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## Introduction

Time is widely recognized as one of the most precious and finite resources required for the accomplishment of human purposes. Within the domain of the political, time is required for almost any exercise of liberty that people seek to protect through the enforcement of social contracts, constitutions, and laws. Time is therefore inextricable from the realization of any vision of political justice.

All political subjects encounter myriad ways in which their time is structured, valued, appropriated, or freed by the state. In the United States, we wait to turn 18 to acquire political voice and full representation. Then we wait again, to turn 62 or 66, when we can retire from work and receive retirement benefits, if we wish. People file taxes on April 15; redistricting hinges on decennial censuses; and prosecutors specify when crimes were committed to determine whether statutes of limitation have expired. Around us, convicted criminals are punished with prison sentences of varying durations, legal permanent residents refrain from traveling for long periods of time as they seek to naturalize, and election cycles run their course only to begin anew. Despite the significance of time for the satisfaction of people's ends, the legitimate power of the state to command the time of its subjects and set a political schedule is not generally contested.

Scientifically measured durational time – clock and calendar time<sup>1</sup> – is one of the most common units of value used for transactions over power

<sup>1</sup> Sociologists of time distinguish scientifically measured time from other ways of thinking about time – for example cyclical time, natural time, sacred time, ecological time, and so on. See Eviatar Zerubavel, “The Standardization of Time: A Sociohistorical Perspective,” *American Journal of Sociology* 88, no. 1 (1982); Barbara Adam, *Time Watch: The Social Analysis of Time* (Chichester, UK: Wiley, 2013); Barbara Adam, *Time and Social Theory* (Chichester, UK: Wiley, 2013); E.P. Thompson, “Time, Work–Discipline, and Industrial Capitalism,” *Past & Present* 38 (1967). Scientifically measured durational time is distinctly linear and closely identified with modernity. I also want to stress that for the purposes of this book time does not refer to historical context but instead to durations measured by clocks and calendars.

and rights in democracies. Durational time is a prerequisite for the acquisition and exercise of many rights in liberal democracies. Prison sentences, naturalization procedures, social welfare benefits eligibility, abortion restrictions, and probationary periods are only a few of the most prominent examples of laws and policies that confer or deny rights and political status based on formulae that include precise durations of time. Deadlines and waiting periods of both momentous and trivial importance abound in modern life. We expect military service to be measured primarily in precisely measured tours of duty, political terms to end after elections, and different offices to be associated with different length terms. We insist on cooling-off periods during negotiations, former officeholders must refrain from doing work such as lobbying for a specific period of time after they leave office, and a member of the US military is required to seek a waiver before assuming a political position in a president's cabinet prior to the elapse of seven years.<sup>2</sup> A full enumeration of the temporal political procedures one encounters throughout the course of a lifespan could easily dwarf the word count of this chapter – possibly the whole book.

In fact, it is virtually impossible to find a realm of politics in which the deployment of scientifically measured durational time does not figure prominently. From the constitutive elements of politics, such as the moment at which sovereignty commences, to true procedural minutiae, such as the period of time that police officers are instructed to wait before giving a statement after a shooting, time is bound deeply and inextricably to the exercise of power.<sup>3</sup>

*The Political Value of Time* proceeds with the following goal: to examine how and why durational time has become such a critical part of the architecture of every democratic state. As American political development (APD) and public policy scholars have long noted, time is an “essential constitutive dimension of politics.”<sup>4</sup> Culture and politics are “indelibly (even if obscurely) marked with the signature of time.”<sup>5</sup>

<sup>2</sup> Joe Gould and Leo Shane III, “U.S. Congress Passes Waiver for Mattis to Lead Pentagon,” *Defense News* (Jan. 13, 2017), [www.defensenews.com/articles/us-congress-passes-waiver-for-mattis-to-lead-pentagon](http://www.defensenews.com/articles/us-congress-passes-waiver-for-mattis-to-lead-pentagon)

<sup>3</sup> Jaeah Lee, “Why Cops Are Told to Keep Quiet after a Shooting: The Controversial Science between the 48-Hour Rule,” *Mother Jones* (Aug. 12, 2015), [www.motherjones.com/politics/2015/08/why-do-police-departments-delay-interviewing-officers-involved-shootings](http://www.motherjones.com/politics/2015/08/why-do-police-departments-delay-interviewing-officers-involved-shootings)

<sup>4</sup> Karen Orren and Stephen Skowronek, *The Search for American Political Development* (Cambridge University Press, 2004), 75.

