

The Rhythm of Justice: On Temporal Indeterminacy in Normative Reasoning

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Abstract

This article considers how political actors committed to a moral value like equality can cause havoc with our lives if they choose to apply those values in ways that are temporally absurd or arbitrary. The central claim is that without considering the temporal structures of our political commitments our political theorising will remain indeterminate with respect to social practice. This claim is developed in two steps. First, debates on 'indeterminacy' in normative theorising are examined to develop a sceptical argument showing that a lack of temporal reference points can lead to a lack of certainty in the meaning of normative principles. Second, debates on time and social justice are used to illustrate how temporal reference points can link normative principles to the existential time of human lives in meaningful and important ways. To ignore these lessons about the place of temporality in normative reasoning is to ignore the indeterminacy of many of our political commitments and misunderstand the extent of our normative disagreements with others.

Key words: **time, justice, realism, indeterminacy, ideal theory**

1. Introduction: two cities and two arguments

In a far away city the legislative chamber is sitting down to thrash out a new policy framework regulating the allocation of the social security budget. The chamber is divided between Liberal Egalitarians and Conservative Republicans. The Liberal Egalitarians believe that small social security payments and other welfare benefits keep recipients dependent on state support without ever giving them the economic means to really advance their interests within a capitalist economy. What is needed, they believe, are lump-sum allocations that empower citizens to harness the power of capital and property. Their white-haired opponents in the reform debate, the Conservative Republicans, believe that with economic power comes social and political responsibility, and individuals are only ready for this exercise of virtuous and patriotic judgement when they are mature citizens. Harsh words are exchanged. Many elbow patches come unstitched, and many corduroys are worn thinner in the scuffles that ensue. Haircuts that were once comb-overs stand straight up, swaying wildly in the air that is thick with bellowed insults. As dawn breaks the chamber finally comes to an agreement and the clerks set to work frantically writing up a draft of the new legislation. Both sides are happy: all citizens will receive, at the age of 78, the substantial lump sum lump of \$100,000. Next week the chamber is scheduled to debate inheritance tax.

Observing the chaos caused by this foolish decision, a neighbouring city decides that once-in-a-lifetime redistribution should be avoided at all costs. Blue-sky policy advisors set to work on what they call 'Accelerated Equality'. It proves complicated within the confines of a market economy, but they manage. Tax rates on wealth and income vary in real time, and are debited directly from bank accounts. This keeps citizens' respective spending power within a ratio of 1:2. The city pays 30cents into every citizen's bank account on the hour every hour of their lives. The sale of watches and pocket calculators skyrockets. Citizens regularly consult economic statistics in order to attempt to predict how much money they might have in their bank account in 2 minutes' time. Queuing becomes a fine art.

The City of Gerontic Equality and the City of Accelerated Equality are difficult places to live in. These cities have descended into chaos because their law-makers have made some poor judgements about how *normative rules* should be applied to human beings who live their lives *in time*. Their peculiar incompetence stems – at least in part – from their lack of concern for the relationship between the 'procedural time' that is imposed on their citizens, and the 'existential time' of the human beings who live and interact in these cities.¹ What these egalitarians lacked was a reasonable sense of the time of lived human experience, which real political institutions, legal rules, and social norms actually make constant reference to (Cohen 2018). Within the philosophical literature, the temporality of egalitarian redistribution has been very fruitfully discussed, but this branch of debate remains marginal to normative political theorising (McKerlie 1989; O'Neill and Williamsen 2012; Bidadanure 2021).¹ Furthermore, the problem of time and normative values has remained tied to specific substantive debates about justice, and never been unpacked as a general methodological issue regarding the application of normative rules. This paper carries out this work of unpacking by using the concept of 'indeterminacy'. Below, I put that concept to work in two arguments: the first is a sceptical argument, the second is a prescriptive argument.

In stripped back standard form, the first sceptical argument runs as follows: (P1) To know how to *apply* a normative rule is a necessary condition for the *determinacy* of that rule with respect to real social practices; (P2) We cannot know how to apply a normative rule unless we know how to apply that rule *over time*: that is, unless we *have temporal reference points* for its application; (C) The rules proposed in normative political theories remain

indeterminate with respect to real social practices if they lack temporal reference points for their application.

In other words, without *any* temporal points of reference in our rules, and our debates about rules, we risk ending up in the City of Gerontic Equality or the City of Accelerated Equality because the interpretation of those rules can be filled out in a number of different directions – some much more reasonable than others. The crux of this argument will be the meaning of the terms ‘determinate’ and ‘indeterminate’. This is the central topic of section 3 below.

