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Abstract

In her groundbreaking volume *Anaesthetics of Existence: Essays on Experience at the Edge*, Cressida Heyes provokes readers with the question, "How might experience not only motivate politics but also itself act as a medium of political change?" This essay builds on Heyes's provocation by exploring self-making and self-advocacy within carceral political economies. Engaging Heyes's discussion of "normative temporality," I consider unstable subjectivities and a black feminist formation of "revelatory agency" to contend that the carceral consumption of human life-time expands, complicates, or radically shifts the scope of the political.

Keywords: agency, prison, temporality, black feminist philosophy, gender violence

Cressida Heyes's *Anaesthetics of Existence: Essays on Experience at the Edge* boldly challenges theorists to develop a vocabulary and analytical frameworks that describe experience within modalities of consciousness that are contradictory, multidimensional, uncomfortable, and temporally complicated. Heyes maps a feminist ethics that can accommodate unstable formations of consciousness and unconsciousness by deconstructing the binary between consciousness and unconsciousness, revealing what a theory of experience might look like if we explored the wide space of human life that unfolds between those two poles. *Anaesthetics of Existence* teaches us what might be possible to theorize if we did not require our understanding of "experience" to neatly coincide with normative conceptualizations of consciousness understood as the only legitimate sites of philosophical inquiry. This intervention enables compelling new directions for phenomenology as well as feminist ethics, epistemology, philosophy of mind, and other forms of critical theory.

Heyes's discussion can also be applied to philosophy of agency and intentional action to open new pathways for theorizing agency in contexts of social and political domination. Of the key "neglected questions" about experiences at the edge of consciousness that Heyes identifies, I am interested in the overlap of agency with her provocative question, "How might experience not only motivate politics but also itself act as a medium of political change?" (Heyes 2020, 29). Building on her provocation, we can also ask, How might an edge of experience expand, complicate, or radically

shift the terms or the scope of "the political"? In this discussion, I consider the problem of time, unstable subjectivity, and agency in the context of prison economies and the contradictions within the self-making and self-advocacy incarcerated people sometimes engage to navigate the possibility of freedom.

If we understand temporality as "time as it is lived" (one definition that Heyes proposes), then a *normative* temporality makes explicit the assumptions inherent in what "as it is lived" entails. Heyes (2020, 10) explains that "normative temporality supports productive action and marginalizes inaction, including passive resistance." This formulation suggests a *working* binary of "active" vs. the "inactive passive." The binary may not be strongly definitive for Heyes, but it functions as a necessary descriptive step in making explicit the "normalness" of the "normative" temporality that supports the assumption of an "active" quality of the concept, *lived*, when theorizing temporality as "time as it is lived." I focus on two of Heyes's cases in which she fleshes out this active/inactive binary: first, her concept of "postdisciplinary time" in the context of labor during late capitalism and mass communication technology, and second, her engagement of Saba Mahmood's discussion of Muslim women's agency as they navigate the Islamic revival in Egypt. When engaging these cases, Heyes explores modes of experience by active subjects or by inactive (passive) subjects to describe the political implications of each formation of subjectivity. I engage Heyes's discussion to describe a third mode of experience produced by prisons. Let us call this third mode "revelatory object-subject."

As an example of how normative temporality defines the politics of active vs. inactive, Heyes considers the chrono-politics of late global capitalism. Though widespread communications technology have been sold as innovations that will make our lives "easier," she argues that they instead "introduce[e] the potential for work into every moment" (Heyes 2020, 21). Heyes describes this form of temporality as an era of *postdisciplinary time*, or time in which human life is regulated to be available for productive activity at any time in service of capital. In postdisciplinary time, life does not merely succumb to work; it becomes conflated with work. Heyes therefore rightfully urges us to take seriously the subversive possibility in the not-doing, the not-working, the *wasting* of time.