<sup>5</sup> Margaret R. Somers, “Where Is Sociology after the Historic Turn? Knowledge Cultures, Narrativity, and Historical Epistemologies,” in *The Historic Turn in the Human Sciences*, ed. Terrence J. McDonald (University of Michigan Press, 1996), 54.

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Consequently, law and policy are “deeply embedded with ideas about time that deserve our attention.”<sup>6</sup> Yet, despite the nearly universal experience of having one’s time valued or devalued by the state, time’s ubiquity in politics, and widespread social scientific interest in temporality, durational time has not received much attention within political theories of legitimacy or justice. We implicitly accept that a state can and does legitimately command the time of its subjects. However, our sense of why this is so or what it means for a state to make illegitimate claims on the time of democratic citizens is relatively inchoate.

No comprehensive explanation for the role of durational time in procedural democracy has yet been elaborated. Political science has much to gain from developing a concept of political time.<sup>7</sup> When a precise date or duration of time is given explicit importance in a political procedure we ought to ask why this is so. We must also scrutinize the consequences of such procedures in order to see whether the use of time in policies and laws has normative implications for those affected by them.

This book brings into relief the importance of scientifically measured durational time in the architecture and practice of liberal democratic politics. It also elaborates an explanation for why time figures so prominently in transactions over the acquisition and exercise of citizenship rights and political power. The guiding set of questions for this endeavor are: how does durational time come to structure and distribute political power? Why is durational time so frequently inserted into political procedures for granting, denying, and exercising rights? How can we evaluate the normative effects of the ways that states command the time of their citizens?

Briefly put: the book advances the claim that scientifically measured durational time is assigned political value within every liberal democracy. Political time – moments, dates, ages, and durations of time that have been

<sup>6</sup> Rebecca R. French, “Time in the Law,” *University of Colorado Law Review* 72 (2001): 672.

<sup>7</sup> Here I must distinguish my usage of the phrase “political time” from that of Stephen Skowronek’s. In *The Politics Presidents Make* and *Presidential Leadership in Political Time* Skowronek deploys “political time” in reference to the context in which presidents make decisions. See Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to Bill Clinton* (Cambridge, MA: Harvard University Press, 1993); Stephen Skowronek, *Presidential Leadership in Political Time: Reprise and Reappraisal* (University Press of Kansas, 2008). Whereas Skowronek’s political context has to do with existing ideologies and relationships of power, this book treats political time as the actual dates and quantities of time used by the state in its capacity as sovereign.

accorded value by the state – is a valuable good that is frequently used to transact over power. Time’s political value is based on beliefs about durational time’s role in a set of processes that are themselves integral to democratic politics. These beliefs need not be either shared by all or be demonstrably true in order for time to take on political value. In fact, one of the conclusions reached in the book is that imperfect overlap of beliefs about the meaning of time sustains important political compromises that could not otherwise be reached. The valuing of time in politics transforms time into a political good that is used when states and political subjects transact over power. Formulae for assigning or retracting all kinds of rights often include a temporal component. This book focuses attention on the subject of how precise durations of time come to have value in politics and it examines some of the implications of treating time as a political good. Of particular importance will be making room in theories of justice for robust understandings of temporal justice. This book offers an original means for diagnosing temporal injustices that develop from temporal political procedures in which similarly situated persons’ time is not treated as having similar value.

Compared to many other political goods whose normativity is intuitively evident both to individuals and in the context of the state, the role of durational and calendrical time in politics is not obviously normative. In fact, time can easily appear almost natural when compared to the normativity of something like rules about who is eligible to vote or to receive formal representation. Unlike property, work, representation, or many other widely recognized political goods, time is not routinely thought of as a good that is created and governed in the context of the state. This may be why time isn’t the subject of much work on social justice even though any scheme of distributive and democratic justice requires its authors to make many decisions about the time of individual members.

While it is easy to take for granted that people wait to acquire many rights or that elections happen on a predictable schedule, the durations of time that compose such schedules are deliberately designed structures of a political system and are laden with normative meaning. Waiting periods and schedules are predicated on the fact that time has political value. Understanding the sources and nature of this value is essential to making sense of political decisions that make claims on or even just structure people’s time.