The second argument (developed in section 4) is a *prescriptive* argument that proposes a way to think about how normative political theorising ought to build temporality into its methods. The general task, as I frame it here, is to align the procedural time of the principles and rules of normative theorising with the existential time of the persons living in society to whom the theory is supposed to apply. As a complex deductive argument, this line of reasoning runs like this: (P1) Either the application of a normative rule should be temporally random or the application of a normative rule should be temporally structured; (P2) The application of a normative rule should *not* be temporally random; (C1/P3) The application of a normative rule should be temporally structured; (P4) If the application of a normative rule should be temporally structured, then that temporal structuring ought to be *justified* as the *appropriate* procedural time for that rule; (P5) The justification of the procedural time of rules and their application can only be done with reference to the ‘temporal profiles’ of the things to which the rules are meant to apply; (P6) The temporal profile of human beings must be understood through the existential time of lived human experience; (C2) The application of a normative rule should be temporally structured with reference to the existential time of lived human experience.

The crux of the issue here will be what we might actually mean in practice by ‘reference to the existential time of lived human experience’. In order to show that this is not such a cryptic task to confront, section 4 looks at how scholars working on egalitarian justice across lives and between generations have tried to make John Rawls’ vague temporal language concerning property-owning democracy into a more precise set of proposals about the temporal structures of such a political economic regime, in ways that would make Rawls’

rather indeterminate proposals into something more directly applicable to social practice (O'Neill and Williamsen 2012).

The sceptical argument and the prescriptive argument rest on two quite different bodies of scholarship, which have not been linked before. The first body of literature centres on the methodological differences between 'realist' political theorising 'ideal' theories and 'non-ideal' theories, and more specifically the problem of what it takes to make a normative rule *determinate* with respect to real social practices (Robeyns 2008; Valentini 2009; Lawford-Smith 2010; Thomas 2017). The second body of literature shows ways in which time has been, and can be, incorporated into normative political theorising (Bidadanure 2021; Cohen 2018; O'Neill and Williamson 2012). Introducing issues of temporality into the first body of literature *deepens* the sceptical argument that identifies an epistemological and practical gap between normative rules and their application. Introducing the vocabulary of 'procedural time', 'existential time' and 'temporal profiles' into the second body of literature offers one conceptual framework that generalises and systematises some of the profound insights about time, politics, and justice that have been developed in the diverse contributions on this marginalised topic within contemporary political theory.

In section 5 I address possible criticisms of my arguments, and I conclude in section 6 by outlining two implications of these arguments. The first implication is that there is extensive work yet to be done on filling out the implicit temporal assumptions that will help us to do good normative theorising. The second is that if my argument is persuasive, then it should also be unsettling: we may not yet know the depth of our disagreement with others until we know what they have been assuming about things like the proper periodicity at which normative values should be enacted: for example, how regularly we should redistribute resources to achieve the form of social equality that we want.

2. The temporality of social and political justice

The sceptical argument introduced above is about the *temporal indeterminacy* of normative rules. This an *epistemological* problem because it concerns the intelligibility of our normative claims and commitments. It differs from the issues addressed in two branches of philosophical work on time and justice with which it should not be confused. The first branch concerns *temporal inequalities*. Research on temporal inequalities applies egalitarian logic to

the distribution of that fundamental resource that is *time to do as we please* – that is, discretionary time or free time (Goodin et al. 2008; Rose 2016; Goodin 2017; Tyssedal 2021). While this work is important in its substance, it has very little to do with *method* in normative political theorising and has no connection to the current arguments. The second branch of research from which the present concerns must be distinguished concerns the *moral weight of past and future*. This is a multifaceted area of work, which ranges from the problem of ‘time-preferences’ within the original position (Rawls 1999, p. 121, p. 255, pp. 259 – 262; Musgrave 1974; Rawls 1974) to justice and democracy across generations (Thompson 2005, 2010; Pirni 2023) to historical injustice (McCarthy 2004; Spinner-Halev 2007). Again, the present arguments do not intersect in any substantial way with these debates.

However, my concerns with temporal indeterminacy and the application of normative rules across time do intersect with a substantial although disunified body of philosophical work on the temporality of social and political justice. The institutions of any society obviously operate in time. The speed, rhythms, and time periods built into these social institutions substantially structure how those institutions organise the action, interaction, and experiences of the human beings who live with them. For example, the legal architecture of migration regimes and borders makes constant reference to time using cut-off dates, records of accrued time in residence, and changes to borders over time (Little 2015). The rights and responsibilities of our citizenship are deeply entangled with issues of durational time as an accrued good (Cohen 2018, pp. 82 – 96), and even what we expect from the key branches of liberal government may depend greatly on the temporal horizon within which they have customarily operated, and which may have changed significantly today (Scheuerman 2001).

The significance of time is particularly notable when it comes to issues of distributive justice. In the wake of Rawls’ work on distributive justice, the consequences of understanding egalitarian distribution within different time frames were developed in the “Equality through Time” debate of the late 1980s (McKerlie 1989). More recently, Juliana Bidadanure’s (2021, pp. 183 – 208) work takes the debate about equality over lifetimes and between generations one step further by adding the constraint of *synchronic* relational equality between generations. This leads her to a series of policy proposals including an argument in favour of a universal basic income. Most importantly for the present discussion, John Rawls’ comments on time and property-owning democracy made in *Justice as Fairness* (2001), have given more

recent proponents of property-owning democracy an unfinished puzzle to complete (see O'Neill and Williamsen 2012). How they have tried to complete that puzzle will be the topic of section 4 below.

