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Megan Burke
Sonoma State University
burkemeg@sonoma.edu

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Abstract

This paper considers the temporal experience constituted by prohibitions against sleep that target individuals who are unhoused and sleep outside. More specifically, drawing on Cressida Heyes’s account of sleep and anaesthetic time in *Anaesthetics of Existence*, this paper develops a preliminary account of punctuated time as a form of time poverty that is acute for those who must sleep outside. It is argued that such prohibitions against sleep work to anchor an individual in a totalizing presence, thereby instituting a temporal annihilation of subjectivity. Accordingly, this paper suggests that the particular experience of punctuated time endured by individuals who are unhoused can be understood as a violent interruption of subjectivity that pushes them to the edge of lived time.

Keywords: temporality, time poverty, homelessness, sleep

In April 2021, the Medford City Council in Medford, Oregon, approved an ordinance that makes unauthorized lying, sleeping, and camping in all public spaces in the city a criminal offense. The bill intensified preexisting ordinances that make it criminal to sleep in a tent or with “bedding materials” in most public spaces and came just months after cold weather killed Manuel (“Manny”) Barboza-Valerio—a man experiencing homelessness who was sleeping outside in Medford without a sleeping bag or a tent. The April 2021 ordinance received national attention for its blanket ban on sleeping in public. Criticisms of the ordinance point out the inhumanity of the criminalization of homelessness and that carceral punishment is not an actual solution. As Trista Bauman, an attorney with the National Homeless Law Center says, “Laws that punish universal and unavoidable conduct performed by unhoused people in public space are ineffective at reducing the number of people who live outside. . . . In fact, they have the unintended consequence of entrenching homelessness. They make it more difficult to escape” (Moriarty 2021). Others, including Bauman, point to the unconstitutionality of Medford’s ordinance, citing the 2018 Ninth Circuit Court of Appeals case *Martin v. City of Boise*, which set the precedent that it is “cruel and unusual punishment” to enforce ordinances that prohibit camping in public places when those experiencing homelessness have nowhere else to go. In 2019, the

Supreme Court of the United States upheld the Ninth Circuit Court's decision (Letona 2019).

Despite the legal precedent, the 2021 Medford ordinance remains in effect. The city insists that its ordinance is a "time, place, manner" restriction. The city also insists the purpose of the ordinance is not punitive. Rather, the ordinance is a regulatory measure that prioritizes public health and serves as a preventative measure for wildfires. In "good faith," the city lowered the ordinance penalties, from six months in jail and a \$1,000 fine to up to thirty days in jail and a \$500 fine (Morty 2021; Willgoos 2021; Willgoos and Giardinelli 2021). They also made minor changes to the law by adopting provisions that allow tents during the winter months (although these provisions are notably vague). Medford's ordinance is not necessarily exceptional, however. It is just one of the more visible examples of relentless efforts across the United States to punish those who have to sleep in public space.¹

Much is at stake in such prohibitions against sleep. They intensify the power of the carceral state and the precariousness of those who are already extremely vulnerable to violence, marginalization, and death. While housing advocates and activists rightly emphasize the human right to housing, the injustice of late capitalism's skyrocketing housing costs, and the United States's commitment to housing as an entitlement, it is important to consider the existential dimensions of such criminalization—as doing so elucidates the depth of the harm caused by prohibitions against sleep. Given that sleep deprivation is recognized as a form of torture, existing analyses of the relationship between sleep and homelessness tend to draw attention to the negative impacts of sleep deprivation on physical, emotional, and mental health (Sebastian 1985; Gonzalez and Tyminski 2020). A phenomenological account of the lived experience of time actualized by the prohibitions against sleep can elucidate the ontological violence at work in such criminalization.

Sleep is peculiar to consider phenomenologically. As Cressida Heyes (2020) makes clear in *Anaesthetics of Existence*, sleep does not really count as "lived experience," at least not in the tradition of classical phenomenology.² Given the tradition's emphasis on "lived experience" as the domain of the conscious subject, what happens to us when we are unconscious, asleep, drugged up, or deprived of

¹ There is an implicit distinction here between people who choose to camp as a form of leisure and people who must sleep outside. The latter group may do so for a variety of reasons, and some may even "choose" to do so over sleeping in a shelter, but here I am not interested in how having to sleep outside comes to be one's situation. What matters is what happens when *this is* one's situation.

