The Name Is the Game

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One of the many characteristics that set humans apart from other species is our ability to converse. Language acquisition arose 150,000-200,000 years ago and brought with it the capacity to exchange information with each other, such as the location of food and water. At the same time, however, primitive vocabularies lacked a certain accuracy. A" tree" to one person might mean something entirely different to another, or it might have universal application, including all trees under the same rubric. That same lack of taxonomic precision survives today with respect to criminal justice discussions.

Language by its very nature is evocative. Say "wife beater" or "child molester" to any demographic, and the imagination immediately conjures specific images. Stereotypical depictions of the brutal, controlling husband or the sexual predator lurking around the school yard aggravate the disgust with which people react to those specific crimes. The same sample would react uniformly to hearing the term "inmate." Striped prison garb and steely-eyed sociopaths locked in cages displace any humanitarian considerations. More crudely put, bank robbers are feared; men who prey on women and children are loathed. But in all categories of crime, those responsible are viewed as "other" and undeserving of sympathy.

In the most extreme example, the disturbing prevalence of mass shootings in the U.S. has become the focus of the confluence of action and assumption. Consider the horrendous nature of the attacks and the innocence of the victims. The profound "otherness" of the shooters is confirmed by their crimes, but one of the most frightening aspects is our lack of ability to identify the killers before they attack our movies, schools, shopping malls, and groceries. On the surface, they look remarkably like us, concealing their intent until more people have died.

Add in the testimony of the survivors and victims' families, and it becomes easy to understand why the average man or woman on the street unabashedly advocates for multiple death sentences. No amount of re-education can alter this fundamental, visceral reaction, and many would argue it should not. In the public's collective psyche, these men—and they are always men—have forfeited any right to live among us and, indeed, to live at all. Forget Mr. Jefferson's "life, liberty, and the pursuit of happiness." These individuals deserve none of the above in the contemporary zeitgeist. We cannot expect anything else, and the opinions will only harden as more mass shootings occur. And they will.

Crime dramas further aggravate this trend by typically showing police officers threatening someone in handcuffs with a long prison sentence, where the person in custody will suffer unspeakable attacks and possibly murder. The underlying assumption is always that prisons are filled with predatory beasts that prey on the weak or unprepared, with emphasis on sex offenders

and those who have harmed children. One of the startling ironies about prison life struck me early in my nearly four decades in prison. Walk into the dayroom on any given night, and you would find a capacity crowd watching police shows, not to perhaps gain a little insight into police tactics and therefore reduce the odds of getting caught again but more to cheer on the efforts of the scofflaws. That is, the prisoners watching the action had come to identify with the "bad guys," having adopted the public's opinion of not only the actors but of themselves as well.

I remember a conversation with a man convicted of vehicular homicide while driving drunk, a "citizen" in prison vernacular. He had seen his share of police shows and had received the typical warning about "convicts" but happily discovered that the case had been oversold. After discovering that he was included in the overarching category of convicted felon, he sadly shook his head and, referring to the relatively normal men he had encountered, said, "I never thought it would be like this." He was no longer who he had been prior to his arrest; he was now solely and unavoidably an inmate, identified by number, as if he were an item of inventory on a shelf. And, of course, he was.

But a paradox is at work when it comes to the evocative nature of language, especially in reaction to specific crimes. Along with the ethical and social implications of derogatory language, the political aspects must also be treated if change is to occur. The labels "Democrat" and "Republican" both prompt pejorative or supportive responses, depending on the location or function being examined. I have encountered people in various states who persist in believing that the men and women who assaulted the Capitol on 1/6 were "patriots" attempting to correct an egregious wrong. Even after viewing all the video evidence and hearing the guilty pleas, they persist in refusing to include their constitutional champions in the odious class of "criminals." This kind of confirmation bias is impervious to both fact and reason.

The most extreme example of this dichotomy is, of course, Donald Trump, found guilty by a jury in a civil trial for sexually assaulting E. Jean Carroll. Legal nuances aside, the guilty verdict makes him a convicted sex offender. For the electorate at large, if you asked if a generic convicted sex offender should ever be elected President (or to *any* public office), the answer would be a resounding "No." But Donald Trump *is* a convicted sex offender, and, as with the 1/6 supporters, no amount of evidence will move the people who object to such an election but who continue to support Donald Trump. They persist in living in a parallel universe of their own creation.

Can, therefore, a shift in the language we use to discuss prisons and the men and women inside them move the needle toward a more humane—and human—response? Recent pledges to use first-person and human-centered language when referring to men and women convicted of any crime are laudable attempts to shift the narrative. They cannot and will not, however, overcome the intrinsic human tendency toward the intentional isolation of prisons and prisoners, current politics aside. Again using mass shooters as an example, we cannot deny that some among us have demonstrated a refusal to live by the rules and laws that govern the vast majority.

When civilized society identifies those individuals, it has the right and obligation to separate them, both physically and philosophically, from potential victims. Discussing them in more humanitarian terms in relevant literature will not moderate the emotional reaction to what

they have done. That might be the right course of action for activists and scholars. But until a reevaluation of attitudes toward and responses to crime occurs, we risk more empty gestures and, worse, a sort of moral posturing that will obscure our understanding of crime and punishment.

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