It is particularly important to identify and understand the relationship between political time and social justice. Racialized incarceration

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practices, delayed naturalization, and obstructionist abortion waiting periods<sup>8</sup> are all instances in which select people's time is appropriated as a means of denying them rights that others enjoy. Economists have a conceptual framework for such discussions: if these were workers whose time spent working was not being remunerated an economist could say this is wage theft. But these are members of a polity and it is their political time that is being undervalued or taken from them. They experience a form of time theft with profound consequences for which political scientists have little conceptual language. A carceral system that misappropriates the time of entire classes of people delegitimizes a democratic state. So too do lengthy naturalization queues that deny rightful citizens an array of rights for the duration of their wait. Political science needs analyses of how time operates in all realms of politics in order to recommend judicious decisions about temporal rules and normative guidelines for how to treat the political time of individuals in a fair and egalitarian fashion. The goal of this endeavor is not to treat time as some sort of political master variable that is more important than any other variable. Instead, it is to show how durational time is integrated into political procedures and how it interacts with other, better understood, political goods. This will allow comparisons of normative expectations about time with political practices and the drawing of conclusions about how citizens' time is and ought to be treated by the state.

OUTLINE OF THE BOOK

Four substantive discussions constitute the bulk of the material presented in this book. Chapter 2 lays the groundwork for the core arguments of the book by describing how and why calendrical time is woven into the fabric of sovereign states. States are constituted with boundaries inscribed in time. These temporal boundaries form around the margins of states at the moments when states are founded. Often the composition of the citizenry is dictated by connection (or lack thereof) between the land and people at that precise moment in time. The existence of temporal boundaries reminds us that rights derive not just from *who* we are and *where* we are but also from *when* we are. The temporal boundaries that circumscribe states are as stark and significant as the territorial boundaries on which so

<sup>8</sup> Jenny Kutner, "Louisiana Is Imposing a 3-Day 'Reflection' Period on Women Seeking Abortions," *Mic* (May 23, 2016), <https://mic.com/articles/144150/louisiana-will-force-women-to-spend-three-days-thinking-about-if-they-want-abortions#.THpgCu9nr>

much current scholarship focuses.<sup>9</sup> Temporal boundaries also form within states, crisscrossing the interior of a polity. For example, curfews determine who can move freely at which times, visas create temporal boundaries dictating which non-citizens can stay in a country for how long, and deadlines of all sorts impose boundaries on citizens' choices and opportunities.

The fact that time is an inextricable part of political foundation means that temporality will inevitably bear on any normative assessment of a state or particular regime. Different types of temporal boundaries have different normative valences. Among the most significant kinds of temporal boundaries I observe three main types: single moment fixed deadlines; countdown deadlines; and recurring deadlines. Examples of the first are fixed single dates, such as those associated with “zero option countries,”<sup>10</sup> *Calvin's Case*,<sup>11</sup> and the French Republican Calendar (FRC). In these instances, one moment in time serves as an impermeable boundary. A constitution or a single law can impose a date before or after which one's legal status is entirely different. The second involves countdowns of the sort one might experience with a visa expiration or a statute of limitations. The third includes recurring deadlines such as an election or reapportionment. Each has a different logic and relationship to democratic norms and political justice more generally. Single moments such as those of state formation aren't particularly democratic whereas deadlines that recur open up the possibility for making and remaking decisions in ways that approximate democratic consent. Recurring deadlines, such as elections, are less arbitrary than deadlines that occur only once, such as

<sup>9</sup> See Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton University Press, 2009); Arash Abizadeh, “On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem,” *American Political Science Review* 106, no. 4 (2012); Sarah Song, “The Significance of Territorial Presence and the Rights of Immigrants,” in *Migration in Political Theory: The Ethics of Movement and Membership*, eds. Sarah Fine and Lea Ypi (Oxford University Press, 2014); David Miller, “Territorial Rights: Concept and Justification,” *Political Studies* 60, no. 2 (2012); Paulina Ochoa Espejo, “Taking Place Seriously: Territorial Presence and the Rights of Immigrants,” *Journal of Political Philosophy* 24, no. 1 (2016).

<sup>10</sup> The term “zero option” refers to a legal expression (usually a constitutional provision) that identifies a specific date upon which a form of legal sovereignty commences. The dissolution of empires such as the Soviet Union into constituent parts, and the conclusion of military conflicts, such as World War II, are examples of events that often trigger the need for zero-option rules as countries reconstitute themselves.