² Many classical phenomenologists have addressed the phenomenon of sleep, but they do not tend to examine sleep as a constitutive realm of experience.

presence are taken to be nonexperiences—that is, the absence of lived experience. This methodological exclusion, Heyes (2020, 24) argues, suggests that “experience” is itself a “normative category.” Heyes proposes not to fold the excluded into the normative category. Instead, she opens up a new field for a phenomenological investigation. Heyes considers so-called “nonexperiences” as “edge” phenomena in order to highlight the constitutive relationship between unconsciousness and consciousness, passivity and activity, sleep and wakefulness. In doing so, Heyes offers an intervention in phenomenology that affords a way to make sense of and tend to what falls out of the bounds of the classical and normative rendering of experience. Echoing Lisa Guenther’s (2020, 15) account of critical phenomenology as a method that pulls up what “has been rubbed out or consigned to invisibility” by rethinking what counts as lived experience, Heyes’s turn to the edge shows how so-called nonexperiences can be leveraged or weaponized to reify violent social dynamics and normative subjectivity.

A recurring “edge” of experience discussed in the book is sleep, and I focus on it here to explore what it reveals about the annihilation of subjectivity endured by those who experience homelessness. More specifically, I offer a few preliminary reflections on what occurs when cities and housed citizens withhold the right to sleep outside. In thinking with Heyes in this way, I highlight the generative spirit of her turn to “nonexperience.” Moreover, at the end of the book, Heyes (2020, 144) remarks, “There is plenty about sleep in *Anaesthetics of Existence*, but it never quite takes center stage. In my parallel and successor project, a feminist philosophy of sleep, I hope to remedy that.” My reading traces Heyes’s initial insights on sleep in order to develop a preliminary account of *punctuated time*—a form of *time poverty* that is particularly acute for those who must sleep outside. As I will suggest in what follows, punctuated time is the experience of one’s time as always about to be interrupted, or to use Heyes’s language, it is a temporal experience of always living at the edge.

Various subjects suffer or endure forms of punctuated time. As a result of misogyny and male entitlement, girls and women (and those who are perceived to be girls and women even if they are not) are more likely to be interrupted by boys and men, and thus girls and women often live the experience of time as punctuated by others. Primary caregivers—and mothers, in particular—are likely to have their own projects suspended by the labor of care they give to others. People of color have long been subjected to a white temporal order as an interruption to (the possibility of) existence. Trans experience is often constituted through temporal intervals and deferrals that impede the flourishing of trans life. And in contrast to these oppressive punctuations, resistance efforts and protests, whether individual or collective, can punctuate the dominant temporal order as a gesture of liberation and as a challenge

to its violence.³ In other words, there are various ways to consider punctuated time. Here, though, I focus only on the experience of punctuated time endured by those who must sleep outside. I suggest that a phenomenological consideration of prohibitions on sleeping outside discloses that those experiencing homelessness live the edge of being without time. This consideration brings me to a critical point about Heyes's book. I raise a challenge to the class dynamics of their account of *anaesthetic time*, suggesting the need for a more nuanced distinction between being pressed for time and living punctuated time. I conclude with a brief consideration of what Heyes's account helps to uncover about the politics of sleep in relation to liberatory resistance.

Sleep and Subjectivity

Perhaps the most elucidating discussion of the relation between sleep and subjectivity occurs in Heyes's account of rape that is perpetrated against unconscious victims. As Heyes (2020, 20) writes, "To be violated while 'dead to the world' is a complex wrong: it scarcely seems to account as 'lived experience' at all, yet it often shatters the victim's body schema and world." For Heyes, such a rape is an "on the edge" event because it is beyond conscious or waking existence, wherein "'lived experience' might seem notably lacking," yet it is nevertheless an event that happens to a subject (55). Phenomenologically speaking, there is a difficulty that emerges in such events of rape: without recourse to the victim's first-person lived experience how can we account for the harm of such a rape? To answer this question, Heyes makes an important move and argues "unconsciousness *is* part of lived experience" (4). More specifically, Heyes offers a phenomenological analysis of the significance of sleep to subjectivity in order to argue that being raped while unconscious destroys a subject's experience of anonymity and anchors her in a hypervisible present. In other words, she loses the capacity to retreat into the night. Following Maurice Merleau-Ponty, Heyes accounts for sleep as "necessary to my continuing a coherent

