

Doing Time

## INTRODUCTION

I have never been a particularly punctual student. Over the course of a decade or so, one finds ways to compensate. I can walk a mile in fourteen minutes, and these days all my clocks are set a little bit ahead; unfortunately, the intricacies of [REDACTED] Standard Time have yet to be charted. So, a few weeks into last semester, when I sent my quick apology in advance of being late to a discussion section, I imagine my professor opened the message with little surprise. My excuse, however, was more compelling than usual: I had spent that morning in jail. In fact, I had spent every Friday morning that semester in jail, a routine which occurred, to be trite, like clockwork.

For the past two years, I have served as a writing workshop facilitator at Cook County Jail, one of the largest pre-trial detainment centers in the United States. If I function in a special time zone, the jail exists in a different universe. Minutes and hours melt into each other indiscriminately, as bare walls and stone-faced correctional officers communicate no identifiable schedule. It was in the jail that I learnt how to count minutes by shift changes and roll calls. When I conduct experiments in the lab, time is a parameter laid out on an axis, a precise and impartial scientific proceeding. In the jail, time is a social relation. I scrawled this thought on a blank page in a notebook earlier this year and tucked it away, returning to it occasionally with an addendum or new evidence. A few months ago, I ran out of room on the page. My final entry, shoved into a corner of corners, was a question. *How can time become something that exists between people?*

My answers first began to take shape between the pages of a slim volume of philosophy: Emmanuel Levinas's *Time and the Other*. In retrospect, it was entirely fitting that Levinas has become a well of insight; a Jewish survivor of the Shoah, he spent years as a prisoner of war

after being captured in pre-Vichy France. Admittedly, however, our relationship got off to a rocky start.

As a first year, a friend handed me a slim copy of Levinas's 1930 doctoral dissertation, titled *The Theory of Intuition in Husserl's Phenomenology*. Not even ten pages in, I stumbled into the following: "The thing, as the ideal which is intimated by the unilateral perspectives of perception bears in turn the marks of relativity and simultaneously refers back to the superior ideal of absolute being."<sup>1</sup> I may as well have been asked to translate Homer. Back then, Levinas was quickly condemned to the designated dust-collection pile of academic texts I had flirted with briefly. Upon my second encounter, with some reassurance, I was directed to his substantial work on ethics. To be frank, calling his work an ethics in the traditional sense would be reductionist at best. In literary terms, Levinas was an ethicist in the way Kafka was a poet: often in essence but rarely in project. His ethics is more a kind of *modus operandi*, a way to move in the world.

Thus, I would like to put forth a bold claim: as someone who works in and against the carceral system, I believe everyone should be a Levinasian. Firstly, I reckon it would make my ethical questions a lot easier to answer. But more importantly, it is a way of engaging with others that is deeply, radically concerned with the ethical. It permeated the way Levinas moved through the world; it came from surviving the depths of human nature and finding a precious shaft of light in that swallowing darkness. Keeping in good philosophical form, then, my argument will contain three working parts: (i) how incarceration is a compelling example of the interaction between time, justice, and ethics, (ii) why the testimony and philosophy of a Holocaust survivor meaningfully serves as a useful fulcrum for reconsidering the three, and (iii) what we (you and I)

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<sup>1</sup> Emmanuel Levinas, *The Theory of Intuition in Husserl's Phenomenology* (Evanston, IL: Northwestern University Press, 1998), 7.

can do about it. Levinas wrote extensively on the concept of infinity of ethics and how it stood against the oppressive force of totality. What I hope to describe in the following is a small section of that infinity, one I have felt in cement block classrooms, scribbled notes of poetry, and in the quiet embrace of families of those on the inside. What I hope to convince you of is the value of that infinity, and how it can figure into sharing that small shaft of light Levinas found so many years ago.

