into more antagonistic relation.

Further analyzing the contemporary context, Joshua Dubler and Vincent Lloyd's *Break Every Yoke* reflects a religious studies approach that examines the relationship between American religion, prisons, and abolition.⁵ They argue that religious dynamics are a central factor in United States culture and politics, and the role these dynamics play in both mass incarceration and resistance against it remains undertheorized. For this reason, Dubler and Lloyd draw on social scientific research to document a connection between changing religious attitudes and the rise of law-and-order rhetoric in the mid-twentieth century. As a counterpoint, they also present ethnographic studies on religious movements among incarcerated people. Dubler and Lloyd's book therefore represents an important supplement to established research on incarceration in the United States that analyzes political, economic, and cultural determinants but overlooks religion. It is an especially helpful resource, as it demonstrates the significance of religious beliefs for shaping understandings of justice and how these understandings in turn affect the prison system. For the purposes of the present thesis, I draw especially on Dubler and

Lloyd's account of the "abolition spirit," the spiritual dimension that gives transcendent motivation to abolitionist projects. As I explain in the third chapter, the present thesis is haunted and animated by this spirit that allows neither contentment with the world nor withdrawal from it.

Turning to theology, T. Richard Snyder's *The Protestant Ethic and the Spirit of Punishment* considers the links between particular Protestant theologies of grace and a disposition to punish.⁶ Specifically, Snyder argues that certain notions of total depravity and individualized redemption contribute to a dualistic mentality that effaces the goodness of creation. According to this mentality, believers are personally saved from a justly condemned world. Drawing on Max Weber's famous analysis of the role of Protestant beliefs in the spread of capitalism, Snyder sees a similar logic at work in regard to penal practices. In turn, he claims that a better theology of grace might instead fund restorative practices.

Like Snyder, Timothy Gorringer's *God's Just Vengeance* examines the relationship between Christian theologies of atonement and the evolution of penal practices.⁷ Gorringer argues that traditional satisfaction theories of atonement rely on a retributive logic that fosters a punitive social ethos. On the other hand, he seeks to rehabilitate moral-influence theories as a theological alternative. Drawing on cultural theories to analyze the ideological dimension of theology, Gorringer traces an intellectual genealogy from Anselm of Canterbury to modern British penology. In certain respects, my argument represents an alternative version of Gorringer's. While I share his focus on atonement thinking as the site for rethinking our commitment to retribution, I take this basic approach in a different direction. Unlike Gorringer, I do not privilege moral-influence theories over satisfaction theories, but rather critique both. Likewise, I do not agree with Gorringer's conflation of sacrifice and retribution. Although the concept of sacrifice

requires significant clarification, I do think it is an appropriate category for describing Christ's atoning work. Finally, another difference is my focus on a United States context as opposed to Gorringer's primarily British point of reference. All that being said, Gorringer's work provides an insightful complement to Tanner's own approach to the relationship between theology, culture, and politics, which I gesture towards in the first chapter.

Yet another approach is Lee Griffith's in *The Fall of the Prison*.⁸ Griffith seeks to make a biblical case for prison abolition grounded in Jesus's proclamation of freedom to the captives in Luke 4:18. He advances a Christian pacifist argument that prisons are powers and principalities that represent the "spirit of death" defeated in Christ's resurrection.⁹ Therefore, Christian reliance on prisons and police constitutes an idolatrous trust in this spirit rather than the Spirit of God revealed in Christ. In addition to biblical studies, Griffith also draws on social science, church history, and personal experience to make his case. Still one of the few books to present a forthright defense of prison abolition on the basis of Christian theology, *The Fall of the Prison* also preceded much of the contemporary wave of secular work on this issue. For these reasons, it remains an indispensable conversation partner for my own research, which aims to argue the same point but on different terms than Griffith's pacifist framework. In particular, the third chapter draws inspiration from Griffith's uncompromising prophetic voice, while eschewing his valorization of suffering witness.

Reflecting a more reformist pacifism, James Samuel Logan's *Good Punishment?* aims to establish a Christian vision of punishment distinct from the retributive and alienating forms of punishment evident in mass incarceration.¹⁰ Expanding on Stanley Hauerwas's reflections, Logan argues that Hauerwas's notion of Christian punishment as excommunication can be extended from a church context to public practices such as imprisonment. In this case,

excommunication means confronting a person with their transgression and its consequences and inviting them to reconciliation. Therefore, the end goal is a restoration of broken relationships, which Logan calls “ontological intimacy.”¹¹ Like Griffith, Logan advances a pacifist perspective, but one of a different tenor. Unlike Griffith, Logan is not an anarchist, and he is advocating reform, not abolition of the criminal legal system. Furthermore, Logan’s critique of mass incarceration does not revolve around charges of idolatry, as does Griffith’s, but rather rests on an analysis of the meaning of forgiveness. That being said, the relationship with my own argument is similar to Griffith’s. While I do not share their pacifist framework, I agree with their criticisms of retribution and their affirmation of reconciliation. Hence, Logan’s work is also both a model and a foil for the abolitionist horizon advanced in the third chapter.

Mark Lewis Taylor’s *The Executed God* advances a less traditional theological argument, asking how followers of an executed Christ should respond to police violence, mass incarceration, and the death penalty.¹² Taylor argues for an alternative Christology centered on a politics of remembrance that foregrounds the political context of Jesus’s crucifixion, connecting it with the punitive politics of the contemporary United States. Such remembrance gives rise to a “counter-theatrics” to the “theatrics of state terror.”¹³ Methodologically, Taylor draws on Paul Tillich’s notion of “ultimate concern” to frame his theological claims and Walter Benjamin’s critique of historicism to frame his interpretation of the historical events surrounding Jesus’s execution. This offers some intriguing parallels with my own project, but from a different theological basis that looks at the cross not through the lens of atonement but through that of remembrance. Given the centrality of incarnation to Tanner’s theology of atonement that I am following here, Christology is also important for my thesis. But, unlike Taylor’s, this Christology is a traditional Chalcedonian one.

Finally, *Beyond Prisons* by Laura Magnani and Harmon Wray makes an ethical argument against penal justice and for restorative justice grounded in Quaker spirituality but intended for an interfaith audience.¹⁴ Magnani and Wray argue for a revolution in values that would redefine morality as balance, safety as well-being, crime as violation of rights, and justice as peace-building. After providing a historical and sociological assessment of the United States prison system's failures, they turn to a variety of traditions—including Jewish, Buddhist, and indigenous spiritualities—to articulate an alternative model of justice. One feature that distinguishes *Beyond Prisons* is that it culminates in a twelve-point plan outlining specific transitional demands. While I do not engage this text specifically in the body of the thesis, its interfaith perspective is a useful resource to complement the non-sectarian coalition-building I advocate in the third chapter.

Thesis Sources and Methodology

The primary sources for this thesis fall into three main categories. First is social scientific research on the US carceral system. As mentioned above, this includes critical geographer Ruth Wilson Gilmore's *Golden Gulag* and American Studies scholar Jackie Wang's *Carceral Capitalism*.^{15,16} Together, these works establish the complex role incarceration plays as a spatial fix for capitalist surplus crises, as a central locus of racialization, and as a disciplinary means of subjectivation. Understanding these material realities of the carceral system is important before undertaking any critique of it.

Second are the theological sources that serve as both my substantive and methodological foundation. This is primarily the work of Kathryn Tanner. Substantively, the incarnational mechanism of atonement that she develops in *Jesus, Humanity and the Trinity* and *Christ the Key* is the theological cornerstone for my argument.^{17,18} According to this interpretation of

atonement, “Once perfected by the inpouring of gifts from the Father, Jesus’ humanity becomes the means by which those gifts are poured out to us through the workings of the Holy Spirit.”¹⁹

The upshot is that atonement is achieved not through the payment of debt or the demonstration of God’s love or justice, but rather through a qualitative transformation of humans’—and by extension all creation’s—relationship to God. Methodologically, the formal mode of comparative analysis Tanner deploys in *Economy of Grace* is the basis for my “translation” of this incarnational atonement theology into terms that can speak to the issue of incarceration.

According to this quasi-structuralist method, “What matters for comparative purposes is the internal organization of different systems; how the items within each system are related to one another establishes the basis for comparison, irrespective of the apparent meaning or reference of individual terms.”²⁰ Therefore, one can compare and contrast theological and sociological principles of justice without reducing one to the other.

This method expands on the theology of culture that Tanner presents in *Theories of Culture*, which itself serves as the primary methodological statement for her subsequent systematic theology, differentiating her approach from both the liberal and postliberal theologies of the later twentieth century.²¹ In that book, she argues that the Christian Gospel is always culturally mediated. There is no unmediated revelation beneath this cultural instantiation. As Tanner affirms in *Economy of Grace*, “theological ideas originate in the effort to set them off against those of the wider society...The Christian story of economy that I tell is not, then, simply found...[T]he Christian story... is a highly malleable story, susceptible to multiple readings of the notions at issue and multiple accounts of how these notions are all to be tied together coherently.”²² One way of understanding this is by analogy with translation. Christian theologians translate the “Christian story” into cultural languages, but the story itself is always

only found in translation; there is no original source text. Furthermore, the process of translation disturbs the grammar of the target language itself, as in Walter Benjamin's messianic theory of translation.²³ Tanner speaks the Gospel in the language of economics to disturb neoliberal capitalism. In this thesis, I aim to speak the Gospel in the language of justice to disturb the carceral system.

Finally, the third category of primary sources for this thesis are the theological sources that serve as an object of critique. In particular, these sources outline competing models of atonement, such as penal-substitutionary, moral-influence, and moral governmental models. Engagement with these models allows me to test my thesis and respond to potential objections. Specifically, I examine how these models also draw on cultural discourses of justice. But I argue that Tanner's model does so in a way that better fits the Gospel witness. Furthermore, I contend that the competing models serve to reinforce rather than subvert the understandings of justice that support incarceration. That being said, I do not claim there is a necessary link between one holding these models and advocating carceral practices.

Thesis Outline

Chapter 1 of the thesis will introduce the theological and ethical background for my argument. First, I introduce Tanner and give an overview of her theology. Her theology is organized around the motif of "God as the giver of all good gifts," placing an accent on grace and relationship.²⁴ Then, I explain Tanner's theological method and how and why I am using it for my thesis. Methodologically, she demonstrates how theology can be a thoroughly cultural phenomenon while still retaining a critical edge. Specifically, she is able to use the incarnation as a basis for developing an account of the pattern of God's differentiated relations to creation. In turn, she then articulates this pattern into a threefold framework of ethical principles that can

provide direction while remaining sensitive to the complexities of varying contexts. On this basis, I argue that while penal-substitution, moral influence, and moral government accounts of atonement correspond to retributive, rehabilitative, and deterrence theories of justice, Tanner's incarnational account of atonement suggests alternative principles of justice. These are principles of mercy, healing, and fellowship. Mercy refers to the gratuitous character of justice. Healing refers to a focus on repairing harms and meeting needs. And fellowship refers to restoring and building relationships of mutuality.

Chapter 2 turns to the work of abolitionist scholars in order to establish an analysis of the carceral system. In particular, I argue that incarceration plays a critical role in the social reproduction of racial capitalism in the United States that manifests in the dimensions of surplus-crisis resolution, racialization, and subjectivation, which conflict with the non-penal principles of fellowship, mercy, and healing, respectively. Thinkers such as Gilmore, Wang, and Foucault demonstrate the social functions of modern incarceration in relation to surplus crises, racialization, and subjectivation. Given this analysis, the principles of gracious justice identified in the previous chapter critique not only the ethical justifications of incarceration, but also the place of the carceral system in racial capitalist social reproduction.

Chapter 3 brings this Christian vision of prison abolition into conversation with other recent Christian theological reflection on the criminal legal system, arguing that the principles of fellowship, healing, and mercy orient a Christian response to the prison-industrial complex that entails participation in abolitionist social movements, commitment to mutual aid practices, and dedication to non-reformist reforms. Hence, Tanner's theological ethics in light of abolitionist social analyses offers a framework for more transformative and constructive organizing than

either the work of theologians like James Samuel Logan who advocate reform of the system, or the work of those like Lee Griffith who advocate disengagement from the system.

Chapter 1: Atonement and Ethics

There's a wideness in God's mercy,
 like the wideness of the sea.
 There's a kindness in God's justice,
 which is more than liberty.
 –Frederick W. Faber, “There's A Wideness in God's Mercy”

¿Cuáles buenos valores? ¿Para quién perdón?
 Dios está en la falta, rezando en voz alta
 –Sara Hebe, “El Marginal”

Introduction

At the heart of the Christian Gospel is the message: “in Christ God was reconciling the world to himself” (2 Corin. 5:19a NRSVUE). This message lays a claim upon the lives of those who receive it in faith: “he died for all, so that those who live might live no longer for themselves but for the one who for their sake died and was raised” (2 Corin. 5:15 NRSVUE). Specifically, this means that “[f]rom now on...we regard no one from a human point of view” but instead through “the ministry of reconciliation” (2 Corin. 5:16, 18 NRSVUE). But what does all this mean? How does God reconcile creation to Godself in Christ? And how does this translate to the practicalities of Christian witness and discipleship? In other words, what account of the atonement might we give as theologians, and what theological ethics does this imply? This Pauline passage suggests a close connection between atonement and ethics, given the association between God's reconciling the world in Christ and Christians' corresponding ministry of reconciliation. Consequently, this chapter aims to explore this connection and in so doing sketch a potential answer to these questions.

Specifically, this chapter examines the connection between various Christian accounts of atonement and different ethical theories of justice and punishment. Later chapters will extend this analysis to the concrete problem of mass incarceration in the United States. Here, I argue

that while penal substitution, moral influence, and moral government accounts of atonement correspond to retributive, rehabilitative, and deterrence theories of justice, contemporary Anglican theologian Kathryn Tanner's incarnational account of atonement suggests alternative principles of justice. These are principles of mercy, healing, and fellowship. On this basis, I argue that Tanner's grace-centered approach is both theologically and ethically preferable to the competing accounts.

This argument is significant for both Christian witness and discipleship. On the one hand, it has bearing on how we think and speak about the divine attributes. How do we affirm both God's justice and mercy? And how do we understand the relationship between the two? On the other hand, it has bearing on how we live and relate to other people. While Tanner's own work has focused on the question of economic justice, the present investigation expands her vision of Christian vocation to broader questions of criminal law and social justice. In doing so, this study demonstrates how Tanner's theologically-informed ethics might be applied to still further areas of concern.

Before beginning, it will be useful to provide a quick outline of the chapter's structure. First, I provide an overview of Tanner's theology, since its Christologically-grounded threefold pattern of gift-giving provides the methodological framework for my argument. I summarize her overall theological approach, and then explain how this plays out in her theological ethics and theology of atonement. Along the way, I also make connections with other theologians to clarify Tanner's position. Second, I turn to other influential accounts of atonement, using atonement as an angle for theological and ethical comparison. These other accounts include penal substitution, satisfaction, moral influence, and moral government approaches. For each account, I give a description of its theology before I identify its ethical corollaries and historical examples of its

effects on how particular Christians have related to carceral institutions in certain contexts. Then, I make both a theological and ethical critique of the approach from the standpoint of Tanner's. Finally, I consider potential objections to Tanner's own theology of atonement and conclude the chapter.

Tanner's Theology and Ethics

In her book *Jesus, Humanity and the Trinity*, Tanner organizes her theology around the Christologically-grounded claim that in all God's actions, God's mission is to give the gift of God's own life.²⁵ This mission finds particular expressions in different spheres of divine activity that culminate in the incarnation.²⁶ The persons of the Trinity give themselves to one another. God gives existence to creation. God gives the covenant to Israel. God gives Jesus's humanity unity with the Word. And God gives other creatures unity with Christ.

