



[Home](#) [About Us](#) [Submissions](#) [Archives](#) [Contributors](#) [Links](#)

Paying with Time

By [Kenneth E Hartman](#)

"The prison-industrial complex has subverted and subsumed the practice of punishment, converting it into a malodorous fodder, a foul commodity to support the vast, multi-layered infrastructure of mass incarceration."

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But here, upon this bank and shoal of time,
We'd jump the life to come. [1]

Time is the currency of punishment in America; it is both how crime's debt is paid and the standard against which justice is measured. Time is, no less, the devourer of everything, and nowhere is that ancient aphorism more apt than in the realm of mass incarceration - the prison industrial complex. This is where time comes to die, securely locked behind miles upon miles of tall fences, behind piled rows of coiled concertina wire, behind the menacing buzzing of lethal electrified wires ready to end time's passage for anyone foolhardy enough to challenge the barriers between here and there.

For between here and there exists a wide chasm, crowded with a force field so strong it can alter the flow of time itself. Out there time flows unencumbered by the carrying of such freighted weight. In here, time is stuck in a mire of regrets and recriminations. And all of us wading through that muck are gradually pummeled down into mere ripples on the surface of time's eternal pond.

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Crime &
Punishment

Contents

Crime/Punishment

NEW **Kenneth E Hartman**
[Paying with Time](#)

Little Big Pine
[Crimes of the Father:
Oedipus sans Complex](#)

Salvatore Folisi
[Violence as Entertainment](#)

Mats Svensson
[Chronicle of an Expulsion](#)
[Foretold: The Crimes Have
No Period of Limitations](#)

Yvonne Ridley
[British Justice in Dock over
Abu Qatada](#)

Dennis Chapman
[Ideology or Ethics:
Upholding the Nash
Equilibrium in Civil Society](#)

Ron Jacobs
[Extract from The Co-
Conspirator's Tale - A
Newspaper Report
\(Fiction\)](#)

Little Big Pine
[Psalm to Antigone \(Poetry\)](#)

Varia

John Ripton
[The Great Regression](#)

Reza Fiyouzat
[Direct Representation for
Taxation](#)

Ismael Hossein-zadeh
[Understanding
Unemployment: Keynesian
vs. Marxian Explanations](#)

In here, time assumes a radically different tempo than out there, with a wildly disparate kind of impact on the lives of those who live under this clock's face, punctuated with irregular marks designating merely evanescence, the gradual, inexorable dematerializing existence of this side of the divide.

There is an unspoken, unwritten equation that converts the passage of time into units that correspond to the different bad acts of humanity. It's the code of the retributivist who sees the purpose of imprisonment as an opportunity to inflict pain and suffering. It's a pure kind of revenge, devoid of any pretense to a balanced, civilized response.

The prison-industrial complex has subverted and subsumed the practice of punishment, converting it into a malodorous fodder, a foul commodity to support the vast, multi-layered infrastructure of mass incarceration. Human emotion, the wail of the grieving mother, the outrage of the frightened and victimized, it's all channeled into the service of the clock tower.

But the real issue is crime *and* punishment, the seemingly insoluble dyad of action and response, the thoughtless loss of reason followed by the carefully considered, the push and pull between what shouldn't happen and what must happen. In all of the centuries of human experience, back to when we first settled down into gatherings with roots into the soil, this interplay of intimately connected concepts, each of which requires the other to fully exist, have plagued our thinking.

Questions of fairness and objectivity, of scantily clad heavenly bodies bearing scales and precepts from higher planes of reality, color the discussion and distort the real truth of this dismal empire of concrete and steel.

The value of time, its inherent worth was debased in the last decades of the 20th century. Crimes that cost three or four years in the past suddenly cost 10 or 20 in the new reality of punishment run amok. Sentences of previously unheard duration erupted out all over these united states in a frenzy of strikes and counterstrikes launched by popinjay politicians egged on by lavish contributions to their diminutive aspirations.

This country, for reasons both obvious and mysterious, lost connection to the idea of proportionality and the concept of reasonableness. Crime is crime, and crime will always be with us so long as people crave and lust and want and, even, need. It is our acquisitiveness that propels us toward the darkness within

ourselves, the clutching, grasping nature of Homo sapiens, the part of us thought possessed by malevolent forces back before we realized it's all coiled in a double helix of immense complexity. Before we realized, as well, that the miseries of a rough upbringing have a tendency to leave scars below the surface worse than the ones easily seen.

In here, back where the devalued currency of time is spent, we live as if on a raft stuck in time itself. The years pass by slowly, at first, when we're young and sensitive to all that's lost, faster, later, when the wounds have scabbed over and knitted back up into an odd assortment of grotesqueries, until one day we realize we're out of time.

Out of time in the sense of inhabiting a plane of reality that is out of reality, where no one owns a cell phone or a computer, where these things are forbidden, in fact. Where no one Googles anything, either as a proper noun or a verb, it doesn't matter. Where no one tucks their child in for the night, whispering soothing promises against the dark.

