Antje Gimmler

Institutions and Time

- A Critical Theory and Pragmatist Approach
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Institutions and Time
- A Critical Theory and Pragmatist Approach

by Antje Gimmler

Introduction

Institutions are in one respect, at least, similar to ‘time’. Institutions and time share a puzzling tension between its ubiquitous use on the one hand and the lack of distinct definition on the other hand. Like temporal determinations, so too are institutions omnipresent in our everyday life; the spectrum of social, political and cultural phenomena we commonly refer to as ‘institutions’ range from public institutions to customs and habits down to single persons or groups of persons (for example when we say, ‘She’s an institution in the art world!’). This ubiquitous use of the concept institution as in the case of temporal determinations is accompanied by the lack of distinct definitions – a lack that is most striking in the realm of the scholarly and scientific uses of the words. Although ‘institution’ numbers among the central concepts of political science and sociology, each of the countless theories of what an ‘institution’ is emphasizes a different aspect of the concept, so that it is hardly surprising when few can agree on a comprehensive and precise definition of the term.

To avoid a pretentious and often content empty definition of ‘institution’ in essentialist terms on the one hand and a vague description in the style of Wittgensteinian family similarity on the other hand I suggest to combine meaning analysis with a functional definition. Thus, the profile of institutions could be summed up as follows: they are supra-individual social, political, economic and legal formations that are able to provide social integration on different levels. A first criterion for classifying and understanding institutions are the organizational and the symbolic dimensions legal, political, social and economical institutions

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1 See the overviews on theories of institutions by Johann August Schülein (1987) and Hartmut Esser (2000).
contain. These dimensions vary in particular institutions from a high degree of organizational structure to lower degrees and also from a more integrative and meaningful symbolic dimension to less symbolic connotations. A second criterion is given by the distinction between first and second order institutions. First order institutions, for example ‘marriage’, are organized complexes that regulate and thus coordinate action. Second order institutions, like the legal institution of the Supreme Court in the US or the Parliament in Germany, provide not only rules for regulating actions but they are defined by second order rules that constitute their own institutionalization and transformation. In this sense second order institutions are self-reflective.

After the preliminary remarks on the definition of institutions I will highlight in this paper a specific characteristics of institutions. In the sociological theories of Emile Durkheim, Maurice Hauriou, Bronislaw Malinowski, Arnold Gehlen or Talcott Parsons – just to name some of the important sociological classics in theory of institutions – institutions are characterized above all by their permanence. Indeed, institutions are seen as bulwarks against the flow of time. And what is most important for their function: institutions and the norms, values and symbols they embody outlive individuals. Permanence, the temporal form by which institutions have traditionally been characterized, makes them appear a-historical or even non-temporal. The supposed non-temporality of institutions makes it understandable how institutions, these social, legal or political artefacts of human making, gain the status of a ‘second nature’ no longer subject to the influence of human action.

In the following, I will investigate this connection between institutions and time. I have selected this aspect because it is important for our understanding of institutions today, and I will use it to show the specific temporal horizons and hence the realms for action and the kind of expectations and anticipations that political institutions make available to democracies. In order to do that, I will begin with a brief sketch of the problems confronting institutions theory in general and offer the tentative outline of a critical theory of institutions that can cope with
those problems (1). The second part of my paper is mainly concerned with the analysis of the temporal dimensions of institutions, a subject underrepresented in the literature. I will pursue these temporal dimensions and thus also one part of the question of the functions and mechanisms of institutional structures (2). In the third and final part, I will deal with the specific temporal connotations of democratic political institutions against the backdrop of the critical theory of institutions sketched thus far. Their openness to the future will play a special role in my account of them and here the pragmatist understanding of democracy as an experiment will prove to be useful (3).

General Problems of Theories of Institutions and the Outline of a Critical Theory Approach

In radicalised modernity, as Anthony Giddens has termed our contemporary societies marked by globalization and pervasive technology,\(^2\) the setting in which the inner connection between time and institutions appears has changed. Western democracies seem more dependent than ever on the functions of institutions such as stabilization and orientation on the social, legal, economical or political level. Institutions are supposed to fulfill the role of stable normative and organizational complexes in the midst of manifold and in part heterogeneous and incommensurable processes of transformation. With globalization and especially with technologically induced modernization the density of innovations and the rate of change increase. In this situation, institutions are called upon to act as guarantors of stability and continuity on the one hand, while being forced to maintain their versatility and adaptability on the other hand. So it is the accelerated transformation processes first of all that put strain on the institutional framework

\(^2\) See Anthony Giddens (1990). Giddens’ approach in time and space as important sociological categories of modernity is one of the few approaches that doesn’t reduce the sociological investigation in time and space to a mere collection of cultural and social varieties of time and space conceptualisations. His concept of “separation of time and space and their recombination” (p.16) could be useful to analyse the technological signature of modernity, but as far as I can judge it doesn’t provide a conceptual framework that is detailed enough for the analysis of temporal dimensions of institutions undertaken in this paper.
of our societies. And, to be more precisely, this strain comes along as the double challenge for institutions to be both flexible and stable.

