

Juridical Time and Temporalities

Challenges for Legislation, Rule of law, Justice and the Future of Democracy

Call for contributions to the Special Workshop at the 31st IVR World Congress

Time is everywhere in law. Legal reasoning, law-making, constitutional discourse all depend on timing. Countless are the legal categories with a temporal dimension: retroactivity, precedent, prescription, urgency, temporary legislation, sunset clauses, waiting periods, evidentiary statutes of limitations, and more. Law is not immune from social speed or velocity. The social acceleration of time is observed also in law, in the accelerated rate at which laws are passed, transformed and repealed, the success of summary and accelerated proceedings, the rapid downgrading of doctrines and the sense of urgency and necessity that informs a great number of temporary legislation measures and states of exceptions. Yet, lawyers and jurists seldom rely on well-developed modalities of representing time-related phenomena in the law.

Time theorists have categorized time in many areas and developed modalities of representing time in almost every discipline, from music to politics. E.g. historians speak of *longue durée*, anthropologists of frenzied or stuck time, sociology of time explores social acceleration and rhythms (Zerubavel 1981), in philosophy a whole branch has developed in the last century. This has not been the case for law. Lawyers mostly employ under-scrutinized notions to discuss time (as notice by, e.g., Postema 2018; Kahn 2008). Yet time functions as a delineator of rights that are initiated and terminated at certain times; it can determine what is considered reasonable; it is an intrinsic part of legal concepts, e.g. *stare decisis* (French 2001). Focus on time in legal literature is typically on 'clock-time', i.e. scientifically measured, durational and distinctly linear time (Hacking 1990). With its uniform and predictable character, clock-time is apt for usage in law: it can be measured; its quantification lends it an air of objectivity. Controlling people's clock-time gives a sense of controlling processes that are otherwise ungraspable (Nussbaum 2001). However, the *use* of clock-time in the law differs from clock-time as measured durational time. Clock-time is measured in minutes, days, etc. Law borrows these units but "it may choose to ignore some and to redefine others" (MacKaay et al. 1990: 262); e.g. a 'business day' may be shorter than 24h. An important attribute of juridical time is its malleability. In law, a phenomenon having certain duration may yet be considered a single instantaneous fact for certain purposes (e.g. 'age of majority'). Contrarily to clock-time, juridical time can also stop, reverse, start over etc. Unlike clock-time that passes impersonally, juridical time is always the time of *someone*. This matters for its normative evaluation. Time is a valuable good often used to transact over power (Cohen 2018). Juridical time sheds light on the subtleties of the relationship between law and power.

What is the impact of politicking over forms of juridical time? How does specific time-measures impact on the quality of norms and legislation in particular? On the role of law? How do they fit into the democratic cycles of legislatures?



Aims The workshop proposes to reflect on juridical time, temporalities in law, time-related legal concepts and the social acceleration of time for lawyers and law-makers. The basic idea is that these matters are critical parts of the architecture of the legal order, but also of the democratic constitutional state. The workshop aims to bring together jurists and legal theorists with an eye for the role of time in law. The long-term goal is to develop modalities of representing time-related phenomena in the law. The purpose of this special workshop is to showcase and develop works-in-progress rather than completed papers.

To participate

Please do register for the conference at the conference website and send an email indicating name, affiliation, title of your talk, and a short 300 word abstract **no later than 31 March 2024** to ivr2024juridicaltime@gmail.com

Conference website: <https://ivr2024.org>