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Abstract

This essay examines the significantly different approaches of John Rawls and Hannah Arendt to the problem of judgment in democratic theory and practice.

Keywords

Rawls, Arendt, judgment, Wittgenstein, democratic theory, Frederick Douglass

What would it mean to foreground the capacity to judge critically and reflectively as a central feature of modern democratic citizenship? This question, raised perhaps most poignantly albeit not systematically in the work of Hannah Arendt, is of crucial importance for political theory today. For Arendt, the problem of judgment arises in the wake of the collapse of inherited criteria for judgment or what she calls the final break in tradition that marked the definitive political event of the twentieth century, namely totalitarianism.¹ For contemporary theorists, the problem of how to judge in the absence of inherited concepts or rules remains an important one. But our focus must be different. The problem is not the collapse of standards as such but how to take account of the plurality of standards that characterize multi-ethnic and multiracial societies such as the United States and, increasingly, Western Europe.

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In light of neoconservative reactions to this problem of judgment—consider Samuel Huntington’s anxious book title: *Who Are We?: The Challenges to America’s National Identity*—John Rawls’s *Political Liberalism* can seem like a sober response to the undeniable reality of social and cultural diversity.² In Rawls’s account, “comprehensive doctrines” (religious, philosophical, and moral) are characterized at once by incompatibility and reasonability. Because people who deliberate about moral and political questions emphasize different aspects of questions and employ different methods, they will come to different and often irreconcilable answers. Rawls calls this free use of human reason the “burdens of judgment” and casts it as an irreducible feature of liberal democratic societies.³ By contrast with Huntington, who sees in the demise of a coherent Anglo-American identity the loss of liberal democratic values, Rawls does not surrender the possibility that such values can be sustained. The burdens of judgment need not lead defenders of liberalism to despair: a conception of political justice can be worked out that this plurality of reasonable doctrines would endorse without succumbing to the impossible wish of reasserting one (Anglo-American) comprehensive view.

Rawls’s key move within the tradition of liberal political thought is to set aside comprehensive visions of the good or the true, as they were famously articulated by thinkers such as Kant and J. S. Mill, in order to advance a “freestanding” political conception of justice as fairness. “The aim of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons,” writes Rawls.⁴ What matters is not whether one’s views are true but whether they can be justified to others as reasonable, that is, as consistent with the core political values of justice as fairness and the view of persons as free and equal.⁵ For political liberalism, reasonableness is the standard of correctness, not truth.

There is much to admire in Rawls’s approach, not least his insistence on the difference between the rational and the reasonable (*PL*, 48-54) and, further, his effort to foreground the reasonable as that which matters for politics. Recognizing the dangerously coercive character of the claim to the truth of one’s beliefs when it comes to shared political life, Rawls holds: “this is a claim all equally could make; it is also a claim that cannot be made good by anyone to citizens generally. So, when we make such claims others, who are themselves reasonable, must count us as unreasonable. And indeed we are, as we want to use state power, the collective power of equal citizens, to prevent the rest from affirming their not unreasonable views” (*PL*, 61). To be reasonable, he adds, is to “see that the burdens of judgment set limits on what can be reasonably justified to others” (*PL*, 61).

There is a striking similarity between Rawls's account and Arendt's well-known critique of truth claims, itself a crucial element in her understanding of judgment.⁶ Like Rawls, Arendt worries about the dogmatic character of such claims and their potentially corrosive effects on the public realm. Also like him, Arendt does not think of judging as a practice that is everywhere bounded by universally valid rules. When it comes to the world of human affairs, she argues, the very idea that judging traffics in truth claims and appeals to universal criteria is antipolitical. In politics, plurality is the name of the game, and claims to the truth of one's beliefs, values, or judgments have no place.

Notwithstanding the important similarities in their views on truth and politics, Rawls and Arendt have significantly different perspectives on the place and importance of judging as a democratic practice. For Rawls, I argue below, the burdens of judgment function more to set the limits on what can be discussed politically than to animate or enhance the capacity to judge in the absence of a universal rule itself. These limits are maintained through what many critics see as a highly constrained idea of public reason,⁷ which is premised on what Rawls calls a "method of avoidance," that is, avoidance of comprehensive claims to truth when speaking politically (as Rawls restrictively defines that kind of speech).⁸ Agreeing with many of Rawls's critics on this score, I am also struck by Rawls's now famous answer to them in "The Idea of Public Reason Revisited." In this essay, Rawls not only strongly contests the view that public reason is—or was even meant to be—deeply restrictive in the way his critics accuse but also seems rather at a loss to explain how his work could have been so misunderstood.⁹

My own approach to this puzzle is to take Rawls at his word when he says that public reason is meant neither to define once and for all the manifest content of what citizens may debate nor to circumscribe political speech everywhere by its rule of reasonableness. If problems along these lines nevertheless persist, I argue, it is partly due to the highly constrained (though implicit) conception of meaning that guides even Rawls's more expansive account of public reason. Can we know what the effects of our speech will be—for example, will it be seen as reasonable or unreasonable; will it be affirming or destructive of liberal democratic political values—prior to any actual act of speaking? Following Wittgenstein's remarks on meaning and use, I argue below that we cannot, and that it is just this uncertainty about how our words will be taken up by others that enables judging to be not merely a boundary-securing activity, as it tends to be in Rawls's work, but a democratic world-building practice, as Arendt envisioned it.