At the same time, institutions are also confronted with a second threat, that of their own internal erosion. Thus Ulrich Beck has diagnosed and prognosticated an institutional ‘decay of power’ as a consequence of the individualization typical of modernity (Beck 1992:445). One can interpret these – certainly controversial - sociological findings as marking the end of the institutional era as such. This is an interpretation to which Beck tends in certain passages. However, I would like to suggest that the findings be read as an indication of the fact that in modern societies individuals have stopped placing naïve trust in the ability of social and political institutions to maintain what is called social integration. For individuals this causes the demand of giving their lives meaning, structure and a stable temporal framework by themselves. With regard to institutions this could have a disintegrating effect, as Beck highlights, but it could also result in the individuals capacity to choose the appropriate institutional framework or to transform institutional settings. Especially the varieties of long-term relationships found in Western modern societies are a case in point.³

For the issue of political institutions in modern democratic societies, what that means is that we must continue to raise and to find new answers to the question of institutional operationalisation and procedural safeguarding of popular sovereignty in all of its varying stages of development and differentiation. Thus the issue of the institutional interplay, which is best suited to realize popular sovereignty and citizens’ interests most legitimately and effectively as well, is a necessary consequence of the transformation processes of modernity. The institutional question of democracy has been raised again and again by theorists of democracy and social order from Locke, Rousseau and Kant down to Dewey, Rawls and Habermas. At the back of the institutional question lie reflections both normative and functional in character. For political and legal institutions in democratic states,

³ See for example the study of Norbert F. Schneider, Doris Rosenkranz and Ruth Limmer (1998).
the fulfillment of their citizens’ normative demands (participation as part of legitimate power, for example) is a question of life and death. Equally pressing is the need for democratic societies to integrate the dynamics of the economy and of technology in a suitably institutionalized political framework. This is crucial for preventing a complete loss of control of those dynamics or else politics and the social realm will have to bear the costs this development causes alone.

These reflections bring me to the first paradox that has continually troubled the theory of institutions. Institutions are by definition responsible for the stability of normative complexes and structures in the legal, social and political spheres. They generalize the anticipation of actions and render them permanent. On the other hand, however, it is those same institutions in which social change is meant to occur and in which it is itself sedimented and embodied. Thus societies with a high rate of change demand both stability and flexibility from their institutions. Theorists of differentiation such as Shmuel N. Eisenstadt have suggested ways in which the analysis of concrete institutions can help understand how “the institutionalization of any social system (...) creates in its wake the possibilities for change” (Eisenstadt 1964:235). On this view, concrete analysis must not ignore institutions’ inherent potential for change, but must, on the contrary, take their space of possible transformation into account. Not only the exclusion of possibilities but also the inclusion of possibilities for change should be part of the analysis of institutions. Recent approaches in the theory of institutions take this interplay of continuity and discontinuity into account. Gerhard Göhler, for instance conceives institutional change as a relationship between ‘continuity and change’ (Göhler 1996a:9; Göhler 1996b), while Birgitta Nedelmann suggests that we understand institutions’ fitness for survival in terms of ‘flexibility management’. In cases like the ‘round table’ during the last phase of East Germany (1989/1990), flexibility management is responsible for the success of attempts to join “the

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continuity of already existing structures with a simultaneous break with those same structures” (Nedelmann 1995:24).

A second difficulty the theory of institutions continues to struggle with lies in the methodological question of the appropriate paradigm for understanding and analyzing institutions. The common division of the field into collectivist theories on the one hand and individualist theories on the other is doubtless rather too simplistic; it does nevertheless have the advantage of throwing the basic premises and their implications into high relief. Theorists who emphasize the continuity and stability of institutions usually also stress the status of institutions as superindividal, collective artefacts. Such a view implied for Durkheim, one of the founders of sociological collectivism in the theory of institutions, that individual actions and the genesis of norms were unconceivable other than in their derivation and mediation through institutions. Seen from an ontogenetic perspective on the constitution of norms, this position has a certain plausibility. For institutions are, as one may say, always already there before the individual, and therein lies their binding power, the power for integrating not only with the help of organizational structures, but with values as well. On the other hand, however – and here we see the difficult situation this specious alternative puts us in – the collectivist understanding not only leaves no room for individual demands for legitimacy, but makes individual opposition or deviation from social norms appear as disturbances and per se contingent, negligible or deserving of sanction. The theory’s strengths in regard to the constitution of norms is thus counterbalanced by its weaknesses in explaining institutional change and the status of normative demands for legitimacy of the institutional order.