<sup>11</sup> Chapter 2 explores the common law precedent *Calvin's Case* as a paradigmatic instance of using a zero-option date to determine who is or is not a full political subject. *Calvin v. Smith*, 77 Eng. Rep. 377 (KB 1608).

those associated with state formation, allowing for alterations to be made to power arrangements that are decided at one moment in time and reconsidered at a later moment in time. Such deadlines are less vulnerable to pathologies of bounded rationality, in which the very existence of a deadline alters the frame of mind and behavior of decision-makers.<sup>12</sup>

Chapter 3 builds on the idea of recurring deadlines to develop a discussion of the significance of duration to democracy. Deadlines that recur carve out durations of time and mark them as significant. The importance of duration extends to the very core of democratic politics. Woven into justifications of the many formulae that confer, deny, and structure rights are long-standing and widely held beliefs about the connection between durational time and process. Because all processes unfold in durations of time, the latter is an inextricable part of process. Processes of particular practical and normative importance to participatory self-government ensure an enduring connection between durational time, democratic theory, and political procedures. These can be processes of character development, relationship building, consent, learning, deliberation, thought, judgment, etc. In fact, as this chapter demonstrates, time is essential to the processes that develop almost all characteristics, relationships, experiences, forms of knowledge, and other qualities that political systems deem essential to democratic citizenship.

Acknowledging the relationship between time and political processes clears the ground required to introduce one of the central arguments of the book: that durational time is assigned value in politics. Time acquires a very specific form of value in democratic politics. Through its connection to processes that are themselves valuable to democratic politics, time becomes a democratic good. Here the term good is used as economists might, to refer to something that meets people's needs, and also as a political theorist might, to indicate that goods acquire their form of value from within human society. Time is a good with an array of uses within a polity and the particular value it is assigned is derived from within any given society.

The chapter briefly examines the thought of select ancient and modern democratic theorists who speak to the relationship between time and democracy. While both ancient and modern democratic theorists note the importance of time for self-rule, modern democratic theorists and practitioners seize on this, making durational time and the temporal

<sup>12</sup> Herbert A. Simon, "Theories of Bounded Rationality," in *Decision and Organization*, eds. C.B. McGuire and Roy Radner (London/Amsterdam: North-Holland, 1972).

structure of democratic decision-making central to their institutional prescriptions for eliciting democratic consent. Using as a center of gravity Condorcet's detailed procedural descriptions for how to create democratic consent and make decisions, the chapter reveals a close relationship between durational time and consent. This relationship is borne out in the first established form of modern consensual politics: US citizenship. Court rulings and legislative debates from the early republic closely mirror Condorcet's ideas, very explicitly linking durational time to legitimate consent as well as the processes through which people come to be entitled to rights. In short, time is integral to consent and liberal democracies come to use precise durations of time as proxies for consent. Using time as a proxy for consent enables these states to enact decision-making procedures that can be called consensual even when politics is being conducted on a mass scale and without assurances of full deliberative participation. The passage of a set period of time during which people have the opportunity to engage in the activities that produce consent is critical to legitimizing consent. I term this "lived consent."

But why time? Why not some other good? To address this question, Chapter 4 more closely examines the reasons that time becomes so important in political procedures. Time's political value is both instrumental and representational. Time's instrumental value comes from its relationship to process as described above. Time also acquires political value because it can represent, or serve as a proxy for, the same characteristics, relationships, and experiences that are deemed essential to a person's entitlement to rights. Governing a democratic state poses the challenge of expressing numerous intangibles such as relationships, obligations, and characteristics, in concrete terms. Loyalty or civic virtue may be desirable prerequisites for citizenship, but agreeing on precisely how they are embodied is difficult. States need concrete demarcations and identifiers for a vast array of vague concepts. Time works elegantly as a means to translate intangibles like loyalty and civic virtue into precisely measured political terms. A duration of time can stand in for an entire complex of processes that culminate in civic ties among compatriots, fitness for citizenship, or loyalty. Equally, durations of time represent the processes that punish, reform, and redeem criminals. The duration of that sentence will be an important proxy for the process of punishment and/or rehabilitation, neither of which readily lends itself to quantitative measurement. Various political actors may even disagree about which of the possible purposes of punishment ought to be the goal of a prison sentence. Once established, however, it matters less whether one thinks the prison



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sentence is intended to punish or to rehabilitate – as long as the duration of the sentence is acceptable to all parties.