Although public reason has been the subject of many debates within the literature on Rawls, more needs to be said about its relationship to political judgment understood in Arendt's terms as a crucial and quotidian feature of democratic citizenship.¹⁰ For Arendt, the greatest threat to modern democracies lies not in the conflict among incommensurable but reasonable comprehensive doctrines, as it clearly does for Rawls, but in the loss of a common world in which significant differences of perspective can be publically voiced and critically judged. Rather than rush to find in acts of judging citizens' nefarious designs on state power, Arendt sees the all-important world-building practice that attenuates the craving for state-centered solutions to problems of democratic citizenship.

Does not public reason's method of avoidance, though admirable for its sensitivity to a coercive and punitive (state-sanctioned) rationalism, work to undermine the development of judgment as a viable democratic political practice? And might this not in turn lead citizens to an ever greater reliance on the state to solve problems of democratic governance, notwithstanding the highly limited role granted the state within political liberalism? Rawls's defenders could counter that political liberalism has no need of this Arendtian practice, but I shall hold that without fostering the capacity to judge, political liberalism threatens to enhance the very state power it seeks to curtail and to degenerate into the highly apolitical and stability-centered theory that its critics have claimed it to be.

To reclaim judgment as a practice of democratic citizenship, we need to think about the reasonable as something other than a mode of political speech, and a way of engaging fellow citizens, that is based on the method of avoidance. Unshackled from the constraints of public reason, the reasonable might also be understood as a form of making political judgments and claims that generates agreement on matters of common concern by enlarging our sense both of what so much as counts as a common matter and who counts as a political speaker. To judge and speak politically outside the boundaries set by public reason is always to risk unsettling what Rawls takes to be a presumably stable "overlapping consensus" about basic political principles. More than that, it is to risk being rebuffed by one's fellow citizens, treated—if not as mad—as deeply unreasonable and therefore as having nothing politically to say. But just that risk taking can constitute something new: unexpected domains and topics of legitimate democratic political debate and unanticipated speakers of political judgments and claims, which in turn generate our sense of the common world. To show how this inaugural force of political speech can work, I devote a long section of this paper to a reading of Frederick Douglass's 1852 Fourth of July address in the context of Rawls's remarks on

abolitionism and the constraints of public reason. I argue that this speech is best understood neither as a past- nor future-perfect expression of public reason under the constraints of the history of chattel slavery, which is more or less how Rawls would have us understand abolitionist speech *tout court*, but of what I have elsewhere called the predicative moment of politics and here call the world-building practice of judging.

Judgment and Public Reason

A basic difficulty with the idea of public reason, says Rawls, is that, in demanding that citizens honor its limits when “discussing and voting on the most fundamental political questions,” public reason seems to limit them to an “appeal only to a public conception of justice and not to the whole truth as they see it” (*PL*, 216). Imagining the objection of an imaginary interlocutor, Rawls adds: “Surely, the most fundamental questions should be settled by appealing to the most important truths, yet these may far transcend public reason!” (*PL*, 216). At once recognizing the impulse to make comprehensive truth claims when our most fundamental political decisions are at stake and invoking the familiar interdiction on such claims that goes under the method of avoidance, Rawls imagines that he has dissolved the paradox by reminding the reader of what it means to endorse a political conception supported by an “overlapping consensus”: “As reasonable and rational, and knowing that they affirm a diversity of reasonable religious and philosophical doctrines, they should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality” (*PL*, 218). Reasonableness requires that “on fundamental political matters, reasons given explicitly in terms of comprehensive doctrines are never to be introduced into public reason” (*PL*, 247), for they would explain one’s motivating convictions in terms of truth (*PL*, 219). “The zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship.”¹¹ This is “the exclusive view” of public reason (*PL*, 247), Rawls explains.

But how do we know, prior to the actual moment of speaking and judging, what another person will count as reasonable, and thus as political speech according to Rawls, in the context of a political debate? Even if we have some idea of what this might be, surely when it comes to speaking and judging politically, context is all. The importance of context to meaning is ignored not only by Rawls but also by self-declared political liberals such as Martha Nussbaum, who strongly endorses “the wisdom of the method of avoidance” (896).¹² In her view, this method was sadly missing in founding political

documents such as “the U.S. Declaration of Independence [which] uses a notion of self-evident truth, as well as reference to the Creator, to ground its claim to inalienable rights. Political liberalism must reject this sort of language for the political sphere,” Nussbaum holds.¹³

What does this method of avoidance assume? To take Nussbaum’s example, it assumes that to declare, say, “We hold these truths to be self-evident” (e.g., the self-evident *truth* of human equality bequeathed by God), as it is elaborated in the Declaration, is to give a belief the form of a meaningful statement, and that this statement, as meaningful, could potentially cause harm, for it might offend another citizen’s contrary belief. The method of avoidance recommends itself because meaning is always already contained in the statement prior to its utterance. It is thus fully poised to offend once spoken in public. Does it make sense to talk about strings of words or sentences as having meaning in this way?

This is the kind of question addressed by Wittgenstein, perhaps most famously in *On Certainty*, where he raised concerns about G. E. Moore’s attempt to answer the skeptic with the common sense declaration (accompanied by pointing): “I know this is a hand.” That statement, as Wittgenstein suggests a few sections later, is akin to:

I know that a sick man is lying here? Nonsense! I am sitting at his bedside. I am looking attentively into his face. –So I don’t know, then, that there is a sick man lying here? Neither the question nor the assertion makes sense. Any more than the assertion “I am here,” which I might yet use at any moment, if suitable occasion presented itself. . . . It is only in use that the proposition has its sense.¹⁴

Why is it “nonsense” to say that I know that there is a sick man lying here (or I know this is a hand) when the conditions are quite optimal for knowing such a thing?