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## MATTERS OF JUSTICE, IF JUSTICE MATTERS

*the machinery of justice existed all through and after the Northern massacres...*

—Wole Soyinka, *The Man Died: Prison Notes*

If the average American were to spend a single day in court and a single night in jail, the criminal justice system would not survive the week. In the pendulum swing of daily life, we become inured to the callousness of society, our inattention occasionally interrupted by major tragedies. These tragedies come in the form of news reports scattered with body counts and injury statistics, buildings bombed and combat casualties. What we do not witness is the much quieter war being waged in the cities and towns of America. This war is a deliberate and systematic disappearing of certain “undesirable” people. They are found in the Black and Brown communities of America: their neighborhoods are overpoliced and underserved, schools designed to hand out disciplinary infractions, and rents progressively raised.<sup>2,3,4</sup>

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<sup>2</sup> Asha Ransby-Sporn, “Op-Ed: The CPD Budget Has Grown for Decades. It’s Time to Rein It In,” *South Side Weekly*, November 15, 2023.

<sup>3</sup> W David Stevens et al., rep., *Discipline Practices in Chicago Schools: Trends in the Use of Suspensions and Arrests* (Chicago, IL: University of Chicago Consortium on Chicago School Research, 2015).

<sup>4</sup> Andrew DePietro, “The Average Rent In Chicago Reaches Its Highest Point Ever,” *Forbes*, January 18, 2023.

What is strange about this moral crisis is that it is hardly a failure of the criminal “justice” system, but rather its functioning to its fullest extent. This functionality swallows, digests, and spits out thousands of the accused on the basis of forced confessions and courtroom narratives. Levinas notes “justice coincides with the overcoming of rhetoric;” a system whose very methodology is rhetoric, then, must be injustice.<sup>5</sup> Time is a weapon for injustice in these rhetorical settings. Time on the stand, brief and under near-total control of the judge and attorneys, may make or break any given case.

Before the courtroom, time takes the form of a court date and hour, listed as 9AM. That in turn takes the form of being forced awake at 4:30AM, your arms cuffed behind your back and “blue-boxed”<sup>6</sup> in a holding pen until your case is called up, which may be anywhere from four to six hours later. Depending on your case, thirty minutes of deliberation may transform into spending the rest of your so-called natural life in prison. Otherwise, you may be returned, with little to no explanation, to the jail, where you wait interminably for your next assigned court date.

The first time I encountered this reality was when I watched workshop participants, people I had known and written with for months, marched into our classroom with cuffs around their wrists. These were peers, writers whose verses (much better than my own) would be comfortable in pages of *The Paris Review*. That day I walked out of the dingy, yellow-walled, maximum-security Division IX. They didn’t. An international human rights commission described conditions in these facilities as an “affront to human dignity” this past year.<sup>7</sup> It stands

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<sup>5</sup> Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority* (Pittsburgh, PA: Duquesne University Press, 2007), 72.

<sup>6</sup> Blue-boxes are devices used to restrain prisoners: typically, they consist of a plastic box locked around the chain between handcuffs, which is then linked to a chain tightened around the waist. These covers are used to restrict any wrist or arm movement and often result in injury to those subjected to them.

<sup>7</sup> United Nations Human Rights Council, International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement (Geneva: United Nations, 2023), A/HRC/54/CRP.7.

to question what kind of society allows for this mistreatment of its populace. A simple answer would be an uncaring one.

Justice in the United States is often unidirectional: when laws are arranged into a social contract, breaking the former essentially means violating the latter. This breach of contract, in the criminal justice system, is reason enough to lose one's place in society. It is a grim, harsh reality built on the concept of *desert*. Desert in philosophy refers to being deserving of something. We see its "positive" iteration in the deployment of meritocracy, and its negative iteration in pithy sayings about criminal activity: "do the crime, do the time."

This moral simplism takes any and all prisoner. Stereotypes such as the "superpredator" myth of the 90s contributed to the idea that particular people are more inclined to commit crimes and can thus "rightfully" be locked up. Attitudes like these take no interest in the asymmetry between conviction and sentencing, a consequence of the power imbalance between the legal system (police, attorneys, judges, correctional officers) and its subjects. State executions reached their peak in 1999, with nearly 100 people killed across the country.<sup>8</sup> As public attitude shifted away from the unattractive facts of capital punishment (people left in agony for hours, "death row" prisoners having their innocence proven too late) time became the resource worth taking rather than life. In jail, long periods of incarceration wear down the ability of pre-trial detainees to fight the system, losing financial resources to pay legal fees and being forced to defend themselves in court.