The present arguments can be distinguished from the existing philosophical literature on the temporality of social and political justice (outlined above) by their epistemological focus. The tale of two cities above was created to illustrate *temporal indeterminacy* in normative reasoning: both aim for 'social equality' but with completely different results, which follow from how they each fill in the temporal blanks when it comes to applying this concept. In other words, while there are clearly good *moral* reasons to take the temporal dimension of justice seriously, there are also good *epistemological* reasons, since our *understanding* of normative commitments depends on this temporal dimension. To develop these ideas about temporal indeterminacy, the next section looks at the problem of indeterminacy more broadly within philosophical method in political theory before returning to distinguishing three different kinds of indeterminacy and locating the problem of temporal indeterminacy within these distinctions.

3. The sceptical argument: time and the indeterminacy of rules

In recent years the most extensive methodological debates about how the normative principles and rules of political theory apply to the real world of social practice have centred on the contrasts between 'realist' theories, 'non-ideal' theories, and 'ideal' theories. These debates have developed in a number of directions.¹

The connection to the sceptical argument developed in this section concerns the problem of *determinacy*. Within these debates, one central line of criticism directed against ideal theory is that there is a *disconnect* between abstract models of justice – including their abstract components such as general principles and bedrock normative concepts – and the world in which they must be applied. Those taking part in this debate have sometimes (as I have done here) expressed that disconnect using the concept of 'indeterminacy': a normative theory remains indeterminate if we cannot know from the prescriptions of the theory what difference it would make to the world if the prescriptions of the theory were designed into that world and followed by social actors there (Thomas 2017).¹ If this were the case, then the theory would both fail to be action-guiding for individual actors, and would fail to provide a

blueprint for institutional design (even for those who were not in a position to act but only *to plan* for the just society).

As laid out in the introduction, my central *sceptical* claim in this article is that there is a specific kind of indeterminacy in the application of normative rules that results from the neglect of any thinking about procedural and existential time. The City of Gerontic Equality and the City of Accelerated Equality both created absurd regimes of procedural time. In other words, they overcame the initial indeterminacy of their egalitarian commitments by supplementing their basic rules about consent with some wild assumptions about how to periodise redistribution. But to understand exactly what kind of indeterminacy their egalitarian commitments originally suffered from, we need to unpack the idea of 'indeterminacy' into at least three qualitatively distinct senses of that term.

First of all, the most uncompromising use of the term 'indeterminacy' would suggest that a theory is 'indeterminate' if there is *no way* in which we can arrive at specific prescriptions for how to change the real world on the basis of the concepts and principles supplied in the theory. For anyone who wants to use normative political theory as *a starting point* for political judgement or policy making, this would be a serious problem. Defenders of Rawls' work have argued that his theory of justice, and the conception of justice that it generates in the form of 'justice as fairness', does not suffer from this kind of indeterminacy or over-idealisation at all: it is quite possible to begin with Rawls' two principles of justice and design a complex institutional order that we can plan in detail (Thomas 2017, p. 313; Valentini 2009, p. 351). Indeed, Rawls did some of this work himself when describing the institutional arrangements of a 'property-owning democracy', as I will discuss below. This sense of 'indeterminacy' (which Rawls' supporters defend him against) concerns the *impossibility* of moving in reasoned steps from the abstract version of the normative political theory to a description (however unrealistic in practice) of possible concrete applications of that theory. We can call this 'radical indeterminacy'.

But there are at least two more senses of 'indeterminacy' that we need to consider here. The first, we can label 'substantive indeterminacy'. As Robeyns (2008, p. 353) points out, an abstract and ideal normative political theory may make assumptions about the world that do not hold in real societies, such as Rawls' assumptions that citizens interact as free and equal

and capable of reasoned moral judgement in the original position, and that they are committed to full compliance with the model of justice that they agree on. Such idealisations allow for model-building, but pose problems when it comes to implementation because the real world does not resemble the theoretical model. The facts of the real world then look like 'feasibility constraints' or 'non-ideal' circumstances that must be factored in when figuring out how the model of justice could be approximated in the best way in the real world (Valentini 2012, pp. 655-660; Robeyns 2008, p. 350). The important point here is that those feasibility constraints, such as non-compliance by unruly citizens, must be addressed through substantive additions to the theory that adapt it to non-ideal circumstances. Until that point the theory is 'substantively indeterminate', or one might say, 'underdetermined'. Unlike the 'radical indeterminacy' discussed above, then, the central issue here is *feasibility* in implementation, not *logical connections* between more and less abstract versions of the model.