The reverse goes for so-called individualist theories.5 They have a hard time explaining how the autonomy of the institutional order comes about and they tend to be insensitive to effects of emergence, to institutions’ power of value integration

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5 A historical starting point for this tradition – beyond its radical formulation by Hobbes - is for instance Immanuel Kant. See Reinhard Brandt (1999) and Ingeborg Maus (1992). A modern example of the individualistic paradigm in its strong shaping is Rational Choice Theory.
independent of individual goals and interests, as well as to power effects beyond the sphere of influence by individual actors. The strength of individualist theories lies in their demand for the justification of norms and the legitimacy of the institutional order. The methodological assumption of the priority of the individual, which is part of most of the individualistic theories, expresses a liberal, enlightened, democratic trust in individual autonomy and self-determination.

Both the paradigms I have sketched here are reductionist, and in contrast I want to suggest that we take seriously the intermediary position of institutions between the individual and society at large and make it the starting point for a critical theory of institutions. On this view, institutions are to be understood as intermediary complexes that make up a conflicting domain in which collective ideas, societal norms and forms of organization are mediated by individual actualization as well as by implementation. Institutions can then be seen as spaces that exclude certain possibilities and make certain actions possible at the same time. And it is decisive to notice that not all possibilities could be anticipated. Institutions can be seen as an intermediary realm in which stability and change can equally be brought about. For a critical theory of institutions, institutions are neither to be viewed as macro-subjects nor as aggregates of subjects, but rather as temporary realms for actions, as artefacts made by human beings with both organizational and symbolic dimensions. Institutions are the realm where empirical subjects carry out actions and generate and actualize new norms and schemes of action.

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6 With this critical theory of institutions I follow Jürgen Habermas (1985a), (1985b) and (1992) with his theory of practical communicate reason. For a backdrop of my account I also can refer to Claus Offe (1989), who suggests to analyze institutional arrangements from the point of view of discourse theory as well as to Karl-Siegbert Rehberg (1990) who proposes in discussion with Gehlen’s institutional theory to develop a critical theory of institutions.

7 See my critical theory approach (Gimmler 1998).
Another argument for this conception of institutions can be taken from that variety of New Institutionalism known as ‘Sociological Institutionalism’. This school developed out of organization theory but is in its actual approaches not restricted to this discipline. The Sociological Institutionalism offers a more complex view of institutional action and the relation of institutions to individuals than the classic picture of institutions implementing norms and individuals translating them into actions: “The relationship between the individual and the institution, then, is built on a kind of ‘practical reasoning’ whereby the individual works with and reworks the available institutional templates to devise a course of action” (Hall & Rosemary 1996:16). This working with and reworking the institutional possibilities by human beings is a decisive part of the social process. The institutional order, thus conceived, is a temporarily valid arrangement, a passing consolidation of social processes. The institutional order is not however external to these processes, but rather social, political and social change occur in and through that order itself.

**Temporal Dimensions in Institutions**

When we speak of the permanence of institutions, we are emphasizing their so-called durative aspect. Duration is the third type of time vocabulary which goes along with the first type, the so-called temporal modi, which includes past, present and future, and the second type, the ordinal or linear temporal order of ‘before’ and ‘after’. Contrary to the substantialization and reification of temporal distinctions as ‘the Time’ typical of most traditional philosophy of time, it must be stressed that we cannot meaningfully speak of ‘the Time’. Not only in sociology but also in philosophy a more non-metaphysical understanding of ‘time’ seems to

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8 See Peter A. Hall & Rosemary C.R. Taylor (1996). They classify three types of New Institutionalism: Historical Institutionalism, Rational Choice Institutionalism und Sociological Institutionalism. The institutional theories that derive from the rational choice paradigm also highlight the transformation of institutions, but these theories are conceptualising institutions as mere organizational complexes governed by rules. A lack of normativity could be stated for these theories as well as a deficit in understanding the integrating capacity institutions provide for the social order. See for this the most sophisticated approach by Elinor Orstrom (1999).
be necessary. We need to understand temporal distinctions as linguistic utterances that originate in varying intersubjective constituted practical contexts of actions and behavior. The time vocabulary’s function is to coordinate action in various ways. This understanding of time – liberated from the metaphysical views of the tradition – is extremely fruitful for understanding the social dimension of time.

