Hello, and welcome back to theologies of liberation II. This week, we’ll be looking at Lee Griffith’s prison abolition theology. Griffith is a teacher and activist from the Church of the Brethren; an American anabaptist church characterised by its explicitly anti-violent approach to both politics and church discipline. This expresses itself in a pacifism which is evident throughout this week’s text. Alongside his theological writing, which has also ranged over topics such as peacemaking and terrorism, he has been heavily involved in various forms of activism. These include both prison abolition activism, but also living in intentional community and running a soup kitchen with the Brethren Volunteer service.

This is honestly an amazing text, and well worth a read in its entirety. The pressing nature of its message is clearer than ever with the new public consciousness around injustice in the penal system after Black Lives Matter. Griffith’s real challenge is that he speaks against well-meaning calls to reform the penal system, pursuing more just forms of policing and more humane practices of imprisonment. For Griffith, the issue at hand is not ultimately one of humaneness and worldly justice. Rather, the practice of imprisonment has a direct theological significance that rules it out *on principle.* From this, he argues that the Gospel calls us to create a society without prisons, without regard for the goods that prisons nominally achieve. In doing so, he challenges Christians to think not just beyond the prison, but beyond the rationales that supposedly justify it, offering a radical vision of a society that truly embodies the Christian freedom in Christ through bringing freedom to the imprisoned – *regardless* of the supposed cost.

# Part 1 – the evil of imprisonment

Griffith does not present his argument for prison abolition in ways that explicitly cite the methods of liberation theology mentioned in the previous session. He does not explicitly set out a statement of identity between Christ and prisoners, and then look for Christ’s work in the lives of prisoners. Nor does he argue that prisons oppose Christ’s work in securing the conditions of human flourishing.

This is not to say that he does not touch on these issues – he does note that Christ was a prisoner, and explicitly identifies himself with prisoners. He also puts forward analyses that show how prisons brutalise prisoners, guards, and the societies that sustain them. However, the main foundation of his project is a reading of forgiveness in the Old Testament, and how that ought to shape Christian views of the law and imprisonment in light of Christ’s fulfilment of that vision.

Nevertheless, it is in light of this that he situates himself in relation to the wider tradition of liberation theology. Citing liberation theology and associated social movements, he describes prison abolition as “A journey out of Christendom”. He means two things by this. The first, he writes, is that it is “an effort to put aside ecclesiastical concessions to power and respectability in order to look anew at the root gospel of Jesus of Nazareth” (xi). The second is part of this: Griffith sees this journey as a matter of getting away from old, unjust modes of theology marked by those concessions. This puts him very much in contact with methods we have seen previously, requiring us to re-read scripture contextually to see where it might speak to contemporary injustices.

Here, the injustice in question is the prison.

Griffith identifies a number of issues with prisons – for example, that they are ineffective at either deterring crime or rehabilitating criminals. Moreover, the people who tend to be imprisoned, as well as victimised in the justice system more generally, tend to be minority groups who are scapegoats for various social problems – meaning that prisons themselves and the criminal justice institutions organised around them can actually serve to *reproduce* wider social injustices.

He also argues that the presence of crime is seen primarily in terms of technical problems about preventing it and controlling criminals. Moreover, imprisonment is seen as the only possible response to these problems. As a result, the only options lawmakers are able to envisage are the expansion and development of ever more sophisticated versions of the practice in the hopes of finally achieving those goals. Correspondingly, prisons also play a thought-shaping role in culture: first, this technocratic view of imprisonment leads lawmakers to ignore other moral considerations that might challenge the institution of the prison itself. Similarly imprisonment encourages us to think of criminals as people who should be kept away from society, which has led to prisons being located in increasingly isolated areas, leading to a lack of scrutiny over how they actually operate. However, they have also led to increased scrutiny within everyday life, reinforcing an association of surveillance and safety that has led to the erosion of civil liberties.

However, Griffith’s main critique is directed at the practice of imprisonment *in principle.* This is important, he notes, because focusing on the kinds of issues I’ve just mentioned can actually blind us to the moral realities of the prison. For example, focusing on scapegoated groups risks leading us to focus on those whom we see as ‘innocent’, thereby obscuring the moral responsibilities we also have towards the ‘guilty’. Likewise, a focus on technical problems just feeds into the technocratic view that sees prisons as a necessary response to a technical problem, and which ignores wider moral considerations.

