

Article

Experiencing Justice from the Inside Out: Theological Considerations about the Church's Role in Justice, Healing, and Forgiveness

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Abstract: Recent suggestions have been made that theology may have more to offer on matters related to the subjects of punishment, corrections, and rehabilitation than has often been acknowledged in the scholarly literature. This essay sets out to explore the merits of such claims with regard to how they might assist ongoing efforts to address mass incarceration, including the theological dimensions of punitive justice along with other potentially redemptive realities that theological reflection may illuminate and make more visible. Consideration will be given to the ongoing role that religion plays in the life of the prison before giving consideration to the ontology of the church as a social actor, especially as locally-constituted within the prison—the ecclesia incarcerate, or the prison church. The theological rationale for the basic existence of such an actor is explored along with the effects of such a vision for this kind of transformation the church may experience along with both promises and potential challenges that come with the church having its own ontology, not as a given, but as a creature of grace.

Keywords: Christianity; church; forgiveness; Hannah Arendt; Jubilee; punishment; prisons; prison reform; Pope Francis; religion; theology

1. Introduction

Recent suggestions have been made that theology may have more to offer on matters related to the subjects of punishment, corrections, and rehabilitation than has often been acknowledged in the scholarly literature (Murphy 2003; Garvey 2003; Kaufman 2018). This includes not only the questions that particular theological frameworks and analytic tools bring for addressing these matters in the era of mass incarceration, and even the underlying theological foundations that gave rise to the contemporary situation, but also new forms of recourse and plausibility structures that may emerge as theological conceptualities are deployed, especially for explanatory research knowledge accounting for various experiential phenomena that includes both practices as well as conceptual structures that give rise to these various dynamics.

This essay will argue that lack of engagement with the theological roots of the contemporary situation both restricts scholars and policy makers from adequately grappling with the foundational underpinnings of the prison as a reality and also doesn't adequately allow the prison and its fullest operative realities to be understood and grappled with. Michelle Alexander recently noted that mass incarceration is not just "a problem of politics or policy," but exists "as a profound moral and spiritual

crisis as well.”¹ Lamenting the results of “rational policy discussions” that come from a “purely technocratic approach to these issues” and neglect the moral and spiritual dimensions, she notes that failure will continue because the real issues of concern, as she sees them, “are philosophical questions, moral questions, theological questions . . . ” (Mock 2016).

Beyond this, the failure to engage matters of theological consideration provides more fuel to the banal culture wars between so-called religious and secular approaches to the prison—often occluding the ability of the latter to grapple seriously with transformative realities within the prison; and on the other hand, this can potentially incapacitate the religious from working out in the best ways possible. An example from Pope Francis may help to demonstrate the dilemma.

On 28 March 2013, Maundy Thursday during the Catholic Holy Week before Easter, the newly enthroned Pope held an evening Mass at Casal del Marmo, a juvenile detention facility in Rome. That night he washed the feet of twelve young people of different nationalities and faiths, including at least two Muslims. Among these were also two girls housed at the facility, one being an Italian Catholic, the other of Serbian Muslim origin. Along with a brief homily, hugs, a chocolate Easter egg, and a traditional Italian Easter cake for each, Pope Francis encouraged the young people with the words, “Press on! Don’t let yourselves be robbed of hope.”² The world has changed a lot since that 2013 moment. An extraordinary year of Jubilee was later declared by the Pope, lasting from 8 December 2015 to 20 November 2016.³ The year of Jubilee, however, proceeded as largely unremarkable, especially in light of recent prison reform efforts that could have been substantially bolstered for sustainable long-term prison reform.⁴

The Christian tradition (not to mention the other religious traditions) carries extensive resources for addressing justice matters, and in many ways provided the conceptual underpinnings for the historical development of the contemporary prison in the West (Foucault 1975; Graber 2011). But the Pope didn’t much use these resources. Reports and media commentary about the 2013 event carried a conspicuous absence of acknowledgment from the Pope that the juveniles present had been detained for punishable offenses that necessitate corrective action. Media outlets acknowledged that many of the juveniles came from broken families and other disadvantages from which they sought refuge in drugs and crime; yet nothing seemed to have been mentioned about the need for justice in society or for their victims. Critical engagement from the media focused on Francis’s washing the feet of women, one from the Islamic faith, but nothing about justice. The *Catholic News Agency* described the event as “a display of love for the young people and invitation to renewal.” And the Prison chaplain Fr. Gaetano Greco expressed that the Pope’s visit “will make [the juveniles] see that their lives are not bound by a mistake, that forgiveness exists and that they can begin to build their lives again.”⁵

While the media reflections offered some balance with the statement from the chaplain, it didn’t offer what this event meant, especially since the church as societal actor does indeed have both conceptual and real resources for comprehensive approaches to both criminality and the future flourishing of human beings, both youth and adults. But even Pope Francis did not use them like he might have. To explore, then, how these resources might be reconceived in contemporary punitive settings this essay sets out to briefly survey major forms of justice that in varying degrees exist within western society and co-exist alongside the western church. It then briefly surveys a selection of

¹ <https://www.citylab.com/equity/2016/09/life-after-the-new-jim-crow/502472/>.