Since the Holy Spirit unites us to Christ, we participate in this divine mission of gift-giving. Just as this one mission finds particular expressions in different spheres of divine activity, it finds particular expressions in our lives as participants by grace. In *Economy of Grace*, Tanner draws this out in three principles that she applies to the economic dimension of human life: giving is unconditional, universal, and non-competitive. Each of these principles can be seen in the different spheres of divine activity, for example creation. Creation is unconditional because creatures have no existence prior to creation and therefore cannot merit it.²⁷ Creation is universal because all things are directly dependent upon God for their existence.²⁸ And creation is non-competitive because God is in no way diminished or "boxed out" by creation, nor vice-versa.²⁹

Here, it is helpful to compare Tanner's approach to theological ethics with Karl Barth's. Both Tanner and Barth represent a Christocentric approach. Barth expresses this in terms of his rejection of a Lutheran dichotomy between law and gospel. While Luther believes the gospel is

revealed in Christ, the law is independently disclosed in the unwritten law of conscience and the written laws of states.³⁰ Against this interpretation, Barth asserts that God's self-revelation in Christ is both law and gospel for Christians. This point and its importance become clear in the first thesis of the Barmen Declaration: "Jesus Christ...is the one Word of God...which we have to trust and obey."³¹ In this sentence, the word "trust" points to the gospel of God's promise revealed in Christ and the word "obey" points to the law of God's command revealed in Christ. For Barth, this is a refutation of a fundamental theological error underlying the German Christian movement. The German Christians' separation of law from gospel allowed them to view the Nazi regime as a manifestation of divine authority alongside Christ. Barth's theology rules out this possibility because it makes clear that God's will in Christ possesses unique authority for Christian life. For this reason, Barth writes of the Word of God: "In its content, it is Gospel; in its form and fashion, it is Law."³²

Similarly, Tanner writes, "Actions that conform to God's law are therefore not done in the expectation that they are a condition of God's faithfulness; they are done instead in grateful recognition of God's free giving, a free giving that includes the gift of these very directives for human life that are being followed."³³ In other words, for Barth and Tanner alike, God's law is less a concession to human fallenness than an expression of graced living. Consequently, the link that connects Tanner's theology of God's self-giving and her ethics of unconditional, universal, and mutual sharing of these gifts, is a threefold Chalcedonian Christology.³⁴ Just as Barth reads the theological virtues of faith, love, and hope through the lens of Christ's divine nature, human nature, and the union of the two, so Tanner also takes these three elements of the hypostatic union as the basis for her principles of unconditional, universal, and mutual giving, respectively.³⁵ Jesus's divinity is related to unconditional giving because his divine nature is

given as the very foundation of his human life, rather than something earned as in an adoptionist Christology. His humanity is related to universal giving because his entire humanity is the divine Word's very own, and so the whole shape of his life is determined by the incarnation. Finally, the union of these two natures in one person grounds Tanner's principle of non-competition both in the relation between God and creation and in the realm of ethics. In sum, discipleship and Christian ethics means living out the truth of who God claims us as in Christ.

Returning once more to Tanner's three theological-ethical principles, these will serve as the normative basis for comparing and contrasting the different accounts of atonement and theories of justice in this chapter. Since Tanner is concerned with economic issues, she frames her principles in terms of giving. Ultimately, she gives these principles content not only through a Chalcedonian framework, but more concretely through a Eucharistic emphasis. Jesus's table ministry links this theme with Christology through the category of sacrifice. Drawing on recent anthropological and biblical scholarship, Tanner interprets sacrifice as more about communion and celebration than death and renunciation.³⁶ With this in mind, both Jesus's life, death, and resurrection and the subsequent vocation of the church can be thought in terms of gift-giving.

Because the present study is concerned with incarceration, it will be clearer to reframe these same principles in terms of relationship, to which a Eucharistic emphasis on meal fellowship also lends itself. Therefore, I translate Tanner's principles of unconditional giving, universal giving, and non-competitive giving to the principles of mercy, healing, and fellowship, respectively. Here the rhetoric of giving and relationship are convertible because either in this context refers to specific patterns of interrelations. While the terminology changes, the substance of the patterns remains unchanged. Ultimately, this change is made for the sake of clarity in using the method of comparative analysis explained below. In this sense, then, mercy means a

commitment to the good of others irrespective of desert. Mercy does not distinguish between deserving and undeserving, innocent and guilty, but rather establishes communion for its own sake, as Jesus does in his practice of indiscriminate table fellowship including tax collectors and sinners. Healing means a commitment to relationships of support according to need. This is the flip side of mercy. Again, this can be seen in the Gospel stories of Jesus's miraculous feeding of the crowds with loaves and fishes, so each might have their fill. Fellowship means that these relationships of support are mutual and not to the benefit of one group or person at the expense of another. Of course, this is evidenced in the communities that formed around Jesus and his style of commensality.

Tanner's essay "Justification and Justice in a Theology of Grace" illustrates this framing well. In this essay, she seeks to rethink the Christian doctrine of justification in light of the Old Testament witness to God's faithfulness. Specifically, Tanner argues that in the Old Testament texts she analyzes, God's justice is cast in terms of relationship and mercy. Furthermore, this divine justice is presented as a model for human justice. Each of these theses support the methodological presuppositions I have made above. As evidence for the relational character of divine justice, Tanner cites biblical scholars' consensus that God's righteousness must be understood in "the special context of covenant relations that Yahweh sets up with Israel."³⁷ On this basis, mercy is not in contradistinction to justice, but rather a foundational element of it.

When Israel fails to uphold their end of the covenant, God "does not break relations with them as they deserve," but instead "remains righteous in the sense of faithful to the covenant, faithful to God's own intent to be the God of Israel."³⁸ In other words, God's justice is not a retributive justice based on desert, but rather an unbroken faithfulness to the unconditional relationship God wills. Hence, Tanner interprets biblical references to God's judgment and wrath

as expressions of God's mercy, not oppositions to it. She cites Isaiah 1:24-26 as evidence for such an interpretation.³⁹ Here, God's wrath and even vengeance are explicitly cast as means of restoration to relationship. Lastly, in establishing the point that the "people of God are to act to other human beings as God acts towards them," Tanner appeals to the repeated invocations of God's liberation of Israel from Egypt as the reason for Israel's own duty to "the stranger, widow, and orphan."⁴⁰ All this is applicable to a Christian doctrine of justification because "the free grace of God in Christ can be talked about as a continuation of the unobligated faithfulness to relations with human beings that the Old Testament discusses as God's righteousness."⁴¹

Tanner's Incarnational Account of Atonement

Having outlined Tanner's overall theological approach and the contours of her theological ethics, it is time to turn to her theology of atonement. First, it is important to clarify the meaning of atonement. Etymologically, the English word atonement literally means "at-one-ment."⁴² Reconciliation is a closely related concept. Therefore, a theology of atonement is an explanation of how humans are reconciled to God in Christ. In other words, it will provide an account of what obstacle has broken the relationship between God and humanity, as well as the mechanism by which God overcomes this obstacle and restores the intended relationship. For Tanner, the obstacle is humans' insecure reception of grace, God's gift of Godself. God never stops giving us all good, but as sinners we "turn away from" and "interrupt" this grace.⁴³ In turn, the mechanism God uses to overcome this obstacle is the incarnation itself. In Christ, God gives Godself to humanity in a way we can no longer lose.⁴⁴ Due to the union of divine and human natures, Jesus lives a perfect reception of God's grace in which the rest of humanity vicariously participates. Crucially, Tanner does not limit the incarnation to the event of Jesus's birth, but defines it as the unfolding of Jesus's entire life as the human life of the divine Word.⁴⁵ As

Christ's human nature encounters the effects of sin—including death—it remains united to the divine Word, never turning aside from God's grace even in the midst of temptation and suffering. By the life-giving powers of the Word, sin is overcome and Jesus's humanity is healed and glorified. Tanner uses the Johannine imagery of Christ as a light in darkness to illustrate this point.⁴⁶ Through its unity with Jesus's humanity, the divine Word enters the darkness of human separation from God and dispels it.

While this might at first appear a strange account of atonement, it actually bears a strong resemblance to some of the earliest Christian accounts of this doctrine. In his essay, "The Patristic Atonement Model," Australian theologian Benjamin Myers challenges Gustaf Aulen's influential characterization of patristic theologies of atonement. According to Myers, Aulen sets up a dichotomy between these ancient accounts and modern ones, arguing the former exhibit an admirable lack of systematization.⁴⁷ But Myers thinks this is false. He argues that the best-known patristic accounts of atonement share a clear mechanism. Namely, that upon Jesus's death "the fullness of the divine life enters the privative state of death," thus destroying it.⁴⁸ This mechanism is identical with Tanner's, although she does not focus as centrally on death. Furthermore, Myers outlines three "metaphysical assumptions" he finds in the patristic authors he considers: divine impassibility, death as privation, and universal human nature.⁴⁹

Each of these assumptions also elucidate Tanner's account. Divine impassibility is an aspect of Tanner's emphasis on God's radical transcendence, and this impassibility explains the life-giving power of the Word in the face of sin and death. Similarly, sin and death are privative for Tanner, as they amount to denial of grace and separation from God, as opposed to a punitive curse God inflicts. This is why the presence of God in Christ is able to overcome them—again, like light in darkness. And, as Myers explains, the patristic presupposition of the oneness of

humanity is not grounded in a Platonic ideal but rather the Pauline “Christ-Adam typology.”⁵⁰ Likewise for Tanner, the saving effects of the incarnation are universal because sinful humans are united to Christ’s humanity by the Holy Spirit, not because of any metaphysical theory about a universal ideal which individuals instantiate.⁵¹ She stresses this point given its importance for the credibility of an incarnational account of atonement in a modern context that calls into question essentialist accounts of human nature.

Briefly turning to the patristic sources Myers cites will also reveal another key dimension of atonement theology. While I have suggested the connection between atonement theology and theological ethics, accounts of atonement also broach another crucial area: doctrine of God. Specifically, any account of atonement must do justice to the different attributes Christians ascribe to God, such as righteousness, mercy, wisdom, and love. This comes out especially clearly in Athanasius and Gregory of Nyssa. Athanasius frames his discussion of atonement in *On the Incarnation* in terms of the “divine dilemma.”⁵² God’s dilemma is as follows. On the one hand, “It was unworthy of the goodness of God that creatures made by Him should be brought to nothing through the deceit wrought upon man by the devil.”⁵³ On the other hand, “it was unthinkable that God, the Father of Truth, should go back upon His word regarding death in order to ensure our continued existence.”⁵⁴ In other words, how does one maintain both God’s goodness and God’s truthfulness?

For Athanasius, this is resolved in the incarnation. Through Christ’s death, as Myers describes above, God rescues humanity from death. Therefore, God is both good to humanity and true to God’s warning about the consequences of sin. Importantly, Athanasius is not a proto-penal substitutionist. Death is not a punishment but a privation caused from turning away God’s life-sustaining grace. Hence, he writes, “The presence and love of the Word had called them into

being; inevitably, therefore when they lost the knowledge of God, they lost existence with it.”⁵⁵ Like Tanner, Athanasius identifies atonement with the restoration in Christ of humanity’s connection to the Word in whose image we are created. Also like Tanner, Athanasius frames this restoration in terms of human participation in Christ’s secure reception of grace. Khaled Anatolios notes that, for Athanasius, “it is in the incarnation that the Word himself received grace humanly on our behalf, and thus granted us the definitive ability to ‘remain’ in grace, which...had been the block in human-divine communion.”⁵⁶ He goes on to cite as evidence the following passage from Athanasius’s *Discourses Against the Arians*: “For when humanity alone receives, it is liable to lose again what it has received (and this is shown by Adam, for he received and he lost). But in order that the grace may not be liable to loss, and may be guarded securely for humanity, [the Lord] himself appropriates the gift, and so He says that he has received power, as a man, which He always had as God.”⁵⁷

Similar to Athanasius before him, Gregory of Nyssa also identifies a potential divine dilemma. He frames this in terms of God’s faithfulness to God’s goodness, justice, and wisdom: “As good, then, the Deity entertains pity for fallen man; as wise He is not ignorant of the means for his recovery; while a just decision must also form part of that wisdom; for no one would ascribe that genuine justice to the absence of wisdom.”⁵⁸ Again, it is the life-giving Word’s entering into death that offers an answer. This is the import of Gregory’s famous bait-and-hook analogy: “the Deity was hidden under the veil of our nature, that so, as with ravenous fish, the hook of the Deity might be gulped down along with the bait of flesh, and thus, life being introduced into the house of death, and light shining in darkness, that which is diametrically opposed to light and life might vanish.”⁵⁹ Based on these two examples, it is clear that Tanner’s own account of atonement is also motivated by a desire to uphold divine attributes. In particular,

she wants to affirm God's goodness and God's freedom. God's gracious decision to become incarnate in Jesus manifests both.

Hopefully, in light of the above exposition of Tanner's work, it is apparent why I chose atonement as the lens for comparing and contrasting different theological and ethical approaches. Atonement is a privileged locus for thinking about both the character of God and the nature of justice. Different accounts of atonement seek to vindicate God's attributes in distinct ways. Are God's justice and mercy understood as competing principles that need to be balanced? Or are they understood as integrally related? Likewise, different accounts of atonement model different ethical relations. Timothy Gorringer explores this thesis in his book *God's Just Vengeance*. Specifically, he makes the case that a range of atonement imagery—especially that related to debt and propitiation—has shaped a dominant “structure of affect” encouraging more harshly punitive approaches to criminal law in contexts where such theologies have prevailed.⁶⁰ While Gorringer provides good historical evidence for his case, it risks implying a somewhat one-sided account. Ultimately, social and cultural changes influence theology as much as the latter serves to legitimate the former. Moreover, as Tanner points out in her early work *The Politics of God*, beliefs alone do not determine actions. Rather, one must examine an entire complex of beliefs, attitudes, and situations in order to draw any conclusions about their practical implications. For example, belief in predestination could motivate either fatalistic resignation or frantic productivity depending on how one conceptualizes the personal marks or lack thereof of election and reprobation.⁶¹

Consequently, my point in this section is not to demonstrate that particular doctrines of atonement necessarily produce particular ethico-political commitments. Such an argument would be reductionist at best.⁶² This is especially important to keep in mind in relation to the historical

anecdotes I include, since I do not suppose them to follow from the respective theologies in any deterministic fashion. Instead, my intention is to draw attention to the structural similarities between certain atonement doctrines, ethical theories, and penal policies. Such an approach follows the “formal mode of comparative analysis” Tanner develops in *Economy of Grace* where “how the items within each system are related to one another establishes the basis for comparison, irrespective of the apparent meaning or reference of individual terms.”⁶³ In other words, the ethical framework adopted here is “a rather round-about procedure” that involves “abstracting general principles from the repeated structures of God's gift-giving and figuring out their appropriate application to the specifics of a human ministry of benefits.”⁶⁴ One “figures out their appropriate application” through a quasi-structuralist method that treats the Gospel witness and a given social order as analogous formal systems.

Linguistics provides the best model here. Different languages have different grammars, distinct ways of organizing elements. Hence, Tanner's method involves a three-step process. First, one identifies the “grammar” of the Christian witness. In this case, the grammar is defined as the three principles of mercy, healing, and fellowship. Second, one examines the “grammar” of a particular social order. For Tanner, neoliberal capitalism, and for us, the United States carceral system. Third, one “translates” the elements of the source language—the social order—into the grammar of the target language—the Gospel witness. Using this approach one can faithfully bring the Gospel to bear on a system whose elements are not addressed explicitly in the scripture. Since our own contexts are not equivalent to those in which the biblical texts were written, such an approach is unavoidable if one wants to maintain the Gospel's relevance for ethical life without resorting to crude anachronism. As Tanner notes, comparative analysis in this sense both respects the non-reductionist emphasis of *The Politics of God* while also avoiding the

limitations of the specific pragmatist style of argumentation she employs in that book. Namely, it sidesteps the pitfall that an “emphasis on the way religious beliefs function, on their effects, distracts attention from the way the content of those beliefs might themselves be outlining a possible structure for economic affairs.”⁶⁵ With these clarifications in mind, I explore the theological and ethical parallels of various accounts of atonement below, comparing and contrasting them with Tanner’s along the way.

