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Heyes's Responses to Readers

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Abstract

In this response to readers, I start by summarizing and extending Megan Burke's comments on interrupted time in the context of houselessness and the way vulnerable people are often denied their own temporality altogether. Burke suggests that there is something called "anaesthetized time" that approaches death, and they invite the project to consider more closely the varieties of power that some have over others' time. I relate these remarks to a political tradition in African American philosophy that Elizabeth Freeman calls *thanatomimesis*. In her response to the book, Talia Bettcher argues that two of the overly dichotomous framings need to be broken up: postdisciplinary and anaesthetic time, and agency and passivity. I clarify this point and suggest that these comments might point toward more generative work, including in relation to Bettcher's own project on intimate agency. Finally Alisa Bierria relates the work of *Anaesthetics* to her own project on incarceration, suggesting that in addition to being denied their own time, prisoners are rendered into temporal property. This is a helpful concept that, I suggest, could be linked more clearly to Bierria's understanding of revelatory agency and to the time of the contracted present.

Keywords: experience, genealogy, phenomenology, time, feminism

Megan Burke's terrific book *When Time Warps: The Lived Experience of Gender, Race, and Sexual Violence* came out in 2019, after I had completed *Anaesthetics*. I regret that I missed the opportunity to incorporate its insights, as I think it is a much deeper engagement with temporality in the phenomenological tradition and its implications for gendered subjectivity than I was able to articulate. In their response to *Anaesthetics*, Burke points out that there are more kinds of temporality that are constitutive of forms of oppression, and indeed I would say that this proliferation of observations about how temporality functions to discipline and constrain is one of the most common and valuable responses to the book. They point out that there is a crucial distinction between being "pressed for time" (which is a lot of what *Anaesthetics* describes) and "living punctuated time." The example they use to illustrate this point is the sleep of houseless people, who, in being constantly

“moved on” by threats to wellbeing or agents of security, including when they are trying to sleep, experience their time as always about to be interrupted. As Burke points out, there is something extraordinarily cruel about not allowing someone to sleep in the only spaces available to them to do so: throwing tents and possessions into municipal dump trucks, or creating hostile architecture for storefronts, underpasses, or benches that prevents someone lying down, are all common modes of preventing the unhoused from sleeping in public. Their commentary describes a public ordinance, of a fairly typical kind, in Medford, Oregon, that makes all lying, sleeping, and camping in public space illegal. Even though homeless shelters provide overnight spaces, they are frequently oversubscribed, dangerous to sleep in, and run on rigid schedules that entail leaving early in the morning and not being allowed to return until late at night. I have been teaching a senior seminar called “The Politics of Sleep” for several years, and students in that class have consistently been very interested in the sleeping situations of houseless and underhoused people, I think because the policies and practices that constrain sleeping in public lay bare the most hostile and prejudicial sentiment toward vulnerable people who are meeting essential human needs. I venture that their interest also comes from living in Edmonton, Alberta, which is a subarctic Canadian city where snow can fall as early as September and leave as late as May, and temperatures in the coldest months frequently fall below -20°C. The City of Edmonton and Edmonton Police Service nonetheless indulge in hostile architecture and dismantling encampments (both small, informal ones in the river valley, and at least one large, organized tent city started by Indigenous organizations looking to create community for unhoused people on an island of traditional land in the city core). When temperatures are very low, sometimes the City will open malls or subway stations to the unhoused, including for sleeping, but equally sometimes people occupying those spaces will be moved out. It is all very inconsistent and very punitive, and the stakes seem higher here, when with some regularity people freeze to death while sleeping outside. As Burke (2023, 6) points out, drawing on my similar claims about the harm of rape-while-unconscious, examples like this show how deeply intersubjective sleep is: “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 intervene or allow for a subject’s rhythms of waking and sleeping.”

Other experiences of time involve this kind of punctuation, this risk of always being interrupted, moved on, or forced to change orientation. Lisa Baraitser (2009) describes maternal time in this way, and being a new parent is for many people the most extreme experience of lack of control over sleep and consequent sleep deprivation they will have (Heyes 2023). Likewise, Sarah Sharma (2014) describes the time of the Toronto taxi drivers she interviewed and observed as always either waiting or being abruptly pressed into speedy service, usually for others whose seamless