Last year, the jail banned paper from entering the institution without pre-approval. It takes little imagination to figure out how this would make a writing workshop difficult to run,

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<sup>8</sup> Dara Lind, "The death penalty in America: expensive, racially skewed, and still popular," *Vox*, May 28, 2015, <https://www.vox.com/2015/5/28/8681099/death-penalty-charts>.

particularly in a facility where such basic things as normal ballpoint pens were already strictly prohibited. We improvised around the new rule, doing group writing sessions and helping each other out, facilitators and participants, however we could. What we couldn't prevent, however, were the delayed workshops, harassment of participants, and time lost to administrative battles. Taking life and taking time are geminal in the fact that they share the same final outcome: a blotting out of one's original life, a void where years of development, sorrow, joy, and connection would have been. Having made time the currency of incarceration, ethics has become economics, exchange rates developed between violence and prison sentences, people reduced to numbers on ill-fitting Department of Corrections jumpsuits.

This reduction also comes at the cost of communication. In *Totality and Infinity*, Levinas asserts "justice is a right to speak."<sup>9</sup> If true, this also puts incarceration in high relief as an injustice. There's a reason we run a writing workshop in the jail. What participants want is an outlet for their creative output, for their words to escape the void found at the intersection of 30<sup>th</sup> and California.

Any miscarriage of justice is a brand of violence by virtue of its ends: totally erasing the presence of the Other.<sup>10</sup> Thus, "violence does not aim simply at disposing of the other as one disposes of a thing, but, already at the limit of murder, it proceeds from *unlimited negation*" (emphasis mine).<sup>11</sup> Incarceration is inherently a project of totality. It makes the unfamiliar other familiar, then looks to control and excise its presence. The effects of this project have

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<sup>9</sup> Levinas, *Totality and Infinity*, 298.

<sup>10</sup> The use of "capital O" Other follows from Levinas, and indicates both other beings and the concept of otherness itself.

<sup>11</sup> Levinas, *Totality and Infinity*, 225

sequestering millions in far-flung state and federal prisons for decades, a practice as quotidian as boxed cereal and sliced bread.

If we are reading closely, it may feel as if we have passed from the idea of justice to something deeper, something more fundamental: the ethical relation. “Ethical” here does not refer to ethics in the typical sense, whereby one could say an action is “unethical.” Instead, it points to the basic confrontation with one who is not oneself but instead radically and infinitely different. This difference, or *alterity* in Levinas’s words, is made most apparent in the face-to-face encounter.

With respect to incarceration, that face may be hidden behind bars, locked in solitary confinement, trapped in a cell for 23 hours a day. Nowadays, solitary is called the “special management unit.” Last month, a friend on the inside was punished with 60 days of time on the unit, a period deemed too inhumane to be allowed. They got around the restriction by putting him in for two “nonconsecutive” thirty-day spans, with three days respite in between. Describing the system as any form of justice is a cruel and unusual joke.

Justice, in reality, is the natural, upward growth from the roots of the ethical relation. But how do we respond to, engage with, or discover our responsibility towards a segregated, invisible Other? When the forest has been stripped away, is it possible to find life in its roots and ruins? To answer, we must go beyond the social construct of justice and examine the deeper nature of the ethical relation itself.

The ethical relation is what happens between the self and the Other: “the face has turned to me—and this is its very nudity.”<sup>12</sup> Our face-to-face<sup>13</sup> confrontation with another human being strips away any social artifice. For Levinas, this encounter makes a simple, inviolable demand: thou shalt not kill. For its part, incarceration obscures the face. It removes criminal “offenders” from society-at-large, a removal that is deliberate and calculated. I refer to this disappearance as deliberate because in many ways it inverts the rules of the ethical relation. By making encounters impossible and surrounding people with rhetoric, the incarcerated are made *faceless*. How can we form a relationship with someone who has been rendered fundamentally inaccessible? On the outside, we go about our lives as if their existence can be ignored, all the while failing to realize we have lost something precious: our very ethical humanity. The logic of incarceration is cold, unfeeling, and cruel, but it is also a double-edged sword.