² <http://www.bbc.co.uk/news/world-europe-21963105>; <https://www.catholicnewsagency.com/news/pope-francis-to-offer-hope-by-washing-young-inmates-feet>; <http://www.catholicherald.co.uk/news/2013/03/28/pope-washes-young-offenders-feet-at-holy-thursday-mass/>.

³ Traditionally in Leviticus 25 of the Hebrew Bible, this was where slaves and prisoners went free, debts were cancelled, and divine mercy was on display.

⁴ Of course, less than two weeks before the end of the Jubilee Year also witnessed the election of Donald Trump to the US Presidency, riding tough on crime policies throughout his campaign.

⁵ <http://www.catholicnewsagency.com/news/pope-francis-to-offer-hope-by-washing-young-inmates-feet/>.

religious models that have sought to address various oversights within the penal situation,⁶ followed by an argument for a theological vision that may arise from the setting where what has been called “*ecclesia incarcerate*” (Sexton 2015; Sexton 2018) is operating.

2. Forms of Punitive Justice

First, the concept of *retributive justice* is meant to emphasize fairness and that the punishment of a crime must be in line with the offense, which is viewed as being chiefly against society and the moral law. Without this kind of justice the law is deemed undermined. Kant argued for the avoidance and minimization of any deterrence from the measure of due punishment, himself asserting what he acknowledged as “the pharisaic maxim”: “It is better that one man should die than that the whole people should perish.” According to Kant, “if justice and righteousness perish, human life would no longer have any value in the world” (Kant 1887, p. 97).

Aside from opting for a secular rather than a theological foundation for his view (e.g., that humans are created in the image of God) (Murphy 2003), Kant’s view also comes under Foucault’s critique of social control. Rowan Williams, though, has concluded that a penal culture that doesn’t explain how people change is “worse than useless” (Williams 2012, p. 257). Following R. A. Duff, Williams wants a justice that is “communicative, retributive and formative.” By “communicative” and “retributive” he does not mean to elevate social conformity as paramount or to manipulate offenders into docility, but so that a person can be able “to articulate these things in a language that can be heard and in a way that is not purely reactive and destructive” (Williams 1992, p. 95).

Another form of justice serving as an alternative to the repressive character of the above notion of justice is the *restitutive* kind. David Garland notes that most of today’s penal laws and practices exhibit this kind of justice, where refractions are met with penalty fees, fines, and other measures for making compensation. This is more concerned “to restore the *status quo ante* and compensate injured parties” than with asserting a moral code through punishment and repression (Garland 1999, p. 34), providing therefore a sense of personal reparation for damage done.⁷

In this way retributive forms of justice with tools largely administered by the state seem heavily measured in hard economic value items (e.g., monetary trade units) whilst missing entirely a deeper, social, and communal dimension. In its best forms it seems potentially open to the idea of forgiveness or at least expungement (of a criminal record, a societal stigma, etc.),⁸ but may have trouble drilling down to deal with questions of normativity that the National Research Council report on mass incarceration concluded is critical for future policy and research.⁹ In turn, this seems to be aiming more deeply for the next form of justice, the restorative kind.

Connected to the above with various features of reform, rehabilitation, and reconciliation, is the notion of restorative justice (Gorringer 2004, p. 136). One form of this, dependent upon Braithwaite’s

⁶ By “religious model”, I mean those that have explicitly proceeded with an orientation to cultivating religious sensibilities and that have religious results—both of the incarcerated as well as the nonincarcerated actors working on or within prisons—in ways that are often set up over and against so-called secular approaches to matters of punishment, corrections, rehabilitation, etc. These models are often informed by and oriented to personal faith, which provides further rationale for scholars to pay closer attention to matters of faith and justice and their link. By “religious,” I employ a sociological term often used to identify groups/people, which thus lends to a more social scientific investigation of the function, usefulness, results, and pragmatic value of faith often observed through its material practices. This term stands distinct from “theological,” and cannot along account for theological rationale motivating such structures, or whether they even have much of this explicit foundation for ethics that draw from a higher wisdom, which the next section of this paper will reorient our attention to with an exploration in an ecclesial ontology.

⁷ This has been a tone in much of the rhetorical activism generated by the #BlackLivesMatter movement. See also Coates (2014). For a theological argument for reparations: Gorringer (1996, pp. 237–39).

⁸ The Ban the Box campaign would allow most ex-inmates to forgo disclosing any criminal convictions on job applications (Karlman 2014).