Comparing Accounts of Atonement

There are three main categories of atonement theology I examine below: satisfaction and penal accounts, moral influence accounts, and moral government accounts. Satisfaction and penal accounts both characterize Christ’s atoning work in terms of a restoration of moral balance. While there are significant differences between satisfaction and penal substitution, to which I will give due note, it is worth grouping them together here due to this common retributive element. Anselm’s presentation of satisfaction is definitive, and Calvin serves as a paradigmatic representative of penal substitution. Moral influence accounts, meanwhile, characterize Christ’s atoning work in terms of its affective power to transform the human heart. This emphasis on transformation through affective experience corresponds to a notion of rehabilitation. Peter Abelard and Horace Bushnell provide a medieval and modern example of this type of atonement theology. Finally, the moral government account is less well-known, but especially indicative of the correspondences between theologies of atonement and theories of justice. Paralleling legal theories of deterrence, these accounts characterize Christ’s atoning work as being a penal example. In other words, unlike penal substitution, God does not literally punish Christ in our place, but rather Christ undergoes crucifixion to express God’s displeasure with sin and inspire human repentance. In a way, this type of account mediates between aspects of penal

substitutionary and moral influence accounts. Hugo Grotius and John Miley are two illuminating examples of this approach.

Satisfaction and Penal Substitution

Let us begin with satisfaction and penal substitution. As noted above, both of these types of account characterize atonement in terms of balance. But each frames this balance in a distinct way. On the one hand, satisfaction is framed in terms of honor. Human beings owe God honor as our Creator. But, in sin, we fail to render God the honor God is due. God's justice means creation is a well-ordered whole. Therefore, God must restore God's honor in order to be true to Godself. As Anselm writes, "justice to man is regulated by law, so that, according to the requirements of law, the measure of award is bestowed by God...But if sin is neither paid for nor punished, it is subject to no law."⁶⁶ In other words, since justice is the maintenance of a kind of order, humanity's dishonor to God is like a debt. To satisfy the debt, either humanity must pay it back or suffer punishment. Since God is merciful, God does not want to abandon humanity to punishment. But sinful humanity cannot pay back the debt because we have nothing to give that we do not already owe God as God's creatures. This is how Anselm makes his case for the incarnation. As the sinless God-human, Jesus does not deserve to die. Hence, his voluntary choice to give his life in obedience to God is above and beyond the call of duty. Consequently, the Father rewards him for this meritorious act. But, as God, Christ has no need of this reward and graciously gives it to sinful humanity, thus satisfying our debt without the need for punishment.⁶⁷ Modern scholars often draw parallels between Anselm's account and the feudal honor code, as well as the system of monastic vows, to which Anselm refers.⁶⁸

On the other hand, penal substitution is framed in terms of legal penalty. According to Calvin's account, as merciful Father, God also does not want to abandon all humanity to

punishment. But, “as judge,” God “is angry towards us. Hence, an expiation must intervene in order that Christ as priest may obtain God's favor for us and appease his wrath.”⁶⁹ In Christ’s priestly role as Mediator, “the guilt that held us liable for punishment has been transferred to the head of the Son of God.”⁷⁰ Therefore, in Christ’s death, “righteous judgment is satisfied, the curse is removed, and the penalty paid in full.”⁷¹ Calvin’s language of “judge,” “guilt,” and “penalty” clearly signal the legal understanding underpinning his account. It will be helpful to summarize the above accounts in terms of the obstacle to divine-human relationship they identify and the mechanism God uses to overcome it. For Anselm, the obstacle is the debt of humanity’s dishonor to God and the mechanism for overcoming it is Christ’s voluntary act above and beyond what is owed. For Calvin, the obstacle is humanity’s guilt before God as judge and the mechanism for overcoming it is Christ’s assumption of our guilt and punishment in our place.

Based on these descriptions of satisfaction and penal substitution accounts of atonement, it is possible to draw a corollary with retributive theories of justice and punishment, as well as their historical repercussions. R.A. Duff and David Garland identify the retributive theory of punishment with the “claim that the guilty, and only the guilty, deserve to be punished, and that punishment is justified if, or only if, it inflicts on the guilty the suffering they deserve.”⁷² Such an intrinsic link between guilt and punishment is evident in Calvin’s account of atonement. Anselm, on the other hand, appeals to concepts of debt and satisfaction. But, in either case, the emphasis is on the maintenance of an order according to desert. In turn, such attitudes have influenced the evolution of the United States carceral system. Elizabeth Bounds examines one such example in terms of a geographic shift in American politics. While early prisons and jails in the North and Midwest found inspiration in religious notions of redemptive transformation, after the Civil War Southern states developed penal institutions grounded in “forms of punitive Calvinistic

Protestantism entwined with racism.”⁷³ These include practices such as convict-leasing, chain gangs, and lynching. Although “[c]hange began slowly after the Second World War” as Southern penology adapted to the national conversation, it in turn transformed that consensus as Southern religious sensibilities exerted a greater influence nationwide in the postwar wave of evangelicalism.⁷⁴ In his book, *God’s Law and Order*, Aaron Griffith narrates how the marriage of evangelical theological anthropology and law-and-order crime rhetoric contributed to both the mainstreaming of evangelical cultural influence and the rise of mass incarceration in the United States in the latter half of the twentieth century. One example he provides is particularly illuminating. In 1976, when the ACLU sought the National Association of Evangelicals’ support for their coalition against the death penalty, the association’s secretary of public affairs declined their request. Citing “penal substitution atonement theory, he contended that ‘God does not forgive sin without appropriate penalties.’ Just as Jesus had to pay the ‘supreme penalty’ so that humanity’s sins could be forgiven, governments must seek ‘just retribution’ for all violations.”⁷⁵

Using the theological-ethical framework developed from Tanner’s work above, it is possible to critique both the theology of satisfaction and penal substitution accounts of atonement and the ethics of retributive theories of justice. On the one hand, satisfaction and penal substitution are theologically problematic because, following Tanner, “God’s saving response to the events of the cross is not sufficiently external to them to make sense of a forensic analogy. God’s saving act does not follow Jesus’ obedience the way a reward follows the doing of good works.”⁷⁶ In other words, Jesus does not pay a penalty or cover a debt in order to reconcile God to humanity. Rather, as Jesus, the divine Word enters human life and death in order to reconcile humanity to God. This distinction preserves God’s gracious initiative in salvation. On the other hand, retribution is ethically problematic because it violates the principle

of unconditional giving or mercy. As noted above, this principle entails a commitment to the good of others irrespective of desert. Just as God's saving act does not follow the doing of good works, neither should Christians repay others according to their works. Instead, Christians should emulate the unmerited generosity of the vineyard owner in the parable of Matthew 20.

Moral Influence

Moving on to the moral influence account of atonement, I will review the expositions of Peter Abelard and Horace Bushnell. Often credited as the originator of the moral influence account, Abelard's explanation comes as a brief aside in his commentary on Paul's letter to the Romans. For Abelard, Jesus's incarnation and passion are a "gift of divine grace" that demonstrates God's love and so "enkindle[s]" our hearts.⁷⁷ In other words, "our redemption through Christ's suffering is that deeper affection in us" that frees us from sin and fear for freedom and love.⁷⁸ Abelard cites Romans 5:5 and 5:8 as evidence for this position.⁷⁹ John 15:13 connects this explanation with Jesus's passion.⁸⁰ Writing in a nineteenth century American context, Bushnell's views on the atonement are more fully developed and systematically expounded than Abelard's. According to Bushnell, the whole story of Christ's life and death is redemptive because of its aesthetic and affective power to transform its audience.⁸¹ He argues that this is why various theories of the atonement fail. They are comparable to "Othello by dogmatic article."⁸² While he seeks to outline his "moral-power view," he is careful to add that "it will not be understood that I am proposing an article, but only that I hint, in this general way, a conception of the gospel whose reality and staple value are in the facts that embody its power."⁸³ Therefore, both Abelard and Bushnell share a focus on the experience of faith. Looking again to the question of obstacle and mechanism, the obstacle for each is a certain

coldness of the human heart towards God and others, while the mechanism that overcomes it is the example of Christ's self-sacrifice.

While satisfaction and penal substitution accounts correspond to retributive theories and practices, the moral influence account corresponds to rehabilitative theories. For Duff and Garland, such theories involve "an educative or reformatory process that aims, through the hard treatment which it involves, to induce the offender to repent, to reform, and so to become reconciled with the community."⁸⁴ This educative bent parallels Abelard's and Bushnell's focus on affect. The experience of suffering—whether Christ's or the offender's—prompts moral transformation and restored relationships. Again, this finds expression in the history of United States prisons and jails. Jennifer Graber describes how Protestant social reformers in antebellum New York envisioned prisons as sites of redemptive suffering. Chaplain John Stanford's inaugural sermon at Newgate compared the institution to Isaiah's "furnace of affliction" and "noted that the prison hosted the fullness of divine action, including the suffering necessary for redemption... While humiliating and awful, such torments were necessary. By prompting redemption, they helped achieve the institution's primary goal."⁸⁵ Notice that, for Stanford, the suffering is not the point. Rather, the suffering is an educative means directed to the end of moral transformation. It is a constituent of the affective process whereby the incarcerated individual is broken down and reshaped.

Again, such an appeal to redemptive suffering is opposed to a theology and ethics that makes the incarnation its center. It is theologically misleading because it places the emphasis on human emotional response to the story of Christ's suffering rather than humanity's renewed relationship to God in Christ. Following Tanner, such affective and moral transformation comes as a result of this restored relationship, not the other way around. By reversing this order, moral

influence accounts thereby obscure “the distinction between, on the one hand, having divine powers through attachment to what is itself divine, and, on the other hand, drawing upon them.”⁸⁶ Rehabilitative justifications of punishment are ethically inappropriate because they clash with the principle of universal giving or healing, named above, which entails a commitment to relationships of support according to need. Healing prioritizes establishing hospitable patterns of relationships over shaping the subjective attitudes of individuals. While rehabilitative theories of punishment aim to remold offenders in a furnace of affliction before they can be reintegrated into community relationship, Christians should follow the example in Luke 19 of Jesus who invited Zacchaeus to share a meal before Zacchaeus had a change of heart and resolved to make amends to the people he defrauded.

Moral Government

Finally is the moral government account of atonement. Though less popular than the others, it represents an interesting variation on themes from both the penal substitution and moral influence accounts. One of the main criticisms of penal substitution is the concern that it is unjust for one person to suffer another’s punishment. Far from achieving justice, this is a further injustice. Responding to this critique, the moral government account proposes that Christ’s death is important as a signal of God’s just disapproval of sin rather than as a direct infliction of our penalty on Christ. In *Approaching the Atonement*, Oliver Crisp describes it this way: “God makes Christ an example of what would happen to fallen human beings if he were to punish them for their sins as they deserve. Christ suffers as a kind of deterrent, and so that God’s moral government of the universe is upheld.”⁸⁷ So Christ is a “penal example” rather than a penal substitute.⁸⁸ Since God exhibits God’s justice on the cross, God can show mercy to us without neglecting the former. Therefore, the moral government account shares with the penal

substitutionary the view that atonement is primarily about reconciling God's justice with God's mercy. But in this case, justice is not about paying a debt but rather about expressing condemnation. Crisp describes this in terms of God's "rectoral justice" as opposed to retributive justice.⁸⁹ Dutch theologian and lawyer Hugo Grotius first developed this account in his polemic against Faustus Socinus. Like Calvin, Grotius puts this in terms of God's magistracy. As a good ruler, God has two aims in Christ's death: "namely, the exhibition of the divine justice, and the remission of sins with respect to us, i.e. our exemption from punishment."⁹⁰ Nineteenth-century American Methodist minister and theologian John Miley—who held the chair of systematic theology at Drew University—echoes this interpretation in his book *The Atonement in Christ*, writing, "The sufferings of Christ are an atonement for sin...in the sense that they render its forgiveness consistent with the divine justice. They provide for such consistency, in the sense that justice nonetheless fulfills its rectoral office in the interest of moral government."⁹¹ In sum, the obstacle according to this account of atonement is human transgression's threat to God's moral law and the mechanism for overcoming it is Christ's death as a penal example.

Given its historical origins in Grotius's legal reasoning, the connection between moral government accounts of atonement and theories of deterrence is particularly clear. Thomas Mathiesen characterizes deterrence theories as "a *message* from the state...which intends to say that crime does not pay...[,] that you should avoid certain acts because they are morally improper...[, and] that you should get into the habit of avoiding certain acts."⁹² Both Grotius and Miley similarly conceive Christ's crucifixion as a message from God about the seriousness and consequences of sin. Like the other cases examined above, elements of this account also have left their mark on United States jails and prisons. In her essay, "The Eye of God," Muriel Schmid examines "the fact that Christian beliefs informed the whole conception of the penitentiary,

starting with its architecture.”⁹³ Specifically, Schmid notes how, in Philadelphia, Eastern State Penitentiary’s Gothic “exterior design was intended for the unique purpose of scaring the viewer and served no utilitarian function in housing or rehabilitating the prisoners...The penitentiary needs to be visible in order to remind good citizens of their duties toward society and their fellow human beings. The building embodies the law and its call to obedience.”⁹⁴ In other words, this aspect of the prison was neither intended to punish nor to reform the people locked inside, but rather to communicate to the population outside. Likewise, on the moral government account, Jesus’s crucifixion is neither about punishing nor reforming Jesus—since he is sinless—but rather about communicating God’s will to the rest of humanity.

Like the previous two accounts of atonement and corresponding theories of justice, the moral government account and deterrence theory also stand in contradistinction to an incarnational account of atonement and gracious vision of justice. Although it attempts to avoid the problems of classic penal substitution accounts, the moral government account nevertheless falls into a similar set of theological issues. Specifically, it risks instrumentalizing Christ as a means to an end. Rather than the One in whom “all things hold together” (Col. 1:17 NRSVUE), Jesus is reduced to a warning. Consequently, the “incarnation easily drops out of view” because “presumably the merely human quality of Jesus’ acts is sufficient to meet the terms” of rectoral justice.⁹⁵ Furthermore, one might ask, are the deleterious consequences of sin not already evident in the realities of suffering and death? Is Christ’s crucifixion necessary to send this message? By the same token, deterrence theories conflict with the principle of non-competition or fellowship because they are predicated on a similar instrumentalization whereby one group benefits at the expense of another. As Mathiesen writes, “The systematic process whereby the formal equality of penal law does not function as an effective brake on inequality...puts the moral question on its

sharp edge: if we punish people on the grounds of general prevention, we actually to a very large extent sacrifice poor and stigmatized people in order to keep others on the narrow path.”⁹⁶

Drawing on another Gospel passage, in the Sermon on the Mount, Jesus reminds his audience that fixating on the speck in our neighbor’s eye is not a useful “penal example,” but rather serves to distract us from the log in our own.

Responding to Objections

Before concluding this chapter, it will be helpful to consider and respond to potential objections to the theological and ethical account developed here. Two critiques of Tanner’s work on the atonement provide useful examples. First, George Hunsinger argues that “the saving significance of Christ’s cross is not fully developed in Kathryn Tanner’s theology,” although he acknowledges she does not entirely neglect it.⁹⁷ Presumably, this charge stems from Tanner’s assertion that God “puts no value on death and suffering, and no ultimate value on self-sacrifice for the good.”⁹⁸ But since Tanner follows “the famous Cappadocian formula that what is not assumed is not healed,” she nevertheless sees Jesus’s suffering and death as crucial to his incarnation and its saving effects.⁹⁹ In other words, because the cross “exemplifies in paradigmatic fashion the very character of human life that the Word becomes incarnate to reverse by making its own,” Tanner’s account does not downplay the cross, but rather “understands all the struggles of Jesus’ life as the Word made flesh in light of it.”¹⁰⁰ Ultimately, this is also a crucial point not only for understanding Tanner’s theology but also her ethics. Specifically, it demonstrates that Tanner does not deny the reality of suffering, but rather wants to avoid valorizing it.