Last week, I received news that a friend on the inside had been sentenced to twenty years’ time. In its bareness as a number, twenty years communicates very little. In that moment, I was forced to recall what it meant. Twenty years without family or friends. Twenty years of living under the constant threat of violence. Twenty years within which loved ones could pass, move away, or disappear without notice. Moving through those twenty years and maintaining one’s humanity is a feat I may never understand.

A single conversation with someone who served time is enough to dispel the myth of “rehabilitation.” In a conversation with a former “lifer,” they described prison as a micro-society: all the worst aspects of life intensified to the  $n^{\text{th}}$  degree and confined to 48 ft<sup>2</sup> units. This could hardly be the “intentional structure” for gentleness which Levinas cites as necessary for the

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<sup>12</sup> Levinas, *Totality and Infinity*, 75

<sup>13</sup> This is the abstract face described by Levinas, rather than its simple image. The face represents not only our humanity but the towering acknowledgement of the Other and our responsibility toward them.

ethical relation. Racial segregation is encouraged by correctional staff, gangs form and regularly engage in violence, and medical care arrives late if at all when prisoners experience health crises. As the prison-industrial complex reached machinic efficiency, the number of people subjected to these conditions increased eight-fold between 1980 and 2020.<sup>14</sup> A significant contributor to these statistics was the failed War on Drugs, which saw massive increases in arrests, convictions, and sentencing rates from decades prior. These “prisoners of war” are victims of an ethical narrative that began when the word “war” was first uttered to address a public health challenge. After all: “the state of war suspends morality.”<sup>15</sup> 70 years ago, a Lithuanian-born philosopher found himself in the same suspension, a fly transfixed in the amber of conflict.

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## HISTORY, HISTORY

*From this cycle without beginning or end, man can wrest himself only by an act of spiritual freedom.*

—Mircea Eliade, *Cosmos and History*

Emmanuel Levinas was raised between the solidity of a prison and the ever-changing face of a river. Born in Kaunas, Lithuania, to a bookkeeper, the family lived in a house at 1 Kalėjimo<sup>16</sup> Street, directly adjacent to Kaunas Prison and overlooking the Neman River.<sup>17</sup> Seen in paintings and photographs, the looming, red-roofed structure once used to house dozens of political prisoners must have provided an imposing shadow to live and play under. Kaunas’s

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<sup>14</sup> Ilana R. Garcia-Grossman et al., “History of Incarceration and Its Association with Geriatric and Chronic Health Outcomes in Older Adulthood,” *JAMA Network Open* 6, no. 1 (2023).

<sup>15</sup> Levinas, *Totality and Infinity*, 21

<sup>16</sup> Literally, “Prison Street” in Lithuanian.

<sup>17</sup> Salomon Malka, *Emmanuel Levinas: His Life and Legacy* (Pittsburgh, PA: Duquesne University Press, 2006), 4.

most famous philosophical son eventually left in 1923 at the age of 17 for Strasbourg, France, to commence his studies. In Strasbourg, he first encountered Henri Bergson's doctoral thesis, *Time and Free Will*, in whose outline we can see what would later become some contours of Levinas's theories regarding time and ethics.<sup>18</sup> He travelled on to attend two semesters at the University of Freiburg under Edmund Husserl, a famed phenomenologist, and eventually completed his dissertation in Strasbourg in 1930, heading straight to Paris afterward. There, he would live for the next decade until the outbreak of World War II.

This catastrophic event provides a moment to pause and orient ourselves to Levinas's philosophical situation, as the development of his thought echoed the private and political struggles he experienced as an academic. In Freiburg, Levinas had found himself as student and contemporary of Martin Heidegger, already a force in a brave new century of continental philosophy. Levinas attended Heidegger's seminars, and both scholars dealt with subjects in close proximity to those of Levinas's dissertation advisor, Edmund Husserl. In many ways, Levinas admired and took up Heidegger's leading development of ontology, publishing works in dialogue with both him and Husserl early in his career.