⁹ “In the domain of justice, empirical evidence by itself cannot point the way to policy, yet an explicit and transparent expression of normative principles has been notably missing as U.S. incarceration rates dramatically rose over the last four decades. Normative principles have deep roots in jurisprudence and theories of governance and are needed to supplement empirical evidence to guide future policy and research” (National Research Council 2014, p. 8).

communitarianism, shows its strength and necessity if expressions of face to face forgiveness are to occur. It makes room for reintegrative shaming (Braithwaite 1989) and penance (Gorringer 1996, pp. 256–57; Gorringer 2004, pp. 127–30), affirming corporate mutuality and interdependence. Rowan Williams notes that if crime is failure in the mutuality and interdependence of a healthy community, only a theological vision of a different society can adequately address the problem (Williams 1992, p. 92). Yet communitarianism that does not have an adequate grasp of a concept of sin, while perhaps theological, may be inadequately so. The brokenness of the human condition needs to be acknowledged, along with the immense lack within the human experience even for imagining and acting to bring in a different society, which reckons with the vacuous nature of circumstances that led to a violation of (or creation of . . .) a law in the first place (Gorringer 1996, pp. 17–22).

While each of the various forms of justice already mentioned bring with their views a kind of satisfaction (*illud satis est*), they also bring a sort of forgiveness, or at least the potential for such, although the two should not be conflated (Fiddes 2016, pp. 54–55). But this raises a question about the nature of justice, and whether forgiveness can actually play a role in criminal justice at all. Miroslav Volf argues that while forgiveness must be received as a gift in order for it to be truly given, it also includes the repentance that comes from objectively identifying deeds as wrong. Yet he argues that it can be extended even when there's no repentance (Volf 2011, pp. 114–16; see also Murphy 2003, pp. 265–9). Beyond Volf's view of generous forgiveness, however, is something deemed by some to be much more radical and completely unfit for the political sphere because of a groundedness in a so-called sentiment of love (Ferguson 2014, p. 147; Digeser 2001, p. 99). This leads into a consideration of Hannah Arendt's vision of resumptive forgiveness, considered next.

None of the above forms of justice can avoid the punishment and public condemnation of anathematized individuals that characterizes contemporary society, which might be acknowledged as being as much about mechanisms of rulership as it is about as expressions of its own societal sentiments (Garland 1999, p. 35), and according to Foucault: *L'infraction oppose en effet un individu au corps social tout entire* ("Indeed, the infraction pits an individual against the entire social body," author's translation from Foucault 1975, p. 92). Hannah Arendt concedes the profound affects this can have on individuals: "without being forgiven, released from the consequences of what we have done, our capacity to act, as it were, becomes confined to one single deed from which we could never recover" (Arendt 1998, p. 237; cp. also Gorringer 2004, p. 144).¹⁰

Based in the notion of *animal laborans* and the theory of action she develops, Arendt proposes that the act of forgiving "is the only reaction that does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven" (Arendt 1998, p. 241). This kind of forgiveness is prompted by love—the only thing with the power to forgive—which is one of the rarest occurrences in human lives. According to Arendt, it possesses an unrivaled power of self-revelation and clarity of vision of "the disclosure of *who*, precisely because it is unconcerned to the point of total unworldliness with *what* the loved person may be, with his qualities and shortcomings no less than with his achievements, failings, and transgressions." By reason of its passion, she says, love "destroys the in-between which relates us to and separates us from others." By its very nature, then, love "is unworldly, and it is for this reason rather than its rarity that it is not only apolitical but antipolitical, perhaps the most powerful of all antipolitical human forces" (Arendt 1998, p. 242).

Fiddes (2016) develops this in a theological direction, drawing upon a dynamic where God-as-victim of supreme human offense becomes the one to initiate the process of forgiveness, which this essay shall return to later. A more directly societally-oriented mechanism similar to Arendt's comes with Jonathan Rothchild's commendation of the political act of "clemency," which he notes can

¹⁰ See also Bryan Stevenson's popularization of the idea: "Each of us is more than the worst thing we've ever done" (Stevenson 2014, pp. 17–18).

even effectuate “a mechanism within the rule or law that can suspend the rule of law to support social justice values and achieve wider goals—reform, rehabilitation, restoration, or some combination.” Accordingly, he argues, this signals “new creation” by restoring the rule of law, reintegrating justice, mercy, and the common good, and by empowering the participation of marginalized persons in the basic structures of society (Rothchild 2011, p. 65).

The visions above, including Arendt’s radical notion of presumptive forgiveness, unfortunately still seem to lack adequate space for religious experience as either an effectual, or at least complementary, feature of the kind of result that justice might have for individuals when properly served—punishment taken to its logical conclusion and to bring about its intended aim: healing. This would incorporate justice and forgiveness theories along with their attendant features of individual and corporate moral formation, or rehabilitation. While the carceral state often considers religious experience worth validating and even nurturing (or even a right for individuals in the US, drawing from the First Amendment), there is a long way to go before religious experiences and the attendant theologies undergirding or else explaining those experiences might be acknowledged for their role in effecting moral change and thoroughgoing transformation. This irony exists in spite of the modern prison being the result of theological speculation on the human condition, accompanied with germane rationale for what were deemed necessary forms of punishment and healing (Graber 2011). Revisiting these things might open up new possibilities and prescriptive options.