Griffith notes that imprisonment is often animated by one of two rationales: retribution and rehabilitation. He critiques each of these in turn.

With regards to retribution, he notes that, originally, legal codes developed to limit the retribution an aggrieved party could take – an “eye for an eye” and *no more.* Later, the relationship that these laws negotiated became abstracted, leaving us with the kinds of system we have now: the state took the place of the injured party, with the injury becoming the breaking of its laws. Correspondingly, it is the state that now gets to exact its vengeance in kind. Imprisonment, under this retributive view, is the state’s vengeance.

He notes that there is a certain arbitrariness to this – just what, exactly, makes a particular number of years’ imprisonment equivalent to a given crime? This is brought into relief by the way that sentencing itself varies dramatically for similar crimes – take for example the real examples of the thief in the US who stole a watch from a store and was sent to jail, and the businessman who defrauded the state out of tens of thousands of dollars of taxes who only received a suspended sentence. Likewise, unlike taking literal eyes for eyes, punishments often do not resemble the crimes for which they are prescribed. Indeed, this is often the case even where they ostensibly do – for example, when murderers are sentenced to death. The death penalty involves not only killing someone, but telling them well in advance of and then detaining them up until the ordained date, and even protecting them so that they can be killed in the proper manner. This does not even remotely resemble your average murder.

Griffith argues that what actually defines a ‘just punishment’ is not some objective standard connecting crime to punishment, but the perceptions of legislators and judges, or public opinion – which is to say, the perceptions of the powerful. Likewise, prisoners who are released from prison may themselves seek retribution for what they see as unjust treatment. This initiates a cycle of vengeance, while also showing the questionable nature of the distinction between legitimate legal and illegitimate criminal retribution in society.

According to Griffith, retributive justice also harms society. Executions communicate that it is necessary to kill bad people, and therefore actually encourages murder. Hence murder rates increase in response to the presence of the death penalty in society, and spikes around the time of executions. A focus on retribution shifts the focus away from the victim, meaning that they are often not adequately cared for.

It also harms the people called upon to carry it out. Guards suffer from ptsd, and “trusties” – trusted prisoners who help out in the prison – are harmed not only in that they are imprisoned, but made complicit in the guard regime and victimised in turn by prisoners who resent or distrust them.

This retributive view of punishment predominated up to the 18th Century. Public torture and executions were used to carry out the state’s vengeance, while also serving as a spectacle that nominally deterred others from crime. However, during the 18th Century, utilitarian arguments about the ineffectiveness of this deterrent effect shifted the ethos of punishment to be about reforming criminals. Correspondingly, criminals ceased to be seen primarily as criminals against whom society must take its vengeance, and more as people who were sick and in need of rehabilitation. This was informed by parallel practices of imprisoning the sick during times of plague, as well as views of disease as a sign of guilt.

However, Griffith argues, this more humane view serves as another mechanism of control that often excuses violence. Historically, sickness has not always been responded to with compassion! Moreover, this sickness paradigm is hardly pursued consistently. Health in prisons is not taken seriously - for example, prisons have exceptionally high suicide rates, which would never be tolerated in other ‘health’ institutions. Rather, in the prison, the idea of sickness is taken more as an excuse for exercising control: Drugs are often prescribed with the aim of controlling prisoner behaviour, rather than for actual health reasons. Similarly, in 1990 the supreme court ruled that prison officials could force inmates to take antipsychotic medication.

Finally, ‘rehabilitation’ is likewise more of an excuse for forms of control than a goal that is pursued authentically. For example, rehabilitation itself is often conceived along capitalist lines, as a matter of training people to be productive workers. This is used as an excuse to extract labour from prisoners, putting them to work in the prison itself, as well as in agriculture and manufacturing - often for little to no recompense while netting the prisons a profit. Likewise, the focus on rehabilitation as a goal means that sentences can be indefinitely extended, often on the basis of ultimately arbitrary or even prejudicial perceptions that the prisoner is not sufficiently ready to re-enter society.