I am struck by the distinction between choosing to be inactive as a practice of disrupting postdisciplinary time, which demands work as a way of life for the sake of capital, and being *forced* into a state of inactivity for the sake of capital. The consumption of millions of people by US prisons exemplifies how this latter mode of inactivity is put to economic use. While prisons can compel activity of those who are incarcerated via exploited labor, Ruth Wilson Gilmore (2017) argues that much of the captive existence within prison is that of *inactivity* or a languishing because the central resource that prisons extract from incarcerated people is not their labor but their time. She writes,

> Today's prisons are extractive. What does that mean? It means prisons enable money to move because of the enforced inactivity of people locked in them. It means people extracted from communities, and people returned to communities but not entitled to be of them, enable the circulation of money on rapid cycles. What's extracted from the extracted is the resource of life—time. If we think about this dynamic through the politics of scale, understanding bodies as places, then criminalization transforms individuals into tiny territories primed for extractive activity to unfold—extracting and extracting again time from the territories of selves. (Gilmore 2017, 227)

Prison, a system of resource extraction, extracts the resource of life-*time* from hundreds of thousands of people. The destructiveness of the carceral extraction of life-times is particularly acute in the rise of long-term sentences, including those for people who have been sentenced to life *without the possibility* of parole or for people who are sentenced to serving their entire remaining life*time* in prison (Hartman 2009; Kim et al. 2018; Lenz 2022). Heyes argues that postdisciplinary time transforms the terms of life to be the same as working to produce commodities in service of capital. But for prisons which extract life-time from people as the key resource that keeps them afloat, *time itself* is the commodity. That is, by being forced into *doing* time, incarcerated people are made into *being* time (Bierria 2023).

Former political prisoner Marilyn Buck (1999) describes prisons as a "rapacious, human-eating system." Indeed, while incarcerated people are often coerced into labor that exploits or enslaves to produce profit for private corporations, Gilmore and others have illustrated how incarcerated people themselves, as embodied time, are fed into prisons to sustain public economies. Specifically, Gilmore (2007) chronicles how California systematically transformed its public economy to eventually become interdependent with and reliant on sustaining prisons to exist as is. Given this reliance, California is one of the largest incarcerators in the US, and as of 2021, it outspent all other states on its system of "corrections." The crisis of incarceration in California had become so profound that, for the past decade, the state has been under a US Supreme Court order to reduce the number of people in prison because its prison overcrowding constituted cruel and unusual punishment, violating the Eighth Amendment (Savage and Williams 2010). Tens of thousands of people in the state had been extracted from communities and sequestered into cages and, once there, often forced into inactivity because there is no real purpose for the existence of prisons beyond the extraction

itself.[1] Coerced labor and coerced languishing are not oppositional—they are an economic dialectic: people are fed into prisons as bodies that fuel a public economy, which creates a population made available for compulsory labor that drives the engine of public and private economies.

Decades of organizing inside and outside prison have led to very slow-moving but hard-won efforts in California and elsewhere to decrease incarceration rates and reduce the number of prisons. These efforts have been met with opposition from those who want to keep the prisons open for *sustenance*, for their own livelihoods, rather than for "safety" or "justice." For example, when discussing a Florida town where a prison may be closed, a legislator asserts, "All of those rural counties . . . some of them, that's their only economy. So when you begin to close them, you're *hurting* them" (Walser 2021). A prison closing in Susanville, California, led a resident whose husband is a prison guard to lament that they would have to leave their farmhouse-style home with landscaping and fencing, where the kids had a nice place to play (Arango 2022). Another Florida resident facing a similar quandary stated, "Yeah, it's a small town. Who cares if they lose a prison? But people that's living here, it's eventually gonna hurt all them because there's nowhere for them to work so eventually everybody's gonna leave" (Walser 2021). These efforts to keep prisons open in these communities have little or nothing to do with crime but everything to do with capital and people's ability to live and, in some cases, financially prosper.[2] From people who have limited labor opportunities and rely on the prison economy for employment, to people who have used the prison economy to establish a very comfortable middle-class lifestyle for themselves and their families, a prison economy organizes communities to sustain the lives of some by consuming the lives of others.

As I have argued elsewhere, incarceration renders people into *temporal property* to which public *and* private capital are entitled to keep the prison going (Bierria 2023). The "temporal" in temporal property does not only mean "time as it is lived"—not time that people use actively for work or time people waste inactively

[1] Though justifications for prisons include arguments that they exist to secure safety, achieve justice, or provide opportunities for redemption, many theorists have persuasively challenged the view that prisons are, in fact, designed with the purpose or the capacity to accomplish any of those goals (see, for example, Davis 2003; Kaba and Ritchie 2022; Richie 2012; Roberts 2022).