3. Religiously-Oriented Views

Recent proposals have been made for how prisoner “rehabilitation” (or “transformation”) can be accomplished by religion operating in the carceral setting, whether through establishing faith-based units within the prison, or through faith-based institutions that supplement state efforts to educate criminals for reform.¹¹ Foucault’s critique would apply to each of these as well as to other contemporary models—more machinery by which modern individualism constructs its truth, and signaling the dark side of utopian dreams of citizenship, community, and individual autonomy (Schuld 2004, pp. 67–70). Dubler highlights an unfortunate irony that even when transformation is happening in the carceral setting, “no analogous structure exists to support them on the street” (Dubler 2013, p. 241). And yet, transformation in prison continues to happen (Dubler 2013, pp. 240, 273, 288; Erzen 2017).

For even more effort lobbed toward the transformative elements of the carceral context, Amy Levad has challenged laypeople of the Catholic Church to get involved in prison ministry activities (Levad 2014). Gilliard has also addressed the issue from an evangelical perspective, sketching how evangelicals must be involved in efforts to help topple mass incarceration (Gilliard 2017). In more perambulatory yet programmatic fashion, drawing from decades of ministry in prisons in Europe and Asia, Tobias Brandner has attempted to sketch a robust theology of prison ministry (Brandner 2014). But whether these efforts have adequately recognized that there is already robust theological work happening within the prison is a question that must be seriously considered. This is because while these proposals highlight the importance of community and religious experience, they may not entirely avoid the consumerist impulses that have jaded legal systems in the West. And as such, their effort to envision and provoke a church to “do ministry” to “those people” in prison is not impossible to detect, thus suggesting a failure to circumvent a colonialist reprimanding that many so-called prison ministries embody both structurally and with the attendant posture of their workers who are “doing” ministry. A robust theological vision, on the other hand, accounting for the theory (theology) behind religious experience and incorporating the actual event phenomena of the

¹¹ One important case in Iowa, the InnerChange Freedom Initiative funded by Prison Fellowship Ministries, was challenged at the Supreme Court for violating the separation of church and state clause of the US Constitution. The case is critically explored by Sullivan (2009), who argues that such a separation between church and state is not possible, and prisons are one case in point that clearly shows the link between the two. See also similar efforts acknowledged in the UK (Bretherton 2010, p. 33).

lived experience (including the empirical), as such, remains absent from a lot of this work, however significant it has otherwise been. It remains absent, this essay argues, largely because of the failure to recognize ecclesial ontology.

Partial recognition of localized religious phenomena in the carceral setting may be offset by examples such as that of the Angola Prison Seminary in the Louisiana State Penitentiary (Hallett et al. 2016). In several ways displaying an evolved form of prison religion that happened under unique conditions where the inmate churches were able to offer collegiate-level education that then-warden Burl Cain enabled to happen after the 1994 crime bill revoked Pell grant eligibility to convicted felons, and when New Orleans Baptist Theological Seminary was able to enhance the Inmate Minister Program in this particular setting, with special regard for those serving long-term sentences. This cultivated prosocial behavior among inmates, with an indigenous impulse that nevertheless was something that Louisiana State Penitentiary “allows” to happen, with inmates running their own churches.

In spite of yet another program—although proponents of faith would generally still count this as a victory for the role that faith-based ministries can play in the carceral knowledge ecology, it is difficult to envision this as something different than a state-sanctioned mechanism to further control the carceral setting, managing these otherwise unruly groups as further evidence of what Feeley and Simon called “the new penology” (Feeley and Simon 1992). It has been suggested that the effort to recognize anything good and transformative within the carceral setting is an automatic endorsement of the prison and does not offer the kind of argument that adequately assaults the conceptual underpinnings that enabled the hermeneutical possibility of mass incarceration to happen.¹² Whatever good is happening within the prison, then, and whatever transformative features it may have must not relate only to the individuals but also hold potential to operate upon the entire social mechanism of the prison.

Gorringe has gone a step further than these various religious-oriented efforts, offering a distinctly theological vision of an “imagined community” called church, which he says is not to be understood as the community of redemption and reconciliation *in toto*. But it is so *sacramentally*—not idealized, but visionary, utopian, both structuring and seeking further “to envision the possibilities of redemption” and “the restoration of relationships . . . brought about only by the creation of an ‘imagined’ community athwart all existing communities.” This struggle happens, on Gorringe’s account, as the church is constantly reformed by the dynamic reappropriation of its tradition, both deconstructing and helping negotiate new forms of social life in every period and culture, at the heart of which is “a conception of human life grounded not on violence, and the logic of an eye for an eye, but on forgiveness” (Gorringe 1996, pp. 262–65).

Since this “imagined community” has at the heart of its gospel a praxis of costly forgiveness “founded on betrayal and the survival of betrayal,” it likewise creates new sensibilities and possibilities (Gorringe 1996, p. 268) and stands accordingly as the only solution for dealing with human fecklessness and the evil encountered in humanity, thus setting up an argument for the church’s role in offering an alternative kind of social space that provides “the redemptive alternative to retribution” (Gorringe 1996, p. 271). Central to this argument is that the church is to be found in the center of the civic community, which may have not only wider societal implications, but also those with regard to the carceral ecclesial community inside.