Wittgenstein’s response, as James Conant explains, is typically understood as marking the difference between a meaningful sentence and an unsuitable context for its use.¹⁵ “I know there is a sick man lying here” is meaningful, but to state it while sitting at the bedside of this sick man is nonsense. The context is wrong. It is just so “flamingly *obvious*,” to speak with Stanley Cavell, that there is a sick man lying here.¹⁶ On the widely accepted interpretation critically discussed by Conant, “Wittgenstein’s complaint is not directed at *what* is said; Wittgenstein’s complaint is directed rather at the idea that the ‘something’ in question is the kind of thing that can be asserted *here*. The charge is thus not directed at the intelligibility of what is said, but against the

intelligibility of the attempt to assert 'it' on such an unsuitable occasion."¹⁷ But Wittgenstein's objection to traditional philosophy, argues Conant, is far more radical than that.

It is more radical because Wittgenstein's point here, writes Conant, "is that for a large class of occasions of speaking there isn't anything which can properly count as asking the question 'What do the words [which have been spoken] mean?' apart from a simultaneous consideration of questions such as 'When was it said?', 'Where?', 'By whom?', 'To whom?', etc."¹⁸ We cannot decide what words mean apart from the context in which they are spoken. "The meaning of an expression is not something which an expression possess already on its own and which is subsequently imported into a context of use," Conant explains.¹⁹ This context of use, in turn, is not some general category that determines in advance what a particular string of words can mean. It is not that the (generalized) context (e.g., any person sitting at the bedside of any sick man) sets the terms in which a sentence is meaningful or not, nor that the sentence ("I know that a sick man is lying here.") is meaningful apart from the (generalized) context. It is rather someone speaking a particular sentence in a particular context that creates meaning.

I suggest that political liberalism's method of avoidance reproduces just the relationship between meaning and use that Wittgenstein would have us question.²⁰ If the meaning of an expression is not something that an expression possesses on its own; if it is not a manifest content that is subsequently imported into a context of use; and if we are never in the position to know in advance of any actual speaking in an actual and particular context of use what our words will mean (i.e., whether others will find them intelligible), why should we assume that the assertion "These truths are self-evident" is always already meaningful and poised to violate the principle of equal respect when spoken publically? Or, to put the question in terms I find more felicitous, why should we accept the method of avoidance as the only way of saving the public realm?

For Rawls, we have seen, the rules governing public reason are consistent with the more general strategy of political liberalism, which, he writes, "removes from the political agenda the most divisive issues, serious contention about which must undermine the basis of social cooperation" (*PL*, 157). Rawls realizes that, by both excluding from debate the issues that truly divide citizens and severely limiting the terms of debate for those issues they may discuss, he has a problem explaining what political liberalism holds to be legitimate social and political change. He has a problem, for example, explaining how slavery came to be abolished, or rather how the abolition of slavery could have been justified at the time in terms of political liberalism,

rather than being accepted under the aegis of “pluralism.” He has a problem explaining how either the civil rights movement could have happened if its participants had embraced political liberalism and kept within the bounds of “public reason” or women’s liberation could have taken place if women had recognized the lack of an overlapping consensus on women’s rights.

In response to criticism along these lines, Rawls claims that, against the exclusive view of public reason discussed above, “there is another view allowing citizens, in certain situations, to present what they regard as the basis of political values rooted in their comprehensive doctrine, provided they do this in ways that strengthen the ideal of public reason itself” (*PL*, 247). If we ask, “Did the abolitionists go against the ideal of public reason?” writes Rawls, we should view “the question conceptually and not historically” (*PL*, 250). The issue in other words is not whether their “political agitation was a necessary political force leading to the Civil War and so to the destruction of the great evil and curse of slavery” (*PL*, 250). On that level their actions can be redeemed by history. The issue, rather, is whether such actions can be seen as conceptually consistent with the great political principles and thus redeemed by public reason. This is the “inclusive view” of public reason, which Rawls calls the more “correct” view (*PL*, 248). And not only correct but, I would add, crucially important for the fortunes of political liberalism, since the inclusive view enables us to explain the social change that, under the exclusive view, must appear illegitimate. As this illegitimacy would call into question the entire project of political liberalism—why would we embrace a theory that cannot so much as account for the very momentous social and political change that it holds to be legitimate?—quite a lot is at stake in this inclusive view. I quote at length:

The abolitionists and the leaders of the civil rights movement did not go against the ideal of public reason; or rather, they did not provided they thought, or on reflection would have thought (as they certainly could have thought), that the comprehensive reasons they appealed to were required to give sufficient strength to the political conception to be subsequently realized. To be sure, people do not normally distinguish between comprehensive and public reasons; nor do they normally affirm the ideal of public reason, as we have expressed it. Yet people can be brought to recognize these distinctions in particular cases. The abolitionists could say, for example, that they supported the values of freedom and equality for all, but that given the comprehensive doctrines that they held and the doctrines current in their day, it was necessary to invoke the comprehensive grounds on which those

values were widely seen to rest. Given those historical conditions, it was not unreasonable of them to act as they did for the sake of public reason itself. In this case the idea of public reason allows the inclusive view. (*PL*, 251)