Second, Anthony Baker objects to Tanner’s approach because of its implications for theological anthropology. He argues that, for Tanner, “God’s transcendent goodness must

preclude (competitively) the notion of created goodness, just as justifying grace must for her preclude human agency...Aside from this sovereignly willed and humanly untraceable acceptance, we are, even in the Garden, totally depraved.”¹⁰¹ As support for this characterization, Baker cites Tanner’s discussion of grace and nature earlier in *Christ the Key*. Seeking to reframe perennial Protestant-Catholic debates, Tanner seeks to articulate “Protestant sensibilities” about grace in a Catholic idiom.¹⁰² To this end, she translates the Calvinist doctrine of total depravity from terms of sin to those of nature, writing, “human nature considered in and of itself is already in a broken condition – broken in the sense of both being inoperable by itself and broken open or emptied.”¹⁰³ In order to illustrate this point, Tanner uses the image of human nature as a mirror. To sin is to turn away from the divine light of grace we are created to reflect, but even absent sin, the light never becomes our own.¹⁰⁴ Consequently, Tanner can maintain both the integrity of human nature and the radical need for grace. With or without the light source, the mirror keeps its nature intact, but without this source of radiance it has no power of its own to shine.

Baker is mistaken in reading this as a competitive understanding of divine and created goodness and agency. Rather, it is precisely Tanner’s concern to avoid such a trade-off that motivates her account. Because uncreated grace is operating on a radically different level than creaturely capacities, this divine agency empowers rather than hinders human agency. Or as Tanner puts it in a previous work, “Passivity with respect to God does not conform to any simple contrast with activity since one might be passive or active on the plane of created reality, in dependence upon, as the passive recipient of, God's gifts.”¹⁰⁵ This echoes Athanasius’s point about creaturely dependence upon the life-sustaining grace of the Word noted above. The fall does not destroy any creaturely power, but instead means human withdrawal from the divine source of power upon which we always rely. Again, this theological nuance has ethical import as

well. Baker misunderstands non-competition as a balance between competing forces. Non-competition does not refer to a balance of interests, but rather their convergence. Of course, such mutuality is only possible in a relative sense between finite creatures, but it is real nevertheless.

Conclusion

In conclusion, I will briefly recap the analysis of the present chapter, as it directly informs the argument of the next. This chapter argues for a parallel between different theological accounts of atonement and corresponding ethical theories of justice. On this basis, I argue that Tanner's approach has a theological and ethical edge over competing approaches. Specifically, her focus on human denial of grace as the obstacle to salvation and Jesus's vicarious reception of grace as the incarnate Word as the mechanism to overcome it better maintains God's freedom and goodness. Moreover, her emphasis on Christian vocation as entailing unmerited relationships of mutuality avoids the pitfalls of dividing others into categories of deserving and undeserving. In the following chapter, this ethical framework will be brought to bear as a normative basis for critiquing the United States carceral system based on an social scientific analysis of its dynamics.

Chapter 2: Engaging Abolition

Introduction

While the first chapter focused on establishing a methodological and normative theological-ethical framework based on Kathryn Tanner's work, and then using that framework to critique philosophical justifications of penal ethics, the present chapter turns to a structural analysis of the social reality of incarceration in the United States. This is important because one's response to an issue is not only shaped by one's moral commitments but also by one's assessment of the roots of the problem to be confronted. Complex sociopolitical phenomena such as mass incarceration invite a range of diagnoses. For that reason, as the previous chapter advanced a particular theological-ethical framework, the present chapter will advance a particular social analysis. Similarly, as the previous chapter critiqued different penal philosophies, the present chapter critiques different material dynamics of the carceral system.

More specifically, I argue that incarceration plays a critical role in the social reproduction of racial capitalism in the United States that manifests in the dimensions of surplus-crisis resolution, racialization, and subjectivation, which conflict with the non-penal principles of fellowship, mercy, and healing, respectively. Using the same method of comparative analysis employed to adjudicate theological and economic theories in the previous chapter, one can bring these three dimensions into conversation with the principles of fellowship, mercy, and healing. Fellowship can be brought to bear on the "spatial fix" because each concerns different manners of organizing relations with respect to costs and benefits. Likewise, mercy and racialization represent competing stances on the propriety of hierarchical categorization. Healing, then, contrasts with carceral subjection as distinct modes of subject formation. On this basis, it is possible to demonstrate that each of these social reproductive dimensions of the carceral system

contradicts these principles of non-penal justice. In other words, these principles should lead one not only to reject the theoretical justifications for criminal punishment but also the material practice of incarceration.

This argument is significant because it extends the method of comparative analysis employed in the previous chapter beyond the ideological realm to the material. Such a move is important because it avoids reducing ethical argument to moralistic analysis. In other words, while my argument does assert that incarceration is ethically wrong, it does not claim that incarceration is rooted in bad ethics. Crucially, this distinction means that a transformation in individuals' moral attitudes will not, in itself, overcome the problem of incarceration. Rather, a transformed ethical framework should encourage individuals to join collective movements to effect structural changes in order to combat carceral practices. Furthermore, a large part of incarceration's unethical character in the first place is due precisely to its structural role in broader social systems.

A brief overview will help establish a roadmap for what follows. The main argument is divided into three sections, corresponding to each of the dimensions of incarceration's role in racial capitalist social reproduction listed above. Each section contains six paragraphs that proceed as follows: an outline of the concept, an explanation of its relation to racial capitalist social reproduction, an analysis of the place of incarceration in this process, an examination of empirical evidence of the phenomenon, an ethical critique based on the principles developed in the previous chapter, and a response to potential objections of this critique. Finally, I conclude the chapter by bringing each of these threads together and anticipating the next chapter.

Surplus Crises and the Prison Fix

The first dimension of racial capitalist social reproduction that I intend to analyze is the concept of “fixes” for surplus crises. In order to understand this dynamic it is necessary to unpack the role of surplus in capitalism and its relation to crises. Marxist value theory is the background context for understanding this relationship. Capitalist markets are characterized by the exchange of equivalent for equivalent. Where, then, does surplus come from? According to Marx, it cannot be located in this realm of exchange, but in the realm of production.¹⁰⁶ Labor power—that is, workers’ capacity to perform work—is a unique commodity that can create value in excess of its own worth. Hence, capitalists increase capital through the exploitation of labor power.¹⁰⁷ Since markets are competitive, capitalists are forced to fight for higher rates of surplus value in order to stay in business. Given surplus value’s basis in the exploitation of labor power, there are two possibilities to achieve this higher rate. On the one hand, capitalists could increase the length of the working day, but there are both political and physical limits to such a strategy.¹⁰⁸ On the other hand, capitalists can push for more efficient processes of production to attain an edge in productivity over competitors.¹⁰⁹ But this generates another problem. Due to competitive pressures, other firms in an industry eventually catch up with or surpass any gains in productivity. This arms race means that over time the amount of labor time going into any given commodity tends to reduce. As noted above, Marx argues the origin of surplus value is the exercise of labor-power. Therefore, the imperative to win a short-term advantage over rivals tends to a long-term reduction in the rate of profit. For Marx, this tendency is what drives capitalism’s susceptibility to chronic crises. Market pressures stoke competition for productivity that ends in twin surpluses of idled capital and unemployed workers. How are such crises resolved? To answer this question, we turn to the work of David Harvey.

Harvey is a critical geographer whose work analyzes what he terms the “spatial fix.” Faced with crisis understood in terms of overaccumulation, one way capitalist states can mitigate the issue is through expanding into external markets. According to Harvey, this sheds light on specifically capitalist forms of imperialism. Where capitalist social relations do not prevail, capitalist states may seek to impose them. Of course, such fixes are themselves only temporary resolutions because they do not alter the underlying dynamic of contradictory tendencies identified by Marx. In his *The New Imperialism*, Harvey expands on this line of thought. Besides what Marx called “primitive accumulation”—that is, the establishment of capitalist social relations by force—Harvey argues that contemporary capitalism in its neoliberal form is marked by “ongoing... ‘accumulation by dispossession.’”¹¹⁰ While Marx demonstrates that violent dispossession such as land enclosure is critical in the transition to capitalism, he implies that this is not an aspect of mature capitalist social relations, which are mediated through the market. On the other hand, Harvey sees such dispossession as continuing in tandem alongside market relations, which indeed rely on the former. Privatization and austerity are two examples he gives.¹¹¹ Scholars have in turn extended Harvey’s concepts of the spatial fix and ongoing accumulation by dispossession to the phenomenon of incarceration.

Ruth Wilson Gilmore, also a critical geographer, is the preeminent advocate of such an analysis. In her book *Golden Gulag*, she analyzes the boom in prison construction in late-twentieth century California as a particular spatial fix. With the end of a military-Keynesian policy approach on the federal level, the “taxpayer revolt” against welfare spending on the state level, and the specter of economic recession on the global level, Gilmore argues the Golden State found itself in the midst of a four-dimensional surplus crisis.¹¹² Not only idle capital and unemployed workers, but also unutilized land and excess state capacity confronted Californians.

Prison construction offered an opportunity for capitalists seeking new areas for investment, landlords seeking to offload drought-stricken rural farmland, and state officials seeking a voter-approved use for state administrative powers. State prisons also offered jobs for some unemployed workers and incarceration for others. Gilmore is clear that this strategy for addressing California's crises was not inevitable.¹¹³ But it is the one that resulted from various actors' struggles. For Gilmore understanding this background to the era of mass incarceration is important for organizers wanting to combat it. Unearthing these connections points the way to creative and unexpected coalitions.¹¹⁴

On an empirical level, such dynamics are evident in changes in the relative rates of unemployment, government spending, and incarceration in most of the United States since the late 1970s. Since Gilmore focuses on California, it will be helpful to examine these same factors on a national level in order to demonstrate that this is a more widespread trend. During the postwar era, the national unemployment rate did not exceed 7% until 1975 when it hit 8.5%. By 1982, the rate hit a peak of 9.7%, a level unprecedented in the previous four decades.¹¹⁵ Following these economic woes, one finds a subsequent shift in state and local government budgets to carceral expenditure. The Bureau of Justice Statistics' earliest published dataset on "Justice Expenditure and Employment" is from 1979. In that year, federal, state, and local governments spent a total of \$25.917 billion on "criminal and civil justice activities" with policing and incarceration making up close to 75% of that figure.¹¹⁶ By the turn of the century, the total amount was over \$155 billion.¹¹⁷ Even adjusting for inflation, this represents a more than doubling of this category of expenditure. These evolving priorities are reflected in a ballooning carceral population. Looking at this same period, the number of people incarcerated in state and federal prisons was 314,000 in 1979 and 1,381,892 in 2000.¹¹⁸ Again, when

adjusting for population growth, this represents a more than doubling of the per capita state and federal incarceration rate.

With this analysis in place, we can return to the task of ethical reflection. How does the normative framework outlined in the previous chapter speak to the issue of mass incarceration as a spatial fix for capitalist surplus crises? The most relevant of the three principles in this instance is the principle of fellowship or non-competition. The “prison fix” contradicts this principle because it entails one group benefitting at the expense of another. Criminalized people are warehoused in jails, prisons, and detention centers, while politicians and investors reap the reward. Not only incarcerated people suffer, but also their families and communities that experience separation and disruption. Gilmore also makes the case that the rural communities where state and federal prisons are usually built also pay a price.¹¹⁹ Promised development and growth often fail to materialize. So towns continue to suffer stagnation and disintegration while pursuing a failed scheme. Moreover, the state capacity and capital invested in building and running carceral facilities also comes at the cost of other potential projects. The general populace endures the consequent neglect of education, housing, healthcare, and public transportation.

Before proceeding to the next dimension of racial capitalist social reproduction for analysis, it is worth responding to a potential objection to the preceding ethical critique. One might ask: even if a social dynamic is “competitive” on one level, does it necessarily fall afoul of the principle of fellowship? In other words, certain kinds of competition might nevertheless produce results that are mutually beneficial for the participants. Tanner herself argues for “non-competitive” market competition in precisely these terms.¹²⁰ Might the prison fix, or practices of incarceration more generally, not also be justified in this manner? I do not think so for the following reason. Non-competitive competition means a system with no absolute losers.

Drawing on Tanner's vision for a social democratic market economy, one could imagine a scenario where you get passed over for your dream job, but with the strong social safety net made possible by the prosperity of the market itself, you are still better off than you would be in a totally different system. The same cannot be said of incarceration. Even if one supposed prison to be rehabilitative or deter crime, it is difficult to argue that an incarcerated person is better off behind bars than they would be free. So any hypothetical benefits to their future self or society at large comes at the expense of their present loss. Consequently, the notion of "non-competitive incarceration" does not stand up to scrutiny.

Criminalization and Racialization

The second dimension of racial capitalist social reproduction that I intend to analyze is the dynamic of racialization. Before investigating the role of processes of racialization in a capitalist mode of production, it will be helpful to clarify a few key terms. Sociologist Karen Fields and historian Barbara Fields distinguish between concepts of racism, race, and racecraft. While racism is the social "practice of applying a...double standard based on ancestry," race is "the doctrine that nature produced humankind in distinct groups...of the same kind but of unequal rank."¹²¹ In other words, race is the reified mystification of racism. As the Fields write, "Racism always takes for granted the objective reality of race, as just defined...The shorthand transforms racism, something an aggressor does, into race, something the target is, in a sleight of hand that is easy to miss."¹²² This transformation of racism into "race" is what the Fields call racecraft. On analogy with anthropological research on witchcraft, the Fields argue that race is an ideology that generates its own plausibility—"when a person acts upon the reality of the imagined thing; the real action creates evidence for the imagined thing."¹²³ All these distinctions are

important because the theory of racialization aims to describe how systemic racism produces racialized subjects. Race does not precede racism; rather, racism conjures “race.”

With these distinctions in mind, it is possible to examine the place of racialization in capitalist social reproduction. Here is where we turn to political scientist Cedric Robinson’s definition of racial capitalism. In his landmark *Black Marxism*, Robinson seeks to contest Marx’s “expectations that bourgeois society would rationalize social relations and demystify social consciousness.”¹²⁴ Rather than dissolving all differences into the polar distinction between capitalist and proletariat, “capitalist society pursued essentially racial directions.”¹²⁵ For Robinson, such racialism already saturated feudal European societies. Therefore, capitalism represents less a revolutionary break with the feudal past than a mutation of it. As historian Robin D.G. Kelley makes clear in his article on Robinson’s coinage, racial capitalism does not refer to a specific type of capitalism. Instead, Robinson sees racism as part of capitalism’s founding constellation of factors that remains a constitutive piece of its DNA. Furthermore, this means that racism is not a secondary effect of capitalism. It is not “some conspiracy to divide workers or justify slavery and dispossession,” but rather one of capitalism’s own preconditions of existence.¹²⁶ In sum, racism is neither an anachronistic holdover that capitalism will sweep away, nor is it an epiphenomenal superstructure that can be reduced to an abstract notion of “class.”

Now we again come to the question of incarceration. If racialization is a structural feature of capitalist social orders, then what are the particular practices that enact this process? American studies scholar Jackie Wang notes that Black racialization in the United States manifests as “vulnerability to hyper-exploitation and expropriation in the economic domain and vulnerability to premature death in the political and social domains.”¹²⁷ Therefore, a range of practices, from

red-lining and labor-market stratification to predatory lending and medical neglect, mark certain subjects as racialized. Criminalization through policing and incarceration is a key practice in this list. Historian Khalil Gibran Muhammad describes how throughout “the twentieth century, in a rapidly industrializing, urbanizing, and demographically shifting America, blackness was refashioned through crime statistics. It became a more stabilizing racial category in opposition to whiteness through racial criminalization.”¹²⁸ Wang explains that this “a priori association of blackness with guilt and criminality” constructs a binary of deserving and undeserving.¹²⁹ Racialized subjects are positioned as deserving of punishment and undeserving of freedom and wellbeing. For this reason, the category of desert emerges as a cornerstone of racialization.

Data on policing and incarceration substantiate this link between racialization and criminalization. Bureau of Justice incarceration statistics sort the demographics of people in incarceration or under probation into the categories of “White,” “Black,” “Hispanic,” and “Other.” 2021 is the most recent year the agency has published. According to this report, “white persons made up 48% of the total correctional population, while black persons accounted for 31%, Hispanic persons for 16%, and persons of all other racial groups for 5%.”¹³⁰ One can compare these numbers with the census from the previous year which records 57.8% non-Hispanic white, 12.1% Black, and 18.7% Hispanic demographics for the overall United States population.¹³¹ Such figures starkly evidence the disproportionate incarceration and probational surveillance of Black people in the United States. As scholars such as the sociologist Loic Wacquant have noted, “the ethnoracial makeup of convicts has completely flip-flopped in four decades, turning over from 70 percent white and 30 percent ‘others’ at the close of World War II to 70 percent African American and Latino versus 30 percent white by century’s end.”¹³² In other words, this inversion maps onto the “refashioning” of blackness Muhammed narrates and

coincides with the massive expansion of the carceral state in response to economic and social changes examined in the previous section.