Developing this sacramental vision further, Gorringe envisions prison walls as permeable, with prisons and prisoners deemed as part of the wider community, and therefore prisoners are encouraged to be part of the community of faith (outside the prison walls) and the community of faith (outside the prison) is to take part in many activities of the prison.¹³ This moves beyond the involvement of merely (or even primarily) the chaplain or a chaplaincy team somehow working to fulfil the church’s

¹² I am grateful to Glenn Loury of Brown University’s Political Theory Project for bringing this point to my attention.

¹³ One recent innovation happened within the Christian Reformed Church denomination, having “expanded the model of what makes up a CRC congregation”: in April 2014, six inmate council members (i.e., church leaders) from “the inside” were serving “alongside” three “members from ‘the outside’” (Craker 2014, p. 24).

responsibility to represent Christ in the prison, and places the burden for this action on the entire body of Christ. Thus, the entire Christian community—of which the chaplain is representative and of which the chaplain is a witness to—is “the true minister to those in prison” (Gorringer 2004, pp. 140–41). But does this view sufficiently recognize what’s happening *within* the carceral setting that is redemptive, or restorative, or perhaps even ontologically-reconstitutive for individual, corporate, social lives within the carceral setting, as religion purports to do?

4. A Dignified Theological Vision—*Ecclesia* Incarcerate beyond the Conceptual, Fragmental, and Sacramental

This essay’s argument can start to best be seen as it is formulated in contrast to what we’ve seen thus far. Prison walls—anyone having been behind them knows—are neither permeable nor porous. They are fixed, securing the integrity of the prison community with its own rules for life and governance which cannot be altered by external means, although the inside-outside relationship is complex (Skarbek 2014). Gorringer’s view convolutes what it means to be a community member, even advocating potential violence to the integrity of the community in the carceral setting, circumventing efforts already at work that are actively transforming individuals and communities within the prison walls. But if not the external factors that determine carceral transformation, how does it happen on the inside?

4.1. Theologically Theorizing the Basis of Carceral Transformation

It is not the external ecclesial community (on “the streets,” or on “the outside”) that is the “true minister” to prisoners. This work is more appropriately and uniquely reserved for the Holy Spirit who ministers to prisoners in unrestrained ways. About Jesus’s description of the work of the Holy Spirit in John 3.8 being likened to the wind, early Church Father Chrysostom (d. 407) noted that “its onrush takes place unhindered and with power.” Moreover, “if no one restrains the wind, but it is carried where it wills, much more will laws of nature be unable to restrain the working of the Spirit; neither the limits of carnal birth nor any other such thing” (Chrysostom 1957, p. 254).

The work inside the prison in relation to so-called ministers, whether from outside or inside, then, “is not about their actions but God’s outrageous act,” where the Holy Spirit “takes hold of them” (Jennings 2017, p. 113). This act creates and sustains new life, bringing about the moral transformation bequeathed by the gospel of God’s love, and as such “becomes part of God’s own journey, and so has persuasive power in creating reconciliation in the world as our created love is added to the uncreated love of God” (Fiddes 2016, pp. 64–65). Within this movement the church is constituted as such, as a creaturely entity both generated and constructed by the Spirit and thus embodying the Holy Spirit’s action within the ecclesial community. Consequently, this action of embodying the Spirit’s work in the ecclesial community demonstrates that a church already exists *there*, inside the prison. It must be recognized as such lest the Spirit’s creative work of love that constitutes the church by the effectual appropriation of the gospel of God’s grace disclosed in Jesus Christ be convoluted or undermined for its particular healing qualities.

This grace disclosed in Christ eludes the full grasp of empirical inquiry that is uninformed by thick theological description, and as such has complexified and often flattened ethnographic research on transformative phenomena in the carceral setting, and elsewhere.¹⁴ And yet the shared experience of believers exists within the multi-layered context of the prison nonetheless. Evidence of a shared communal life organized by particular beliefs that form and orient this particular carceral governance

¹⁴ Aside from challenges of selection bias and other performative features of the active working of faith traditions in the moral transformation of prisoners that can be difficult to access, “The ineffable nature of a personal faith conviction makes it unlike other rehabilitative mechanisms and hard to measure reliably in randomized controlled trials, even if treatment and control groups are matched by propensity scores. And even if a surge in evangelism were to precipitate a mass spiritual awakening, the internalization of religious faith can’t be readily imposed on demand like a vaccination” (Green 2013).

structure have started to be taken up by scholars integrating theology and ethnography. Within the dynamic carceral space, the shape of the incarcerated church coheres with Jesus's post-resurrection description of his body (John 20.17; cp. 16.17), in a way that mimics Gorringer's sacramental, aspirational vision. Yet in the church's real, present, localized and incarcerated state, it further resists objectification and commodification by virtue of its very existence in prison. As such, the incarcerated church stands as ontologically prior to the extant prison actors, yet simultaneously faces the world as a body constantly being *sent* and therefore open to the world in this dynamic outlook.