But the kind of indeterminacy that I am concerned with here is what I will call 'disjunctive indeterminacy', and it does not seem to have been given significant attention in the debates canvassed above. A normative political theory suffers from 'disjunctive indeterminacy' where the process of applying it can result in more than one set of institutional arrangements, where these sets are different enough from one another to generate radically differing experiences of justice for the societies that live with them respectively. Rawls pointed out in *A Theory of Justice* (1999, p. 249) that his conception of justice was compatible with a range of social and economic regimes, and he went on to specify his preference for one of these in *Justice as Fairness*. But that very fact left so much room for disagreement about which of these regimes was preferable that the abstract theory disengages from the debate just at the point where most political decision-making begins: with the problem of how to choose between these sets of institutional arrangements. As we will see below, even when Rawls did sketch out his preferred set of institutional arrangements in the form of property-owning democracy, there was *still* a significant amount of disjunctive indeterminacy within *that* proposal. If we are happy with high-level normative theorising only providing broad *constraints* on institutional design then this indeterminacy will not trouble us; if, on the other hand, we want to move from that high-level theorising to institutional design, we need to be aware of the point at which we are tacitly supplying further considerations – whether

normative claims or social facts – in order to choose one determinate application of the theory over another one.¹

On the basis of this account of disjunctive indeterminacy, I will make the following claim about time. An abstract normative theory is disjunctively indeterminate, and problematically so, where it can be supplemented with at least two different sets of temporal reference points, each of which requires a different set of institutional arrangements that generate substantively different experiences justice for those who live with these arrangements. Our gerontic and accelerated egalitarians did *have* an egalitarian theory of justice in some sense, it's just that their respective attempts to apply that in temporally determinate ways surprised us; another city might have supplemented the abstract theory with a completely different temporal structuring in its application. So the key claim here is that supplying temporal points of reference in the application of a normative theory will at least sometimes *reveal* a latent disjunctive indeterminacy in the abstract theory that we were not aware of before.

For example, it is only when the egalitarian that we are debating with reveals that she believes in redistribution *once in a lifetime* that we are in a position to see the distance between her view of egalitarian justice and my own (which requires more frequent redistribution) (for an extended discussion of these specific egalitarian issues see Bidanure 2021). The City of Gerontic Equality and the City of Accelerated Equality illustrated this point in satirical form in the introduction. While this kind of indeterminacy could in theory be a feature of a wide range of normative rules, my point does not depend on finding this 'problem' everywhere. Indeed, as I discuss in section 5, most of the time we face no uncertainties in giving a temporal structure to the application of normative rules. But I would like to briefly show why this feature of normative rules and ideas does generalise beyond the egalitarian issues that are central to the present discussion. Here are two further brief examples may help to support this claim to generalisability.

A first example here can be drawn from the world of employment relations. It has not always been clear what 'free labour' should mean in a market economy (Steinfeld 1991). This is partly (not solely) because the idea of '*free labour*'¹ is compatible with two very different temporally-anchored interpretations. On the one hand, that freedom can be seen as a right to contract away my future freedom by contracting into voluntary servitude. This was indeed

common in many societies until the 19th century in the form of indentured servitude, and was particularly important to the US economy, alongside chattel slavery. On the other hand, modern labour law does not allow us to trade away our future freedoms; instead it preserves the rights of workers to exercise their freedom to make and break contracts *at any point in their lives*. The legal history of how this came to be is fascinating, but the point for the present is just that the idea of 'free labour' (and associated normative rules) contains the kind of disjunctive indeterminacy that the present article is highlighting and discussing: it *could* reasonably have meant something very different had legislatures and judges (across legal history) not worked on its temporal structure in its application.

A second example showing the possibilities of disjunctive indeterminacy can be drawn from the temporal structures of democratic government. In liberal democracies we are accustomed to electoral cycles of 4-5 years, but would a state be 'more democratic' if it shortened this time-frame? Would it be less democratic? There is no obvious answer to these questions. The temporality of state-level democracy is adjusted to the timeframes of many things including political campaigning, law-making procedures, news cycles, and citizens' patience. Without these anchors (which, it is important to note, are often not themselves normatively justified, but just social facts) we could imagine another set of temporally absurd cities: the Gerontic Democracy and the Accelerated Democracy. Given how well-established the rhythms of electoral democracy are at the level of states, this may seem like a merely academic point – but this is not so. In areas of social life where there is the possibility of extending democracy, such as into workplaces, it is not obvious what temporal rhythms should resolve the disjunctive indeterminacy in abstract 'democratic' principles. Democratic worker elections of management, or the mutually-agreed rewriting of contractual conditions, would have very different effects on the experiences of workers if these were carried out every six months compared to every five years.¹