Looking at racialization as in part a moralizing discourse centered on desert offers a path to engage it through the ethical framework established in the previous chapter. Specifically, the principle of mercy or unconditionality radically breaks with any attempt to delineate groups or individuals as deserving or undeserving of goods. Rather, as Tanner argues, “God’s giving is not owed to creatures, but if those gifts are being given unconditionally by God to all in need, creatures are in fact owed the goods of God by those attempting to serve God’s ends, without being or having done anything in particular to deserve them.”¹³³ In other words, proper use of God’s gifts is to share them as the free grace they are. This recalls the Matthean theme of showing the same mercy to others that God shows to us, as in the Lord’s Prayer in Matthew 6 and the Parable of the Unforgiving Servant in Matthew 18. These passages juxtapose a narrow framework of debt against the wider context of divine generosity and mercy. While gratefully accepting the latter brings mutual benefit, stubbornly insisting on the former brings personal ruin. Consequently, justice is reimagined from a principle of each getting what they are owed to a principle of each getting what they need. Following this ethical paradigm shift, the binaries and hierarchies of deserving and undeserving that racialization and criminalization presuppose fall apart. Justice no longer involves sorting people into categories of guilt and innocence. Blame is therefore disabled as a justifying mechanism for the inequalities racism enforces.

One potential objection here concerns the language of debt and forgiveness. In her article “Queering the Cross,” queer liberation theologian Marcella Althaus-Reid argues that the “doctrine of redemption may have been the earliest attempt by Christianity to sacralize a patriarchal economic order based on debt. Here we can detect the origins of what we can call a

‘judicial theology.’”¹³⁴ Strikingly, Althaus-Reid concludes her essay with a phrase echoing Tanner, “From theological debts to economic debts, it seems difficult to conceive of a world where debts are not just abolished but where an alternative order of reciprocity, gift, expenditure without retribution is created, in sum, an economy of Grace in which debt does not exist. In fact, it is Grace that has been cancelled by a debt ideology and not vice versa.”¹³⁵ This passage shows that Althaus-Reid is concerned that the notion of redemption suggests that indebtedness is the primary relationship between God and humanity and grace is reduced to a secondary gesture within this system. Does Tanner’s stress on the creature’s utter dependence on God’s giving reproduce such an Anselmian notion of ontological indebtedness and so risk reinforcing the kind of patriarchal judicial theology Althaus-Reid is worried about? Although Tanner’s doctrine of God is closer in certain respects to Anselm’s than Althaus-Reid’s, Tanner’s theology and the ethical framework this thesis is developing in conversation with it nevertheless avoids the problems Althaus-Reid identifies. For Tanner, God’s grace is the foundation of all of God’s works towards creation. God’s gift does not create an obligation for us to return like for like. We have nothing to return that is not already given us by God. Rather, God’s will is that we receive God’s gifts for our good. Hence, God’s salvific work is not about settling accounts, but rather about removing any obstacle to the reception and circulation of God’s good gifts. Consequently, whatever differences may exist between Tanner’s and Althaus-Reid’s doctrines of God, each is in agreement that Christian theology should let grace be grace.

Discipline and Subjection

The third dimension of racial capitalist social reproduction that I intend to analyze is the phenomenon of subjection. As with the previous dimensions, some background is in order. In a broad sense, subjection carries a double meaning of “the process of becoming subordinated by

power as well as the process of becoming a subject.”¹³⁶ One way of understanding this is remembering the political and grammatical significance of the word “subject.” Hence, the Oxford English Dictionary defines a subject as, on the one hand, a “person who is under the control of another,” and, on the other hand, the “part of a sentence of which the rest of the sentence is predicated.” Both of these definitions come together in the concept of subjection. Drawing on poststructuralist and psychoanalytic analyses, philosopher Judith Butler explains the connection between these two dimensions as follows, “Bound to seek recognition of its own existence in categories, terms, and names that are not of its own making, the subject seeks the sign of its own existence outside itself, in a discourse that is at once dominant and indifferent...In other words, within subjection the price of existence is subordination.”¹³⁷ Subjection in this sense is not specific to capitalism or any other particular social order, but rather the condition of an individual’s constitution as a sociolinguistic being. The question is: what kind of subjects are produced and how? The previous two sections speak to the question of what kind of subjects are produced in a racial capitalist social order—that is, classed and racialized subjects.¹³⁸ Such subjection is ethically objectionable for the reasons argued above, namely, because such warehousing of surplus populations and construction of racialized hierarchies contradicts the principles of fellowship and mercy. Now it is possible to consider further the question of how such subjects are produced.

In his well-known essay on “Ideology and Ideological State Apparatuses,” the Marxist philosopher Louis Althusser analyzes the reproduction of capitalist relations of production. He explains this in terms of what he calls the repressive state apparatus and the ideological state apparatuses. While the former operates predominantly by force and secures the conditions for the reproduction of the relations of production, the latter operates predominantly by ideology and

actually reproduces those relations. Here Althusser gives his famous definition of ideology as that which “represents the imaginary relationship of individuals to their real conditions of existence” and thus “interpellates concrete individuals as concrete subjects.”¹³⁹ That is to say, subjects are produced through a constitutive recognition and misrecognition. Individuals are subjects insofar as they recognize themselves in the “call” of ideology. As Althusser’s language of “representation” and “imaginary” signal, the subject is one who identifies itself with an image, as in psychoanalyst Jacques Lacan’s account of the mirror stage.¹⁴⁰ But this recognition is always also a misrecognition because it involves the necessary alienation to which Butler’s quote above alludes. For Althusser, this (mis)recognition takes place in the context of material institutions, such as the school and family. Recognition takes place through “the actions of practices governed by rituals defined in the last instance by an ideological apparatus.”¹⁴¹ Even though Althusser’s examples focus on religious and educational settings, such material practices of ideological recognition are also evident in the carceral system. Consequently, although Althusser mentions prisons as a piece of the repressive state apparatus—which they certainly are—they are also in this sense among the ideological state apparatuses. Looking at poststructuralist philosopher Michel Foucault’s *Discipline and Punish* from this angle reveals the particular practices at work.

Foucault’s book traces the shift at the beginning of the modern era from a penology centered on spectacular forms of physical punishment to one centered on incarceration. In doing so, he aims to analyze “penal leniency as a technique of power” that enacts a “specific mode of subjection...able to give birth to man as an object of knowledge for a discourse with a 'scientific' status.”¹⁴² Or, as he more vividly puts it, punishment “no longer addresses itself to the body” but to “the soul.”¹⁴³ Using Althusser’s terms, one could say this is an extension of penalty from the

sphere of the repressive alone to both the repressive and ideological. This is a transformation that broadly coincides with the transition to capitalist social relations. Foucault identifies three practices that characterize this “disciplinary power”: “hierarchical observation, normalizing judgement and their combination in a procedure that is specific to it, the examination.”¹⁴⁴

Although Foucault argues these disciplinary practices permeate modern societies in institutions such as schools and hospitals, they find their purest expression in carceral institutions. As in Jeremy Bentham’s panopticon, subjects internalize an atmosphere of pervasive surveillance, shaping themselves accordingly. Subjects who fail to conform to this process of standardization are subjected to more intensive “correction.” Hence, modern crime control is less concerned with punishing transgressive acts than with correcting abnormal subjectivities.¹⁴⁵

The proliferation of techniques of surveillance in late modern societies does much to commend Foucault’s overall analysis. As Wacquant notes, the growth of penal surveillance includes not only the increase in probation and parole, but also “the exponential growth in the size, scope, and uses of criminal justice databases that, as of 2000, contained roughly sixty million files on an estimated thirty-five million individuals.”¹⁴⁶ Wang adds that, as more Americans have come to question mass incarceration and the War on Drugs, “GPS ankle bracelets, drug and alcohol monitoring bracelets, and other low-cost surveillance technologies have been proposed as a more progressive and humane alternative to physically housing prisoners,” but, although such “technologies...are usually discussed as an ‘everyone-wins’ alternative (states save money, convicts have more freedoms), we may inadvertently be authorizing the birth of a more all-encompassing police state.”¹⁴⁷ For example, the more “lenient” appearance of such techniques may garner consent to authorize more rather than less carceral control.

Understanding carceral subjection in terms of normalizing judgment through surveillance brings us back into conversation with our ethical framework, namely, the principle of healing. Here it is helpful to note Butler's distinction between subjection and subjugation. While "the vulnerability of the subject to a power not of its own making is unavoidable," this "does not exonerate the abuses they suffer."¹⁴⁸ In other words, to put it in Lacanian terms, although the subject is necessarily dependent on the symbolic order, this does not mean the symbolic order should be treated as a closed totality with the subject reduced to a mere function. Therefore, in considering an order of subjection, one must ask: does it cross the line from primary vulnerability to power to actual abuse of power? Carceral subjection crosses this line precisely because of its panopticon qualities. Disciplinary power aims to reduce the subject to an instrument of the Other, or, in Butler's terms, it aims to render the subject "complete" and so foreclose its "becoming."¹⁴⁹ The principle of healing eschews this fantasy of completion because it is dedicated not to a finished state of affairs but to an open-ended relationship. Gregory of Nyssa's "notion of *epectasis*, the creature's constant forward-motion or journey into the boundlessness of God's fullness as the creature's capacities are stretched by what it receives" captures this point.¹⁵⁰ There is neither an end goal here nor is it a tragic asymptotic failure, rather healing—or, in more theological terms, sanctification—is a joyful never-ending journey from glory to glory. All this is to say, healing—even as eschatological fulfillment—does not entail conformity to a perfect norm. Rather, healing means participation in life-giving relationship. Therefore, to the extent carceral subjection means the disciplinary imposition of specific norms, it is disrupted by healing's radical non-normativity.

Another potential objection, then, arises related to this problem of instrumentalization. Specifically, philosophical theologian Marika Rose draws on Lacan's account of subjectivity to

argue that much Christian belief and practice succumbs to the allure of an impossible purity that results in precisely the instrumentalization that Butler critiques. As an example, Rose cites Augustine's famous statement that "our heart is restless until it rests in" God.¹⁵¹ For Lacan, on the other hand, "it is our incompleteness that makes us human," and so our task is not "to find the right object for our desire," but rather to "find different ways to relate to that desire."¹⁵² Only once we "let go of the desire for wholeness and instead begin to take pleasure in incompleteness" can we "learn to relate to the people around us not as if they exist solely for our own satisfaction, but as people who have needs and desires independently of us, who are more than just their relationship to us."¹⁵³ My contention is that Tanner's doctrine of justification represents such a shift in attitude that allows Christians to embrace incompleteness, instead of reinforcing the fantasy of wholeness. Christian discipleship is a free response to God's free gift. It should not be construed as an act of self-justification. Dietrich Bonhoeffer stresses this point in his *Ethics*, writing, "Ultimate ignorance of one's own good and evil, and with it a complete reliance upon grace, is an essential property of responsible historical action. The man who acts ideologically sees himself justified in his idea; the responsible man commits his action into the hands of God and lives by God's grace and favour."¹⁵⁴ Genesis 3 frames the presumption to transcend finitude and know good and evil as precisely the temptation that seduced Adam and Eve. In sum, the principle of healing is not a *telos* to be reached; it is an orientation to be assumed. Therefore, it is not an end that one can use to justify whatever means.

Conclusion

In conclusion, mass incarceration in the United States plays a key role in the social reproduction of racial capitalism. Specifically, it contributes to crisis resolution, racialization, and subjection. Each of these contradicts one of the three theological-ethical principles

developed in this thesis. The “prison fix” violates the principle of fellowship because it sacrifices people and communities to incarceration to keep a system of profit-generation running for others. Racialization through criminalization violates the principle of mercy because it divides the population into groups marked as inherently deserving and undeserving. And carceral subjection violates the principle of healing because it reduces people to instruments. In the following chapter, the ethical framework of the previous chapter and the social analysis of the present chapter will be synthesized to indicate a horizon for Christian response to incarceration in conversation with other recent answers to such a question.

Chapter 3: Indicating a Horizon

Communism is for us not a state of affairs which is to be established, an ideal to which reality [will] have to adjust itself. We call communism the real movement which abolishes the present state of things.

–Karl Marx and Friedrich Engels, “The German Ideology”

God chose what is low and despised in the world, things that are not, to abolish things that are.

–1 Corinthians 1:28 NRSVUE

Introduction

This third and final chapter aims to explore the practical upshot of the previous two. While the first chapter established a Christologically-grounded ethical framework for the argument, the second chapter provided a structural analysis of the social reality of mass incarceration in the United States and its place in the reproduction of racial capitalism. Based on this, it is now possible to examine different proposals of contemporary Christian ethicists in relation to jails and prisons in the United States. In critical conversation with these works, I then set forth my own recommendations for a faithful Christian response to the present situation. These recommendations are not intended as a comprehensive roadmap but rather as a compass indicating a direction for action. Ultimately, moral discernment must always unfold in a given context and therefore cannot be determined in advance.

With this in mind, I argue that the principles of fellowship, healing, and mercy orient a Christian response to the prison-industrial complex that entails participation in abolitionist social movements, commitment to mutual aid practices, and dedication to non-reformist reforms. Fellowship eschews the alternatives of either utopianism or reformism. Utopianism in this sense refers to a privileging of an ideal future over present reality. Reformism refers to an absolutizing of the hegemonic social logic such that there is no alternative. On the one hand, utopianism is competitive because it sacrifices the present in service of an imagined ideal future. On the other

hand, reformism is competitive because it prioritizes a status quo to the expense of experimentation. In either case, both utopianism and reformism avoid the contradictions inherent to social reality. Healing promotes mutual aid as a concrete practice to maintain the free circulation of God's gifts according to need. And similarly, mercy gives impetus to non-reformist reforms as means to challenge the logic of a society grounded on conditional relations of exchange in favor of one grounded on unconditional relations of grace.

Such an argument is significant because the tension between the "now" and the "not yet" is at the heart of Christian ethics. In particular, Christianity is a peculiar kind of apocalyptic faith that emphasizes both concern for the present and hope for the future. Therefore, most Christians eschew an otherworldly attitude that encourages withdrawal from society, as certain forms of religious utopianism encourage. But neither do they treat any specific social order as the last word, as the stance of reformism suggests. Rather the example of Jesus points Christians to social engagement precisely at the point where the incompleteness of social order is most evident: the poor and oppressed. When he begins his ministry in the Gospel of Luke, Jesus reads from the Book of Isaiah, specifically naming "the captives" as among this group in his own time (Luke 4:18 NRSVUE). And in a country that incarcerates more people than any other on the planet, Christian solidarity with prisoners is more urgent than ever in a twenty-first-century American context.

Before launching into my argument, I will provide a roadmap of its structure as I have in previous chapters. In conversation with the Christian ethicists Lee Griffith and James Samuel Logan, I develop my own proposal for participation in social movements, distinct from their respective varieties of utopianism and reformism. For each, I give an overview of their claims before weighing their respective pros and cons, both with respect to theological-ethics and social

analysis. Based on this evaluation in light of the non-competitive principle of fellowship, I identify key takeaways from each for my own approach, drawing on Black liberation theologian James Cone's reflections on the "risk of faith." After establishing this initial recommendation, I turn to the principles of healing and mercy. Here I identify the key concepts of mutual aid and non-reformist reforms before relating these to the social analysis of the second chapter and the theo-ethical analysis of the first chapter, while extending the latter in conversation with the ethical insights of womanist theologian Delores Williams and her conceptualization of "ministerial vision" and Joshua Dubler and Vincent Lloyd's notion of "abolition spirit." Lastly, I provide examples of how these dimensions of action have been and are being realized in abolitionist practice in order to sketch how these indicate a specific horizon for action.