³ The week-long protest during April 18–25, 1971, on the National Mall in Washington, DC, by thousands of Vietnam veterans shows how the politics of sleep and wakefulness exceed the borders of social movements. On April 21, 1972, the Supreme Court delivered a verdict banning "sleep activities" on public property, and the veterans decided to continue sleeping on the Mall. As Franny Nudelman (2019, 120) writes in her book *Fighting Sleep*, "After hours of passionate debate over whether they should obey the law and stay awake or break it by falling asleep, veterans decided to sleep. In doing so, they turned sleep into a form of direct action, effectively politicizing a condition that might appear beyond the reach of radical organizing." Occupy Wall Street also politicized sleep as direct action in its mass movement "sleepful protests" that had thousands of people sleeping on public sidewalks.

existence”—not in a mere physiological sense, but in the phenomenological sense of being-in-the-world (59). This sense of sleep emerges from its relationship to night, which Heyes describes as a spatial experience of “pure depth” in which subjectivity is, in Guenther’s words, “unhinged from determinate objects” and concrete limits that “distinguish the self from nonself” (59; quoting Guenther 2013, 172).

For Heyes, as for Merleau-Ponty, we need this experience of night as a respite from our conscious, waking life. It is restorative—a generative retreat from the world that affords me the capacity to get up and be thrown back into the world. As Heyes (2020, 60) writes, the experience of night “offers an opportunity to continue existing while taking a break from being myself, exactly, for a while.” Such a retreat is necessary to subjectivity because, as Heyes puts it, “I develop my self-identity not only actively by distinguishing myself as an individual but also in those moments when I retreat from my specificity” (61). When the experience of night overwhelms a subject, it bears the potential of destroying her existence. That is, to be immersed in the pure depth of night, to not experience the rhythm of waking *and* resting, is to lose the capacity to orient oneself in the world.

This loss is a result of the way others intervene in our lives. It is being marked by a kind of hypervisibility, which can occur in the paradoxical “dark” of solitary confinement (Guenther 2013) or by being hailed by stereotypes that overdetermine existence and thus corrupt the capacity to open out onto the world (Fanon 1967). Heyes shows that to be raped while unconscious, to be *sleeping* in the sense of not being a presence, is to have the most vulnerable dimension of one’s existence violated because it is the dimension you need *to be* a conscious, active subject. Contrary to views that suggest being raped while unconscious is “not that bad” because a victim is not awake for the violence—that is, she is not conscious while she is being violated—Heyes points out the profound and particular harm of such an experience of rape. More specifically, Heyes (2020, 72) argues that a girl who is raped while unconscious has a harder time recovering herself because she has had the “deepest place of anonymity, the part of one’s life when existence is most dangerously yet crucially suspended, erased.” The girl becomes “all surface” (63), laid out and suspended in pure depth. She becomes dead to the world.

Heyes’s account tends to emphasize the spatial features of sleep. In *Institution and Passivity*, Merleau-Ponty’s (2010) consideration of sleep is more explicitly attuned to its temporal significance. In describing sleep as passivity, he writes, “To sleep is neither immediate presence to the world nor pure absence. It is being *in the divergence*” (Merleau-Ponty 2010, 148). Here, the temporal structure institutes this dimension of being. Or as Merleau-Ponty says later on, “Sleeping consciousness is not therefore a recess of pure nothingness; it is encumbered with the debris of the past and present. It plays with them” (207). The depth of the night that envelops the subject, which allows her to retreat, is made possible by the temporal rhythm of sleep.

Insofar as this temporal depth renders a subject's reawakening in her particularity possible, the "nonexperience" of sleep is not atemporal. Its distinct temporal rhythm—neither pure presence nor pure absence—is a condition of possibility for living an open structure of time.

Paying further attention to the relation between lived time and sleep helps us understand not only how a victim who is raped while unconscious is not just laid bare in space (and not just literally) but also why Heyes (2020, 66) claims the girl is "frozen in time." This language of being temporally frozen is language that I have used to describe the temporal structure of normative feminine existence as it is instituted through the pervasive threat of rape (Burke 2019). On my account, to be frozen in time is to become deeply anchored in the present; it is to become severed from one's past and to live the future as foreclosed. Rape is a particularly pernicious event in the institution of this closed structure of time because of the way it animates histories of power and social meanings of rape that aim to destroy a victim's life (Mann 2021). In the aftermath of rape, lived time freezes because others have the power to hold you to a particular moment *in time*. You get stuck there, held down, and pinned to the bed; and in the case of Audrie Pott, which Heyes (2020, esp. 52–53, 64–66) discusses at length, you get trapped in the images of your naked, violated body circulating on social media.

