Locked Up: Theological Reflections on Prisons, Repression, and Resistance

by David Malcolm McGruder

My uncle Henry has always been somewhat of a glorious enigma to me. His dark skin, deep eyes, and wild bushy beard, which made him look like a hybrid of Karl Marx and Frederick Douglass, communicated a sagacious wisdom that he never articulated. Uncle Henry's words were hard to understand; his thoughts seemed foreign to most, except when he was asking someone for a cigarette or asking my grandmother what food she had prepared. Whenever we met for family gatherings my older cousins made it their business to inform the younger children that Uncle Henry was "crazy." This affected my opinion of him very little since my mother adored him so. He was her older brother and her best friend in the days of their youth. He was a sort of hero to her and by consequence became one for me. I always appreciated his kindness, which contradicted the mythical mad man my cousins made him out to be, but often wondered if he'd always been as incoherent as he seemed most of the time.

The circumstances surrounding Uncle Henry's "mental breakdown" remained hidden from me until I grew old and bold enough to ask. Very little was given to me in terms of detail. I was simply chided to heed my mother's advice and be careful of how I carried myself around white folks while keeping my progressive political and religious beliefs to myself (especially in the presence of white folks) because that was how "they" got my Uncle Henry. This answer did very little to solve the problem of my curiosity. It simply forced my adolescent mind to play all kinds of boogey-man scenarios over and over in my head in an attempt to make sense of my mother's warning and my uncle's unhealthy mental condition. Who were "they" and what had they done to my uncle?

In the summer of 1966 my uncles Henry and Punchy, along with several of their friends, began a grassroots community organization in my hometown of Kansas City, Kansas. They focused on building economic infrastructures in the poverty-stricken areas of the city, which were also ironically heavily populated by people of color. By 1967 their organization had been infiltrated. Their phones had been tapped and their mail tampered with. However, this wasn't enough to deter them. By 1968 the racial situation in America seemed hopeless as the last vestiges of nonviolent direct action advocated by Martin Luther King Jr. died with him in Memphis. Urban riots and the rise of black-nationalism represented a threat to the American social order. As a consequence, state agencies and police authorities labeled well-intentioned organizations that advocated for equal rights for people of color as "terrorist groups" and demonized their leaders as "rebel rousers." Interestingly, these same indictments had been leveled at Martin Luther King Jr., the NAACP, and other nonviolent groups. Despite this repressive atmosphere my uncles and their friends traveled to Wichita, Kansas in 1968 for a conference on jobs organized by other grass-roots entities. The details of their trip are unclear. All that I can gather is that they returned to Kansas City with warrants issued for their arrest. They were quickly apprehended, charged with extortion, and sentenced to twenty years in prison. This was the beginning of the end for my Uncle Henry. As Uncle Punchy recalled to my grandmother, the first time the cell door slammed shut my Uncle Henry 'lost it.'

My uncle's story is the story of so many black men of his time. It is the story of so many today. He is a casualty of the vicious criminal justice system that criminalizes men of color while very rarely distributing justice. His crime was not extortion but holding a political position in diametric opposition to that of those who were in power. His crime was organizing to help his people stratify in a time where the limits of our socio-political aspirations were tightly circumscribed. He was guilty of believing in America and the possibilities of democracy despite the color of his skin or the social class that was its consequence. He was guilty of being powerless in the face of the almighty state apparatus and believing that progressive critical agency could empower him to change it. The system made an example out of him.

As an aspiring theologian I understand the job of the theologian to be that of putting forth deep moral-ethical considerations, which help individuals navigate the existential anxieties that are a consistent part of our lives. Certainly the criminal behaviors (murder, rape, theft, etc.) that leads so many to the prison are to be condemned by the theologian who offers the 'gospel' of love and reconciliation in response. However, the theologian ought also consider the behaviors and functions of the prison complex in particular, and the criminal justice system in general, which are equally abhorable and condemnable. The criminal justice system in the post-civil rights era offers the theologian a host of destructive operations to which he or she can devote their analytical attention. Among them are the disparately high rates of incarceration in communities of color, unfair drug sentencing laws, and the proliferation of for-profit prisons—all of which highlight the illicit relationship between the prison-justice system, racism, class antagonism, and neoliberal-capitalist economics.

I contend that when the theologian critically analyzes the prison system he or she is forced face to face with unprecedented levels of power. This reality of power ought to force us to consider the Tillichian conception, which sought to intimately connect with a concept of justice. Paul Tillich's analysis forces us to think critically upon the two terms, "their structural relation to each other and to being [and particular forms of existence] as such."[1] However, Tillich's spiritual version of power does little to buttress our inquiry, compelling us to borrow further from a Foucauldian conception of power. From a Foucauldian perspective the prison can be seen as a mechanistic entity in a larger system of domination. This intimate nexus includes police, prosecuting attorneys, judges, and magistrates endowed with infinite authority by the state-apparatus. The prison is a mere tool or technology of a larger system; a contrivance used to punish individuals who perform behavior deemed socially inadmissible. The prison is arguably the most critical feature of the justice network because of the irreparable damage it does to the individuals it claims to repair, redeem, and rehabilitate. The prison broke my uncle. His psychological breakdown is largely attributable to its operations and functionality.