Griffith and *The Fall of the Prison*

Having laid out the plan for the chapter, I turn first to Griffith. It is appropriate to start here because his work is earlier than Logan's and Logan in fact cites Griffith in his book. Griffith is a writer, minister, and activist who has written on a number of Christian ethical questions, especially around peace issues. Drawing on a tradition of radical Christian pacifism, in *The Fall of the Prison*, Griffith makes the case that reliance on violence for the sake of security is a form of idolatry. Specifically, it is an act of placing the power of death above the power of God, but trust in the resurrection of Christ should free Christians from granting death any ultimacy. Prisons are one manifestation of this broader idol of force in American culture. Griffith argues, "The Bible identifies the prison with the spirit and power of death...As such, the problem is not that prisons have failed to forestall violent criminality and murderous rampages; the problem is that prisons are *identical in spirit* to the violence and murder that they pretend to combat."¹⁵⁵ As a result, Griffith advocates a discipleship of suffering witness. Refusal to take part in carceral

institutions or cooperate with their functioning is a testimony to the world of Christian hope. Because this hope is founded in the gospel of Christ, Christians cannot expect non-Christians to hold to this standard themselves, but only pray that God makes this ministry of witness fruitful.

In theological-ethical terms, Griffith's argument has much to recommend it. One particularly laudable feature is its genuinely prophetic tenor. That is to say, it calls on Christians to remember the good news and hold fast to Christ. He does not appeal to an aesthetic notion of justice as order or balance that underpins retributive ethical theories. Likewise, he does not instrumentalize others in an attempt to establish a desirable state of affairs as in theories of deterrence. Rather, like Tanner, Griffith turns first to God's self-revelation in Christ in order to determine a Christian understanding of justice. And he in fact echoes her conclusions in "Justice and Justification," arguing that divine justice "has as its goal not 'just desert' but the restoration of covenanted community. God's justice is always an expression of the will to restore, and God accomplishes this by standing with the accused."¹⁵⁶ This move opens up space for his radical judgment against incarceration. Griffith's more eschatological argument exhibits the same quality of unconditionality as Tanner's incarnational argument.

On the other hand, there are some points of critique in this regard as well. Specifically, Griffith's particular pacifist sensibility centers a witness of suffering as the primary mode of Christian discipleship. Drawing on Isaianic imagery of the Suffering Servant, he writes, "Justice is established through suffering persuasion."¹⁵⁷ This risks a valorization of suffering as an instrument or means of justice. While suffering is to be expected as an unfortunate consequence of commitment to justice in an unjust world, it should not be treated as desirable in itself. Returning to the principle of non-competition, Griffith's rhetoric implies a logic of Christian self-sacrifice for the sake of proclamation. Contrary to this, Tanner's work makes the case that

the primary mode of Christian discipleship and witness is mutually enriching relationships of giving. In other words, Christians should look as much to the example of Jesus's ministry of table fellowship as his crucifixion, since the latter itself must be understood in continuity with Jesus's life and message. Applied to the matter at hand, this means that living a Christ-shaped life of unmerited generosity entails joining abolitionist movements not only for the benefit of others but also oneself, while of course remaining cognizant of the potential costs involved.

In order to probe what I call the "utopian" aspect of Griffith's work, it will be helpful to bring it into conversation with James Cone's discussion of the "risk of faith" in his monumental book *God of the Oppressed*. As noted above, utopian here means a stance grounded in an imagined ideal future over against existing social realities. Hence, Griffith's approach is a sort of negative utopianism, in the sense that he does not attempt to impose this ideal onto reality. Rather, his politics involves a patient suffering of the distance between the reality and the ideal. While this involves a commendable refusal to accept the unacceptable, it inadvertently makes carceral realities more totalizing than they actually are. Ironically, utopianism and reformism become mirror images here. Cone's liberationist ethical approach offers an insightful way out of this bind. Specifically, he addresses the question of how one can discern God's will in a given situation. For Cone, this discernment involves inherent risk because "God's will does not come in the form of absolute principles applicable for all situations."¹⁵⁸ Therefore, there is no "immunity from error and sin," but oppressed communities can know that "God is present with them in struggle despite their frailty."¹⁵⁹ Moreover, moral judgments can and should be "tested" in "every new situation *in dialogue* with Scripture and tradition, as well as with other victims in our social existence."¹⁶⁰ In other words, while Christian ethical judgment cannot provide certainty, it can provide assurance and direction. Griffith's emphasis on suffering witness as a

form of persuasion, on the other hand, evidences an attempt to immunize from sin and error, to use Cone's phrase. Specifically, it implies justice is first and foremost an ideal of which people must be convinced. But knowledge of such an ideal is precisely what Cone's account eschews.

Griffith's social analysis is relatively sharp, especially for its time. He has no illusions about the functioning of the carceral system. In particular, he highlights its racist and classist impacts. Moreover, he recognizes the socially-constructed nature of crime, writing, "Our definitions of crime outlaw the inner city crack house but not the Wall Street cocktail lounge. They make killing a crime in some circumstances and not in others. Legislative bodies have as their very purpose the creation of crime via definition."¹⁶¹ This point is especially important for an abolitionist perspective since it breaks an identification between crime and harm. Punishing crime is therefore not equivalent to addressing harm. Consequently, both crime and punishment should not be understood as neutral terms in a system of natural law, but rather as particular political practices of historically contingent social orders.

That being said, Griffith's social analysis is also marked by a conspicuous absence. Although his critique of prisons themselves is thorough and accurate, he is lacking a corresponding analysis of countervailing forces. Perhaps this is in part due to the time period the book was written in the early nineties, after the interest in abolition sparked by the Attica uprising had faded and before the founding of the national abolitionist organization Critical Resistance in 1997.¹⁶² But this oversight also seems to be rooted in certain aspects of his approach itself. Specifically, his emphasis on the gospel message's power to free Christians from the idolatry of death means that non-Christians who do not accept this message cannot be expected to live accordingly. Hence, there is no expectation that God's grace might be at work in the broader world such that there are already existing movements for abolition of which

Christians may be called to be a part. Griffith argues that “the truth of the announcement does not await our effectuating a theocracy in which prisons are razed because we have coerced all people into taking the risks and making the sacrifices that might be required. The truth of the Good News lies in the kingdom of God that has already been established in our midst.”¹⁶³ But this argument involves two unwarranted assumptions. First, it assumes that prison abolition is not intelligible as a political demand but only as eschatological hope. Second, it consequently assumes that a genuine attempt to abolish prisons could only come about as a “theocratic” imposition rather than as a result of a broad-based democratic movement. Therefore, Griffith’s prophetic call to discipleship risks devolving into a form of sectarian withdrawal.

Overall, then, I am broadly sympathetic to Griffith’s work, while maintaining some reservations. His prophetic rejection of jails and prisons is a strong model for Christian abolitionists. It is grounded in a compelling theological vision and incisive social analysis. That being said, his implicit valorization of suffering and inward-looking neglect of multi-faith and secular abolitionist movements limit the usefulness of his argument. As a result, there are two main takeaways for our purposes. On the one hand, Griffith’s uncompromising “no” to prisons offers a powerful example of taking the negative side of abolition seriously. On the other hand, his pessimism toward the prospects of non-Christian rejection of prisons unnecessarily circumscribes the work of God within the walls of the church.

Logan and *Good Punishment?*

Moving on to Logan, his book *Good Punishment?* strikes a somewhat different note. Unlike Griffith, Logan is an academic. Like Griffith, he draws on a variety of Christian pacifism, but in his case it is one influenced by the work of prominent ethicists like Stanley Hauerwas. Expanding on Hauerwas’s work, Logan argues that a Christian approach to punishment should

not aim for retribution or deterrence. Rather, it should confront an offender with their sin, giving them the opportunity to repent and reconcile to the community from which they have alienated themselves.¹⁶⁴ This is based on the “binding and loosing” method of reproof outlined in Matthew 18:15-20. Although Hauerwas limits this practice to the church, Logan makes the case that the “politics of healing memory” evidenced here is relevant for broader debates around prison and criminal legal reform.¹⁶⁵ Consequently, he advocates for an increase in restorative justice practices and decrease in imprisonment, though he stops short of endorsing total abolition.¹⁶⁶ While Griffith’s argument revolves around a framework of idolatry critique, Logan’s is grounded in what he calls “ontological intimacy,” that is, the creaturely solidarity based in common participation in the being of God.¹⁶⁷ Disproportionately alienating practices are a denial of this reality and therefore unfaithful to Christian conviction.

Like Griffith’s, Logan’s theological-ethical approach is incisive and insightful. In particular, his theology of grace marks a commendable instance of his moving beyond Hauerwas. Although Logan disputes the charge of sectarianism often leveled against Hauerwas, he nevertheless criticizes Hauerwas’s excessive ecclesiocentrism. Specifically, he disagrees with Hauerwas’s stark division between “the church” and “the world,” writing, “[i]n general Hauerwas fails to account for what Christians can ‘truthfully’ (with a small ‘t’) understand as manifestations of God’s grace outside the church. This is particularly true with regard to moral concerns that the church lacks the communal resources to deal adequately with on its own.”¹⁶⁸ On the one hand, the church-world binary is questionable because Christians believe God is Lord of the entire world, not only the Christian community. Within my own framework, such a point follows from Tanner’s emphasis on the universal dimension of divine gift-giving. On the other hand, it is objectionable because Christianity itself is not hermetically sealed but just as porous

and fluid as any other cultural phenomenon. Here Logan in fact references Tanner's argument in her *Theories of Culture*.¹⁶⁹ These critiques are parallel to some of my own concerns about Griffith.

However, this does not mean that Logan's framework is without its weaknesses as well. Although he avoids the worst pitfalls of Hauerwas's approach, his appropriation of the latter ultimately still retains its overall communitarian character. Upon first glance, this perspective bears a superficial resemblance to my own argument's emphasis on fellowship. But it is important to note the distinction. While Logan's communitarianism revolves around a virtue ethical concept of eudaimonic "flourishing," my own approach follows Tanner's in its reliance on a more deontological notion of unconditional responsibilities.¹⁷⁰ Of course, either type of ethics has its respective advantages and disadvantages. That being said, a communitarian virtue ethics lends itself to an inordinate stress on social cohesion that favors individual submission to tradition and custom even when the latter is oppressive. Logan's own rhetoric implicitly carries such a danger when he writes that "a Christian perspective... favors societal cohesion while celebrating and embracing difference."¹⁷¹ Insisting on a standard of cohesion places a boundary on acceptable difference. My own principle of fellowship, on the other hand, is not aimed at a conservative goal of cohesion. Rather, it is meant to signal a commitment to mutual solidarity. In other words, community is not valued for its own sake, much less any particular communal order, but instead a specific kind of non-competitive relationship is the point. This principle can critique certain modes of relationship as much as encourage others. Ultimately, this is the condition of possibility for my proposals' attempt to hold together both the positive and negative dimensions of abolitionism, while Logan's conclusions place a lopsided emphasis on the positive, as will be further explored below.

Turning to the social analysis underpinning Logan's argument, we first must note again a number of strengths. First, Logan appropriately highlights the anti-Black racism at the heart of the United States carceral system.¹⁷² This is another point where he identifies a weakness in Hauerwas's ethical thought. Second, Logan explicitly names jails and prisons' role in warehousing surplus populations, which is key to my own analysis indebted to Ruth Wilson Gilmore.¹⁷³ Importantly, this recognition helps Logan avoid a merely moralistic critique that sees prisons as admirable but corrupt. Even though he still views some form of incarceration as necessary, this is on purely pragmatic terms. And finally, Logan pays special attention to the dehumanizing effects of carceral degradation and humiliation. Given his focus on alienation, he is particularly sensitive to how incarceration behaves as a form of "social death."¹⁷⁴

But, again as with Griffith, Logan's work is lacking in at least one key respect. In this case, the missing element is the sense that the history of prison reform is the history of prisons.¹⁷⁵ Although Logan cannot be faulted for any overly rosy view of prisons, and he indeed favorably cites abolitionist thinkers such as Angela Davis, he ultimately refrains from fully endorsing their conclusions, writing, "Although incapacitation will still be required for some felons, serious effort should be given to transformative practices that, to the extent it is possible, restore. All of society is helped whenever guards, prison administrators, and the general public treat even the most ruthless of prisoners like human beings."¹⁷⁶ Logan's specific recommendations—such as drug decriminalization, restorative justice, and an end to solitary confinement—are certainly ones I and other abolitionists share. But it is important that these reforms be situated within a broader horizon of abolition. At the end of the day, any reform must be judged by whether it weakens or strengthens carceral institutions. Otherwise, it is easy to give credibility to policies that only expand the carceral dragnet. For example, if one uses Logan's criterion of alleviating alienation,

it is possible to argue for more prisons to reduce overcrowding or forms of e-carceration (so-called “ankle bracelets”) as “humane” alternatives to physical bars. Ultimately, such an approach is self-undermining because it further reinforces the logic of incarceration.

As a result, Logan’s book is generally insightful but merits a few criticisms, albeit from a different angle than Griffith’s. His willingness to identify concrete proposals is commendable. So is his forthright acknowledgement that leadership on this issue mostly emerges outside the church and Christians should be ready to follow this initiative. But Logan’s approach nevertheless retains too much of a latently conservative communitarian ethos that dampens its critical edge. Consequently, he recoils from the outright rejection of prisons as such that one finds in Griffith. Even though his reformism is wide-ranging and no technocratic tinkering, it still remains hamstrung by its own limited horizon. Since it is focused on a symptom rather than the root of the problem, it is always in danger of backfiring. Therefore, the main takeaways from Logan’s work are both the importance of recognizing the constructive and coalition-building side of anti-prison struggles and the necessity of avoiding the trap of letting this tempt one into making counterproductive concessions in opportunistic fashion.

Healing, Ministerial Vision, and Mutual Aid

While Griffith’s and Logan’s work demonstrates the pitfalls of the one-sided emphases of either utopianism or reformism, they also show the indispensability of each of these dimensions for a practical Christian response to incarceration in the United States. Having thus indicated the need to maintain a non-competitive dialectic between the kernel of truth in each, we can examine each of these dimensions in turn, starting with the creative element of Logan’s reformism. One key concept for understanding the creative aspect of social action is mutual aid. Anarchist philosopher and naturalist Peter Kropotkin popularized the term mutual aid at the turn of the

twentieth century as an alternative to the extremes represented by either a Social Darwinist notion of life as competition or a Rousseauian romanticization of natural harmony.¹⁷⁷ Rather, Kropotkin wanted to defend the importance of social cooperation for survival. Drawing on this tradition, law professor and anarchist organizer Dean Spade identifies “three key elements of mutual aid,” listing the building of consciousness, solidarity, and participation.¹⁷⁸ These factors distinguish mutual aid from charity. On the one hand, charity models tend to treat social problems on a surface level, abstracted from a broader systemic critique. Since nonprofits rely on grants, they are pressured to frame their work in terms of efficiency and impact that demonstrates a measurable return on investment.¹⁷⁹ As a result, “we end up with disconnected groups, working in their issue silos, undermining each other, competing for attention and funding.”¹⁸⁰ Moreover, this model creates a hierarchy between professionalized service providers and passive recipients. On the other hand, mutual aid projects aim to develop a shared analysis through collective survival work. Such an approach naturally draws people into solidarity across differences as they uncover the connections between their struggles. It is able to accomplish this because mutual aid involves those fighting for their survival and liberation as the subjects of their own participatory decision-making, as opposed to the objects of donors' decisions about them.

How does the concept of mutual aid relate to the analysis of incarceration developed in this thesis? Here, it is helpful to turn to the work of philosopher and abolitionist Angela Davis. In her landmark text *Are Prisons Obsolete?*, Davis insists that abolitionism “require[s] us to imagine a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscapes of our society. In other words, we would not be looking for prisonlike substitutes for the prison...Rather, positing decarceration as our overarching strategy, we would try to envision a continuum of alternatives to

imprisonment.”¹⁸¹ Davis thus makes clear that an abolitionist agenda cannot hope to maintain the status quo minus prisons. Abolitionists instead must work to reshape social relations from the bottom up. That is to say, not only the legal system, but also everything from education to transportation, housing to healthcare, is crucial terrain for abolitionist struggle. Mutual aid offers an orienting framework for this reconstruction of social relations along lines of collective empowerment rather than exploitation and domination.