experience of accelerated time is valued. Burke references their own list of ways time is interrupted, and all of these examples are about the way temporality in general, or the capacity to sleep in particular, are experienced intersubjectively and disclose relations of power. These people never have enough time because they are not deemed worthy of their own time, as Burke puts it. Interrupted sleep can even involve the self working against the self: the experience of severe sleep apnea, for example, involves constantly being awoken (even if not always consciously) by a blocked airway that triggers a physical emergency response to lack of oxygen to the brain. Being intermittently woken gasping for air to survive is a very literal version of the sleep interruptions experienced by the houseless, which, according to Burke, push them to the edge of lived time and annihilate their existence. As Burke interprets the words of “Joe” (an unhoused man interviewed by Hanna Olsen in her reporting on homelessness and sleep for *The Atlantic*), his experience of sleep and time is governed by the hostile rules others impose, which in turn make their time run more smoothly.

Burke (2023, 8) points out that Joe’s experience of time 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.” In a place where sleeping outside or even in an underheated space can very rapidly lead to hypothermic death, that specter is very close. And as the global climate changes and more and more parts of the world become intolerably hot, the prospect of death by heat can be added to the specters confronting the underhoused and houseless. Anaesthetic time is unevenly apportioned in my account—chosen by some as a coping mechanism for a privileged sort of depletion, or imposed on others as a kind of social death. Burke is pushing me to recognize even more diverse modes of the latter strategy when they argue that “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” (9). The houseless person who is forced to stay awake because they are not permitted to sleep in public, Burke argues, is denied the temporal rhythms of sleep and forced to remain anchored in Heideggerian “pure presence”—a state of being only in the present moment, where past and future are excluded from consciousness. Paradoxically, this “totalizing presence” risks rendering the houseless subject into a “pure absence”—a nothing and a nobody when it comes to temporal experience. Referencing their own work on how the pervasive threat of rape creates a normative feminine existence that is frozen in time (much as I suggest the capture of images of sexual violence against unconscious victims freezes and recirculates the moments of violation), Burke concludes that this reduction of time by the violence of others should be labelled *anaesthetized time* (as opposed to my *anaesthetic time*), and that it “demarcates who is to be discarded” (8).

Thus far I have been situating Burke's comments and weaving them into my own thinking and teaching about sleep. I agree with their analysis and with their suggestion 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" (Burke 2023, 9). In the interests of continuing the conversation, I suggest that Burke's comments might get some elaboration from a tradition of African and African American philosophy in which the play between life, death, and time is an enduring theme. (Think, for example, of Orlando Patterson's [1982] classic account of slavery and social death; Achille Mbembe on necropolitics and death-in-life [2003, 2021]; or the impossibility of reprofuturity for African American communities, the destruction of kinship and its rebuilding within communities of resistance that Hortense Spillers [1987] and Saidiya Hartman [1997] theorize.) Elizabeth Freeman's (2019) book *Beside You in Time* concludes chapter 2 with a coda called "Playing Dead in the Twenty-First Century." Freeman suggests that there is an African American cultural tradition of *miming* death, of "playing dead:"

The experience of slavery and its aftermath, and modes of protesting and recalibrating that experience, involved an investment in rhythmic movements—not just song and dance, but a kind of shuttling toward and away from (social) death without reanimation, resurrection, or reincarnation. Playing dead is a sense-method insofar as it involves the body touching death and/or becoming temporarily dead. It is a kind of *fort-da* for confronting the (a)temporalities of slavery and its aftermath, particularly the static time of social death—for accepting neither the permanence of social death nor the consolations of white humanism and the latter's commitment to what it designates as a life. (Freeman 2019, 54)

The time of Blackness in racist imaginations structures playing dead, in the form of Hegelian insistence that Africa and its peoples are outside history, and the positing of whiteness as equivalent not only to the march of civilizational progress but to time itself. What Freeman calls *chronothanatopolitics* emerges because of this dual designation of Blackness as (white) time's backdrop and of Black people as always already dead (where social death justifies literal death—as in working-to-death under slavery, allowing to die in prison, or the shockingly casual reflexes of racist murder). She reviews Black Lives Matter (BLM) tactics that recall and recast the actual violent deaths of Black people, often at the hands of police or other agents of white security (Freeman 2019, 84–86). In 2014, eighteen-year-old Michael Brown was shot and killed by a white police officer in Ferguson, Missouri, his body in a pool of blood left in the