Striking in Rawls's inclusive view of public reason is that it leaves the idea of public reason itself wholly unchanged. Comprehensive reasons are admissible as long as they either are or (through reflection) can be seen to be consistent with public reason, which by definition excludes such reasons. Consistency is achieved through the incorporation of the "offensive" elements of these doctrines (i.e., their comprehensive moral reasoning and claims to truth) into the logic of justification. Not unlike a certain way of thinking about rights, whereby new claims to political enfranchisement are explained as the mere extension of the inherent logic of rights itself (i.e., its ever-expanding nature), Rawls's inclusive account of public reason redeems "conceptually" what were, historically, nonpublic reasons at the expense of neutralizing the political character of making judgments and claims. It is as if the logic of public reason itself determined in advance the legitimacy of claims made in the name of nonpublic reason. Thus, abolitionists' nonpublic reason, which led them to "bas[e] their arguments on religious grounds," is redeemed as politically valid by virtue of the fact that, seen conceptually, it "supported the clear conclusions of public reason." Likewise, the nonpublic reasons advanced by the civil rights movement, led by Martin Luther King, Jr., are redeemed on a conceptual level by the "appeal to the political values expressed in the Constitution correctly understood" (*PL*, 250). And so on.

But of course what it means to "correctly" understand the political values of the Constitution is given neither in the internal consistency of the values themselves (which would require their eventual application to all human beings, on pain of contradiction) nor by the imputation of public reason thinking to nonpublic reason claim-making. The sense of correctness is generated, rather, by the very practice of making political judgments and claims. Our sense of necessity here, in other words, belongs not to any logic of expansion but to the contingent historical fact that abolitionists, civil rights activists, and suffragists claimed their freedom and equality, and their demands were eventually heard and taken up by others. It may appear as if it had to be that way—that such advances were already guaranteed, so to speak, by the principles inherent in the constitution or the logic of rights—but that is the illusion created by public reason. The achievements of abolitionism, the civil rights movement, and feminism did not have to happen at all and, as anyone familiar with the history of these struggles knows, came quite close to not happening

at all. Rawls himself would not deny this. But the question is whether thinking about these struggles in terms of the ideal of public reason might occlude the contingency of these advances as genuine but fragile political achievements. Forged through conflict and struggle, such advances involved tremendous risk: not only the obvious risks to one's person that were known to be associated with abolitionist activities but also the less obvious risk of being rebuffed politically that I mentioned above. This risk of speaking outside the strictures of public reason and refusing to limit oneself to the mere extension of already legitimate political principles, we shall now see, is what made Frederick Douglass's Fourth of July address the paradigm of brilliant antislavery speeches.

Risking Unreasonableness

My point in questioning the idea of public reason as a kind of grand narrative for making sense of the historical struggle for rights, or as a purification mechanism for making public sense of nonpublic reason, is not to deny that disenfranchised individuals and groups do in fact need to articulate their claims and judgments in a language that, far from being merely subjective, makes an appeal to some kind of universality.²¹ But the question is whether thinking about that language in terms of the redemption of nonpublic reason by public reason might conceal and perhaps even distort what is at stake.

One thing that is surely at stake is how it was that a suffragist such as Elizabeth Cady Stanton or an ex-slave abolitionist such as Frederick Douglass could be so much as heard as making public judgments and claims. What Rawls observes about slaves was, albeit in a more limited form, applicable to both Stanton and Douglass: "Slaves are human beings who are not counted as sources of claims" (*PL*, 33).²² The issue here is not whether one can speak the (English) language and be understood, but whether the language one speaks is counted as being more than merely subjective. The idea that one can redeem nonpublic reason with public reason assumes that one is in the position of a speaking subject who is counted as the source of claims, and who can therefore make arguments, that is, engage in the practices of justification based on a conception of the reasonable, which, for political liberals, are the only game in town.

Consider Frederick Douglass' famous speech, "The Meaning of July Fourth for the Negro." Delivered on July 5th, 1852, at an event commemorating the signing of the Declaration of Independence and sponsored by the Rochester Ladies' Anti-Slavery Society, this speech is widely considered to be the single most effective and important speech denouncing slavery

and advocating emancipation before the Civil War. Both the speech and the meeting itself were to provide a counter-celebration to Independence Day. Douglass was among the speakers who exposed the hypocrisy of the Revolution and the elusive ideal of liberty for all. "This Fourth of July is yours, not mine," he told his white listeners. "You may rejoice, I must mourn." Douglass' remarks went to the heart of the crime of slavery upon which the American nation had been founded.²³

Douglass' speech resists its redemption by the Rawlsian idea of public reason, for it aims to expose the hypocrisy of the canons of political rationality and deliberation on which that idea is based. Invoking the voice of an imaginary interlocutor who complains that the abolitionists would do well to "argue more . . . and denounce less," Douglass questions whether the abomination of slavery can be addressed by "argument" at all.

But, I submit, where all is plain there is nothing to be argued. What point in the anti-slavery creed would you have me argue? . . . Must I undertake to prove that the slave is a man? . . . Would you have me argue that man is entitled to his liberty? That he is the rightful owner of his body? . . . Must I argue the wrongfulness of slavery? Is that a question for republicans? Is it to be settled by the rules of logic and argumentation, a matter beset with great difficulty, involving a doubtful application of the principle of justice, hard to be understood? . . . There is not a man beneath the canopy of heaven that does not know that slavery is wrong for *him*. . . . Must I argue that a system thus marked with blood . . . is *wrong*? No! I will not. . . . What then remains to be argued?