Not ten years after Levinas published his dissertation, Heidegger had become a vocal advocate and sworn member of the Nazi Party in Germany. Levinas had been captured as a sergeant in the French Army and shipped to a prisoner of war (POW) camp near Hanover.<sup>19</sup> As the rector<sup>20</sup> of the University of Freiburg, Heidegger tied his philosophy and work into the "values" of German nationalism. Nazism and its political ramifications stood as a deep, shocking

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<sup>18</sup> Malka, 25

<sup>19</sup> Malka, xxxi.

<sup>20</sup> A high-ranking position whose modern-day equivalent would be president of the university.

repudiation of not only Levinas's values, but his very identity. While Levinas endured five years in the POW camp, his and his wife's families were murdered at Auschwitz, 500 miles away.

This loss, paired with his simultaneous incarceration, profoundly shaped Levinas. Reconciling his philosophical interlocutor's betrayal, his own experiences of loss and survivorship, and his early philosophical ardor eventually came to define his postwar work. Thus, his legacy is one deeply, relentlessly concerned with our treatment of the Other.

The history I have traced is one which erodes the traditional distinctions between theory and practice. When Levinas describes the face of the Other as a "command that commands commanding," his description is rooted in experiencing the violation of this command millions of times over during the war.<sup>21</sup> His intense philosophical involvement with time could only be born from a half-decade of internment, surrounded by an unending threat of violence. It is this positionality that makes Levinas a valuable source to draw upon when discussing modern incarceration. More than half a century later, just as the themes of ethics and time ring clearly through his work, so too do they toll within the walls of America's prisons.

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## FACING FORWARD

*That things 'just go on' is the catastrophe.*

—Walter Benjamin, *Central Park*

In the context of incarceration, the problems described so far may feel terrifyingly huge. As someone who deals with the system every day, I can confidently say things rarely get easier,

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<sup>21</sup> Levinas, *Totality and Infinity*, 213.

or even less terrifying. But that does not mean we cannot build bridges to shrink the distance between us and the incarcerated. Our responsibility as people on the outside is two-fold: providing those on the inside resources to get out of prison, and stay out of prison. On a basic level, this involves providing books, political support, and enacting legislation to free the currently incarcerated and prevent future incarceration.

This also involves changing attitudes regarding crime and punishment. I often hear the objection that prison abolition is naïve; if ethics required naivete, I would be happy to stay green around the ears. But changing and abolishing a harmful system does not require a naïve take on human nature: avarice and ill-will certainly exist. Their existence, however, does not serve as a warrant to make our brothers and sisters *inhuman*, nor does it attenuate the necessity of fair treatment. Frameworks like restorative justice and social integration offer clear alternatives to segregation for conflict resolution.

Levinas says “morality begins when freedom, instead of being justified by itself, feels itself to be arbitrary and violent.”<sup>22</sup> The time we spend outside is not the same time experienced by those on the inside. They may not have been condemned to death by the penal system, but what difference does it make when incarceration devours health and time indiscriminately? Indifference and ignorance are the ribs and backbone containing the beating heart of incarceration. So start small, and simple. Write a letter to a prisoner through one of the many pen-pal organizations across the country. Donate a book to a prison donation program. Listen to the testimony of those on the inside, whether through interviews, writing, or rallies. I began with a simple question about how time begins to be something between people. I am starting to

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<sup>22</sup> Levinas, *Totality and Infinity*, 84.

suspect it already is, and has been, in the ways that matter most. Time, as it multiplies and takes on a small infinity of words and glances and kindnesses, can become a feeling. It is what we do with that feeling that matters most.

In our final workshop, as we sat around a table where we had shared stories of loss and love, imagining and intimating, Sam, a participant, handed us a piece for our poetry event later that week. I pulled it out as I came up to speak, and can still recall seeing the title, defiantly scrawled in capital letters across the top of the page: “LET A FEELING CRACK YOU OPEN...”

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