

Law, Progress, and the Temporality of Politics

Abstract

The present work is an interdisciplinary contribution to the study of late-modern temporality. Following the tradition of critical theory, it comes up with both functional and normative critique of contemporary society, which it frames with the term “anxiety society”. The materialization of “anxiety society” is the experience of what Hartmut Rosa calls “frenetic standstill” in which “*nothing remains the same, but nothing essentially changes*”. We begin our analysis with the statistics of the increasing prevalence of psychiatric patients with anxiety and depression and the related critique of how the “privatisation of stress” ignores the societal context of mental disorders. Next, the thesis will focus on the systemic causes of mental health changes in the population. We will identify the fact that the sources of mental distress are increasingly abstract as the anxiety-creating specificity of contemporary society. We live in a post-disciplinary society that is not based on the dichotomy of forbidden/allowed, but on the division of the possible and the impossible, and in which subjects increasingly control themselves in accordance with the demands of the system, so that coercion and freedom merge.

However, the social pathology of the present emerges primarily from the area of temporal structures and relations of time. For example, in the digital world of instantaneous communication and data transmission, we are already moving from the “clock-time” logic to the “real-time” logic, so that we do not perceive time as passing, but as an alternation of moments. Time pressures are also created by capitalism operating on the principle of “dynamic stabilization”, which means that it systemically requires growth to reproduce its structures. Our thesis therefore introduces some individual and collective ways of countering these time pressures, including so-called “temporal rights” such as the right to rest or the “right to disconnect” from communication tools after working hours. We note, however, that ways will also have to be found to counteract the acceleration of consumption, since the increasingly rapid consumability of things is depriving the world of spatial stability and since the ephemeral temporality of fashion has an influence over more areas of our lives than ever before. The dominant temporality of a society driven by a “culture of immediacy” is the present. Society thus loses its plot as the connection between past, present and future, and thus its narrativity. Instead of “narratively

constructed stories”, “additively amassed information” prevails. But without narrativity, i.e. without the necessary retelling of our world into stories, the world loses its meaning.

Legal norms also have a narrative form, since they result from a past decision, but exert influence upon the future. At the same time, their validity is continuous, so that they fill the time between “events”. Nevertheless, the thesis also focuses on the fact that the temporality of law changes over time. In our view, the measure of this change is the widening or narrowing of the gap between normativity and facticity, that is, between “law and the order of the world”. In pre-modern societies based on customary law, this gap was closed. Law did not seek to shape society according to its future ideal, but followed a social facticity based on tradition. In contrast, modern societies with their progressive historical consciousness and the primacy of legislation are characterized by the existence of a gap between law and the order of the world. However, in our analysis of the present, we will show that with increasing functional differentiation social subsystems adopt their own temporalities and, for example, accelerated subsystems such as economy “overtake” politics. The economy begins to regulate itself, politics loses its role as a social synchronizer. Law, especially in the supranational space, is then disconnected from its typically modern linkage with politics, and the gap between law and the order of the world is now closing again – nowadays not because of social rigidity, but rather because of too much acceleration.

Building on these reflections, the thesis will highlight the function of politics and a strong public space as tools for the integration and synchronisation of society. We will present politics as a space where different systemic languages encounter, and therefore as a space where “ordinary language” should be used in order to create a “universal horizon of understanding”. As politics and public space weaken, the space of “ordinary language” shrinks and “lived space” gives way to “systems” and their “infrastructures”. Thus, we identify several risks that public space is currently facing: privatism as an ideology of closing ourselves in our private worlds; technological acceleration, which makes us less aware of our material surroundings; the desynchronization of temporal rhythms in society, which makes coordination between people more difficult; and psychologization, which blurs the important boundary between the private and the public. The thesis thus argues for a revival of some concepts of classical modernity, such as the idea of society as an entity in itself that is not reduced to mere subsystems, and the future-oriented

temporality, which could at least to some extent free society from the “crisis management” of ceaseless reactions to our “too-present” problems.