As George Shulman parses this passage, the issue here is white refusal to acknowledge what is already known: "the problem is not an ignorance to remedy by knowledge, but what (and who) we count as real, not an error in logic to remedy by rational argument, but a motivated blindness . . . about the other, our conduct, and so about who we think we are." At issue is not just a "gap" between what people say about their ideals and their actual conduct, but "a denial of reality so profound that every professed value seems hollow."²⁴ Douglass calls attention to this gap by beginning his speech with the use of the first-person pronoun "I" and then, within the space of three paragraphs, separating himself from his audience through use of the second-person "your": "This, for the purpose of this celebration, is the Fourth of July. It is the birthday of *your* National Independence, and of *your* political freedom."²⁵ He claims the right to speak by addressing his audience as "fellow-citizens"

but also marks the hollowness of that term for free Northern black Americans like himself and the millions of slaves who were not citizens. If the central issue is that we refuse to count others as real in a political sense (as sources of claims), or if we are invested in denying the conditions that so exclude them, then Douglass must find a form of speech that makes visible his non-status as a credible speaker of claims.

Rather than participate in the charade of deliberative discourse that presupposes that equality of speaking subjects, Douglass declares:

At a time like this, scorching irony, not convincing argument, is needed. O! had I the ability, and could I reach the nation's ear, I would, to-day, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke. For it is not light that is needed, but fire. . . . The feeling of the nation must be quickened; the conscience of the nation must be startled.²⁶

“Quickened, roused, startled: Douglass’s insights into the democratic importance of nondeliberative discourse and claims-making practices,” astutely writes Jason Frank, were not unique to him but a central component of abolition’s public sphere.²⁷

The point here is not to deny that Douglass makes arguments. Only these arguments come to life *qua* arguments through the use of scorching irony, biting ridicule, blasting reproach, withering sarcasm, and a barrage of powerful tropes and figures—in a word, through rhetoric. Rhetoric allows the arguments to come alive and the so-called manifest content of the saving principles of the Constitution to be seen. Rhetoric should be understood here as far more than the mere means of persuasion that makes it easier to absorb rational truth, as the philosophical tradition would have it. No mere “technique of an exterior persuasion,” writes Ernesto Grassi, “it [rhetoric] is the very basis of rational thought.” Rhetoric provides the framework [tropes, figures, images] within which the proof can come into existence at all.²⁸ To put this in the (Wittgensteinian) terms I used earlier, meaning is not already contained in the manifest content of Douglass’s speech, which is the subject of Rawls’s conceptual redemption of abolitionist moral and religious appeals by public reason. Rather, the meaning of Douglass’s speech emerges in the context of his speaking: his rhetorical genius was to bring his audience to hear reasonable political judgments in the very moral denunciations that his imaginary interlocutor dismissed as politically ineffective and a political liberal might call unreasonable.

The specific mode of public speaking that expresses a decisive antislavery public judgment, then, is not “based upon reasons and evidence after discussion and due reflection,” which is how Rawls describes the workings of public reason. Of course Rawls also holds that “justification is not regarded simply as valid argument from listed premises, even should these premises be true. Rather, justification is addressed to others who disagree with us, and therefore it must always proceed from some consensus, that is, from premises that we and others publically recognize as true; or better, publically recognize as acceptable to us for the purpose of establishing a working agreement on the fundamental questions of political justice.”²⁹ It is indeed tempting to read Douglass’s speech, as Jason Frank puts it, as “a paradigmatic instance of immanent critique in the dissenting traditions of American political thought.”³⁰ On this understanding the critic starts with common places, that is, tropes and values already accepted by his audience as part of what Rawls calls public reason. “According to this approach,” writes Frank, “Douglass exposes a contradiction between the universality of the principle and the historical particularity of its application.”³¹ In this way, Douglass can be seen as affirming the fundamental principles of public reason and merely asking that they be extended—as they conceptually could have been according to Rawls—to slaves.

But Douglass’s problem—which mirrors the larger problem of abolitionist struggles at this point in time—is not only to invoke the shared premises of the American Constitution or the Declaration of Independence in order to persuade those who disagree on the moral and political issue of slavery. That kind of argument had already been made—hundreds of times over in fact. Douglass confronts an audience (hosted by an Anti-Slavery Society), many of whose members already share his judgment on the wrongs of slavery and already share core democratic premises (e.g., human equality). His problem is not simply how to convince others on the basis of what everyone already accepts but how to reanimate what they already know so that it becomes *politically*—and not just personally, morally, or religiously—significant. The point is not to endorse and merely extend the logic of the shared premises as they are expressed in the Declaration or the Constitution; it is to gain critical purchase on what each takes for granted. In this way, the premises can be subjected to critical judgment and redeployed anew.