The prison machine is guilty of far more than destroying individuals; it destroys whole families and communities. A number of linkages can be made between the prison-justice system and the pathological behaviors pervasive in communities of color, including illegitimacy, drug trafficking, and the prevalence of violent crime. Only a terse sketch of this reality can be provided here. It is this mechanistic nature of the prison-justice complex which symbolizes the arrival of the post-modern nihilism Nietzsche[2] prophesied long ago, a nihilism Cornel West interprets as "the natural consequence of a culture (or civilization) ruled and regulated by categories that mask manipulation, mastery and domination of people and nature…[and] ushers

in an era in which science—the great pride of modern Europe—provides greater and greater instrumentalities for world domination."[3] The prison is to be seen as the most grotesque of these tools.

As Angela Davis suggests, prisons are an "inevitable and permanent feature of our social lives," "a key component of the state's coercive apparatus whose overriding function [is] to ensure social control."[4] They are deemed necessary to ensure that the masses are protected from socially or morally objectionable members of our society. The sad reality of the prison-justice system is that this seemingly commendable operation has been used to mask its more duplicitous practice of criminalizing practitioners of methods of social-political resistance and advocates of revolutionary praxis. Imprisonment was used to stop my uncles. Imprisonment, as a technique of intimidation, was a means of stopping the whole community; it was employed to suffocate the threat of radical consciousness, which characterized the leftist sentiments of the late 1960s and '70s. It is still used in this way today. So many young men of color have found themselves in the "belly of the beast" because of their willingness to stand up for what they believed in, and because the political schemes which so desperately resisted them sought to destroy them and their efforts even if it meant the exercise of judicial or police power at the expense of justice. My uncles provided tangible proof of this fact for me. The sad reality that is the contemporary criminal justice system allow the sentiments of Tillich to ring with new truth: "if power…loses the form of justice and the substance of love, it destroys itself and the politics based on it."[5] This is precisely the case today.

It was Martin Luther King Jr. who declared, "One has a moral responsibility to disobey unjust laws. I would agree with St. Augustine 'an unjust law is no law at all.'… I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the a community over its injustice, is in reality expressing the highest respect for law."[6] King was no stranger to imprisonment. He was arrested several times during the Civil Rights movement in an attempt to bring power to bear in such a way as to limit, block, and outright destroy the progresses of his pro-democracy movement. Victimless crimes such as parading without a permit or trespassing garnered him sentences ranging from a few hours to weeks in jail. King's logic seems foolish in an age where basic civil rights are sacrificed for the sake of internal security, yet it lays the framework for a veracious social-justice theology aimed at achieving justice in our "criminally unjust" justice system. This theology compels its practitioners to confront the power matrix of which the prison is an intricate part in an attempt to create just schemes and power configurations that are fairer than those currently in existence. It is a theology that seeks to redeem perverted power from the transgression of injustice and inequality, while reconciling it through love to the radically democratic sensibilities made explicit in our nation's founding documents.

As aforementioned, the prison-justice nexus provides the theologian with a tangible example of power existentially exercised. It is a power that permits—if it does not outright promote—disproportionate rates of black male incarceration. It is a power that allows—if it does not orchestrate—the building of for-profit prisons, which will eventually lead to the criminalization of large sectors of the population. The theologian who critically analyzes the prison comes intimately close to power, which is fueled by the exploitation of the under-educated members of society's under-class who feed the beast with their bodies. Most importantly, the theologian is

presented with an opportunity to critique power through an insistence upon justice when and where it is lacking because power in and of itself is not justice, and power channeled through the state apparatus is not inherently just. By consequence, the theological is concerned with 'if' and 'how' power and justice are tandemized in our criminal justice system or if the system's operations reflect a gross lack of justice and an unrestrained abuse of power.

Notes

1. Tillich, Paul. <u>Love, Power and Justice: Ontological Analyses and Ethical Applications</u>. London: Oxford University Press, 1945.

2. Nietzsche, F.W. <u>Beyond Good and Evil: Prelude to a Philosophy of the Future</u>. New York: The Macmillan Company, 1907.

3. West, Cornel. "Nietzsche's Prefiguration of Post-modern American philosophy." <u>Boundary 2: A Journal of Postmodern Literature</u>, Special Nietzche issue, vols. 9, 10, nos. 1, 3 (Fall–Winter 1980–1), pp. 241–70.

4. Davis, Angela. <u>If They Come in the Morning: Voices of Resistance</u>. New York: Third Press, 1971.

5. Tillich, Paul. <u>Love, Power and Justice</u>.

6. King, Martin Luther, Jr. Letter from the Birmingham Jail, 1963.