A good example of the social construction of temporal determinations is time-reckoning (see Merton & Sorokin, 1937; Gimmler 1997). The history of time-reckoning shows that the history of time vocabulary is also a history of the institutionalization of selected temporal determinations. ‘Time’ cannot be thought of independently of its ‘institutio’. The fusion of mathematico-astronomical calculations with political and social ideas becomes obvious in the case of the institutionalization of temporal determinations in form of calendars. Thus, the Egyptian Calendar, Caesar’s Julian Calendar or the Republican Calendar of the French Revolution each link an abstract time measurement with concrete political goals. The Republican Calendar of the French Revolution is exemplary of this symbolic function of institutionalized time. (See the study in Michael Meinzer 1992.) The Republican Calendar instituted the beginning of a new era (1792 = Year 1), a new first day of the year (22. September, which is both the autumnal equinox and the day after the foundation of the new republic), new names for the twelve months (their number remaining unchanged), and a new decimal organization of three ten-day weeks with new holidays (fête des décades) and closing days (décadi). This division of time is neither random nor are its motivation and justification straightforwardly scientific. Rather, it was developed in pursuit of an ideological goal. The innovations in the calendar were the expression of a new political understanding, expression of a political and cultural order bearing the insignia of the Enlightenment. The rational order (the decimal system) was supposed to unite nature and reason and thereby guarantee

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9 The proposed combination of Wittgenstein’s approach, usually labelled ‘use-theory of language’, with a explicitly pragmatic understanding of the practical context in which the utterances became meaningful describes one applicable possibility to get rid of certain metaphysical puzzles about time. See therefore Ralf Beuthan/Mike Sandbothe (2003) and Peter Janich (1996).
widespread and effective emancipation from Christian and other ‘mythological’ or ‘irrational’ relics of the Ancién Regime.

Calendars are a good example for the institutionalization of temporal vocabulary. These various institutionalizations are the subject of widespread and highly differentiated sociological research. The temporal aspect of institutions, on the other hand, has received far less attention. With few exceptions (for instance Karl-Siegbert Rehberg or Robert Merton), this aspect of institutions has up to now never been explicitly dealt with. Implicitly, though, institutions never had been conceived without their durative temporal dimension, their permanence. Permanence and therefore a linkage between past and present is a central characteristic of institutions in almost all of the classic theories of the subject. Thorstein Veblen gave theoretical expression to this permanence and the deficits bound up with it: “Institutions – that is to say habits of thought – under the guidance of which men live are in this way received from an earlier time, more or less remotely earlier, but received from the past. Institutions are products of the past process, are adapted to past circumstances, and are therefore never in full accord with the requirements of the present” (Veblen 1998:191). The orientation institutions give, as Veblen infers, is drawn by them so much from the past that they always risk not being adequately structured for the present or the future. The cost of permanence is inappropriateness. Analyzed in this way, appropriate institutions seem almost impossible.

A first hint about how best to begin to investigate the intertwining of temporal modi in institutions can be taken from Arnold Gehlen’s anthropological approach, which was highly influential in the German-speaking countries. In determining the extent to which institutions fulfill their function of stabilizing actions and expectations, for Gehlen a crucial role is played by the increasing ability to secure one’s living independently of one’s actual ‘Raumzeitstelle’ (spatiotemporal

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10 As research and literature on this subject is highly proliferated I only refer to one well informed overview provided by Lucia Stanko and Jürgen Ritsert (1994), to the concise study by Mark Elchardus (1988), as well as to the classical essay by Pitirim A. Sorokin and Robert K. Merton (1937).
location) (Gehlen 1986:52, 55) and hence the decreasing importance of that position in favor of ‘Hintergrundserfüllung’ (background fulfillment/satisfaction) (Gehlen 1986:50). And Gehlen states: “eine Gesellschaft stabilisieren heisst, sie auf dauernde Institutionen zu bringen” (stabilizing a society means giving it permanent institutions) (Gehlen 1986:20). Under the heading of transcendence, Gehlen analyzes the way in which religious and archaic institutions function as ‘Transzendenz ins Diesseits’ (transcendence into the here and now) (Gehlen 1986:16) and are thus able “die Vorstellung eines dauernden, zeitüberlegenen Daseins zu tragen” (to transport the idea of an enduring, supratemporal existence) (Gehlen 1986:16). This is a transcendence on which (according to Gehlen) modern institutions continue to thrive.

For Gehlen, the process of stabilization transforms the future into a closed horizon by anticipating the fulfillment of needs. Thus the past exerts a stabilizing influence on the present by determining the future. This institutional closing of the horizon and the freezing of time results from Gehlen’s clinging to an institutional primal scene which is a result of his anthropological understanding of the social. His conception as such is incapable of recognizing subjective demands for legitimacy. He writes, that “das habitualisierte Handeln in ihnen [in Institutionen, A.G.] hat vielmehr die rein tatsächliche Wirkung, die Sinnfrage zu suspendieren” (habitualised action in [sc. institutions] has rather the purely factual effect of suspending the question of their meaning and purpose) (Gehlen 1986:61). Because he exaggerates the role of institutional permanence and stability, Gehlen’s theory of institutions is on the whole unable to help us adequately understand institutional transformation. His theory can cover neither the tension institutional transformation causes between institutional structure and individuals nor what is specific about the political institutions of modern democracies.