We would miss the sheer political force of Douglass’s speech if we were, with Rawls, to redeem Douglass’ nonpublic reason with public reason. Douglass urges us to “hold fast” to the Declaration of Independence as the “sheet anchor” of the republic, but it could be misleading to say, as Rawls does about Martin Luther King Jr., that Douglass appeals here “to the political values

expressed in the Constitution correctly understood" (*PL*, 250). Although Douglass himself, in his 1851 departure from William Lloyd Garrison's denunciation of the Constitution as a proslavery document, eventually claimed that, correctly understood, the Constitution was an antislavery document, his conversion was no mere return to what was always already there, but a creative, indeed transformative political action: an action that, together with the interpretations of like-minded abolitionists, redefined the meaning of the Constitution as a radical document that authorized Congress to abolish slavery. Douglass's speech can be seen as an example of what I have elsewhere called the predicative moment of politics.³² In such moments, the claim to "we the people" does not call upon an already existing subject formed through consensus on basic political principles only to affirm them. Rather, it is a form of speaking and judging that unsettles how we understand those principles and the apparent coherence of the "we" that denies its contingent and exclusionary character.

Speaking Truth Politically

In the case of abolitionism, Rawls sees public reason as redeeming the comprehensive reasons given by the abolitionists. But this does not alter his basic point about the intrinsically divisive character of comprehensive claims to true beliefs. It is instructive in this regard to recall that Douglass, though he clearly held slavery to be a moral crime against the higher law of nature and gave forceful public expression to that view, came to reject Garrisonianism, largely because of the moral righteousness of its public stance. Such righteousness, as Douglass saw, led to a form of political paralysis and ultimately indifference. As Colaiaco writes, "To abolish slavery, the intractable Garrison would have gone as far as dissolving the union, leaving two nations, one slave and one free."³³ Recognizing the fatal implications for freedom in Garrison's uncompromising and wholly moralized approach to ending slavery, Douglass was led to advance a distinctly political approach to abolition, an approach that radically altered how he thought about the relationship of absolute moral claims to politics. He did not counter Garrison by asserting the inevitable conflict between morality and political expediency and, in the name of expediency, bracket claims to the moral truth of human equality (as contemporary political liberals would have us do). Rather, he saw that one can and ought to affirm as universal one's political principles, but such affirmation will always take into account political context. In this way he is engaged in building what Arendt calls a "common world." *Pace* Garrison, writes Colaiaco, Douglass saw that the refusal to make political compromises and "accept a lesser evil

to avoid a greater one, can actually thwart one's ethical goals."³⁴ As Douglass himself puts it, "It does not follow that what is morally right is, at all times, politically possible," but what is politically possible is the only path to the eventual attainment of what is morally right.³⁵

Contrasting Douglass's deeply political way of thinking about abolitionist claims to Garrison's wholly moral view, we might wonder whether the comprehensive appeal to truth necessarily poses a risk to democracy when asserted in what Rawls calls "the public political forum."³⁶ Arendt famously argued that it does: the appeal to an absolute undercuts the freedom of citizens, for it seems to lodge the authority to act politically in an extrapolitical order.³⁷ Moreover, truth claims pose grave dangers to democratic politics in her view, for they tend to preclude all debate. Although I implied earlier that Arendt agrees with Rawls here, we can now see that her concern is fundamentally different: she fears not the mortal combat that truth claims supposedly provoke, but the deafening silence. "Truth carries with it an element of coercion," she writes, for any claim to truth appears "to be beyond agreement, dispute, and consent."³⁸ But this worry seems to forget Arendt's own insight, in the very same essay, into the practice of making political claims, namely, that any claim, including claims to self-evident truths, depend in the end on agreement and consent. Thus, Jefferson may have thought that by declaring truths to be self-evident, he was putting them beyond dispute. But, writes Arendt, "by saying '*We hold these truths to be self-evident,*' he conceded, albeit without becoming aware of it, that the statement '*All men are created equal*' is not self-evident but stands in need of agreement and consent—that equality, if it is to be politically relevant, is a matter of opinion and not '*the truth.*'"³⁹

Nonetheless, surely there is danger in political claims and judgments that purport to embody the whole truth. Aware of this danger, Douglass, though he believed in racial (and gender) equality as a deep moral truth, was willing to make political compromises which involved how he expressed or pursued the realization of that moral truth. Unlike political liberals, however, Douglass does not invoke the idea of public reason as the only legitimate way to speak to other citizens: rather, he questions that idea and advances comprehensive reasons that he then subjects to the contingent demands and exigencies of politics. Thus, Douglass can reinterpret and mobilize the Constitution as an anti-slavery document based on the very same natural law tradition that Garrison also claimed as the basis for his rejection of the Constitution and his uncompromising moral stance.⁴⁰ It was not the claim to the truth of natural law as such that was decisive in the conflict between Garrison and Douglass, but the particular way in which that claim was employed by each politically. Democratic politics *can* be endangered by comprehensive truth claims, but also enabled—there is no guarantee, one way or the other.

Thinking about comprehensive truth claims in a political rather than a philosophical idiom, we can see that the problem facing citizens of democratic societies is how to make critical judgments in the absence of a single conception of the good. But that is not quite how Rawls understands it. For him, “the burdens of judgment” point not to the importance of developing one’s capacity to judge in the absence of a transcendent rule, as it does for Arendt, but to the necessity of taking certain topics of political judgment off the table and abiding by the rules of public reason.⁴¹ I recognize that for as many passages as one could cite that say as much, Rawls’s defenders—as I learned in the course of writing this essay—will cite others. I suggested above that there are certainly textual grounds for questioning just how restrictive public reason is according to Rawls. Nevertheless, it seems fair to say that though he recognized that universal rules for judgment could not be sustained in the face of deep diversity, Rawls’s response was to keep judgment tethered to the authority of public reason, however capacious or narrow one understands it.⁴² This tethering of the capacity to judge to an external authority of sorts comes at a cost: it focuses our attention on the rules of judgment (or public reason) rather than inspiring us to judge reflectively, that is, in the absence of universal rules. This reflective kind of critical judgment was at the center of Arendt’s rather different approach to her very similar recognition of social and cultural diversity.