With this in mind, it is possible to see how the theo-ethical principle of healing argued in the first chapter recommends such action. Explaining this principle in terms of universal giving, Tanner writes, “Because of God’s unconditional beneficence, need determines a right here; we are only giving the needy their due when we try to meet their needs.”¹⁸² In other words, any patronizing attitude of aid as an act of charity is ruled out. God gives God’s good gifts freely to all people (James 1:17). If particular people are denied those gifts, it is because of our own social sin in blocking their universal distribution. Therefore, working to eliminate poverty and other inequalities is not a benevolent handout of the privileged to the underprivileged. Rather, it is a restoration to people of what they are already owed but has been “kept back by fraud” (James 5:4 NRSVUE). Furthermore, Tanner adds that “in imitation of God’s relations with us, one gives to others with the hope that these gifts will be the basis for their activity as ministers of divine beneficence.”¹⁸³ Hence, giving should not reinforce a hierarchy between active giver and passive receiver. Instead, it should empower people to exercise their agency in the shared effort to realize non-competitive social relations.

Delores Williams’s reflections in her landmark *Sisters in the Wilderness* helpfully flesh out this non-competitive ethic of mutual empowerment. In particular, Williams develops a womanist ethic that centers the “survival strategies” of Black women.¹⁸⁴ As a resource, she turns

to the biblical story of Hagar. Following the birth of Isaac and Sarah's abuse of Hagar and complaint against her, God tells Abraham to cast out Hagar and Ishmael. When Hagar runs out of water in the wilderness and prepares to die, God speaks to her again and "open[s] her eyes, and she [sees] a well of water" (Gen 21:19 NRSVUE). Therefore, Williams sees God's saving activity in Hagar's ordeal, not as an Exodus-style liberation, but rather when "God gave her new vision to see survival resources where she saw none before."¹⁸⁵ In other words, here salvation manifests as a process of empowerment as opposed to an immediate deliverance. She argues that this less binary way of imaging redemption better resonates with Black women's experience of God in contemporary American society. Keeping Williams's account in mind, one can further connect the principle of healing and the practice of mutual aid. Specifically, she better highlights that the meeting of needs—survival—and the dimension of empowerment—strategic vision—go hand in hand. Healing, then, also resonates with the dimension of conscientization that Dean identifies as one of the elements of genuine mutual aid work.

What does this look like in practice? In a 2020 essay collected in her book *We Do This 'Til We Free Us*, abolitionist organizer and educator Mariame Kaba writes, "PIC abolition is a positive project that focuses, in part, on building a society where it is possible to address harm without relying on structural forms of oppression or the violent systems that increase it."¹⁸⁶ As she states in an interview of the same year included later in the book, this entails "building a million different little experiments" as opposed to the "one-size-fits-all model" of prisons and policing.¹⁸⁷ One example is Kaba's own work with Project NIA to end youth incarceration. Project NIA "served as a catalyst and incubator for programs that address juvenile justice issues by helping local activists, building their leadership skills, and influencing policy."¹⁸⁸ These initiatives ranged from restorative justice groups to political education blogs to art exhibits to

book drives for incarcerated youth.¹⁸⁹ Kaba's practical efforts therefore exemplify her philosophy of experimentation. Importantly, experimentation involves an openness to failure and an avoidance of utopian schemes. Such an approach does justice to the open-ended and provisional character of social reality. While carceral approaches envision justice as a balance to be achieved, a correction to be imposed, or an order to be enforced, an abolitionist approach instead treats justice as a project and horizon.

Mercy, Abolition Spirit, and Non-Reformist Reforms

Turning now to the element of rupture in abolitionist action, the concept of non-reformist reforms serves as a key. Non-reformist reform is a term coined by New Left philosopher Andre Gorz. In the context of formulating socialist strategy, Gorz draws a distinction between what he calls reformist reforms and non-reformist reforms. The former is a reform "which subordinates its objectives to the criteria of rationality and practicability of a given system and policy. Reformism rejects those objectives and demands—however deep the need for them—which are incompatible with the preservation of the system."¹⁹⁰ For example, consider the problem of prison overcrowding. A reformist approach balks at the mass releases necessary to address the root of the issue. Consequently, the reformist answer is to build more prisons, further exacerbating the problem in the long run. A non-reformist reform, on the other hand, "is one which is conceived not in terms of what is possible within the framework of a given system and administration, but in view of what should be made possible in terms of human needs and demands."¹⁹¹ In other words, since a non-reformist approach centers needs without confining itself to the logic of the status quo, if a given system is itself inimical to human needs, then non-reformist reforms will tend to undermine that system. One such example regards the problem of police shootings. While a reformist approach might recommend giving police tasers in addition

to guns, with the hope that they will opt for the former “less lethal” alternative, a non-reformist approach would demand disarming and demilitarizing the police. Such a demand is a reform because it falls short of an entirely new social system, but it is a non-reformist reform because it challenges the basis of the current system and if enacted would threaten its continued reproduction.

Following the social analysis of incarceration advanced in the previous chapter, such a concept of non-reformist reform is crucial for abolitionist action. If incarceration is foundational to the reproduction of American racial capitalism as such, then any attempt to address incarceration must not confine itself to the logic of this system. Political scientist Naomi Murakawa provides an analysis of what can go wrong when action concerning incarceration does limit itself to a reformist horizon. In her book, *The First Civil Right*, Murakawa describes “the three interrelated perils of liberal law-and-order: its potential to entrench notions of black criminality, to fuel carceral state-building, and to fortify the legitimacy of the carceral state.”¹⁹² Specifically, she argues that postwar American liberal attempts to create “professionalized police and modernized sentencing to bring fairness and reason to discretionary machinery” perversely resulted in the vast expansion of policing and incarceration while obscuring their intrinsic racism under an officially color-blind rhetoric.¹⁹³ Similarly, historian Elizabeth Hinton notes how “the Johnson administration sought to give law enforcement authorities a new role in social welfare programs, which the Crime Commission had recommended as a means to relieve the tensions between low-income urban residents and officers.”¹⁹⁴ But, “these measures largely translated to public relations efforts to improve the image of law enforcement...[and] such measures brought residents into frequent contact with the punitive arm of the state, increasing the likelihood of their eventual incarceration.”¹⁹⁵

Recognizing the pitfalls of reformism and the need for non-reformist reforms resonates with the theo-ethical principle of mercy. Just as Gorz emphasizes a “view of what should be made possible in terms of human needs,” so Tanner stresses the radically unconditional character of giving embodied in Christ: “The cross simply does not save us from our debts to God by paying them. If anything, the cross saves us from the consequences of a debt economy in conflict with God’s own economy of grace by canceling it.”¹⁹⁶ In other words, mercy is not reduced to a secondary gesture within a given system of relations. Mercy in this sense is not an act of leniency meant to shore up a sovereign power of domination. Rather, it is the ground of human relations as embodied in the kingdom Jesus proclaimed. What this translates to in practical terms is vividly encapsulated in the prophetic Jubilee tradition as expressed in Isaiah: “Is not this the kind of fasting I have chosen: to loose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke? Is it not to share your food with the hungry and to provide the poor wanderer with shelter—when you see the naked, to clothe them, and not to turn away from your own flesh and blood?” (Isaiah 58:6-7 NRSVUE).

Dubler and Lloyd’s discussion of the “abolitionist spirit” at the beginning of their book named after this verse, *Break Every Yoke*, offers an expansion on this theme, connecting it to the issue of abolition. Specifically, they argue a certain “religious attitude” is intrinsic to “the abolitionist cause” in the sense that the “norms and laws of worldly justice are no match for the abolitionist’s justice, and the abolitionist’s faith marks a commitment to shatter these norms and laws.”¹⁹⁷ In turn, this abolition spirit is a specter that “haunts” religious communities “challenging any easy alignment between the world as we find it and the world as it ought to be.”¹⁹⁸ That is to say, an ethos of rupture draws on a transcendent frame of reference while also troubling the complicities of actually existing religious institutions. One manifestation of this

abolition spirit is the principle of mercy developed throughout this thesis, because mercy transgresses hegemonic penal norms of justice. Mercy disturbs any fixed order or closed system because it is not based on exchange or balance but rather gratuity or excess. As a result, this surplus aspect of mercy “haunts” all reformism “which subordinates its objectives to the criteria of rationality and practicability of a given system,” as discussed above.

Lastly, I consider how this translates in terms of abolitionist practice in the present United States context. The #8ToAbolition framework developed in the midst of the 2020 uprisings for Black lives provides a good example. It enumerates eight non-reformist reforms to inspire abolitionist organizing. As their website states, “The end goal of these reforms is not to create better, friendlier, or more community-oriented police or prisons. Instead, we hope to build toward a society without police or prisons, where communities are equipped to provide for their safety and wellbeing.”¹⁹⁹ To this end, the 8ToAbolition collective lists such priorities as defunding police departments, ending the school-to-prison pipeline, decriminalizing sex work, abolishing money bail, preventing the transfer of military equipment to local police, and stopping collaboration between local police and ICE, among many other demands. Each of these reforms addresses systemic harm in a way that weakens carceral systems rather than perpetuating them.

Conclusion

In conclusion, then, my own proposal for how to approach action in response to incarceration is to take the best of both Griffith’s and Logan’s approaches—while supplementing them with the insights of other theologians—letting each serve as a corrective for the weak spots of the other. From Griffith, we hear a strident, prophetic rejection of jails and prisons grounded in an unconditional call to share in the divine purpose revealed in Jesus Christ. This mirrors the principle of mercy or unconditional giving. Non-reformist reforms provide a framework to

incorporate this ruptural stance into real social movement. Logan, on the other hand, shows us not to place *a priori* limits on this work but rather be open to the surprising freedom of God's Spirit. This point echoes the principle of healing, with its focus on mutually beneficial relationships of solidarity. Mutual aid serves as a conceptual point of reference for this open-ended activity of experimentation. Finally, the principle of fellowship or non-competition serves as a counterweight to the one-sided aspects in either Griffith or Logan. In other words, the three principles established in the first chapter not only serve as a norm to inform Christians' stance on the subject of incarceration but also act as guides to orient the practical character of that response.

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- ¹ Kathryn Tanner, *Theories of Culture: A New Agenda for Theology* (Minneapolis: Fortress Press, 1997), loc 2640, Kindle.
- ² Joshua Dubler and Vincent W. Lloyd, *Break Every Yoke: Religion, Justice, and the Abolition of Prisons* (New York: Oxford University Press, 2020), 215, Kindle.
- ³ Jennifer Graber, *Furnace of Affliction: Prisons & Religion in Antebellum America* (Chapel Hill: The University of North Carolina Press, 2011).
- ⁴ Aaron Griffith, *God's Law and Order: The Politics of Punishment in Evangelical America* (Cambridge, MA: Harvard University Press, 2020).
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- ⁸ Lee Griffith, *The Fall of the Prison: Biblical Perspectives on Prison Abolition* (Grand Rapids: William B. Eerdmans Publishing Company, 1993).
- ⁹ Griffith, *The Fall of the Prison*, 106.
- ¹⁰ James Samuel Logan, *Good Punishment?: Christian Moral Practice and U.S. Imprisonment* (Grand Rapids: William B. Eerdmans Publishing Company, 2008).
- ¹¹ Logan, *Good Punishment?*, 13.
- ¹² Mark Lewis Taylor, *The Executed God: The Way of the Cross in Lockdown America* (Minneapolis: Fortress Press, 2015).
- ¹³ Taylor, *The Executed God*, 49-50.
- ¹⁴ Laura Magnani and Harmon L. Wray, *Beyond Prisons: A New Interfaith Paradigm for Our Failed Prison System* (Minneapolis: Fortress Press, 2006).
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- ¹⁸ Kathryn Tanner, *Christ the Key* (Cambridge: Cambridge University Press, 2010).
- ¹⁹ Tanner, *Jesus, Humanity and the Trinity*, 53.
- ²⁰ Tanner, *Economy of Grace*, 10.
- ²¹ Kathryn Tanner, *Theories of Culture: A New Agenda for Theology* (Minneapolis: Fortress Press, 1997).
- ²² Tanner, *Economy of Grace*, 32.
- ²³ See Walter Benjamin, "The Task of the Translator," in *Illuminations*, ed. Hannah Arendt, trans. Harry Zohn (New York: Schocken Books, 2007), 69-82.
- ²⁴ Tanner, *Jesus, Humanity and the Trinity*, 1.
- ²⁵ Kathryn Tanner, *Jesus, Humanity and the Trinity: A Brief Systematic Theology* (Minneapolis: Fortress Press, 2001), 1.
- ²⁶ Tanner, *Jesus, Humanity and the Trinity*, 35-36.
- ²⁷ Kathryn Tanner, *Economy of Grace* (Minneapolis: Fortress Press, 2005), 63.
- ²⁸ Tanner, *Economy of Grace*, 72.
- ²⁹ Tanner, *Economy of Grace*, 77.

- ³⁰ Martin Luther, "The Distinction Between the Law and the Gospel," *Concordia Journal* (April 1992): 156-157.
- ³¹ Karl Barth, "The Barmen Theological Declaration," in *The Essential Karl Barth: A Reader and Commentary*, ed. Keith L. Johnson (Grand Rapids: Baker Academic, 2021), 322.
- ³² Karl Barth, *Church Dogmatics III/I* (Edinburgh: T&T Clark, 1957), 511.
- ³³ Kathryn Tanner, "Justification and Justice in a Theology of Grace," *Theology Today* 55, no. 4 (Jan 1999): 519.
- ³⁴ "Using these principles to head off Christological conundrums also does not imply that Christological claims have their *genesis* in more general beliefs about God's relation to the world. In fact, I think general claims about God's relations with the world came to be formulated as much in response to Christ as the reverse. Indeed, the general principles at issue (whatever they mean) are unlikely to be thought true of the world unless true of Christ: Christ is their proof." Tanner, *Jesus, Humanity and the Trinity*, 6.
- ³⁵ Karl Barth, *Church Dogmatics IV/I* (London: T&T Clark, 2009), 148. Barth further parallels these with Christ's triple office as priest, king, and prophet; his overcoming of the sins of pride, sloth, and falsehood; the Spirit's gathering, strengthening, and sending forth of the community; and God's justification, sanctification, and vocation of individuals. Some of these patterns find an echo in Tanner's work as well, although she does not name them so explicitly.
- ³⁶ Kathryn Tanner, *Christ the Key* (Cambridge: Cambridge University Press, 2010), 266ff.
- ³⁷ Tanner, "Justification and Justice," 514.
- ³⁸ Tanner, "Justification and Justice," 515.
- ³⁹ Tanner, "Justification and Justice," 515.
- ⁴⁰ Tanner, "Justification and Justice," 516.
- ⁴¹ Tanner, "Justification and Justice," 517.
- ⁴² Oliver Crisp, *Approaching the Atonement: The Reconciling Work of Christ* (Downers Grove, IL: IVP Academic, 2020), 15.
- ⁴³ Tanner, *Jesus, Humanity and the Trinity*, 86.
- ⁴⁴ Tanner, *Jesus, Humanity and the Trinity*, 46.
- ⁴⁵ Tanner, *Christ the Key*, 259.
- ⁴⁶ Tanner, *Christ the Key*, 259.
- ⁴⁷ Benjamin Myers, "The Patristic Atonement Model," in *Locating Atonement: Explorations in Constructive Dogmatics*, ed. Oliver D. Crisp and Fred Sanders (Grand Rapids: Zondervan, 2015), 72.
- ⁴⁸ Myers, "The Patristic Atonement Model," 73.
- ⁴⁹ Myers, "The Patristic Atonement Model," 82.
- ⁵⁰ Myers, "The Patristic Atonement Model," 83.
- ⁵¹ Tanner, *Jesus, Humanity and the Trinity*, 53-54.
- ⁵² Athanasius, *On the Incarnation*, 5,
https://www.piercedhearts.org/theology_heart/teaching_saints/incarnation_athanasius.pdf.
- ⁵³ Athanasius, *On the Incarnation*, 5.
- ⁵⁴ Athanasius, *On the Incarnation*, 5.
- ⁵⁵ Athanasius, *On the Incarnation*, 3.
- ⁵⁶ Khaled Anatolios, *Athanasius: The Coherence of His Thought* (New York: Routledge, 1998), 158-159.

