tivity” involved in living in time, because we fall into a second kind of cosmological fallacy that conceptualizes time as a thing with quantity.

II. The cosmological fallacy: Time is a thing with quantity

The cosmological understanding of time is our default mode—the time displayed on our watches and clocks. We normally imagine time to be the infinite substrate of existence subdivided by the ticking of a universal clock, the endless circling of the sun, the constant flowing of a perennial stream, or the endlessness of counting numbers. We imagine an infinity of time, like an endless number line stretching across an infinite space.

But the cosmological account of time will not do, either. We humans can’t see time “all at once” as a number-line or as an amount of some “thing” that is infinite. A being that could know the world “outside of time” would not experience the world as a flowing sequence of revelations and changes, as we do, but would see it instead as an unchanging whole available all at once, in another kind of freeze-frame. The essence of time as passing seems lost to this cosmological account. I say, “It is May 12, 2015, at 8:55 in the morning.” Saying this, I have thereby located the “now” in an infinite timeline, as a conceivable amount, frozen and present and stilled. I have “dropped a pin” on the map of time, as though a moment were a “thing” in a “place.” But time is not a thing in a place that we can “see” all at once, “out” of time.

Despite the fact that we live in time, grammar often leads us to speak as though we were atemporal. Grammar allows us both to use “thing” and “place” as metaphors for time, and also imagines “thing” and “place” without reference to time. For example, English “freezes” nouns in timelessness. Unlike verbs, nouns and pronouns are not inflected with the passage of time—they are not inflected with tense. For example, “I ran, I run, I will run,” but the “I” remains the same. I can speak of myself “in my girlhood, my womanhood, and my old

age,” but I have to use a different noun for each stage, creating discontinuities instead of a sense of change or passing. Imagine if the continuum of growing and changing were reflected in grammar. Imagine if we thought of people, and nouns, as existing temporally and not as timeless substances.

There are a few languages that inflect nouns with tense, but not most familiar ones. English, in a few cases, uses a clumsy type of temporal inflection, like, “ex-roommate,” “ex-husband,” and “ex-Kansan,” to reflect an identity or relationship that was and is no longer. We also, of course, speak of “ex-offenders.” We do not speak of “ex-victims,” but rather, at least if the victim is still alive, of “survivors,” a completely different term. In these common English usages, “ex” also seems to rely on spatial metaphors. Ex-wives and husbands are no longer in a marriage; ex-Kansans are no longer in Kansas, ex-cops are no longer in the force. For example, could we speak of an “ex-offender” who was not yet out of prison? “Ex-offender” usually means someone who is out. Again, the “ex” seems spatial—as in, “out of prison,” rather than as denoting one who offended in the past but is not presently or is no longer committing crimes. Our terms “offender” and “ex-offender” seem to presume that one in prison is, indeed, in a box of unchanging substance with an indefinite shelf life (“offender”) until he or she “gets out” (“ex-offender”).

Jonathan Goldberg–Hiller has written of the temporal ambivalence that occurs when people serving time face a parole hearing. On the one hand, they are charged with conjuring presently appearing remorse, often for a crime decades old. On the other hand, they must demonstrate that they are other than they were—a “new person,” an “ex-offender.” How can the “new person” be remorseful for the “old

18. In a letter submitted to the Connecticut Sentencing Commission, “Rachel,” serving a fifty-year sentence without the chance of parole for an offense committed at age 14, wrote, “I don’t believe that just because you are young your behaviors should be excused, but I
person’s” crime? Moreover, the “new person” now sees the pre-existing circumstances and temptations that led to the “old person’s” crime (drug abuse, trauma, lack of communication skills, etc.), and can demonstrate how they have “overcome” those obstacles. But at the same time, the “new person” must not mitigate their own responsibility for the crime or seem to be expressing an “excuse.” The parole petitioner is put in the bind of arguing all at once what is, if considered as the atemporal act of a single unchanging “I,” the illogical equivalent of: “I wasn’t there, and if I were, I didn’t do it, and if I did it, I am really sorry for it.” But if grammar allowed us temporal inflection, the sentence would not be so illogical: “I (at time t+2) wasn’t there, and though I (at time t) was, I (at time t-1) was not fully responsible, and when I (at time t) did it, I (at time t+1) am really sorry for it, and I (at time t+2) regret that it happened.”

