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The Constitution of Then and Now: Metaphors of Time and the Temporalization of Justice in Legal Judgments

This paper focuses on the metaphors of time which appear in legal judgments that (are compelled to) posit a distinction or break between the present and a past situation of injustice. Drawing on cases from South Africa, Canada and Australia, it examines the work that metaphors such as 'the bridge between present and future,' 'closing the book on the past,' and 'the tide of history' do in signifying time. The paper explores, among other aspects, the spatialization of time and its consequences for legal discourse, and the distinctive understandings of history invoked by each metaphor. Ultimately we seek to explicate the implications of signifying time for articulating and actualizing the possibilities of law and the demands of justice.