[2] While locals may advocate for prisons to move into their town to stimulate their economy, the actual effectiveness of this is questionable. Rural towns in California and across the US that hoped to stimulate their local economy by adding a prison often saw very minimal employment opportunities for local residents (Gilmore 2007; Huling 2003). Instead, new prisons largely increase opportunities for those outside the town who are already plugged into the statewide prison employment network.

against work. It is also not only time *stolen* from people. Temporal property is people extracted as commodities themselves, human life as time—lifetimes—as product. Because subjects are institutionally rendered into temporal property, an *object*, not only is the active/inactive binary troubled, but the subject/object binary also becomes destabilized. For example, incarcerated organizers sentenced to life without the possibility of parole (LWOP) have led organizing to abolish LWOP sentencing, which is a sentence that seizes lifetimes for permanent plunder (Hartman 2009, Lenz 2022). Colby Lenz (2022, 215) argues that, through law, policy, and rhetoric, LWOP became a "definitively permanent phenomenon—a permanent policy for permanent incarceration." Still, organizers whose lifetimes have been made available for endless commerce have sustained a freedom movement to move the immovable. As temporal property, incarcerated subjects are institutionalized as commodified objects through carceral capitalism, yet they agentically create ways to deconstruct and resist this ontological/political condition of temporal property. It is from this paradoxical position that captive activists articulate the possibility of impossible freedom. In this case, the relationship between active and inactive is not oppositional but *dialectical*.

Heyes also reflects on intentional passivity as an underexamined form of agency through engaging Saba Mahmood's (2005) critical 1995–1997 study of Muslim women who supported elements of the Islamic revival in Cairo. Like the passivity Heyes assesses in the subversive "not-doing" of work in a postdisciplinary time, she suggests these women's "not-doing" could be forms of resistant agency that are not necessarily legible to liberal feminist political frameworks. Mahmood critiques the conflation of women's agency with political choices reflecting liberal or progressive feminist political goals. She advocates for an approach that analyzes how the agency of dominated subjects is not developed *outside* of modes of domination but *through* them because agency is yoked to the historical and cultural contexts in which subjects are formed. For Mahmood, though Western feminists have relied on a conception of agency that characterizes some women's intentional actions as evidence of a "deplorable passivity and docility" (15), these actions should instead be understood as a legitimate form of agency that emerges from "structures of subordination that create the conditions of its enactment" (15). Mahmood proposes the model of "agency as ethical self-formation," arguing that these actors' sense of self was made possible through their agentic practices of religious piety. Building on Mahmood's analysis, Heyes (2020, 95) asserts that agentic efforts to navigate, negotiate, or resist patriarchy through modes of deliberate passivity—"passive resistance"—should be seriously and thoughtfully engaged.[3] If feminists abandon (or at least interrogate)

[3] Mahmood herself has a complex view of passivity, asserting that perhaps "docility" is the more accurate descriptive of the women's agency in her study because docility "implies the malleability required of someone in order for her to be instructed in a

some normative assumptions of what kinds of action count as "resistant" (such as overt and active transgression from patriarchal rules), then they will be better positioned to resist colonial feminisms.

Cultivating a more capacious understanding of "resistant" includes imagining other edges of experience, the formations of many other *kinds* of agency, other forms of resistance, and other pathways to self-making that are not necessarily on their radar and do not cleanly map onto normative experiences of the political. I have argued that we should theorize agency as a *heterogeneous* concept to accommodate a broad scope of contexts of power and resistance. That is, instead of evaluating *how much* agency one has, we might ask what *kind* of agency one engages, the category of "kind" being defined through its relation to systems of power (Bierria 2014). Heyes (2020, 95) generously engages this method for theorizing agency to propose "passivity" and "passive resistance" as kinds of agency that critically trouble neoliberal constructions of public and personal labor. I also contend that qualitatively describing kinds of agency equips theorists with a method to analyze edges of experience existing within a dialectical tension of subject *and* object, or active *and* passive.