This *sent*-ness, accounting for ongoing evangelistic work within the prison by prisoners, as well as the grounding of the church's life in the transcendent life of the Holy Spirit, carries a theological rationale that proceeds on the basis that, by the Spirit, Jesus has revealed himself there locally within the carceral setting, thus enabling multiple communities simultaneously to participate in this life of a universal church in embodied ways, lived out in radically different contexts and in ways constitutive of the same kind of life being experienced by ecclesial members in particular contexts. In other words, Jesus *belongs to* each ecclesial setting, known by the individual members of his body in particular locations. But Jesus is not bound to any one of these necessarily, nor exclusively is he there in one particular place only, since he simultaneously transcends time and space. He equally belongs elsewhere, in heaven with the Father, and yet also down here in the prison, belonging to the carceral setting. This is the sacramental feature of his incarcerated body (Matthew 25.36–40),¹⁵ and part of the reason why the incarcerated church exists—for other incarcerated and nonincarcerated churches to work in “fellowship” partnerships for the sake of a shared mission. *Ecclesia* incarcerated, then, should not be viewed through a lens of charity or pity, but with the but with the acknowledgement of the dignity of the resurrected body of Christ.

Indeed, the work of Christ in the twin action of the incarnation and atonement make this possible. T. F. Torrance described the incarnation as God coming into “our sinful and distorted existence, into our personal darkness and mental alienation from God, even into the disintegration of human being in death. He came to share our lost and contradictory existence in order to save and reconcile us to God” (Torrance 1996, p. 41). This objectively given act of divine self-communication is where the divine being actively mediates a new order amid the damaged and “deep-seated disorder” of creation in the midst of which this “*new creation*” is effected. Moreover, not just in the incarnation, but with the atonement, “Through his cross and resurrection the incarnate Saviour penetrated into the ontological depths of creation where in death created being borders upon non-being, and set it upon an altogether new basis, that of Grace in the triumph of God's Holy Love in what the Bible speaks of as a new heaven and a new earth” (Torrance 1996, p. 214). By virtue of the *homoousios* (lit. “same-substance”), Jesus Christ in his one person being simultaneously divine and human, “*God himself* has penetrated into our suffering, our hurt, our violence, our sinful alienated humanity, our guilty condition under divine judgment, and even into our dereliction” (Torrance 1996, p. 251), which has special relevance to the incarcerated whom society has discarded. Yet in the carceral setting are those who have participated in this kind of order revealed in Christ, creating astonishment, wonder, and worship. Moving beyond a merely cognitive reality, this yields a holistic participatory rationality that carries unending implications for redemption. By Jesus's atoning work, then, “at the deepest point of our relations with God in judgment and suffering the incarnate Son of God penetrated into our *pathos* in such a profoundly redemptive way that in the very heart of it all, he brought his eternal serenity or *ἀπαθεία* to bear transformingly upon our passion” (Torrance 1996, p. 251).

¹⁵ “I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me.’ . . . Then the righteous will answer him, ‘Lord, . . . when was it that we saw you sick or in prison and visited you?’ And the king will answer them, ‘Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me’” (New Revised Standard Version Bible).

4.2. Theologically Locating the Effects of Carceral Transformation

The above exposition of the message that arouses faith and its local appropriation highlights a weakness in Gorringer's model of evangelism or ministry *to the prison*, which expects the gospel minister "to show courtesy even to the most wretched and unlovable creature," whereby which he "really acts as *alter Christus* and breaks the mould of objectifying, hard-man, cynical behavior" (Gorringer 2004, p. 143). Again, the theological point would emphasize that it is the divine work of the Holy Spirit to do these things; the human minister is not the primary actor, nor dealing necessarily with the main thing operative. Even so, the evangelistic role of a visitor to prison is far better when framed in light of the model in Ephesians 4.11-14, where gifts divinely given to the church are placed for the service of equipping, training, and facilitating the life of the church—the church *in prison*—to become all that God would have it be, and thereby affirming the true humanity of prisoners insofar as Christ's body is present in the carceral context (Matthew 25.36-44).

This model also provides the opportunity to show how various penological and forgiveness theories are subversively fulfilled in the ecclesial vision of the sanctifying transformation into "Christlikeness" that the Spirit is bringing about in the church. This *modus operandi* of the various prison churches has always had ecclesial formation as an essential feature of its remit insofar as transformation (personal, social, ecclesial) has always been part of the church's remit for all its members who are forgiven inasmuch as they are united to Christ and he is crucified, risen from the dead, ascended, and soon to be returning for them. This vision coincides with the mandate for the church to "go," teaching all Christ's commands to all people (Matthew 28.16), especially to society's marginalized and hardened (Matthew 25.36, 40). It affirms humans as essentially "ecclesial beings," where the "ecclesial self" is seen as a unique aspect of a human being that anticipates belonging to a spiritual community constituted by union with Christ and communion with the triune God (Grenz 2001, pp. 303–5, 332; Zizioulas 1985). This kind of communion generates an interracial-oriented, integrative, inclusive communion that reimagines space, politics, culture, and imaginative possibilities (Jennings 2010, pp. 271–94) that suggests a stronger sense of corporate solidarity than, say, other carceral actors who turned to prison gangs for governance (Skarbek 2014). Such a solidarity should also cultivate a closer unity between incarcerated churches and non-incarcerated churches viewing the prison church as equally called, gathered, endowed, and sent in missionary contexts, especially hard ones wherein the church is called to love and serve.