The brief discussion of institutionalizing time vocabulary and of the temporal connotations in institutions has nevertheless elicited three terms as starting points for analyzing the temporal dimension of institutions: a) de-temporalization or de-
historization, b) stabilization of the present and c) orientation toward future expectations:

A) De-temporalization or de-historization: Rehberg has described the effect of institutional permanence as ‘in institutionally created forgetfulness’ and as ‘de-historization’ (Rehberg 1990:140). Indeed, institutions like the family appears in a certain sense as a-historical and, as it were, simply given by nature. All the research that has been done on the cultural and historical variability of familial structures haven’t even made a dent in the ideology of the naturally given atomic family. Yet the constant reminder of the origin of an institution can also have a de-historicizing effect similar to that of the denial of the genesis, variability and constructivity of institutions. In such cases, ritual reenactment seeks to legitimize the founding act and leads to a cyclical understanding of historical time. History’s event-character gets leveled down in favor of the ‘eternal return of the same’. Any habitualised, routine sequence of actions such as those brought about by institutional regulation can appear a-historical in this sense owing to its high degree of repetition. Because of such habitualization and the resulting permanence of such schemes of action, a complex collective memory\(^\text{11}\) comes to be sedimented in institutions. And it’s selective functions affect not only certain contents, but also and especially temporal horizons and complexes. Institutions store, as it were, temporal horizons.

This intertwining of temporal horizons as well as the function of temporal ordering and organization fulfilled by institutions is best illustrated by the symbolic dimension of political institutions. Thus, the founding of the German state in 1872 together with its Wilhelminian constitution were symbolically supplemented by the so-called Hermann-myth. An example for this is the erection and celebration of the Hermann monument in the Teutoburg Forest in 1875 (See Andreas Dörner 1995.) The Hermann-myth made it possible to trace

\(^{11}\) Maurice Halbwachs (1991) in his classical study on the collective memory has emphasized that the individual memory is a construct that is dependent upon a social and historical framework, the so-called ‘collective interferences’.
the history of the German Empire back to a fictive founding act (the ‘Hermannbattle’) and hence to conceive of the national state under Wilhelm II as its fulfillment and institutionalization. This symbolic politics established a link to the past, securing the continuity and the construction of an identity for the ‘Germanic nationality’. And as part of providing continuity the resistance to Roman expansion figuring in the original myth could be turned to profit in emphasizing the differences dividing Germany from France in the nineteenth century. The Hermann-myth was intended to integrate the closely circumscribed life-span of the individual into an unbounded, as it were a-temporal time of the nation. This example illustrates that institutions could be – much like geopolitical and climatic factors - guarantees for what the historian Fernand Braudel has called ‘longue durée’ (see Braudel 1992:49). In history, that is in the reconstruction of the *historia rerum gestarum*, a ‘Dialektik der Dauer’ (dialectics of duration) (Braudel 1992:51) takes place between the short term of the individual and the long term of collective forms. Institutions appear a-temporal and a-historical because changes take place in them slowly and by insensible degrees – in contrast to the sudden events in which individuals figure as agents.

B) Moving on now to the second key concept, the *stabilization of the present* provided with institutions, the intertwining of the modi past, present and future becomes more obvious. An evanescent point between the future and the past, the present appears to be nothing but a fleeting ‘now’. And yet the present serves as the starting point for actions that reach out into the future and receive their motivation from the past. The future-orientedness of human actions and the certainty of the past exhibited by them are only real in the present, however. By the same token, though, action is only conceivable as the actualization of latent complexes of the norms embodied for example in institutions. As ‘time tanks’, institutions accomplish what Helga Nowotny has diagnosed as one of the temporal signatures of modernization: the fleeting present becomes
‘erstreckte Gegenwart’ (extended present) (Nowotny 1989:53). Through the necessity and the possibility of structuring and planning the present in relation to the future: “Zukunft [wird, A.G.] operationalisierbar - in der Gegenwart” (the future can be operationalised in the present) (Nowotny 1989:54). In traditional institutions the stabilisation of the present goes on ceaselessly and unconsciously. But in modern societies it is brought to the fore by conscious planning of the future in ecological or technological contexts. This depends on a temporal intertwining of future and present: The future could be conceptually understood as the reality of one of the possibilities of the present.