This is sharpened by a general arbitrariness of criminality as a concept. Mentioned previously: criminality is construed in terms of violations of social order. Criminality is a function of the laws which outlaw certain behaviours and dictate punishments based on ideas of that order particular to society in a given historical moment. But these change drastically over time, and what is criminal today is vastly different from what would have been criminal in previous eras, just as it will likely differ in the future. Moreover, criminal behaviour is significantly more widespread and normalised than what we think of as ‘criminality’. Griffith quotes a statistic according to which 90% of Americans confess to having committed a serious misdemeanour that could carry a custodial sentence, and criminal activity by corporations is incredibly widespread but rarely punished through imprisonment if at all. In practice, the need for rehabilitation is a concept applied specifically to a specific group of people picked out for their ‘criminality’ by a given society, rather than something that is applied universally throughout society. The quality of being criminally sick, as actually attributed to people in the world, is therefore not a natural one, but a social construct that emerges from the legal and penal institutions that govern society and which consequently create and discriminate along the lines of the distinctions the concept stakes out.

However, despite the prison’s pretensions to necessity, Griffith argues that the Bible offers an alternative vision. This forcefully condemns imprisonment not simply for the reasons above, but in and of itself. He finds this threaded through both the Old and New Testament, the two being connected by Christ’s fulfilment of the former – which correspondingly enables us to understand themes of worldly manumission that have been lost amidst spiritualised readings of Christ’s teachings about liberty.

# Part 2 – the Old Testament and the Prison

With regards to the Old Testament, Griffith begins with the story of Cain and Abel. After he kills Abel, Cain is confronted by God. God asks where Abel is, and Cain responds, “I don’t know”. For Griffith, this signifies the meaningless nature of all killing – there is no rationale that justifies it. Cain also denies the responsibilities of his brotherhood, replying, “am I my brother’s keeper?” However, God then intervenes to show him the meaning of these responsibilities – not by subjecting him to punishment for his crime, but marking him with protection. In doing so, God ends the cycle of retribution that could otherwise have arisen from the murder, in which Abel would be avenged on Cain, who in turn would be avenged himself *ad finitum*. In doing so, God reveals something about about justice. Griffith writes:

God’s freedom from the law is freedom for humanity and freedom for forgiveness. God acts in a way that shows that killing is far too serious a crime to be met with mere executions or tortures or imprisonments. It is a crime that must be met with the burning coals of love )Rom. 12:20-21. The killer has already shown himself capable of coping with punishing brutality. He is now made to face a much harder reality – forgiveness. Cain is a marked man. We would mark him for death. God marks him for life. That is the surprise in the story of Cain and Abel. It is the only surprise.

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According to Griffith, this insight is continued throughout the Old Testament. For the Israelites, capital punishment is a matter of expiating sin – for example, as in Numbers 35:33, which states that “Blood pollutes the land and no expiation can be made for the land for the blood that is shed on it, except by the blood of him who shed it”.

The focus of justice in Israel was on making restitution in this vein – for example also by returning stolen property and repairing breakages. Christ’s ethical injunctions can be seen as a development of this, for example by commanding his disciples to turn the other cheek and not seek the return of stolen property in Luke 6:30. Griffith writes:

Restitution was seen as a way of setting things right with one’s neighbor and as a movement toward repentance before God. Reconciliation was the ulterior intent of restitution. It was in the spirit of this Hebrew concern for reconciliation that Jesus renounced those who would be guided by a simple “eye for eye” legal ethics (Matt. 5:38-42). For Jesus, the important element in the Jewish law was not the exchange or return of property but the restoration of proper relationships among people and between humanity and God.

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Additionally, Griffith notes, the law in Israel was seen as a gift from God, before whom all were responsible. In this vein, he argues, the prophets view lawlessness not as a fault of individuals, but as a corporate problem calling the entire nation to repentance. This reflects the way that patriarchs such as Abraham defended the nation to God and asked for his mercy on the basis of a few righteous people. In this context, Satan is portrayed as “the accuser” who seeks to prove our guilt before God – that is, before he eventually morphed into an accuser and opponent of God Himself, and the administrator of God’s punishment.

The purpose of justice in this context was to repair the covenant with God. In the Old Testament, Griffith claims, God maintains the covenant through human faithlessness because He is faithful to the accursed, and eventually acquits them not because the law finds them blameless but because He loves them. In doing so, he sets them free to enter the covenant again. This is what God did with Cain. Justice here is not a matter of applying law to a context in light of an objective description of facts, but of negotiating a relationship *around* the law that embodies it.