Judging as a World-Building Practice

For Arendt, the capacity to judge reflectively, that is, in the absence of a concept or rule, is a defining feature of democratic citizenship. Such citizenship is not identical in her view with membership in any given nation state. Nor is it premised on the sharing of what Rawls calls a “comprehensive doctrine” and defines as the very essence of the idea of “community.” Though Rawls and Arendt agree that unity of perspective destroys the public realm, their reasons are different. For Rawls, a comprehensive doctrine almost always threatens to endanger liberal democratic politics when it gains public expression, for the “zeal to embody the whole truth in politics” excludes the possible legitimacy of competing views and seeks to mobilize the state in defense of a singular idea of the true. For Arendt, logical truth claims are apolitical, for they tolerate no dissent, but she also suggests that the dangerous rise of any single worldview is brought about, not hindered, by restricting the public expression of different (comprehensive) worldviews. To belong to a democratic political community is to have a “common world,” not to share a comprehensive worldview, and this common world exists only where there is a plurality of worldviews. Arendt writes:

The reality of the public realm relies on the simultaneous presence of innumerable perspectives and aspects in which the common world presents itself and for which no common measurement or denominator can ever be devised. For though the common world is the common meeting ground of all, those who are present have different locations in it. . . . Being seen and being heard by others derive their significance from the fact that everybody sees and hears from a different position. . . .

The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective.⁴³

What we have in common cannot be discerned through “a common measurement or denominator,” which is another way of saying not only that there is no common human nature that might guarantee unity in diversity but also that there are no rules or criteria according to which to adjudicate plural perspectives, only the actual public articulation of those perspectives themselves. Our sense of what is common, what Arendt calls “the sameness of the object,” can appear only when it is seen from different perspectives.⁴⁴ Consequently, the attempt to restrict the public articulation of competing perspectives, comprehensive doctrines, or worldviews results not, as a Rawls would have it, in a world that is shared but in a loss of what we have in common.

It can sometimes sound as though Arendt were speaking about the common world as if its possibility were given in the ontological fact of human plurality. And it is certainly true that, in *The Human Condition*, she tends to cast the common world as a synonym for worldly reality, understood as the sense of objectivity or realness that is generated by the presence of other people who see what I see and hear what I hear, though their standpoint is not identical with my own. In that case, the common world would be the Arendtian response to the corrosive skepticism of Cartesian doubt—and in important respects (especially in that text) it is.

But it is much more than that. The public realm or the common world, as I wish to develop that Arendtian political idea, is constituted not only in and through “the fact that everybody sees and hears from a different position,” but that they are also able to see from positions that are not their own: that they are able to think representatively and judge reflectively. Were this not also a crucial aspect of what Arendt means by the common world, then we might well have a response to the radical skeptic who puts human membership in any worldly reality whatsoever into doubt, but no satisfying answer to the related yet different question of what it means to be a member of a democratic *political* community. Were the common world ontologically given,

moreover, then it would be hard to see how it could ever be lost. But in Arendt's account it surely can. We do better to think of the common world as a political achievement, however rooted it may be in the ontological idea of human plurality.

The common world is built not only out of different perspectives but also imaginative acts of thinking and judging that take them into account. Common is not what political liberals mean by an "overlapping consensus." This consensus, we have seen, is premised on citizens abiding by the method of avoidance. For Arendt, what is common for us is not some comprehensive doctrine that we all share but rather a public space that is created out of the public expression of the plurality of comprehensive doctrines. The common world is "the space in which things become public." This idea of the common world as the space in which things *become* public reminds us that the public or political character of any human practice is not given in the practice itself but is created through what Arendt calls action in concert. It is in this space that abolitionists risked being rebuffed as unreasonable and brought their fellow citizens to see slavery as a political matter subject to change. And it was in this space that abolitionists transformed their own personal moral and religious commitments to end slavery into a genuinely political and public claim.

Arendt's idea of a common world invites us to recognize that it is our practice of politics that turns value pluralism into a form of mortal combat, rather than something intrinsic to that pluralism itself. Her affirmation of plurality as something that can only appear in public, rather than, as Rawls would have it, something that is private and must be protected by a method of avoidance, is crucial for avoiding "a dreary and conservative public discourse, freed of all fundamental challenges," to speak with Veit Bader.⁴⁵ Rawls himself observes that "the forms of permissible public reason are always several, and that "new variations" are crucial; "otherwise the claims of groups or interests arising from social change might be repressed and fail to gain their appropriate political voice."⁴⁶ But where do these permissible forms and new variations originate if not in the very violations of any existing idea of public reason? This is the risk of political speech about which I spoke earlier. People gain their political voice by taking that risk. We simply cannot know what our words will mean—or whether they will be dismissed as unreasonable, as mad, as offensive, as politically irrelevant, or some combination of these—apart from the moment of their utterance and reception. The openness to new demands that Rawls says he wants to preserve, then, cannot happen without taking that risk.