The temporal structure of the harm of being raped while unconscious is therefore significant. The victim is pushed to the edge of her time because her existence is suspended in the depth of night. Ultimately, it is because sleep or unconsciousness is a generative temporal edge of experience that its violation through rape undoes a subject. On this point, Heyes's contribution to feminist phenomenology is important. If sleep is treated as a nonexperience, then the "tacit belief . . . that being less aware of one's assault while it is happening makes it less damaging" persists (Heyes 2020, 55).

Being without Sleep

Heyes's account of being raped while unconscious exposes the existential damage of the weaponization of sleep. Their account underscores how sleep can be weaponized to violate existence or destroy subjectivity. This point is already well known in analyses of sleep deprivation as torture. Heyes's analysis points toward other events, ones in which torture is seemingly not at stake but that nonetheless underscore the intersubjective dimension of sleep and that expose how others can weaponize sleep in ways that legislate subjectivity by denying the capacity for sleep. As a result, Heyes's analysis invites us to think about how a restorative "edge experience" of sleep is a matter of how others allow for a subject's rhythms of waking and sleeping.

This point brings me back to sleep and the experience of homelessness. Medford’s prohibition on camping, lying, and sleeping leaves those without “proper” shelter with no way to retreat into the night. As a result, the ordinance is a mechanism that destroys subjectivity by stripping those who are unhoused of the capacity to sleep. To prohibit sleep, as Heyes’s account reveals, is to push a subject to the very edge of lived time. By making it more difficult to find a place to sleep, camping prohibitions are part of the arsenal of surveillance mechanisms used by the state, mechanisms which construct a hostile architecture of presence to annihilate the existence of those who are unhoused. Such efforts work to anchor a person experiencing homelessness in a totalizing presence, a presence that has the power to make one into a pure absence. Distinct from the rape victim, the individual experiencing homelessness who is prohibited a place to sleep is denied the temporal movement between sleeping and waking by being forced to stay awake.⁴ One is denied the unconscious dimension of experience by being forced and surveilled into a mode of pure presence. Efforts like prohibitive ordinances, “sweeps,” and shelter regulations enforce this temporal experience, putting a subject on the edge of lived time itself.

Working against being trapped in pure presence, people experiencing homelessness may engage in what one unhoused man, “Joe,” refers to as time discipline:

Where and how you sleep is often a matter of discipline when residentially challenged... If you’re sleeping in a car or RV, shelter or friend’s couch, you have the issue of finding a place to sleep and being up and about before the rest of the world is. Usually in a shelter, you have to be up and out by a certain time. If [you’re sleeping in] a vehicle, you have to have it moved by a certain time. If you’re working you have to find ways to make the job fit your situation or vice versa. You’re on others’ schedules. And this is where sleep deprivation hits the hardest. It adds up. (Olsen 2014)

⁴ I do not mean to make a clean distinction between victims of rape and victims of inadequate housing. There are certainly reasons to consider the compounding ways rape and the prohibitions against sleeping in public, including state surveillance on the streets, are used against those who are unhoused and to consider how the experience of rape may be a condition for the experience of inadequate housing. Here, though, I am referring to the experiences of rape discussed by Heyes—the ones that happen at predominantly white, affluent, high school parties.

To exist “on others’ schedules,” as “Joe” does, is to live punctuated time. Generated by the social and material conditions of homelessness, to live time as punctuated means that your temporal experience is acutely subjected to the hostility of external forces. To live time in this way is to experience time as profoundly contingent on the social power of others. The point here is not that temporality is or should be purely subjective. Rather, the point is that people experiencing homelessness are likely to have their time overwhelmed by others. “Joe” finds a way to negotiate the loss of *his time*, but he is nevertheless severely subjected to others’ time and what others do to his time. To not become trapped in presence is “a matter of discipline.”

Here, I would like to make a critical point about Heyes’s consideration of time poverty in *Anaesthetics of Existence*. Heyes describes a kind of class privileged time poverty experienced by the white, middle-class moms who self-medicate in order to cope with life in late capitalism. But “Joe” lives a very different experience of time poverty. His temporal poverty is a specter of death. To live time as punctuated in the way he does is *to live at the edge of being without time*. It is to live every day with the possibility of becoming a pure absence by being frozen in pure presence. There is thus an important distinction to make between different experiences of time poverty that occur in the postdisciplinary time of late capitalism. This difference could be pursued further in Heyes’s account.