middle of the road for over four hours. According to witnesses, just before his death Brown raised his hands and said, “Don’t shoot!” which later prompted demonstrators to adopt the chant “Hands up, don’t shoot!” (which endured beyond the protests surrounding that specific incident). Freeman cites Mirzoeff (2015) as saying that this chant “freezes time in that crucial moment before [Brown] died and defies the imaginary police to shoot.” In her own words, “This performance turns toward rather than away from the timelessness accorded to Africans and their descendants” (85). A second form of *thanatomimesis* adopted by BLM is the Die-In, where protestors collectively occupy public space by lying down and feigning death—a long-standing political action emerging from antiwar and environmental movements, the 1980s AIDS Coalition to Unleash Power (ACT UP), and, more recently, US protests against gun violence and, especially, mass shootings. The BLM Die-In might come with, for example, protestors speaking “I can’t breathe” eleven times, as Eric Garner did in 2014 as he was choked to death by a police officer who had accused him of selling illegal items on a sidewalk stand.

In these mimetic political actions, protestors recall actual wrongful deaths, but because they are performed by the living, they also mime approaching and retreating from death. Living people show how their deaths are anticipated and trivialized while remaining in the world to protest the conditions that make this the case. In describing these tactics through Freeman’s interpretation, I return to Burke’s observation that the punctuated, appropriated time of the houseless is tantamount to having one’s existence annihilated and to living with the specter of death. In extreme climates the risks of sleeping where it is too cold or too hot often have temporal markers—as when the Edmonton weather report announces that there is a risk of frostbite to exposed skin after five minutes, or when the weather report in the UK in July 2022 (when temperatures exceeded forty degrees for the first time in history) announced that ordinary overheating can become potentially fatal heatstroke in as little as an hour if temperatures are above forty degrees. In these experiences, for those sleeping without temperature-controlled shelter, there is a constant approach to sleep, and sleep-as-death, that is also constantly halted. It is a radical temporal disruption in the same vein as the endogenous interruptions of apnea. Can this be politicized via *thanatomimesis*? Perhaps a way of conveying the cruelty of policies that prevent the houseless from sleeping safely is to hold Die-Ins where hypothermic death is performed? Or perhaps to gather outside the home of a policymaker and wake them at shelter kicking-out time? Perhaps to interrupt a legislature with noisemakers and demands to “move on”?

The argument in *Anaesthetics* about postdisciplinary time embeds a shorter argument about the representations of agency that it deploys to defend itself, which stand in ever-greater contrast with the forms of agency that are actually possible. That argument is mostly a negative one: that is, I suggest that there is a reductive

characterization of agency in some forms of liberalism as well as in popular culture that represents it as a quality solely of individuals. In one version of the more philosophically informed view, good agents take charge of their own futures, ideally identifying authentic preferences that they then make choices to match. Drawing on the work of Saba Mahmood and Alisa Bierria, I argue that this is a culturally constrained view that also neglects the political contexts within which preferences and choices have meaning, or are even made possible. It concerns itself exclusively with the capacities of individuals, rather than the genealogies of subjects. In a popular and far more reductive version of this view, this taking charge of one's life and directing its course can be exemplified by more or less any kind of action, by "doing" *per se*, which, in the absence of any political contextualization, is entirely available for ideological appropriation. In other, more recent, work, for example, I show how some of the rhetoric associated with the gig economy uses the ideology of workism to turn doing underpaid, precarious, and unpleasant jobs into a personal virtue because they provide the opportunity to "do" in contexts where action and work are more broadly conflated. After sketching this argument in the book, I comment laconically that it "perhaps deserves a book of its own" (Heyes 2020, 91), and looking back, it seems evident that I was inviting objection by moving too quickly over complex ground.

In her generous and perceptive comments, Talia Bettcher makes two main points, both connected to this part of my analysis. On the one hand, she argues that my interpretation of vulnerability and exposure in the chapter on rape of unconscious victims is undertheorized, thereby missing important features of intimacy, nakedness, and bodily exposure. She draws on her own important contributions to theorizing these concepts (Bettcher 2012, 2013, 2014, 2017 [and, we hope, a monograph pulling it all together that is coming soon]) to suggest that all interpersonal encounters can be understood as having a degree of intimacy, characterized by certain boundaries that can be voluntarily or violently crossed. The existence of norms associated with these boundaries is of course necessary for any kind of crossing to be understood as such. Certain instances of voluntary boundary-crossing ("traversal") are communicative by inviting closeness. Bettcher calls these instances of "intimate agency." An example might be lightly touching someone's hand across a table, or asking, "What do you think of this hat on me?" These are examples of agency because they involve controlling one's closeness to another and signal a willingness to increase intimacy (without forcing it on someone else). One harm of rape, then, is that it refuses the right to control the degree of intimacy in an encounter—one's boundaries are violently breached. As Bettcher (2023, 7) points out, intimate agency involves making oneself into an "object of perceptual access," but in a way that is uncoerced and has affective value. My analysis, she suggests, doesn't capture this aspect of experience. Recall that I argue that phenomenological "night" is a condition of a safe retreat into anonymity (provided to all human beings, crucially, by sleep) and that