In this way, prophets could be representatives of justice despite playing a disruptive civic or institutional role, calling institutions and authorities to account on behalf of the wronged in the name of God. This also put them at odds with the violence through which these institutions are created and protected – hence in Servant Song in Isaiah 43, it is the “Suffering Servant” who inverts the figure of the warrior king, overcoming the “legalism” of the nations in which law was established by force as divorced from the covenant (97).

Freedom from captivity was part of this justice. The focus on restitution as the primary aspect of justice meant that imprisonment was a relatively uncommon occurrence – hence for example Jeremiah’s internment in a makeshift prison in the house of Jonathan in Jer. 37:15. Rather, the main sense of captivity in the Old Testament is in terms of slavery.

This view of law was embodied in the practices of the Sabbath and Jubilee years, in which accrued debt was supposed to be forgiven and – most importantly here - slaves set free; a proclamation of civic mercy in the manner that God forgives and frees Israel, thus renewing the covenant. In linking freedom to the formation of Israel in the covenant, the Sabbath and Jubilee years evoked God’s liberating activity in the exodus from Egypt, which preceded the covenant itself (98).

In this context, the freeing of captives was not to be seen as an act of charity, nor was it based on any illusions that all of the poor and all of the captives were basically “good” people; rather, the proclamations of liberty to the captives were concrete social responses to god’s liberating activity in the exodus of Israel from Egypt.

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Captives were freed because God was seen as having paid the ransom for their freedom in freeing Israel itself. To not free them was an affront to God, cheating Him out of this price.

Hence “the Jubilee and Sabbath Years were a type off social counterpart to Jewish Passover or Christian communion – do this in remembrance of me. the Jubilee and Sabbath Years were times of remembering, times to celebrate faith in the God who had been and is faithful. They were *social* programs, but they were at the same time proclamations central to the *faith* and worship of Israel.

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This became linked to prisons in the Babylonian exile, in which Israelites widely experienced imprisonment and physical captivity.

In short, in the Old Testament, the freeing of prisoners from their worldly prisons is a realisation of God’s covenant with Israel, in which Israel’s freedom has already been bought. This mercy is a form of justice which could actually speak against the institutions with which we tend to associate worldly justice like the courts, as it repairs the covenant with God that is the locus for real justice. To forgive and free is not to dispense with justice, but to recognise that justice does not ultimately lie in the application of laws, but in the state of the relationship with God embodied in – but not exhausted by – those laws.

# Part 3 – The New Testament and the Prison

In the New Testament, Griffith notes, the prison takes on an additional alignment with evil and death – which is to say, an association with the very evils it is conventionally viewed as combatting. It is therein opposed to Christ.

The particular form this alignment takes is based on an earlier association: in the ancient Near East, people would often be imprisoned in dry wells and cisterns, close to the underworld – as was Jeremiah in Jeremiah 38:6. This aligned prisons with death and the grave – hence the Hebrew word for the cistern pit, *bôr,* is also the word for the grave and the entrance to *Sheol.* This association is captured when Psalm 107:10 states that “There were those who dwelt in darkness and in the shadow of death, prisoners in misery and chains” (106).

In later apocalyptic writings in the New Testament, Griffith argues, the underworld is portrayed as a prison ruled over by Satan. For example, Revelation 2:10 warns that “The devil is about to cast some of you into prison” (107). In this vein, in Luke 4:18-19, Jesus reads from Isaiah 61 in the Synagogue. In the process, he states that “He has sent Me to proclaim release to the captives” (108). While reflecting his mission, it also reflects ancient Mediterranean custom of releasing prisoners to celebrate the crowning of a king, as well as traditional practices of Sabbath and Jubilee Year manumission; a meaning that would have been apparent to His listeners. This reflects the double significance of Christ’s proclamation of freedom. The liberty brought by Christ is a liberty that has both a spiritual and a social component, insofar as that social component is aligned with the spiritual reality: His crowning as King is the overcoming of death not simply as an abstract reality, but as embodied in the literal prison from which people are freed. His proclaimed authority is an authority over *all* of the principalities and powers that imprison. (108-9). This is reflected in Ephesians 4:8, which is often interpreted as talking about how Christ “led captive a host of captives”. However, this translation is poetic license; what the line literally says is that Christ “captured captivity”, which can be read in terms of the then-imprisoned Paul personifying his imprisonment itself, now subject to Christ’s authority (110. n.52).