The chapter details five overlapping reasons that time is such a widely used proxy in politics, particularly in liberal democracies. First, time takes on a distinct meaning in any society. Some conception of time is generally attached to a group's deepest normative traditions.<sup>13</sup> Of particular note is the fact that shared temporal context, facilitated by the regularization of clock time, was crucial to the founding of the modern nation-state.<sup>14</sup> No surprise, then, that time is so important to sovereignty and subjectivity.

Second, time can be subjected to systematically scientific treatment by law and political practice. Scientifically measured time offers a rational way of organizing decision-making and other core political processes. As Ian Hacking has chronicled, quantitative measurement proliferated in modernity as a means of channeling probability in the service of understanding and reducing risk.<sup>15</sup> Martha Nussbaum reminds us, "The denumerable is the definite, the graspable, therefore also the potentially tellable, controllable; what cannot be numbered remains vague and unbounded, evading human grasp."<sup>16</sup> Quantitative means of administration maximize forms of efficiency and uniformity prized by bureaucratic states charged with governing large and often diverse populations.<sup>17</sup> If one were to replace the many temporal measures of fitness for citizenship – adequate deliberation, reflection, and other elements of democracy – with qualitative measures of the same processes, politics in liberal democratic states of any size would grind to a halt. It would also be stripped of the guise of neutrality that quantitative measures confer and that liberal democracies prize. Imagine how challenging and dubious a venture punishment would become in a context that required qualitative sentences for each crime.

<sup>13</sup> Simon, "Theories of Bounded Rationality."

<sup>14</sup> Writing about the effect of the French Revolution on European identity, Peter Fritzsche proposes a dualist thesis about European identity in which shared context and differentiation were produced by the "specific temporal identity not unlike the feeling of generation, and separated or decoupled... from their forebears two or three generations earlier." *Stranded in the Present: Modern Time and the Melancholy of History* (Cambridge, MA: Harvard University Press, 2004), 54.

<sup>15</sup> *The Taming of Chance* (Cambridge University Press, 1990).

<sup>16</sup> *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge University Press, 2001), vol. II, 107.

<sup>17</sup> James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998).

The fact that time can be quantified in scientific terms makes it easy to assume it is a universal and neutral proxy. This assumption is critical for liberal states. There are other attributes of time that feed into these assumptions. Time is experienced by all political subjects in a way that gives it a guise of universality. If we do not scrutinize time, it can seem like it stands outside of law, politics, and social facts. Time may seem natural, either in natural law theory, because God created time, as Augustine described, or in positive law, because time is an artifact of scientific laws over which sovereigns can claim to have no control. Everyone exists in time and everyone understands this about themselves and others. Clock and calendar time can thus seem universal and neutrally scientific. Time can also be applied to almost any kind of action or relationship. We use it to identify common law marriages, maturity, civic knowledge, and many other things. Time can therefore appear to be simultaneously universal and particular.

Third, because clock and calendar time are widely regarded as universal and neutrally scientific, temporal laws and policies can convey the appearance of being more egalitarian and less partial than other traditional means of making claims to political standing. Clock and calendar time are rational forms of time. Unlike something like social time, a highly particular and embedded form of time produced by social practices and not expressed quantitatively, scientifically measured time is taken to be a phenomenon governed by laws of physics and science rather than social norms or political decisions.<sup>18</sup>

Time can therefore be taken to be an egalitarian measure or proxy in politics because everyone has time. In contrast to something like money or aristocratic birth, clock-time is often assumed to be held in equal quantities by all. Furthermore, we do not transfer time intergenerationally, from parents to children, as we do property, money, and other forms of privilege. The clock ticks and calendar days pass at the same rate regardless of someone's social class, status, birth, or other personal characteristics. In theory, other goods such as money, property, lineage, and work could be used as criteria for the acquisition of rights. But it is highly unusual for democratic states to allow the purchase of naturalization or payments in exchange for commuting a prison sentence.

<sup>18</sup> On the connection between numbers and rationality for the purposes of commensuration, see Wendy Nelson Espeland and Michael Sauder, *Engines of Anxiety: Academic Rankings, Reputation, and Accountability* (New York: Russell Sage Foundation, 2016).