I introduce these two examples only to briefly indicate the areas beyond egalitarian philosophy and politics where this point about disjunctive indeterminacy is relevant. With their focus on 'feasibility constraints' and 'non-ideal circumstances' it is unsurprising that both critics and apologists of ideal theorising have missed the ways in which time matters when considering the determinacy or indeterminacy of the principles and rules put forward in normative political theorising. After all, the temporality of human life is not something that

makes human existence *less than ideal*. In fact, time is not a 'feasibility constraint' at all; it is more like a *condition of possibility* for the application of social rules (laws, policies, norms, etc.). So what we have here is not a problem about *whether* an ideal prescriptive theory applies in a non-ideal social world, but rather *how* that theory might apply whether in an ideal or non-ideal world. Answering this 'how' question is what is needed to overcome the indeterminacy of 'high-level' abstract normative theorising. It is easy to defend against the charge of radical indeterminacy because it is relatively easy to show that some concrete set of institutional arrangements can plausibly be presented as justified by the high-level 'ideal' theorising in question. It is much harder to defend against the charge of disjunctive indeterminacy: namely that the same set of principles or rules may reasonably be used to justify mutually exclusive and indeed conflicting sets of institutional arrangements. The temporal structure of these rules and institutions matters because the temporal structure of our actions and objects matters to us. If we are not troubled by the disjunctive indeterminacy that results from the neglect of temporal reference points built into our normative rules, then we need to ask ourselves whether we want to live in a world of egalitarians who believe in redistributing resources amongst the population only *once in a generation*.

4. The temporal profiles of things: the example of property-owning democracy

Overcoming the disjunctive indeterminacy that results from a neglect of time in the formulation of normative rules requires the explanation of these rules with reference to the *temporal profile* of the things to which they will apply. One of the characteristics that makes things what they are is precisely this temporal profile. For example, it is one of the characteristics of human beings that they have a lifespan that typically runs to decades but not to centuries. Inanimate things have temporal profiles too. Most kinds of food decay, and therefore cannot be stored up for as long as the money that we buy that food with.¹ But even money has a temporal profile: rates of inflation and deflation affect how we choose to handle our money. For all of these things – human beings, food and money – we might argue that their current temporal profiles are somehow exogenous to what they 'really are', i.e. human beings, food, and money. It is not possible here to enter into the metaphysical debate that would be needed to resolve this concern, but for the purposes of normative

political theory there is no reason to think that stripping away these temporal profiles gives us the kinds of 'objects' that a political theory should aim to say something about.

For human beings, not only do they have a temporal profile as human beings, but they *experience* their lives and actions in temporally-structured ways: in chains of actions (i.e. *sequences*), in lengths of time doing things or waiting to do things (i.e. *duration*), and in rhythms of recurring events, opportunities, and needs (i.e. *periodicity*). We can call this experience of time 'existential time'.¹

The existential time of human beings is formed around the temporal profiles of their own bodies and minds, but also the temporal profiles of the things in the world in which they must live. These things are not all material, and many are indeed (like money) *social* facts. For example, the typical temporal profiles of a working day in the formal economy or a school day in formal education are a dimension of what we experience as human beings living and acting within the temporal frameworks that these institutional structures give to us (or confront us with). The temporal aspect of social rules can be called 'procedural time', and is ubiquitous in the real legal rules and political procedures that structure our lives (Cohen 2018, p. 97).

One domain in which this problem arises of coupling normative rules to existential time is that of distributive justice. The plans for a 'property-owning democracy' sketched out in *Justice as Fairness* by John Rawls, and subsequently developed by contemporary writers like Martin O'Neill (2012) show how abstract principles about justice in distribution take on temporal specificity when we start considering how they would apply within the life course of real human beings. Rawls claimed that in a property-owning democracy distribution would be achieved "not by redistribution of income to those with less at the end of each period, so to speak, but rather by ensuring the widespread ownership of productive assets and human capital...at the beginning of each period" (Rawls 2001, p. 139).¹ This is a vague and rather confusing formulation. But the efforts of Martin O'Neill and others to refine this view by supplying more precise temporal reference points (see O'Neill and Williamsen 2012) brilliantly illustrates the central point about disjunctive indeterminacy developed above. This is because that work shows how *the same abstract normative theory* (Rawlsian liberal egalitarianism) can lead to the prescription of *incompatible institutional arrangements* where

we supply two different 'rhythms of justice' – two different temporal interpretations – when making the prescriptions determinate with respect to social practice and institutional design. For example, a property-owning democracy that redistributes lump sums of cash once in a life-time to citizens at the age of 18 is likely to be institutionally incompatible with a welfare state regime that redistributes resources to a weekly or monthly rhythm, and this incompatibility is the case even when both sets of arrangements may be justified with reference, for example, to Rawls' difference principle, or some other egalitarian alternative (McKerlie 1989). What that shows is that the abstract principles were – for good or bad – indeterminate until the problem of temporality was added in efforts to apply them to real social practice.

To see how the problem of temporality is dealt with by property-owning democrats, and hence how they resolve the disjunctive indeterminacy, let us look first of all at *why* time is such a problem in the politics of property regimes. The politics of property raises normative problems concerning time largely because the powers bestowed by property ownership do not have systematic time limits, and these powers can often be passed across generations. Although duration does matter for property law,¹ there is, for example, no periodic reset of property holdings within a society every 5 years in order to avoid concentrations of economic power.