C) With the stabilization of the present, the future tends to lose its uncertainty. For the openness of the future is institutionally compensated by the third complex of temporal modi, the organization of the future by anticipation. Robert K. Merton worked out a brief analysis of ‘socially expected durations’ (SED) (Merton 1984:265). SED should constitute, as Merton highlights, a fundamental class of sociological inquiry and form a potential program of research for a future-oriented sociology: “It is further argued that since purposive social action involves varying anticipations of what are taken to be relevant futures, and since social structures involve intermeshed networks of socially supported normative expectancies in the form of statuses and roles, SED should constitute a fundamental class of patterned expectations linking social structures and individual action” (Merton 1984:266) His program is as yet only a ‘proto-concept’ (as he himself admits), but it can function as a starting point. With reference to Merton we can distinguish three forms of SED: In institutions with a high degree of organization and a highly regulated structure, e.g. administrations, a high degree of certainty about future behavior and actions is ensured. A similarly high, although differently motivated degree of certainty is to be found in the case of “temporal expectations found in the various kinds of interpersonal and social relations“ (Merton 1984:281). By contrast, the diffuse ‘collectively expected durations’ (Merton 1984:265) of
purely symbolic institutions display only a very low degree of certainty in commonly shared and anticipated behavior. Thus, the future is to varying degrees structured and organized in the present by the actualization of schemes of action and regulatory structures. Now, it is important to see that the differences in certainty and anticipation among varying types of institutions supply us primarily with standards for evaluating the extent to which the integration accomplished by institutions stretches into the future. But, secondarily, it also gives us indication of the probability of future transformation of those institutions. The periods of time and the temporal horizons made available to a society by its institutional structure change, therefore, with the structures of the institutional order.

Temporal Dimensions of Political Institutions in Democracies

The following remarks offer a heuristic sketch for the analysis of time periods and temporal horizons and the potential for change in the democratic political institutions linked to them. This approach is also intended to supplement the currently dominant approach with its emphasis on the stability and social integration of institutions.¹² My analysis seeks to develop a model for institutions’ degree of openness to the future and their tolerance for uncertainty. Because I am now focusing on political institutions and in particular on institutions of democracies, I will first characterize the theories of democracies I will use. As a starting point I call on two traditions within the theory of democracy linked both by the history of their reception and by their inherent concerns, traditions that can be easily combined and which are based on different yet complementary approaches. They are represented by John Dewey’s pragmatic conception of democracy and Jürgen Habermas’ version of a normative theory of deliberative democracy. Although other theorists are associated with this conception, for

¹² See Dieter Fuchs (1999) for the issue of institutional social integration.
example Seyla Benhabib, Benjamin Barber or James S. Fishkin, I will limit myself here to the concept developed by Habermas in ‘Between Facts and Norms’ (1992/1998).

In Jürgen Habermas’ theory of deliberative democracy, a conception of democracy could be found that can continue in the tradition of the pragmatist belief in democracy’s experimental character. Habermas has appealed to Dewey and his emphasis on the importance of a vital public sphere and cooperative action. He shares the conception of participation articulated by Dewey, but gives it a normative turn. For Habermas the public sphere should be understood as a critical public sphere where rational deliberation is the main safeguards of political participation, and he takes up this position systematically in the ‘two-track-model’ of democracy developed in ‘Between Facts and Norms’. Unlike Dewey, the concept of deliberative democracy focuses on formulating the exact relationship between the institutional basis of legitimate government and the sphere of public discussion and civil associations that Dewey was interested in. For the pragmatist Dewey, however, it is not merely the public sphere and its institutional safeguarding that constitute the specific character of western democracies, but rather their openness to the future and the incompleteness of the project of democracy. 13

For Dewey, democracy is a genuinely pragmatic form of organization and power, in that it organizes the interaction of humans and the world in the socio-political realm (see Noetzel 2002). These actions and interactions are basically of an experimental nature. Habits and routines are in this respect viewed as established and well-functioning actions that could be disturbed; that is, when a problematic situation occurs which calls for action in its experimental form. Dewey’s strictly instrumentalist and anti-representational understanding of knowledge, theory and concepts naturally leads to the assumption of an

13 The combination of critical theory and pragmatism is not as exceptional as it might appear at first glance. Besides the explicit references to Dewey’s theory of democracy Habermas is giving others try to combine these approaches. See for example Axel Honneth (2000) who uses Dewey’s notion of the cooperative community for his combination.
incomplete, open process and thus to the idea of a world “which in some respect is incomplete and in the making, and which in these respects may be made this way or that according as men judge, prize, love and labor” (Dewey 1988:50). The result of the ‘experiment of democracy’, as Dewey understands it, remains uncertain. Hence political institutions in democracies are confronted with a special and difficult task. The experiment of democracy must by the very fact of its inherent structure remain open – and yet it is supposed to be permanent. To put it more pointedly: we – those who are convinced of the merits of democracy - want the experiment of democracy to end up right and not to fail, and that is what the institutions are supposed to take care of.