More fundamentally, and this is the heart of the cost, the principal as it were, in here everyone exists in their own bubble of time, stuck back to when they first fell off the good Earth. My bubble is trapped in late winter in 1980, on a cool, clear night in February when I was but a boy, really. In that little eddy in the flow of things, time's arrow went astray for me. I killed a man in a drunken, drug-fueled fury and jumped off the steady flow of out there into the doldrums of in here.

All around me are bubbles from different spots on the continuum. Late summer of '92. Spring of '87. Winter '09. Virtually every year since the '80s all wrapped around someone stumbling along in the fog of misunderstanding that characterizes a life misspent paying with time. These are men that are casualties of their prior selves. As one close friend of mine, decades into a life sentence earned when he was an unthinking lout of 17 whole years, put it during another lap around the little dirt track we loop ad nauseam, "I feel like I'm being held hostage by my idiot younger self."

Those inside the bubbles are also casualties of the industrialization of punishment that is one of the central hallmarks of modern American political reality. The infliction of pain and suffering, which has reached epic, unprecedented proportions, far surpassing any other country, ever, is a business. It is, literally, a

business for the relatively small but rapidly growing private prison companies. It is also a business for the public sector that provides upwards of 100,000 jobs in the prisons alone, that supports enormous numbers of other businesses, that lobbies for its interests and makes significant contributions to grasping politicians through public employee union largesse.

Like any business that speaks for its interests, the prison-industrial complex sells a story. The central theme of this story is what I've called the "punishment fallacy." It holds that victims of crime, and the whole of society, will receive some kind of benefit as a result of the infliction of pain and suffering on miscreants. On the other side of that tin slug, the punishment fallacy holds that those miscreants, and the whole of society, will be deterred from either the further pursuit of crime or the onset of criminal behavior as a consequence of the infliction of pain and suffering. Because there is no credible evidence to support either of those contentions, the prison-industrial complex and its minions employ a dizzying array of tactics, from shills masquerading as everything from experts to victims all the way to buying off friendly politicians, to promote their flawed ideology of punishment as *the* rational answer. In fact, the policy hawked in the public square propounds that punishment, the deliberate infliction of pain and suffering, is the *only* answer.

On closer inspection, it's merely a remarkably sophisticated bait-and-switch routine played to near perfection. What is never acknowledged openly, but known to everyone in here, is that their punishment program is guaranteed to increase the failure rate of parolees. This increases the numbers held within the tall fences, which also increases the number of guards needed, the amount of money diverted into the prisons and, not coincidentally, away from the social programs that would result in fewer admissions to the dismal empire in the first place.

Society is pounded with a clanging bell every day of the year that tolls only through surrender to the basest of emotions - fear, rage, revenge - can their peace of mind be regained from the constant assault they are subjected to on the screen in the living room? The facts, like how this generation is actually much less likely to be victimized than the last one, can't seem to penetrate the ginned up hysteria. The blinding emotions played to cover the system from serious scrutiny. The facts fall away, unheard and unheeded.

But time's inexorable march, its linear progression even through

relativistic perceptions and perspectives, moves forward. Though my mind often perceives a world long gone as existing back on the other side of that chasm between here and there, I know this isn't accurate. This is particularly true in the changes in how people are treated and valued. Out there is a brutally unforgiving, harsh world of greed and selfish indolence that tolerates gross and obvious inequalities and unfairness. Out there is a society participating in the con job put on them by organized hucksters out to capitalize on the smallest visions they have of themselves.

Now and then, nonetheless, events happen outside the control of great systems, outside of the anticipated passage of time. This latest one came as a great shock to the system of mass incarceration. Its arrival was not a consequence of a higher consciousness, or a product of a better apprehension of the Golden Rule. Neither did it occur on the prison yard under the ever-present rifle barrels pointed in our direction. No, the earthquake that cracked the foundation of the prison-industrial complex had its epicenter in the boardrooms and on the trading floors of Wall Street. And even if the reporters in the newsroom of the *New York Times* didn't cheer Icarus's fall this time (like they did in '29, allegedly), we did in here. We saw the clock tower, with all its terrible symbolism, rocked and nearly stopped.

Now we see minions of the dismal empire scrambling to save what of its excesses as can be salvaged. Mesmer's spell was broken in the upside down living rooms, in the fear of collapse that spread throughout the denuded land. Voices once shouted down as irrational and too far off the reservation now sounded prophetic. A pretense to reform has been launched, but the goal of the functionaries is a waiting game. There is crisis, and there is opportunity. From this side of the tall fences all we can do is hope that the former begets the latter. If nothing else, the debate has begun. How much more time will be squandered is anyone's guess.

Well before the Bard's characters ruminated on the space-time continuum, the ageless poet wrote, "For time ylost may nought recovered be." [2] And there's the grit of the rub. Valuable or valueless, what of our time is spent, or misspent, cannot be regained.

Tempus edax rerum. [3]

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