This, of course, ventures beyond Gorringer's model where the gospel minister "extends to prisoners the fellowship of what Jesus constituted as a society of 'friends' (John 15.15)" (Gorringer 2004, p. 143). It sees greater corporate solidarity than this, in synergistically creative and boundary-crossing ways like those that earlier birthed new concepts of solidarity, as seen in the ground-breaking and beautiful first century idea found especially in St. Paul's vocabulary: *adelphoi*.¹⁶ This of course is more than a socially-conventional and consensual combination of love and respect, which Gorringer locates in the friendship concept. It is rather an inseparable and intimate familial bond, whether fraternal, filial, or parental.

Prisons represent unique mission contexts where this vision is being carried out, with unique localized expressions of church that ought to be resourced and served by churches of all kinds on "the outside" and for the incarcerated church's ongoing life in community. This suggests a reciprocal relationship between church *qua* church in both incarcerated and non-incarcerated local expressions. This vision stresses the significance of the church's understanding of itself as an informal community governance structure, these being communities that every incarcerated person participates with in some manner or other inasmuch as the *ecclesia* incarcerate is a real, active, carceral actor.

¹⁶ The term for "brothers" could in the first c. refer to brothers and sisters, but for Paul was often for "a person viewed as a brother in terms of a close affinity, *brother, fellow member, member, associate*." It was thus used by Christians in their relations to each other, and also to indicate membership in the Christian community (Arndt et al. 2000, p. 18).

This vision of prison-church offers a better approach to caring of incarcerated people. The drive-by approach to prison ministry work has immediate benefits, especially through the work of the chaplain, various fashionable ministries, and other forms of educational resourcement. While these efforts are often short-circuited by a wider ecclesial community that lacks resources to thoroughly integrate parolees upon release (aside from the common ignorance of carceral dynamics), thereby unwittingly contributing to recidivism while failing to grant the re-humanized status that the incarnation grants to incarcerated individuals, which in turn provides tools for the thick anthropological description (and the complexities of the human experience) that ultimately finds human *telos* in Jesus Christ and a robust and re-dignified sanctification in his image.

This renewed image goes beyond what the United Nations and the Berkeley criminologist Simon (2014) have argued for in the emphasis on human dignity. This is a dignity, but conceived in a much more radical sense. Rather than disposing the prisoner in a relegated status, their status is utterly transpositioned so it becomes something it is proleptically. In light of the complex dynamics at work in honor and shame cultures, which the prison exhibits in remarkable ways, theologian Jason Borges states:

In moving people from shame to honour, God cleanses the defiled, clothes the naked, enriches the poor, returns the exiled, strengthens the weak, heals the sick, raises the dead, exalts the humbled, adopts the orphans, blesses the cursed, accepts the rejected, makes wise the foolish, liberates the oppressed and imprisoned, frees the slaves, reconciles enemies, gives life to the barren, gives citizenship to the foreigner and gives an inheritance to those without a birthright. The honouring replicated in the above images reveals how God actually saves people from ignominy, but also serves as metaphorical depictions of spiritual transformation. (Borges 2013, p. 85)

This is not restorative justice, but displays the resumptive work that believers believe God is doing in the world to heal what is broken through Jesus Christ, consistent with the promise held out in the Christian gospel and thus installed with the reality of forgiveness of sins that accompanies corrective action and real change that incarcerated believers experience. These possibilities proceed with an enhanced outlook at the dignity others, only now on an elevated plane, highlighting the intrinsic value and worth of every human being created in the image of God.

5. Conclusions

As in the case of Pope Francis, the appropriation of theological concepts manifest in material religious practices (like footwashing) have the ability to cut across otherwise normative barriers, offering transcendent possibilities. This happens also in the life of the church in its function as a carceral governance structure, but carries additional significance for reexamining the theological underpinnings of our entire justice system as a carceral institutional structure. Yet we have to go all the way, deploying the richness of theology's language and relevant ontologies. This can happen in instances where United States Supreme Court Justice Anthony Kennedy used theological rationale in cases like *Brown v Plata* ("the essence of human dignity inherent in all persons"),¹⁷ or when Pope Francis addresses matters of the death penalty, declaring it wrong in all cases.¹⁸

Still there remains the need for the church to echo the need for even more justice, however, and for the restraining of evil. Society needs to be protected from certain people (e.g., serial killers, extreme forms of mental illness, etc.). For the church to call for the removal and even punitive discipline for criminal acts of such societal anomalies is not beyond the reach of its prophetic calling to speak

¹⁷ "Brown v. Plata." Oyez, 17 August 2018, www.oyez.org/cases/2010/09-1233.