Both in the ‘Theory of Communicative Action’ (Habermas 1985a) and in ‘Between Facts and Norms’ institutions are dealt with as intermediary complexes between the individual and society and as mediators between the system and the life-world. Habermas’ contribution to a critical theory of institutions lies in having harnessed institutions to a practical rationality that goes beyond functional demands on efficiency and stability. His concept of institutions therefore marks the place of the legitimate normative claims of actors. Institutions in this sense could be understood to a certain degree as discursive institutions. For political and legal institutions – and, mutatis mutandis, for social institutions, though the law does not directly regulate them – this means that they must submit to being measured by normative standards. Hence it follows that institutions must give adequate expression to communicative and discursive deliberation and decision processes.

Now that may sound one-sided for a critical theory of institutions. However, critical theory in the Habermasian version is not purely critical against institutions. In the first place, institutions play an important role in stabilizing the life-world and mediating between life-world and the internal logic of the system. Institutions that are not able to integrate the social background of the life-world and the demands of the functional structured system parts give way for the colonization of

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the life-world. No doubt, Habermas is inspired by Parson’s integration or implementation model. But apart from Parson’s model, Habermas understands institutions linked to normative resources by way of the life-world, i.e. for Habermas via the symbolic mediation of communicative action and intersubjectivity. And this discursive design prevents institutions from blindly reproducing the status quo.

There is a further point as well in which Habermas is anything but a radical critic of institutions: The democracy theory of ‘Between Facts and Norms’ exhibits a strong institutionalism. That has to do with the shape of his two-track-model of democracy. The one track of the model is formed by institutionalized procedures of the constitutional state and representative democracy, where the constitutional state itself, in turn, finds its full measure of development in the political realization of popular sovereignty and autonomy. The other track is formed by the public sphere, which in its most elaborate form is a sphere of critical public debate. The public sphere’s capacity for social integration, its controlling and cautionary function, but also its flexibility and openness to innovation in the forms of political organization such as round tables, civic action groups and NGOs, all serve to complement the representative part of the democratic process. The public sphere in the strict sense is not itself an institution, but it does require institutional security in order to survive. I am thinking here first of all simply of the institutional implementation of freedom of the press, the right to information or control of the media by legal and political means. The concept of deliberative democracy is not to be confused with conceptions of radical or grass roots democracy. It is, rather, an institutionally mediated participation model. Only both tracks together go to make up the democratic and political process in its entirety.

15 The concept of the critical public sphere prescribes the ideal conditions for free and uncoerced communication processes, that is: equal right for participation, free choice of issues, temporally exclusion of structural power, temporally exclusion of time limitations etc. This normative concept functions as a measure and ideal conception for actual communications within the public sphere. The term public sphere doesn’t refer to one homogenous realm of communication rather to a heterogeneous plurality of communication realms, which are governed by the normative concept (see on this issue Gimmler 2001).
What Habermas achieves with his deliberative model of democracy is a complex interplay of stability and change, of openness to the future and a closed horizon. A first temporal dimension of political institutions in modern democracies is connected with their specific type of legitimacy and their procedural decision making. This procedural concept of democracy and law can be interpreted as a temporalization at the formal level of procedures, a level on which decisions are down melted to a process of finding a decision. Institutionalization guarantees a temporal limitation of procedures that is legitimated in advance. In this way, institutions of the legal and political type supply those acting within them with the necessary certainty that their expectations will be fulfilled. The institutionalized procedures will give way for temporal stability, for a future that becomes organized and susceptible to operationalization.16 The specific certainty of expectations and stability of such institutions only relates to the production of results, however, and not to the results as such. Formal continuity may stabilize the plurality of interests and values entering into the discursive process, but it cannot bring the manifold processes of will-formation and hermeneutic self-understanding to a standstill, but only put them on hold partially and temporarily. The experiment of democracy is therefore susceptible to formal stabilization, but stability is brought about in such a way that the openness of the results is preserved. Such a formal, proceduralist understanding of democracy seems rather brittle and all too vague. It doesn’t provide a presupposed definition of a common good, that is a definition prior to procedures.