This lack of periodic redistribution of property holdings produces a mismatch between the procedural time of property ownership and the existential time of property use: vast fortunes can amass across generations that bear no relation to the events, efforts, decisions, and toils of individual lives; individuals can inherit wealth at points in their life at which that inheritance is completely unneeded, while others wait in vain for the bequest, gift, or transfer that might make it possible to own a home or support children adequately. In other words, one way to describe the wealth inequality that exists in regimes of private property ownership is to point to the disconnect between the more or less arbitrary procedural time of private property distribution and the temporal profiles of the human beings who need (or don't need) more property (Bidadanure [2021] offers a sophisticated development of this point when applied to issues of justice between generations). This is why issues about the temporality of property distribution and ownership enter into theories of egalitarian social justice.

In addressing these issues, authors like Martin O'Neill have taken a temporally 'thin' account of property-owning democracy offered by Rawls in *Justice as Fairness* and grappled with the implications of making that account 'thicker', arguing that the Rawlsian conception of property-owning democracy requires that *across the course of a lifetime* each individual has an equal "opportunity to come to a position of control over productive capital" (O'Neill 2012, p. 86). In the terms of the present argument, what O'Neill has supplied here is a reference to the existential time of lived human experience, and this pegging to existential time aims to overcome the disjunctive indeterminacy (not to say vagueness) that was so obvious in Rawls' formulation. There are no such things as discreet 'periods' of production and exchange with starting points and ending points that Rawls referred to: the end of one 'period' is just as much the beginning of the next, and "one man's *ex post* is another man's *ex ante*" (O'Neill 2012, p. 90). Thad Williamson (2012) develops the determinate temporality of property-owning democracy even further by specifying the points within a life course (ages) that citizens should receive property (in cash, housing subsidies, and productive assets) from state-administered distributional programmes funded through taxation.

I do not wish to make a claim here about the strengths of property-owning democracy as an institutional instantiation of social justice. What I want to illustrate is that the liberal egalitarian principles developed by Rawls in *A Theory of Justice* needed to be specified with reference to the *temporal* frameworks within which they must operate – and this was done first in vague terms by Rawls himself, and then in more precise terms by later proponents of property-owning democracy who realised that what was needed was a connection between the principles and the *lifetimes* of individual human beings. It is the temporal profile of human beings that matters for problems of egalitarian justice, not the temporal profile of mayflies or immortals. Only these temporal reference points could overcome the temporal indeterminacy of the original normative principles. But even once we have the lifetimes of human beings in our sights, there is still further work to do in investigating those temporal profiles and trying to understand their relevance for problems of justice. Giving citizens a lump sum of cash or productive assets at the age of 18 clearly has different effects on the shape of social equality and inequality than given them this sum at the age of 78, and both might be argued to be versions of property-owning democracy. The general ideas of 'property-owning democracy' and 'human lifetimes', then, do not resolve the disjunctive

indeterminacy, but they move us towards a resolution because they make us ask the right questions about redistribution (or 'pre-distribution') over time.

5. **Objections**

I have claimed that normative rules remain indeterminate with respect to real social practices if they lack temporal reference points for their application. If this is correct, then the implications are significant when assessing the quality and usefulness of various branches of research in normative political theory, and therefore it is reasonable to expect a lot of resistance to the idea that time is an important, but largely missing, consideration in that theory.

Before trying to defend against possible objections of this kind, it is important to be clear about what I am *not* claiming. I am not claiming that normative political theorising that makes no reference to time has been useless, or indeed that the dominant paradigm of liberal egalitarianism – which has been so criticised by 'realists' (Westphal and Willems 2023) – is particularly at fault. In fact, as I tried to illustrate in the last section, it is liberal egalitarian work engaging with Rawls that has taken some (minimal) steps towards incorporating temporality as a consideration in thinking about how principles of justice might be designed into actual social institutions. For the purposes of the present paper, then, I remain neutral on the question of whether my own argument strengthens and extends the realist critique, or whether it shows one way in which those working in the mode of ideal theory can respond to that critique by showing how models of justice can be applied if the right kinds of facts are taken into account.

But even without taking up a clear position in that bigger debate, the present argument needs to respond to a number of challenges.

One possible criticism of the present argument is that its implications are implausibly radical. If debates in normative political theory haven't been referring to, for example, existential time and procedural time, and if these are crucial to giving our political theorising the kind of determinacy that it needs to engage with the real world, then that seems to imply that we have had decades, if not centuries, of debates in normative political theory that have been