- ⁵⁷ Athanasius, *The Orations of St. Athanasius Against the Arians. According to the Benedictine Text. With an Account of his Life*, trans. W. Bright (Oxford: Clarendon Press, 1884), 193. Cited in Anatolios, *Athanasius*, 160.
- ⁵⁸ Gregory of Nyssa, “The Great Catechism,” in *Nicene and Post-Nicene Fathers*, vol. v, second series, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library), 921, <https://www.ccel.org/ccel/s/schaff/npnf205/cache/npnf205.pdf>.
- ⁵⁹ Gregory of Nyssa, “The Great Catechism,” 925.
- ⁶⁰ Timothy Gorringer, *God’s Just Vengeance: Crime, violence and the rhetoric of salvation* (New York: Cambridge University Press, 1996), 24. The term “structure of affect” is Raymond Williams’s.
- ⁶¹ Kathryn Tanner, *The Politics of God* (Minneapolis: Fortress Press, 1992), 22ff.
- ⁶² It would also be empirically false. For example, Hannah Bowman constructs a Christian prison-abolitionist ethic on the basis of a modified version of substitutionary atonement in her article, “From Substitution to Solidarity: Towards an Abolitionist Atonement Theology,” *Political Theology* 23, no. 4 (2022): 362-380.
- ⁶³ Tanner, *Economy of Grace*, 10.
- ⁶⁴ Tanner, *Jesus, Humanity and the Trinity*, 81.
- ⁶⁵ Tanner, *Economy of Grace*, 4.
- ⁶⁶ St. Anselm, *Proslogium; Monologium; An Appendix in Behalf of the Fool by Gaunilon; and Cur Deus Homo*, trans. Sidney Norton Deane (Chicago: The Open Court Publishing Company, 1903), 204.
- ⁶⁷ Anselm, *Cur Deus Homo*, 283-284.
- ⁶⁸ Anselm, *Cur Deus Homo*, 281-282.
- ⁶⁹ John Calvin, *Calvin’s Institutes: A New Compend*, ed. Hugh T. Kerr (Louisville: Westminster/John Knox Press), 76.
- ⁷⁰ Calvin, *Institutes*, 78.
- ⁷¹ Calvin, *Institutes*, 79.
- ⁷² R.A. Duff and David Garland, “Introduction,” in *A Reader on Punishment*, ed. R. A. Duff and David Garland (New York: Oxford University Press, 1994), 7.
- ⁷³ Elizabeth Bounds, “What Must I Do to Be Saved?: Punishment and Redemption Under Incarceration,” *Political Theology* 23, no. 4 (2022): 309.
- ⁷⁴ Bounds, “What Must I Do to be Saved?,” 309.
- ⁷⁵ Aaron Griffith, *God’s Law and Order: The Politics of Punishment in Evangelical America* (Cambridge, MA: Harvard University Press, 2020), 100.
- ⁷⁶ Tanner, *Christ the Key*, 256.
- ⁷⁷ Peter Abelard, “Exposition of the Epistle to the Romans,” in *A Scholastic Miscellany: Anselm to Ockham*, vol. x, ed. and trans. Eugene R. Fairweather (Philadelphia: The Westminster Press, 1956), 283.
- ⁷⁸ Abelard, “Exposition of the Epistle to the Romans,” 284.
- ⁷⁹ Abelard, “Exposition of the Epistle to the Romans,” 284.
- ⁸⁰ Abelard, “Exposition of the Epistle to the Romans,” 284.
- ⁸¹ Horace Bushnell, *The Vicarious Sacrifice, Grounded in Principles of Universal Obligation* (Grand Rapids: Christian Classics Ethereal Library), 13, <http://www.ccel.org/ccel/bushnell/vicarious.html>.
- ⁸² Bushnell, *The Vicarious Sacrifice*, 13.
- ⁸³ Bushnell, *The Vicarious Sacrifice*, 13.

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- ⁸⁴ Duff and Garland, "Introduction," 15.
- ⁸⁵ Jennifer Graber, *The Furnace of Affliction: Prisons & Religion in Antebellum America* (Chapel Hill: The University of North Carolina Press, 2011), 54.
- ⁸⁶ Tanner, *Christ the Key*, 99.
- ⁸⁷ Crisp, *Approaching the Atonement*, 114-115.
- ⁸⁸ Crisp, *Approaching the Atonement*, 114.
- ⁸⁹ Crisp, *Approaching the Atonement*, 117.
- ⁹⁰ Hugo Grotius, *A Defense of the Catholic Faith Concerning the Satisfaction of Christ Against Faustus Socinus*, trans. Frank Hugh Foster (Andover: Warren F. Draper, 1889), 33.
- ⁹¹ John Miley, *The Atonement in Christ* (New York: Phillips & Hunt, 1879), 190.
- ⁹² Thomas Mathiesen, "General Prevention as Communication," in *A Reader on Punishment*, ed. R. A. Duff and David Garland (New York: Oxford University Press, 1994), 221.
- ⁹³ Muriel Schmid, "'The Eye of God': Religious Beliefs and Punishment in Early Nineteenth-Century Prison Reform," *Theology Today* 59, no. 4 (2003): 548.
- ⁹⁴ Schmid, "The Eye of God," 553.
- ⁹⁵ Tanner, *Christ the Key*, 250.
- ⁹⁶ Mathiesen, "General Prevention as Communication," 235.
- ⁹⁷ George Hunsinger, "The Chief Point of Our Faith: Christ's Saving Death in Selected Greek Fathers," in *The Gift of Theology: The Contribution of Kathryn Tanner*, ed. Rosemary P. Carbine and Hilda P. Koster (Minneapolis: Fortress Press, 2015), 113.
- ⁹⁸ Tanner, *Christ the Key*, 261.
- ⁹⁹ Tanner, *Jesus, Humanity and the Trinity*, 24.
- ¹⁰⁰ Tanner, *Christ the Key*, 260.
- ¹⁰¹ Anthony D. Baker, "Convenient Redemption: A Participatory Account of the Atonement," *Modern Theology* 30, no. 1 (Jan 2014): 101-102.
- ¹⁰² Tanner, *Christ the Key*, 58.
- ¹⁰³ Tanner, *Christ the Key*, 61.
- ¹⁰⁴ Tanner, *Christ the Key*, 77-78.
- ¹⁰⁵ Tanner, *Jesus, Humanity and the Trinity*, 4.
- ¹⁰⁶ Karl Marx, *Capital Volume I*, trans. Ben Fowkes (London: Penguin Books, 1976), 279.
- ¹⁰⁷ Marx, *Capital Volume I*, 320.
- ¹⁰⁸ Marx, *Capital Volume I*, 645.
- ¹⁰⁹ Marx, *Capital Volume I*, 646.
- ¹¹⁰ David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2003), 144.
- ¹¹¹ David Harvey, *The Limits to Capital* (London: Verso, 2006), xvii.
- ¹¹² Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 57.
- ¹¹³ Gilmore, *Golden Gulag*, 27.
- ¹¹⁴ Gilmore, *Golden Gulag*, 241ff.
- ¹¹⁵ "Databases, Tables & Calculators by Subject," US Bureau of Labor Statistics, accessed Feb 25, 2024, <https://data.bls.gov/pdq/SurveyOutputServlet>.
- ¹¹⁶ "Prisoners in State and Federal Institutions on December 31, 1979," National Prisoners Statistics Bulletin (May 1980).
- ¹¹⁷ Allen J. Beck and Paige M. Harrison, "Prisoners in 2000," Bureau of Justice Statistics Bulletin (August 2001).

¹¹⁸ Bureau of Justice Statistics, “Justice expenditure and employment in the U.S., 1979” (December 1980) and “Justice Expenditure and Employment Extracts, 2000” (December 2003).

¹¹⁹ Gilmore, *Golden Gulag*, 247.

¹²⁰ Kathryn Tanner, *Economy of Grace* (Minneapolis: Fortress Press, 2005), 105ff. Although I admit the possibility of such “non-competitive competition” in principle, since I follow a Marxist rather than Keynesian economic account, I do not share Tanner’s hope that a properly regulated market economy could be such an instance.

¹²¹ Karen E. Fields and Barbara J. Fields, *Racecraft: The Soul of Inequality in American Life* (London: Verso, 2012), 16-17.

¹²² Fields and Fields, *Racecraft*, 17.

¹²³ Fields and Fields, *Racecraft*, 22.

¹²⁴ Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill: University of North Carolina Press, 1983), 2.

¹²⁵ Robinson, *Black Marxism*, 2.

¹²⁶ Robin D.G. Kelley, “What Did Cedric Robinson Mean by Racial Capitalism?,” *Boston Review*, Jan 12, 2017, <https://www.bostonreview.net/articles/robin-d-g-kelley-introduction-race-capitalism-justice/>.

¹²⁷ Jackie Wang, *Carceral Capitalism* (South Pasadena, CA: Semiotext(e), 2018), 122.

¹²⁸ Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010), 5.

¹²⁹ Wang, *Carceral Capitalism*, 14-15.

¹³⁰ E. Ann Carson and Rich Kluckow, “Correctional Populations in the United States, 2021–Statistical Tables,” Bureau of Justice Statistics (Feb. 2023): 9.

¹³¹ “2020 U.S. Population More Racially and Ethnically Diverse Than Measured in 2010,” United States Census Bureau, Aug 12, 2021, <https://www.census.gov/library/stories/2021/08/2020-united-states-population-more-racially-ethnically-diverse-than-2010.html>.

¹³² Loic Wacquant, “Class, race & hyperincarceration in revanchist America,” *Daedalus* (Summer 2010): 79.

¹³³ Tanner, *Economy of Grace*, 68.

¹³⁴ Marcella Althaus-Reid, “Queering the Cross: The Politics of Redemption and the External Debt,” *Feminist Theology* Vol. 15(3): 293.

¹³⁵ Althaus-Reid, “Queering the Cross,” 299.

¹³⁶ Judith Butler, *The Psychic Life of Power: Theories in Subjection* (Stanford: Stanford University Press, 1997), 2.

¹³⁷ Butler, *The Psychic Life of Power*, 20.

¹³⁸ We might add that these subjects are also gendered, as Butler’s own work makes clear.

¹³⁹ Louis Althusser, *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses*, trans. G.M. Goshgarian (London: Verso, 2014), 256, 264.

¹⁴⁰ Cf. Jacques Lacan, “The Mirror Stage as Formative of the I Function,” in *Ecrits: The First Complete Edition in English*, trans. Bruce Fink (NY: W.W. Norton & Company, 2006), 75-81.

¹⁴¹ Althusser, *On the Reproduction of Capitalism*, 261.

¹⁴² Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 24.

¹⁴³ Foucault, *Discipline and Punish*, 16.

¹⁴⁴ Foucault, *Discipline and Punish*, 170.

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- ¹⁴⁵ Foucault, *Discipline and Punish*, 17-19.
- ¹⁴⁶ Wacquant, "Class, race & hyperincarceration in revanchist America," 76.
- ¹⁴⁷ Wang, *Carceral Capitalism*, 40.
- ¹⁴⁸ Butler, *The Psychic Life of Power*, 20.
- ¹⁴⁹ Butler, *The Psychic Life of Power*, 30.
- ¹⁵⁰ Kathryn Tanner, *Jesus, Humanity and the Trinity: A Brief Systematic Theology* (Minneapolis: Fortress Press, 2001), 42-43.
- ¹⁵¹ Marika Rose, *Theology for the End of the World* (London: SCM Press, 2023), 34.
- ¹⁵² Rose, *Theology for the End of the World*, 35.
- ¹⁵³ Rose, *Theology for the End of the World*, 42.
- ¹⁵⁴ Dietrich Bonhoeffer, *Ethics*, trans. Neville Horton Smith (New York: Touchstone, 1955), 231.
- ¹⁵⁵ Lee Griffith, *The Fall of the Prison: Biblical Perspectives on Prison Abolition* (Grand Rapids: William B. Eerdmans Publishing Company, 1993), 106.
- ¹⁵⁶ Griffith, *The Fall of the Prison*, 68.
- ¹⁵⁷ Griffith, *The Fall of the Prison*, 97.
- ¹⁵⁸ James Cone, *God of the Oppressed* (Maryknoll, NY: Orbis Books, 2020), 190.
- ¹⁵⁹ Cone, *God of the Oppressed*, 191.
- ¹⁶⁰ Cone, *God of the Oppressed*, 191.
- ¹⁶¹ Griffith, *The Fall of the Prison*, 181.
- ¹⁶² For an overview of the history of prison abolitionist movements in the United States, see Angela Y. Davis et al., *Abolition. Feminism. Now.* (Chicago: Haymarket Books, 2022).
- ¹⁶³ Griffith, *The Fall of the Prison*, xv.
- ¹⁶⁴ James Samuel Logan, *Good Punishment?: Christian Moral Practice and U.S. Imprisonment* (Grand Rapids: William B. Eerdmans Publishing Company, 2008), 176.
- ¹⁶⁵ Logan, *Good Punishment?*, 244.
- ¹⁶⁶ Logan, *Good Punishment?*, 239.
- ¹⁶⁷ Logan, *Good Punishment?*, 202.
- ¹⁶⁸ Logan, *Good Punishment?*, 248.
- ¹⁶⁹ Logan, *Good Punishment?*, 247.
- ¹⁷⁰ Logan, *Good Punishment?*, 254. Cf. Tanner, *Jesus, Humanity and the Trinity*, 89: "In order to be proper ministers of God's benefits, we would therefore need to recognize the common right of all to the goods of God, simply as creatures; we would have to recognize our obligation to advance the fortunes of that universal community of creatures that is the object of God's favor."
- ¹⁷¹ Logan, *Good Punishment?*, 228.
- ¹⁷² Logan, *Good Punishment?*, 219.
- ¹⁷³ Logan, *Good Punishment?*, 225.
- ¹⁷⁴ Logan, *Good Punishment?*, 209.
- ¹⁷⁵ "Prison 'reform' is virtually contemporary with the prison itself: it constitutes, as it were, its programme." Foucault, *Discipline and Punish*, 234.
- ¹⁷⁶ Logan, *Good Punishment?*, 239.
- ¹⁷⁷ Petr Kropotkin, *Mutual Aid: A Factor in Evolution* (Boston: Extending Horizons Books, 1960), 5.
- ¹⁷⁸ Dean Spade, *Mutual Aid: Building Solidarity During this Crisis (And the Next)* (London: Verso, 2020), 9ff.
- ¹⁷⁹ Spade, *Mutual Aid*, 24.
- ¹⁸⁰ Spade, *Mutual Aid*, 15.

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- ¹⁸¹ Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 107.
- ¹⁸² Tanner, *Jesus, Humanity and the Trinity*, 89.
- ¹⁸³ Tanner, *Jesus, Humanity and the Trinity*, 90.
- ¹⁸⁴ Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, NY: Orbis Books, 2013), 113.
- ¹⁸⁵ Williams, *Sisters in the Wilderness*, 27.
- ¹⁸⁶ Mariame Kaba, *We Do This 'Til We Free Us: Abolitionist Organizing and Transformative Justice* (Chicago: Haymarket Books, 2021), 33, epub.
- ¹⁸⁷ Kaba, *We Do This 'Til We Free Us*, 211-212, epub.
- ¹⁸⁸ "About Us," Project NIA, accessed March 17, 2024, <https://project-nia.org/mission-history>.
- ¹⁸⁹ "Past Projects," Project NIA, accessed March 17, 2024, <https://project-nia.org/past-projects>.
- ¹⁹⁰ Andre Gorz, *Strategy for Labor: A Radical Proposal*, trans. Martin A. Nicolaus and Victoria Ortiz (Boston: Beacon Press, 1968), 7.
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