

makes the entire book seem fresh and new, even when it is exploring familiar events.

By the time that Congress was debating whether the House should have a role in approving and implementing Jay's Treaty, there was a significant shift in constitutional interpretation. "Both sides in the dispute," Gienapp explains, "agreed that historical excavation should prove the ultimate arbiter of their constitutional fight" (p. 291). The words of the Constitution were not going to settle this question without additional guidance, and the turn to history seemed the logical course of action. This precipitated a shift to "thinking archivally," looking back through old sources to find support for one's own position. Although this did not generally settle questions, it provided justification for the positions taken by different individuals. This shift ultimately leads to looking for original meaning and to venerating not only the Constitution itself, but also those who wrote and implemented it. In this way, Gienapp argues, the Constitution is "fixed" in time and becomes a moment in history to be used to support a political agenda. Gienapp could do more to draw out the ramifications of his ideas in how we interpret the Constitution, but his account of the development of constitutionalism during this period is convincing and enlightening.

It is easy to forget that the American founders were making up their story as they went along, and that the principles underlying the Revolution and the Constitution were both built somewhat haphazardly through experience. The founding was a conflicted and often muddled effort to discover meaning in difficult times, but both Somos and Gienapp have provided some guidance in finding meaning in the founding itself.

**The Political Value of Time: Citizenship, Duration, and Democratic Justice.** By Elizabeth F. Cohen. Cambridge: Cambridge University Press, 2018. 190p. \$74.99 cloth, \$24.99 paper.  
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When political scientists think in four dimensions, history joins geography; that is, the object of interest is commonly the substance of political events and their causal relations. Yet time itself is politically significant too. Its marks and measures may be constructed for political ends, shaping our experience of time. And its deceptively natural and objective character can conceal the workings of power. Although recent scholarship, notably William Scheuerman's *Liberal Democracy and the Social Acceleration of Time* (2004) and Hartmut Rosa's *Social Acceleration* (2013), explore speed, and my own *Out of Joint: Power, Crisis and the Rhetoric of Time* (2019) explores time's political construction, Elizabeth Cohen offers an intriguing

engagement with time's democratic deployment in *The Political Value of Time*.

Cohen asks "how and why durational time has become such a critical part of the architecture of every democratic state" (p. 2). Stretches of time, she answers, "serve as proxies for a vague or undefined set of processes" important to democratic values (p. 154). The elapse of 16 or 18 years proxies processes of maturation, yielding voting rights or criminal responsibility or a capacity to give consent to marriage or sexual activity. The elapse of three to five years proxies processes of migrant naturalization in the United States—here, linking to Cohen's earlier work—through growth of affection and loyalty, familiarity with customs and values, and the like. And the elapse of some stretch of months or years leading up to elections proxies processes of deliberation that, theoretically, generate a more substantive form of consent (p. 83).

Why use temporality as a proxy? Time provides "a metric for measuring value that is universally accessible and ... available" (p. 114) and has a convenient abstract exchange value that enables commensuration. Commensuration is, Cohen notes, "an essential political activity, especially in large liberal democratic states," because it provides a means of regularization across diverse "personal qualities, characteristics, relationships, and dispositions, along with all manner of distinct processes" (p. 156). Time's apparent impartiality helps paper over substantive political conflicts. Sentencing guidelines, for instance, use commensuration and time proxies to engender agreement about criminal penalties without requiring any agreement on what process—rehabilitation? retribution?—is actually proxied by time in prison. This obviates the political difficulty of a uniform theory of punishment.

Because temporality appears natural and objective, these proxies are sometimes reified. Consider how completing 18 years seems to *define* rather than proxy adulthood. It is then no wonder Cohen worries that these proxies may not capture the processes we assume. After all, people mature at different rates, and elapse of time-in-place may breed contempt, not love of country. Any proxy runs the risk of perpetrating some form of injustice by treating unlike cases alike. This is, of course, the foundational moral problem of all law and administration. Perhaps some 18-year-olds should be tried as juveniles; kept from voting, driving, or marrying; or deemed unable to consent to sexual activity, whereas the occasional 15-year-old should be granted all these rights and responsibilities. Elapse of time is a blunt instrument.