For example, through my experience as an advocate for incarcerated survivors of domestic and sexual violence, I have witnessed black survivors' radical revelatory practices as a technique of black feminist refusal: both refusal of the violence they have experienced and refusal of the world of meaning that posits this violence as legitimate, inevitable, and natural. These practices constitute a form of agency that I describe as *revelatory agency*. To illustrate, consider the acts of resistance led by Robbie Hall, a black survivor from Los Angeles who exemplified revelatory agency in a series of self-defense practices. Hall defended her life from a man who sexually assaulted her, he died in the encounter, and she was prosecuted for his death and sentenced to fourteen years to life. Hall was *sentenced* to fourteen years to life but *imprisoned* for an additional twenty-three years after she served the base term of fourteen years because the parole board kept denying her parole. She explains, "My attorney said they sentenced me to 14-and-a-half years, but I did 36-and-a-half years. . . . The parole board said that, because I wouldn't say that [the man who raped me] was the victim, that I have no remorse and no insight. Another commissioner at another parole board hearing said, you're not a victim, so stop trying to play like you're a victim" (Survived & Punished 2022, 33). At Hall's trial, she was criminally

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particular skill or knowledge—a meaning that carries less a sense of passivity than one of struggle, effort, exertion, and achievement" (2005, 29). However, I read Heyes's specific focus on passive resistance, or *resistant* passivity, as a modality of agency that is more akin to Mahmood's conceptualization of docility.

punished for defending her life, and at a series of parole board hearings, she was criminally punished for defending her truth.

At every parole hearing, the parole board demanded that Hall retract her testimony that she was sexually assaulted and acted in self-defense. Each time, she refused and revealed her story. Each time, she was sent back to prison. Perpetual parole denials establish a de facto sentence of life without the possibility of parole, without the possibility of life outside of a cage (Mays 2023). Hall was finally released after the *Los Angeles Times* reached out to her about COVID-19 deaths in California prisons and she exposed the prisons' deadly labor practices. In that interview, Hall shared her economic analysis of why she and others were being punished for sentences that lasted decades, explaining that prisons "keep us as a money tree" and revealing that the parole board refused to release her because she was sexually assaulted and would not abandon the truth that she acted in self-defense (Feldman 2020). Hall's revelations ultimately created a pathway for her to secure advocates and a new attorney, which finally led to her release in 2021.

The specific facts and context of Hall's experiences are politically meaningful, and her choice to reiterate those facts was an act of profound courage, but those points alone do not account for why I think Hall's actions belong to a specific category of agency—revelatory agency—as I describe it. Hall was determined to assert both the *fact* of what happened to her and the fact of its *injustice*. When she revealed (and repeatedly re-revealed) her story, she did not waver, despite knowing what the parole board wanted her to say and understanding the violent consequences of refusing to parrot it. This system of power violently compelled Hall into acting only in accordance with the terms of meaning that it determined to be legitimate. Therefore, Hall's reveal was more than just new information: it was *epistemic noncompliance* to structural violence. Her actions flag a shift of the criteria of determining legitimate truth, moving this example from being only about what people share—the testimony itself—to the epistemic rupture created through the act of testifying. This is the difference between understanding her actions as only critically informative and understanding them as *revelatory*. Revelation, as I define it, is more than testimony; it is an active refusal of a hegemonic system of meaning that disappears the subjectivity of the testifier and an unflinching acknowledgement of the vacuousness of a system of reasoning meant only to protect power.

Like the nonnormative passive agency that Heyes explores in her discussion of Mahmood's analysis, revelatory agency should be theorized in social and political context, including the way it necessarily disorders and shifts dominant terms of meaning to illuminate how freedom or safety or life or even subjectivity itself has been, in a nation of cages, taken off the table. Acts of revelatory agency expose both important information about power and the epistemic-ontological problems inherent in the act of attempting to articulate and share that information about power. The

revelation of Hall's actions was her demand for freedom as well as her demand for *a new mode of making sensible* (Sharpe 2016), given the paradigm shifts required to even conceptualize freedom that, through formal law or repeated carceral practice, was always intended to be impossible. Heyes's philosophical interventions provide a conceptual language for how cases like Robbie Hall's might constitute another "edge of experience." By redefining the scope of epistemic politics, this edge maps a site of agentic practice where freedom can be shifted from something disciplined into impossibility to something real and within reach.

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