The mention of a critical public sphere brings a second temporal dimension of political institutions and hence also a substantial content of the democratic framework into view. The issues to be decided upon in procedurally legitimated

16 With respect to individuals within institutional arrangements Claus Offe (1989) highlights the temporal aspects: “In zeitlicher Hinsicht werden die Erwartungen insofern stabilisiert, als Assoziationen die Grundlage für das Vertrauen zu schaffen instand setzen, dass die gegenwärtigen Regeln und Präferenzen auch für die Zukunft Geltung haben werden und insofern das zukünftige Selbst der Beteiligten ihrem gegenwärtigen Selbst hinreichend ähnlich wird” (Offe 1989:765) This is an approach to pursue the temporal dimension of the interplay between actors and institutions that needs further investigation – an investigation I cannot provide in this article.
form are conveyed by widely differing channels and processes of communication
and originate in differing public spheres characterized in contrast to political and
legal institutions by their ‘fluid temporal, social, and substantive boundaries’
(Habermas 1992/1998:307). In the model Habermas introduces the concept of a
deliberative public sphere is limited to a deliberation process that is oriented
towards decision but lacks the authority for legitimate decision. Democracy’s
openness to the future shows itself here from its most radical side. For here the
degree of certainty of anticipation is exceedingly low, predictions are possible only
to a limited extent, and events cannot be planned long in advance – and this in
spite of the mass media and their opportunities for manipulation. The institutional
framework for a critical public sphere is faced with the task of guaranteeing a
discussion of the issues that is free, unrestricted and both actively and passively
accessible to each and every citizen. Institutionalized politics depend on this flow,
and its continuity is in turn dependent upon the discontinuous eruptions and
influences of public debate. A critical public sphere continually opens the horizon
of institutionalized politics and prevents its encrustation. This dialectics of
continuity and discontinuity playing itself out between a critical public sphere and
institutionalized politics exhibits an aspect of the dynamics of modern democracies
and the institutional change that is bound up with them.

The third temporal dimension is related to modern democracy and the self-
transformation of the institutional order that lies at its heart. Here the pragmatic
contribution is particularly important. The pragmatic experiment of democracy is
characterized by a fundamental uncertainty. Democratic institutions differ from
traditional political institutions in that they draw their legitimacy from the present,
that is from their citizens’ consent, and from a future that is, in the affirmative

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17 I fully agree with Habermas to distinguish legitimate decisions in institutions possessing democratic
legitimacy from deliberation in the public sphere where opinion- and will-formation takes place. But I take
seriously the feminist critique Iris Marion Young (1987) expresses against the rigidity of this public sphere
model. A two-dimensional model that covers rational argumentation (that is directly oriented toward political
decisions) as well as expressive performances of hermeneutic self-understanding and various forms of
developing a political and cultural identity recognizes the heterogeneity of the public sphere and still holds on to
its normative claim (see Gimmler 2001).
words of the pragmatist William James, “yet incompletely whilst we speak” (James 1977:396). For pragmatism, the practical call to action and to the active formation of humane conditions and social relations lies precisely in this assumption of the future’s openness. The loss of a past from which to gain orientation, continuity and security have traditionally been treated as symptoms of disintegration and seen as threats to social integration in modern societies. We should however remind ourselves that the orientation to the future and the selective loss of orientation to the past are inherent in the Enlightenment conception of democracy.

What the experiment ‘democracy’ basically is about is the permanent reinvention of the political order. Democratic political institutions can compensate the resulting insecurity to a certain extent only. I want to argue that the institutions success in compensating it productively indicates that the political institutions are in a position both to maintain continuity and to realize change. As realms for the possibility of action, they aid in creating a plurality of options for action and stabilize no more of them than necessary. The question, of course, how much and what sort of stabilization is necessary, can only be answered empirically and with the help of concrete analysis (for example, in the case of the question of the legitimacy and the function of referendums). Into the structure of democratic political institutions their self-transformation is built: Situated on a first level the primary process of legislation, on a second order level constitutional transformation, change in voting rights or the institutionalization of new constitutional bodies. Self-transformation is supported by the interplay between parliament and the public sphere. This is also the place for calls for more institutional imagination to enable more thoroughly incorporate new means of opinion- and will-formation like round tables or mediation procedures.

These and similar possibilities for action resulting from the dynamics of the political process open the horizon of democratic societies for the future. And while it appears that the grand utopian visions have been exhausted, such an openness to the future and the new realms of possibility associated with them could hold a promise of transformational processes for democratic institutions. The decision to
turn down the backward-looking orientation and the general certainty of anticipation characteristic of the classic concept of institutions sheds new light on the transformational processes of modern democracies. Institutionalized procedures set down the formal framework for stability in the midst of modern processes of pluralisation and innovation. A standstill, cessation or closure of the processes of hermeneutic self-understanding and opinion- and will-formation is no alternative. For stability and social integration cannot be forced on them from outside once and for all, but must be achieved time and again in a process open and without end.

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