sexual violence against unconscious people inhibits that retreat, while also positing that when images of violence are digitally circulated, they make one's waking life into an experience of being objectified as "all surface"—reduced to the two-dimensional photo or video in which one is not a subject. Bettcher is introducing a third mode of analysis: the idea that the harm of rape involves having one's capacity for intimate agency betrayed, where part of the prior value of intimate agency is making oneself perceptually available. I find this understanding compelling—both in describing a real aspect of lived experience and in providing a language for describing along a new vector what is so damaging about rape. I'm not sure, however, that I would use the language of becoming an "object" to describe this kind of agency. One may wish to make one's embodied self more available to another as part of a project of increased intimacy, but this is, by definition, an intersubjective experience. The harm of the digital image is that it refuses intersubjectivity—no one asks for permission to take those photos and circulate them, and no one (in the especially distressing examples that I discussed) will engage the subject of the images as a subject. They are distributed as a form of community bonding around the image-object, I argued, and their frisson comes from the power of erasing their subject. Thus while inviting touch from a desired other (for example) is certainly a perceptual (or, in my terms, an aesthetic) experience, it is not an experience of being objectified but rather the opposite—of being recognized as a subject who has solicited that experience and now exists in a new relationship to the Other (whether the invitation is welcomed or rebuffed). This may end up being a rather semantic point, but it explains why I find it hard to see how Bettcher's elaboration challenges rather than only supplements the model I defend.

In a related point (that is presented first but really zooms out from this more specific engagement), Bettcher argues that my book operates with excessively dichotomous conceptual framings: on the one hand, of postdisciplinary and anaesthetic time (here her objection resembles Burke's) and, on the other, of the form of agency that postdisciplinary time prizes versus passivity. Agency doesn't have to be limited to the reductive and individualizing positions I criticize, and can instead be thought of as intersubjective, developed in community rather than exercised alone. This latter objection is important to engage because I struggled with distinguishing the forms of agency (or its failures) I was criticizing from any more positive argument. I never wanted to say that being passive is a virtue, although I did want to explore the Bartlebyian idea that refusing to do things is a form of resistance. One of the motivating ideas of *Anaesthetics* is that it can be hard to separate neoliberal ideas about the cultivation of human capital from the aesthetics of existence, or the exploitation of labour from working to improve the world, or bourgeois fantasies of self-cultivation from the good life. Bettcher points out that if work-oriented alertness and "blitzing out" are dialectically related, then both must be

implicated in resistance. She then wonders “whether some states of alertness are not also resistant in their opposition to work-saturated experiences? Consider, for example, companions putting their phones away to enjoy the evening sky while engaging in lively and enriching conversations that run into the wee hours” (Bettcher 2023, 3). I would add here that the way the vigilance of postdisciplinary time is privileged over the numbness of anaesthetic time (which I emphasize in the book, with the caveat that this privilege is indexed to context) has implications for an account of resistance: if you are someone expected to be permanently “on,” then refusal looks different than if you are a member of a group anaesthetized-unto-death. Similarly, Bettcher suggests, agency might be better understood, with María Lugones, as “a complex interpersonal affair” rather than the “implied individuality” in my account that risks “erasing the crucial interpersonal dimensions of resistance to social structures that construct and reinforce hegemonic agency” (3). This all seems correct to me, and the feminist philosophical literature on relational autonomy, for example (not discussed in *Anaesthetics*), consistently develops this point. The point I want to stand is that agency is *represented as* an individual quality, with obviously ideological gains. Bettcher’s additions are, however, a useful corrective to the individualism that I intended only to be describing in critical terms in the text, but that nonetheless permeates it, taking on an aura of normativity.