Yet rules, however rough and ready, yield justice benefits too, because the flip side of discretion is an open field for bias and abuse. Sentencing guidelines may mitigate bias, however partially, and may make it easier to detect. And temporal proxies limit technocratic intrusion into the most intimate aspects of our lives. Imagine a person-by-person test of readiness for sexual activity or the power

dynamics of a “political rationality test.” Because of this tension, in practice, temporal proxies often come with tempering measures or means of discretion in marginal cases: there are citizenship tests and driving tests alongside elapse of time. There are developmental as well as temporal thresholds for consent. And there is discretion in charging juveniles in adult court and in matters of parole. Like most things in matters of justice and administration, a jurisdiction will not get the balance right, not least because there may be no right balance. Every gain has a correlative cost. But in considering the normative implications of temporal proxies, it is perhaps helpful to see them as a subset of familiar rule-discretion tensions that yield justice dividends as well as costs.

Cohen notes that “society signals something equally important when it refuses to create a temporal formula that might allow someone to change their political status or rights” (p. 152). Certain actions (felony convictions, illegal entry) are, in certain jurisdictions, irredeemable. Just as time proxies may treat distinct cases alike, are jurisdictions in those situations refusing to treat like cases alike, as Cohen claims? Or are such cases thus marked out as saliently different? Regardless, attention here is well rewarded. It is worth probing whether we deny time redemption because we deem certain *people* incapable of development or because we deem certain *actions* as irredeemable, as this has implications for strategies of political engagement on these issues.

Beyond process proxies, Cohen argues that temporality also affects justice through deadlines. “When single moments are made sovereign,” Cohen claims, “they tend to signal authoritarianism and subjecthood rather than democracy and citizenship” (p. 153), and they “cannot accommodate the nuance of differently situated parties” (p. 55). Political membership is sometimes a “single moment” matter, because states must be thought of in four dimensions: citizenship is determined partly by the where-when of one’s birth in relation to the when of founding or peacemaking.

Cohen considers this and related deadlines unjust, preferring recurring deadlines. Constitutions, for instance, would be more democratic if they allowed for periodic reaffirmation, because “as time marches forward, the degree to which citizens can be said to have consented to constitutional terms grows smaller” (p. 154). Recurring deadlines leave plenty of space for deliberation and are hence more democratic, more in line with what justice might require.

This should give the reader pause. Perhaps the US Constitution is indeed too far past to count as really consensual. But consent is a technique of legitimation, and not fully constitutive of legitimacy, and the regular reopening of the document may actually diminish its legitimacy. We can hope for no ideal speech conditions, and frequent opening may exacerbate factionalism, entrench the dubious power dynamics of a moment, or generate a condition of perpetual crisis. And although adequate deliberation time may be more democratic on the surface, the United States’ years-long elections cost so much that they leave all but the wealthiest beholden to special-interest donors. There is a justice cost here too. Furthermore, because time is differentially available, notably along gender and class lines, the more time that deliberation consumes, the more lopsided the impact of privileged elites may be. Tight timelines, like time proxies, yield justice dividends too.

Cohen is surely right to draw our attention to time’s substantial role in policy and legal frameworks. And it matters that we pay attention, because the seeming neutrality, equality, and abstraction of time may mask forms of bias and injustice. Although the book’s emphasis on the justice risks posed by temporal constraints and proxies may mask the range of justice dividends these time tools enable, such questions ultimately only reinforce Cohen’s fundamental claim in this thought-provoking, engaging, and well-written book: it’s about time that temporality in politics commanded more attention.

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## AMERICAN POLITICS

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### **The Long Southern Strategy: How Chasing White Voters in the South Changed American Politics.** By

Angie Maxwell and Todd Shields. New York: Oxford University Press, 2019. 560p. \$34.95 cloth.

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The South has long held a special place in our imagination. It also holds a special place in the Republican Party, and this southernized version of the Republican Party holds a special place in national politics. Angie Maxwell and Todd Shields demonstrate in their fine *The Long Southern Strategy* just how the party of Lincoln became the party

of the South. Their book permits us to better understand how the southern-oriented views of identifiers of that party blended with those of the North to create a truly national political opinion, in ways in which a northern and southern Democratic majority never did.

Slavery was (and in important ways still is) central to all of this. The Constitution was shaped, in part, by the belief that southern states would not join the Republic if it ended slavery. In the early Republic, informal coalitions slowly hardened into a North–South divide. Henry Clay became the “Great Compromiser” because of his ability to reconcile differences between North and South, both in the nation and in his Whig Party alike, helping hold the Union together for as long as it did. Democrats for their part chose more formal rules to ensure sectional alliance, adopting a two-thirds majority rule for selecting their presidential nominee, thereby assuring the South of a veto.