missing their target and failing to say anything useful – perhaps even anything intelligible – about the real world. This is clearly not the case. There is an enormous amount of good political theorising being done and even the most ideal of theories has inspired many people to think differently about their world. But what has made this possible, I would argue, are the *implicit* assumptions about temporality that we make when discussing issues such as power and justice in normative political theory. For example, we tend to just *assume* that egalitarian redistribution would be structured by the kinds of rhythms that we know from contemporary welfare states. We tend to *assume* that consent neither needs to be *constantly* renewed, nor that it is given *once in a lifetime*. We tend to *assume* that democratic processes move in cycles that last *years*, not *minutes*. What counts as reasonable timeframes for the enactment of a normative value like equality, consent or democracy with respect to different social issues depends on our almost always tacit judgements about how the procedural time of our rules should map onto the existential time of our lives. Therefore, my point is not exactly that *time is missing* from normative political theory, but that *explicitly including time* shows up how much work those assumptions about time are doing in our routine normative thinking. Therefore, the novelty of including explicit considerations of the link between procedural and existential time is at least twofold. First, it is a way to open up a dimension of existing debates that forces us to confront the reality of time as a condition of both human experience and the operation of social institutions. Second, as I will discuss below, it challenges our judgement concerning when we are in agreement with others about a normative claim.

There is also the possibility that critics of my argument will take exactly the opposite view. I have just addressed the worry that the argument undermines *too much* of our normal ways of doing normative theorising to be plausible, but others might counter that it actually undermines almost nothing at all. This would be the case if disjunctive indeterminacy in the application of a normative political theory can be claimed to have no real consequences whatsoever for theorising at the 'ideal' level. Since a lot of philosophical work is about the refinement and testing of principles, and very little is about actually designing the institutions that we want policy-makers and bureaucrats to create for us, one might argue that it just doesn't really matter that there are several 'rhythms of justice' to which one might set the melody of our normative theories. *Of course* (one might say) we have disjunctive

indeterminacy that is resolved into a determinate proposal at the application stage, and that is how it should be.

I accept this is a possible account of the ambitions of normative political theory, but would like to note its limitations. If what we value in a normative political theory is its usefulness as a *constraint* on social and political decisions – and this is indeed the Kantian legacy that we find in Rawls – then disjunctive indeterminacy is not a problem. Indeed, unlike the efforts of contemporary realists, the present argument is not meant to be a critique of ideal theory (in the form of ‘political moralism’) as such. However, it is important to take stock of where disjunctive indeterminacy leaves ideal models of justice. If ideal models of justice are arrived at and justified with reference to intuitions about what it *would be like* to live in the just world that they are proposing, then disjunctive indeterminacy means that the intuitions that we appeal to when arriving at an ideal model of justice will be diverse and (very probably) divergent amongst those who support the model. That difference in the intuitions, which provide the reasons supporting an ideal model of justice, is not a problem as long as we agree that our only goal is to produce just that: an ideal model of justice. But as soon as we want to use that model to address any aspect of the real world, we have to return to those different intuitions and reasons and supply those details that will reveal how far we in fact stand from one another. In our case, those details concern the specification and justification of procedural time, but they might be other things too. It is unclear what we have gained in this process of moving from intuitions to an ideal model and back again. In other words, dropping a concern with application begs the question of why we formulate ideal models of justice to begin with.

A further objection might be this: we supply common cultural knowledge all the time when we interpret the practical meaning of normative rules (think of common cultural assumptions about the meaning of ‘desert’ or ‘opportunity’ when applying principles that use these terms); what, we might ask, is so different about the *temporal* indeterminacy of normative rules, such that we need to worry about *that* in particular? In other words, what is the special link between temporal indeterminacy and disjunctive indeterminacy – why can’t the latter result from all kinds of divergent assumptions, not just assumptions about the rhythm of justice? The short answer is: it can. But this point does not undermine the central arguments of this paper. The disjunctive indeterminacy that results from supplying a normative rule with

two or more alternative temporal anchor points (cf. the City of Gerontic Equality and the City of Accelerated Equality) is, I believe, *interesting* because we do not normally think of the rhythm of justice as something that we *could* disagree about; we do not normally think about it at all. My claim, therefore, isn't that issues concerning time have a special relation to disjunctive indeterminacy (when compared to all other kinds of implicit assumptions that make it possible for us to communicate with one another), but rather that this reminder about temporal assumptions generates relevant and sometimes pressing normative questions: How *often* should redistribution take place in a society with egalitarian values (which is relevant for social policy)? At what *periods* should the cycles of democratic procedures recur (which is relevant for just government)? What freedom should we have *now* to limit our freedoms in the *future* (which is relevant for our employment relations)? It's not that we can't ask these questions without the argument concerning disjunctive indeterminacy presented above; that argument is just a reminder that normative principles with no temporal anchoring do not answer these questions by themselves.

A final point of possible criticism that I would like to defend against here concerns the location of the indeterminacy that I claim to have identified. Is it that a given normative political *theory* is indeterminate without reference to time? Or rather that a *principle* of any given theory is indeterminate? Or that the *rules* that operationalise principles are indeterminate? Or finally, that the very normative *concepts* that are central to our discourse, such as 'equality', are indeterminate?