In this vein, Christ’s liberty does not just come to the ‘good’ imprisoned. He specifically proclaims grace to Gentiles, prostitutes, tax collectors and criminals, and censures the rich and respectable. He was “proclaiming good news not only for the poor of Israel but also for the *undeserving* poor, not only for the good prisoners but also for the *bad* ones” (111), and this was one of the reasons why the crowd turns on him in Luke 4. This is reflected in Acts 16:25-26, in which an earthquake frees not only Paul and Silas from prison, but everyone else in the prison too (112).

Likewise, Christ explicitly counsels solving disputes among ourselves rather than going to civil courts: In Matthew 5:39, Christ cites the “eye for an eye” legal rule, before stating what under literal translation is: “But I say to you, Do not go to law with one who is evil; but if anyone strikes you on the right cheek, turn to him the other also”. This is echoed by Paul in 1 Cor. 6:1, who admonishes “Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous, and not before the saints?” (116). Moreover, when Christ commands us to visit the prisoners in Matt. 25:31-46, the verb used in the Greek is *episkeptomai,* which is used elsewhere to refer to “the divine activity of redeeming and freeing and caring for people” – for example, as in Luke 1:68 which states that God “has visited us and accomplished redemption” (117). Likewise, in Matt 25:31-46, Christ is talking about God’s judgment of the nations. The gender in the pronouns of the text change in such a way as to potentially indicate that the nations themselves are being tasked with ‘visiting’ prisoners; something that makes more sense when taken in this way (117-118).

In short then, for Griffith, the New Testament fulfils the vision of the Old Testament in which the freeing of prisoners is a sign of grace. Jesus brings this grace, and enters us into a new stage of history in which freedom from sin and death has already been bought; a freedom which encompasses freedom from the worldly powers and principalities which embody that death, including the prison.

# Part 4 – Christianity against the prison

The challenge of Christianity to the prison is encapsulated for Griffith in the resurrection.

Griffith states that the crucifixion was an act of state violence motivated towards enforcing the legal status quo in the face not just of any given set of Christ’s actions, but His “whole life and ministry” which “challenged the very spirit and power of politics, religion, and society” (122). In this vein, Griffith rejects understandings of the Cross that view it as providing atonement through giving satisfaction to God, to the extent that some “virtually portray God as being the one who drove the nails” (120). This misses the fact that it was a murder for the sake of the powers and principalities cried out against in Christ’s sacrifice, and the overcoming of which is proclaimed in the resurrection (124).

In this vein, Jesus’s freedom cannot be withheld from those whom those principalities judge evil – it is not about who is innocent or guilty. Hence Jesus Himself was a prisoner: he was abandoned to the state by his friends with only criminals for company. Mark (15:46) describes the wrapping of His body with the same word used to describe the fettering of criminals. Finally, a stone was rolled across the door of His tomb and guards posted outside, turning it into a prison (125). But more than this, He is “the” prisoner, declaring that what we do to every prisoner, even the least of them, we do to him (Matt 25: 31-46) (126).

This renders impossible two abiding narratives around imprisonment: first, that people are paying their debt to society – Christ has already paid our debts, freeing us in a Jubilee. Second, that some people are monsters; criminally sick and in need of being isolated from society. In contrast, God is to be found in them.

Griffith describes this counter-narrative as an “absurd” message that announces the presence of the Kingdom in history in the person of Jesus against the claims the world makes about its social realities (18). This message speaks against our assumptions about the nature of the world and society, and therefore against our ideas of what is ‘necessary’ for society. Its message is one of “freedom to live in the presence of God’s kingdom”, rather than by these ideas.

But a presence that still remains to be realised in some sense, and which will be realised not through our own efforts, but through the work of God. And this kingdom is not simply the enthronement of a monarch, but an inversion of normal hierarchies and values: victory through suffering and self-sacrifice, the outcast as royalty etc. In this vein, this freedom is not simply a matter of replacing one regime of ‘necessity’ or convention with another, but of living in light of the kingdom *against* the assumptions it defies (22). We are thus called to measure society against this freedom, not conform our reading of the gospel to our society.