¹⁸ Povoledo E and Goodstein L, "Pope Francis Declares Death Penalty Unacceptable in All Cases." *New York Times*, 2 August 2018, <https://nyti.ms/2n4j6qE> (accessed 17 August 2018).

against injustice in its varying shades. The need, on the other hand, to show that justice needs to be done for the victims of crime and injustice also remains a feature of the church's confession and marks the church's action as it faithfully witnesses to and labors toward the reality set forth in its hope. But so is the affirmation of the humanity of both offender and offended, acknowledging that we are all members of one another (Gorringer 2004, p. 149). And yet there is a model for this: the church. Within the incarcerated situation are localized expressions of the body of Christ that can benefit from resourcement by the church at large, which should see caring for the prison church as a privilege and responsibility. None, of course, in the carceral ecclesial setting are ever completely restored during this life; and yet in the church, the reality of this transformation has begun, and in some cases more so than others.

The recent Year of Jubilee could have spurred this further, along with wider societal criminal justice reform efforts. But it ended with a whimper. While early November 2016, Francis offered a much more robust homily on human solidarity, grace, hope, and forgiveness,¹⁹ it had little effect. The last day of the Jubilee year was 20 November 2016, and found the Archdiocese of San Antonio (Texas) reflecting the "Jubilee for Those Affected by Incarceration" at the Cathedral.²⁰ But that was modest compared to what some had hoped for. As Pope Francis continues to deal with major abuse scandals today (and likely more to be revealed) in the Catholic Church—showing that even the community that has experienced forgiveness is not without sins—serious questions arise about the significance of religious leaders for shaping these conversations. Political figures like California Governor Jerry Brown, drawing from theological rationale, may have stronger impact than church leaders. Brown has granted over one thousand pardons, and counting, often drawing from theological rationale when acknowledging individual transformation often complemented by spirituality and religion. He often grants these pardons (and commuted sentences) on Good Friday of Holy Week, or on Christmas Eve, as has been his tradition.

But leaders who recognize the significance of grappling theologically with punishment and justice must tread carefully and consistently. Deeply horrified by the serious ongoing cases of clerical sexual abuse, late historian Kevin Starr noted that these cases were finally being adjudicated by the courts and criminal justice system, where Starr believed bishops should have placed the matters decades earlier (Starr 2016, p. 4). This, however, poses a problem for Francis in light of the need for canonical trials, especially for high ranking Church officials like Cardinal Theodore McCarrick, retired Archbishop of Washington, D.C., who has been credibly charged with sexual abuse. The Pope placed him on house arrest for a life of prayer and penance, which is what many accused priests are ordered to do, meanwhile others are sometimes forced into seclusion. But is this sufficient and consistent with what the Church claims to believe?

It seems that if the church maintains its ontological existence as a public actor, and within carceral settings, and if the church also possesses extensive conceptual and real theological tools, it does not own these things exclusively, nor in isolation. To suggest such would be to, again, turn a blind eye to the theological roots of the prison as an institution, and also to do violence to the church's existence in the world. The church cannot do its business in private, claiming to have some radical form of independence and a self-sustained existence rather than one that is radically contingent on the grace of divine action for both its very constitution and ongoing life. If the church exists in the world as a

¹⁹ Pope Francis, "Jubilee for Prisoners," 6 November 2016, Rome: Libreria Editrice Vaticana, https://w2.vatican.va/content/francesco/en/homilies/2016/documents/papa-francesco_20161106_giubileo-omelia-carcerati.html (accessed 17 August 2018).

²⁰ I am grateful to Emily-Jane Cohen for securing a prayer card of the event, which had this text printed on the back, from one of Pope Francis' Letters to Prisoners: "The Peace of Christ be with you! You are often in my thoughts and prayers. Remember that the true measure of time is not that of the clock, but the true measure of time is called hope, who is Jesus Christ. Always be certain that God loves you personally, and know that the past is in the past. You are to embrace the present as a journey of growth, of faith and charity. Cooperate with God's grace; allow him to help you shine through your circumstances! With Christ, all this is possible."

witnessing community (which also architected the prison) then in the case of clergy guilty of sexual abuse, they should be punished severely for a betrayal of trust toward the church and society. And rather than isolate the forms of punishment—hopefully greater than being ordered to a life of penance and prayers—if the church has any indicative existence as a “witnessing” community (Acts 1.8), or any ontology at all, it should both invite and involve close oversight in this process from those who are not members of the church.

The further rationale for this move would be to suggest that within the contemporary context of the failed Christian social experiment of the penitentiary, whatever various secular forces have come to make of it in its present moment in the West, features inherent to the gospel’s expansive resources remain underemployed. And any underutilization of the church’s resources threatens to undermine and undo the church’s existence as a subject carrying real ontology as a transformative community of redemption, which in turn offers new possibilities to an otherwise overly penal world where mass incarceration remains a current reality.

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