I think deep down I am not entirely convinced that the concept of agency does any valuable work for political philosophy outside this ideological frame, which probably explains why I made my argument in an explicitly cursory way. If it *is* valuable, however, I think Alisa Bierria has been among the most compelling philosophers in developing a politically robust account of that value, both in the work that is referenced in my book and in her subsequent generative comments on it. For Bierria (2023, 6), agency is heterogeneous: “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.” Like both Bettcher and Burke, she suggests that the dichotomies of active versus passive in relation to time and agency could be rethought. Recounting the various vested interests of the prison-industrial complex in the US, she suggests that they conspire to motivate holding large numbers of prisoners—disproportionately Black people—as a kind of commodity for the purposes of extraction. These people are “doing time” for the benefit of the system, and in the process are denied any kind of temporal subjectivity, even an exploited one. This argument reminds me of Lisa Guenther’s (2013) critique of solitary confinement as the erasure of a certain cyclical, varied, and intersubjectively developed lived experience of space and time, as well as Burke’s use of the concept “pure absence.” The members of racialized groups who “do time” for the profit of white-dominant (and settler) society have no time themselves—not even the forms of oppressive temporality I reference in *Anaesthetics*. Rather, Bierria says, they “are

made into *being time*” (3). They become *temporal property*: while being forced to work and being forced to languish may be part of their experience, their subjectivity is no part of the system of mass incarceration. Instead, they become objects, “extracted as commodities themselves, human life as time—lifetimes—as product” (5).

In this context, Bierria recounts the awful story of Robbie Hall, an African American woman who defended her life from a man who sexually assaulted her. After he died, she was prosecuted and sentenced to fourteen years to life, but she served over thirty-six years after she refused to retract her testimony that she had been sexually assaulted, be remorseful, and represent her attacker as a victim. Bierria describes Hall’s actions as exemplary of “revelatory agency”—a kind of epistemic noncompliance that refuses hegemonic meaning and defends the truth against a system of power that “disappears the subjectivity of the testifier” (7). I take from this story and Bierria’s interpretation of it that something like what Foucault called *parrhesia* can define freedom, even in its absence. I don’t think any of us would have faulted Hall for capitulating to the demand that she recant her testimony and conform to the script offered to her in exchange for her freedom from incarceration; to the extent I can even imagine being in her situation, it is what I imagine I would have done. But her impossible situation shows very clearly the terms on which “choice” is offered to people who have been deprived of subjectivity and rendered into temporal property. It is tempting to say that these people simply have no agency, which seems right in the sense that their capacities to act to influence their own worlds are rendered almost nonexistent because of extreme domination, but wrong in the sense that they do not thereby lack the existential capacity to choose. In moving our attention from agency as a quantitative term (“how much?”) to a qualitative one (“of what kind?”), Bierria helps Bettcher’s point about the intersubjective nature of agency find its feet: Hall was eventually released because she was interviewed by the *LA Times* about slave labour in prisons during the COVID pandemic (Feldman 2020) and this news story got traction in activist communities.

What I *don’t* understand about Bierria’s comments is the link between being made into temporal property and articulating the possibility of impossible freedom. It seems to me that, existentially at least, anyone could find themselves in a situation like Hall’s where domination had closed down their possibilities for agency in the name of their own freedom, without having first been made into temporal property. Some of the accounts of extreme addiction I read for chapter 3 of my book, for example, described people living in a very profound kind of extended anaesthetic time who (whether due to their addiction itself or the socially marginal life it has generated) are on the lip of a similar existential paradox. Thus in thinking further about how to take the arguments about agency that situate it in contexts of oppression *and* stress its intersubjective aspects, I’d like to think more about the role

of temporality. In my original argument, it is the shortening of the now and the concomitant dwindling of the epistemic usefulness of experience that truncate agency: in postdisciplinary time the future presses upon us, and the understanding and skills we have developed to make sense of the present are iteratively made redundant. As I put it (Heyes 2020, 90), “Where my own experience has decreasing reliability within a shrinking present, my self-rule is thereby undercut” (a point that also appears in Burke’s analysis in a different guise). Bierria’s comments clarify that not everyone lives in a shrinking present: in a way, prisoners serving “life” are living in a permanent present. We can return to the basics of phenomenology: life is structured by temporal apprehension of past, present, and future, with one’s own death as an ever-present and ever-nearing horizon. I don’t know, exactly, what makes a particular institutional structuring of time oppressive, while another is liberatory, and perhaps there aren’t any consistent criteria. Living in the now is a goal of Buddhist adepts and is cruelly imposed on the incarcerated; always anticipating the future can be a sign of chronic anxiety or the liveliness of hope. There is a lot more to do in explaining and diversifying the sometimes very basic tools that *Anaesthetics of Existence* forged, and I am grateful to Talia Bettcher, Alisa Bierria, and Megan Burke for their willingness to continue that philosophical work together.

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