Heyes (2020, 99) describes *anaesthetic time* “as a logical response” to and “a way of surviving” the depleting economy of postdisciplinary time that results from the material conditions of living in a milieu when work is always possible, when multitasking is required, and in which work and life are conflated. Heyes draws attention to its particularly gendered dimension, noting that anaesthetic time is often marketed to and taken up by white, middle-class women so they can “relax into a form of life at high speed” (112). This experience of anaesthetic time stands in stark contrast to the dangerous ways poor women and women of color are framed as anaesthetic subjects, which Heyes points out. She writes, “For all those individuals who use anaesthetic time as a respite from the labor of communicative capitalism, there are also those who are thrown out by systems of labor as surplus and are anaesthetized as a way of managing or subduing them” (114). But it is here that Heyes could develop an important distinction to clarify the particular lived experience that is the focus of her analysis. Anaesthetic time is a mode of subjectification of the socially privileged, while *anaesthetized time* is that which demarcates who is to be discarded. To be sure, I would agree that these are both “edge experiences,” but a consideration of this difference would better elucidate how postdisciplinary time structures temporality in different ways depending on the material conditions of one’s existence.

From this difference between the socially privileged experience of anaesthetic time and the socially disadvantaged experience of being anaesthetized, an important

distinction in the experience of time poverty emerges. On Heyes's account, those who have the social privilege to "take the edge off" do so because they experience time as if there is not enough of it. When there's "so much to do," one lives time as if there is not enough of it. From such a situation, anaesthetization is a way to experience time as more open. It is to relax into time that is jam-packed. It is to "check out" so the intensity of reality subsides. In this shape of time, time is impoverished—but only because one is pressed for time to slow down and expand. In contrast, to endure homelessness—as one materialization of being anaesthetized—is to experience time as relentlessly broken. In this form of time poverty, sleep is used against those who are unhoused to destroy subjectivity. As such, this kind of time poverty imperils one's ability to experience time at all.

The issue here is not that Heyes neglects to point out that anaesthetic time is lived by those who are socially privileged. Indeed, Heyes (2020, 99) claims it is "subtly marketed to more privileged women." My point is that a sharper distinction between anaesthetic time and anaesthetized time would better draw out the intersubjective dimension of temporality. It would better elucidate how lived time is structured by others and how it is maldistributed in late capitalism. What would we then grasp about the material and intersubjective conditions that allow a subject to affectively alter her own time, who gets to slow time down, and who gets to experience the rhythm of waking and sleeping? How might such a distinction disclose the conditions of the temporal harm endured by those who are unhoused?

The Politics of Sleep

Cressida Heyes has written a book that inspires us to pay more attention to the existential and ethical dimensions of sleep and that asks us to consider the role of sleep in liberatory movements. Her book encourages us to understand that how and if we sleep, and how we wake, are about the ways others hold time open for us. Indeed, Heyes draws our attention to the ethical and political dangers of anaesthetic time. "It is more an absence or an evasion than a way of being present," Heyes (2020, 124) writes. While anaesthetic time might be an individual survival strategy of socially privileged subjects, a way to manage the overwhelmed time of a postdisciplinary world, it also allows us to retreat from the world. This kind of retreat is a condition of possibility for the persistence of forms of anaesthetization that subjugate and destroy.

Following Heyes's innovative work, my comments here have begun to show that living the edge of being without time is a weaponization of temporality that works to undo, and often end, the existence of those who are unhoused. Anaesthetic time, as a time of checking out, is a condition that makes the reality of such harm possible. As Heyes (2020, 124) writes, we should not "all go to sleep in lieu of feminist revolution." The distribution of sleeping and wakefulness, of living social conditions

that allow one to sleep and to retreat from one's self, have an important role to play in resisting and responding to the particular forms of violence waged against those who are unhoused.

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MEGAN BURKE (they/them/theirs) is associate professor of philosophy at Sonoma State University. They work primarily in feminist philosophy, critical phenomenology, and trans philosophy, and are the author of *When Time Warps: The Lived Experience of Gender, Race, and Sexual Violence* (University of Minnesota Press, 2019).