I mentioned in the first section of this lecture that Griffith is concerned about the way that technocratic framings of imprisonment treat the prison as a necessary institution while blinding us to wider ethical concerns. Here, we can see how Griffith’s theology tie into these concerns. It is precisely because Christ calls us to a radically new way of living that he sceptical of questions like “but what about dangerous criminals?” and “but what should be do instead?” He writes that the pertinent question is a matter of “being” rather than doing: we are called not to have solutions, but to live a Christian life. Solutions may follow from this, but living in light of Christ must come first. And, he states, it is only in doing so that we can avoid trying to replace prisons with something that plays a similar role; something else that would ultimately embody the sin and death beyond which Christ calls us. He writes,

Prisons are not resisting violence; prisons *are* violence. Prisons are not resisting stealing; prisons steal people away and rob them in body and spirit. Prisons are not resisting immorality; short of the barrel of the gun, prisons are the ultimate bastion of support for a system of immorality that casts modern-day widows and orphans out of their homes. From such a perspective, the question of alternatives makes no more sense than questions like “What are the alternatives to slavery?” or “What are alternatives to concentration camps?” The only alternative is to stop. The only alternative is Jesus’ proclamation of liberty for the captives.

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Hence, we must shift the question itself. He continues:

How can we be of service to those who are victimized? How can we nonviolently respond to violence when it is directed towards ourselves or others? How can we witness to the presence of the kingdom and to Jesus’ proclamation of liberty while taking adequate account of the dangers that confront our sisters and brothers and ourselves?

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Griffith states that we must see this as a process of conversion to a non-violent approach. Our first step must be to “confess our powerlessness”, and seek to live in a new way rather than ‘solve’ the problems themselves. As he puts it,

When we make a confession of our powerlessness, we will be enabled to respond in a much different way to questions about the alternatives to reliance on police and courts and prisons. We will be reoriented away from seeking to concoct institutional and technical answers. When we confess that are powerless to offer any quick fixes (or indeed, any fixes at all), then our focus will shift away from the goals we hope to achieve and toward the way we hope to live, away from the institutions we plan to devise and toward the suffering people we hope to serve. The gospel does not issue a call to pursue utopian ends but merely to live concretely by means of discipleship and witness to the kingdom that God is already establishing among us. There is no pill, utopian or otherwise. There are no alternatives to prisons. There are only alternatives to the ways in which we victimize and cage each other.

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This, he is careful to stipulate, must *not* becomea quest for personal purity. Indeed, such purity is impossible: we will always be complicit in the violence of our societies by virtue of being members. Instead, taking a phrase from Gandhi, he states that we should see it as “experiments in truth”, in which we seek to enact new ways of being, and without pretensions at having the perfect response (221).

Finally, Griffith states that we can think of this not simply as a process in which we try and create a better world, but as an *exorcism* of our current society. He notes that ideas of demonic possession are common in the history of Christianity. Popular conceptions of possession view it as something that happens to individuals. However, Griffith asserts that nations and times can be animated or possessed by a “spirit” – for example, the spirit that led to Glasnost in Russia, or more malignly, the spirit of Nazism. Traditionally, malign spirits have been exorcised through confronting them with the symbol of the Cross. This is because of what the Cross embodies. However, a possessed nation cannot be exorcised simply with this kind of symbol: the nature of the possession is different. In this context, we must go to what the symbol represents – a way of living. The way to exorcise a nation is through a return to the “*way* of the Cross” (104).

He notes that this view seems primitive, but argues that it actually accounts for something that ‘demythologised’ views of evil fail to recognise. They tend to attribute evil to ‘bad people’ (it isn’t demons that make people do evil; it’s just the people themselves). Paul talks about how everyone is beset by a malign spirit of the air; air being something that surrounds us and permeates us all. It is not an individual matter, nor does it reduce to an issue of specific ‘bad people’.

And imprisonment won’t solve this issue.

# Part 5 – Questions

So: that’s Griffith for this week. As before, you have three questions to consider when you look at the reading. These are

1. The idea of prison abolition is challenging for many, not least because it very much goes against commons sense ideas about safety and justice. What are your reactions when you read Griffith? What might they mean?
2. Does society need to be exorcised of the prison?
3. How compelling do you find Griffith’s claim that the Gospel calls us to a new way of living, regardless of the consequences?

See you soon!