In answer to these questions, it is important to remember that indeterminacy is a characteristic of something that only emerges in a relationship between that thing and other things. For example, in a game played with pieces, we might have the rule "this piece can move diagonally". That rule is clear and determinate when the board to which it applies has chequered squares and we assume basic norms about how those squares function as a grid. But the same rule applied on a round board with no squares is problematically indeterminate. The same point applies to all of the levels of normative discourse noted above, from concepts to theories: insofar as we expect that level of discourse to be used *in relation* to something, we can ask whether it is determinate with respect to that thing. Much of the time, we just don't aim for the kind of determinacy that comes with the question: "Is it better to redistribute resources once in a lifetime or every hour on the hour?". But where we

do ask this or similar questions about real social practice and institutional design, indeterminacy can emerge at *any* of these discursive levels.

6. Conclusion and Implications

The implications of the present arguments can be developed in at least two directions.

The first direction is a constructive extension of existing methods in normative political theory. Many normative political theories remain indeterminate with respect to real social practices because they lack temporal reference points for their application. Often we do not expect such theories to be applied directly to the analysis of social practices, and I am not arguing here that we always should. But where we do want to use normative political theorising in institutional design or the evaluation of existing social arrangements, we ignore time at the risk of ignoring things that matter a great deal to real people. To address this, we need much more work on the procedural time of normative prescriptions and of existing social rules and institutions. That work requires taking seriously the 'temporal profiles' of the things (including human beings) that our normative theories claim to be about.

The second direction is more sceptical and critical. We often think we agree with someone in our view of how the world is or should be until we discuss the details of that view, and when we do, it can be a shock to discover the distance between ourselves and that person. Fellow egalitarians end at loggerheads; friendly liberals end throwing accusations of individualism gone rotten. I have argued that a lack of reference to time is one of the causes of that initial illusory consensus. No doubt often it will turn out that we share tacit frames of temporal reference with our interlocutors, so that making time an explicit part of our thinking together will not expose further disagreements. But at least sometimes adding time to our political theorising will open up a set of disagreements that we did not even know were latent in the debate until that moment. And until we introduce these, we do not really know how big the work of repair will be, when reconciling our views with one another.

Taken together the constructive and critical implications of the present discussion are modest, but I hope important. They are modest because, as I have shown, attention to what might be called 'the rhythm of justice' is not something new for political theory, it is just something that hasn't been given the methodological attention that it deserves, and this

contribution may help to rectify that. They are, I hope, important, since they suggest questions about time that once posed seem like obvious things to think about when seeking to apply normative rules in political theorising and the real world.

Notes

¹ I use scare quotes here because these terms are (to my knowledge) neologisms. Scare quotes will be dropped in all subsequent uses of the terms.

¹ Below I survey other kinds of engagement with temporality in recent political theory. The famous arguments from Robert Nozick (1974) about how ‘time-slice’ egalitarian redistribution disrupts liberty do not touch on the central argument of this paper because they are essentially about the conflicts between two political values and not about the indeterminacy inherent in the application of any one political value.

¹ Sub-topics in debates around ‘ideal theory’ and ‘non-ideal theory’ include: ‘fact-sensitivity’ (Cohen 2003); good and bad forms of idealisation (Robeyns 2008); normative principles and ‘action-guidance’ (Valentini 2009; Lawford Smith, 2010); and the relationship between *models* of justice and *means* of justice (Sen 2009). Sub-topics in debates about ‘realism’ in political theory include: *timing* and *judgement* in real political practice (Geuss 2008, p. 32); the force of ideology within history (Prinz and Rossi 2017); and political legitimacy (Williams 2005; Sleat 2022).

¹ Thomas presents the indeterminacy charge against John Rawls and then defends against it.

¹ Substantive indeterminacy and disjunctive indeterminacy are not mutually exclusive categories. One set of normative principles could be both at once: that is, *both* incomplete as a guide to institutional design *and* open to interpretation in two or more *mutually exclusive* ways when applied in practice. I use the conceptual difference here to draw attention to the significance of the latter feature of indeterminacy: the fact that two interpretations of normative principles can generate differences in institutional design that are so significant that those living by them would live drastically different lives and those judging them as just or unjust could reasonably find one version more just and another less just or indeed unjust. I would like to thank an anonymous reviewer for seeking clarification on this point.

¹ And associated normative principles such as ‘we should be free to enter into labour contracts of our choosing’.

¹ For a review of recent literature on workplace democracy and a case study of the complexities of implementing workplace democracy see Cockburn and Preminger (2023).

¹ It was this difference in the temporal profiles of food and money that John Locke made much use of in justifying the legitimate unlimited accumulation of property in a monetary economy in contrast to the illegitimacy of that accumulation in a barter economy (See Locke 1988, pp 301-302).

¹ Elizabeth Cohen (2018, p. 162) gestures in this direction when she refers to the ‘phenomenological experiences of waiting periods and deadlines’.

¹ This difference has been captured in more recent discussions with the distinction between redistribution and predistribution (Kerr 2016).

¹ Perhaps the most dramatic of these is the legal concept of ‘adverse possession’ in common law legal systems.

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