Grammar tricks us, as Nietzsche said. Language enables us to “freeze frame” things in order to hold them in our minds and think and talk about them. Through language we can collate our impressions and memories of “the bed” yesterday, today, and tomorrow as the “same” bed, existing through time. “Time” itself is likewise a handy, steady, noun that enables us to think and talk about duration and “change” (also and ironically an unchanging noun). Casting experiences of the world as nouns, and thinking of nouns as things that endure in solidity and definition as timeless “things” is a kind of grammatical battle-cry against human temporality.20

can tell you that no 14-year-old child is the same person as a 30-year-old man or woman.” Quoted in Youth Matters: A Second Look for Connecticut’s Children Serving Long Prison Sentences (Hamden and New Haven, Conn.: Quinnipiac Civil Justice Clinic and Yale Allard K. Lowenstein International Human Rights Clinic, March 2013).


20. Our very human desire to hold a changing world steady in order to think and talk about it in language is, of course, connected to the problem of “reification,” the thingification of abstract ideas. Marxist literature has explored extensively the political and economic consequences of the ways in which reification obscures, falsifies, and distorts social relationships, as in the problem of commodity fetishism, in which labor becomes a “thing” apart from and “against” the one who labors. See, e.g., Georg Lukács, History and Class Consciousness (Pontypool, Wales: Merlin Press, 1967) para. 66; and Fredric Jameson, “Reification and Utopia in Mass Culture,” Social Text 1 (1979): 130-148.
Yet, the atemporality of nouns is misleading, even as to language itself. If we attend closely to our language practices, rather than our linguistic or grammatical categories, as Wittgenstein urged, we see that no such perduring “definition” binds things collected together under a noun as some kind of eternal Platonic Form; instead we see that the denotation and connotation of nouns change as contexts and analogies overlap (consider, for example, Wittgenstein’s famous “what is a game?” thought experiment).21 While grammar may not acknowledge it, language itself is temporal, enabling us to speak about new experiences through metaphor, poetry, and analogy rather than pigeonhole. Despite the hubris of a grammar that speaks in various tenses about past and future from a seemingly still point of present omniscience, we also know that language is always beholden to faulty memory, which fades and fools us. And, of course, even languages are born, change, and pass away.22

Like language, law can also be a kind of rebellion against finitude, as it reaches into the future with its “shall”s and “shall nots,” promising commitment, connection, consistency, performance and punishment, and guaranteeing a stable, reliable future. But, like language, law—as both written rules and practices—also changes both suddenly and imperceptibly through context, application, and culture, and sometimes dies, is killed, or invisibly passes away.

The illusion of eternity—embedded, at least for language, in grammar—tricks us in our perception of time, as about many things. Time is the experience of the world from the point of view of a finite and changeable human mind, not an infinite yardstick available in an ev-

21. “Instead of producing something common to all that we call language, I am saying that these phenomena have no one thing in common which makes us use the same word for all—but that they are related to one another in many different ways. And it is because of this relationship, or these relationships, that we call them all ‘language.’ … Consider for example the proceedings that we call ‘games’ I mean board-games, card-games, ball-games, Olympic games, and so on. What is common to them all? … [I]f you look at them you will not see something that is common to all, but similarities, relationships, and a whole series of them at that.” Ludwig Wittgenstein, *Philosophical Investigations*, trans. Gertrude E. M. Anscombe, third edition. (New York: Macmillan Company, 1958), at sections 65–66. See also sections 204 and 562–568.

22. More than 3,000 languages are expected to die before the end of the century. See Endangered Languages Project, www.endangeredlanguages.com