Conclusion

I admire political liberalism's celebration of value differences as an achievement of free liberal democratic institutions. Still, there is something awry in a political stance that construes these differences as that which likewise poses the greatest potential threat to free liberal democratic institutions, a threat that is best managed through a method of avoidance. This method leads to the occlusion of judgment as a specifically *political* practice in Arendt's sense. We find ourselves in the strange situation in which any comprehensive doctrine or stance that rejects, as Rawls writes, "the idea of public reason and deliberative democracy" (e.g., "fundamentalist religious doctrines") will simply be shut out of legitimate public debate. "They [such doctrines] assert that the religiously true, or the philosophically true, overrides the politically reasonable. We simply say that such a doctrine is politically unreasonable. Within political liberalism nothing more need be said."⁴⁷ But of course a lot more needs to be said—that is, if we are not to satisfy ourselves with talking publicly to people who are already part of the charmed circle of the reasonable and instead try to engage points of view that trouble our very understanding of the reasonable. And isn't this the real political challenge that faces us today?

By contrast with Arendt, who also worries about the dogmatic character of truth claims and their potentially destructive effects on the public realm, Rawls ends up shrinking this realm to the point of insignificance in the name of saving it. For Rawls, acceptance of "the burdens of judgment leads to the idea of reasonable toleration"⁴⁸—which is better understood as a deeply attenuated notion of what can be discussed politically. It is not enough to draw a distinction between the official and the background public political culture, as Rawls did in response to critics. For what is sustained is an ideal of political discourse whose very terms undercut the practice of political judgment as an ability to think the particular without the mediation of a concept (e.g., the reasonable).⁴⁹

It is only once we recognize that there are no universal rules for making judgments about matters of common concern that the practice of judging comes into its own. And it is with this practice of judgment that the expression of value differences can be seen, with Arendt, not as something to be managed by the idea of the reasonable in the name of toleration and social stability, but as susceptible to becoming part of the common world, that is, the "*inter-est*, which lies between people and can therefore relate and bind them together."⁵⁰ How do citizens learn to think and to judge in ways that create a sense of a common world whose very possibility arises not despite

but precisely because they do not share a comprehensive doctrine? Surely, it cannot be by practicing the method of avoidance.

If it is difficult for democratic thinkers to see how the idea of a common world and its loss might serve as a framework for understanding the challenges facing multiethnic and multiracial liberal democracies, this may well be because we tend to think of those challenges as first and foremost a problem of adjudicating so-called value differences. When such adjudication is our main concern, we almost inevitably tend toward state-centered solutions to deep problems of democratic governance. But what if the threat to democracy were not the deadly conflict of “ultimate value orientations,” to borrow Weber’s phrase, but the deterioration of the common world in which these orientations can be expressed and judged? This is the wager of Arendt, for whom plural perspectives are the very lifeblood of the public realm. They become a threat to the public realm when they are no longer expressed in the public realm. The validation of competing values expressed as political judgments and claims depends not on their redemption by some objective agency or discourse of public reason, but by the reflective judgments of citizens in the very practice of politics itself. To save the public realm and develop this world-building practice of judgment, then, let us risk the antipathy of reasonable political liberals and, to speak with that firebrand Paul Feyerabend, say “farewell to (public) reason.”

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Notes

1. See especially Hannah Arendt, *Lectures on Kant’s Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1982); Hannah Arendt, “The Crisis in Culture,” in *Between Past and Future: Eight Exercises in Political*

- Thought*, ed. Jerome Kohn (New York: Penguin, 2006), 194-222. For a more detailed account of Arendt's theory of judgment than the one I provide here, see Linda M. G. Zerilli, "'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt," *Political Theory* 33, no. 2 (April 2005): 158-88.
2. Samuel Huntington, *Who Are We? The Challenges to America's National Identity* (New York: Simon & Schuster, 2004). John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), xxvi. Hereafter cited in the text and notes as *PL* with page references.
 3. For Rawls's discussion of the burdens of judgment, see *PL*, 54-58. These burdens, as Thomas McCarthy summarizes, concern the free use of reason and the "difficulties in assessing evidence and difficulties in weighing it, indeterminacy of concepts and conflicts of interpretation, experiential and normative divergencies, the diversity of values and variations in selecting and ordering them." Thomas McCarthy, "Kantian Constructivism and Reconstructivism: Rawls and Habermas in Dialogue," *Ethics* 105 (October 1994): 44-63; quotation is from p. 58.
 4. Rawls, "Justice as Fairness: Political Not Metaphysical," *Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999), 388-414; quotation is from p. 230.
 5. "When attributed to persons, the two basic elements of the reasonable are first, a willingness to propose fair terms of social cooperation that others as free and equal might also endorse, and to act on these terms, provided others do, even contrary to one's own interest; and, second, a recognition of the burdens of judgment and accepting their consequences for one's attitude (including toleration) toward other comprehensive doctrines." John Rawls, "Political Liberalism: Reply to Habermas," *The Journal of Philosophy* 92, no. 2 (March 1995): 132-80; quotation is from p. 134.
 6. Hannah Arendt, "Truth and Politics," in *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin, 1993): 227-64. I try to complicate interpretations of Arendt's view of truth in Linda M. G. Zerilli, "Truth and Politics," *Theory and Event* 9, no. 4 (2006).
 7. For critiques of public reason in Rawls's work see Veit Bader, "Religious pluralism: secularism or priority for democracy?" *Political Theory* 27, no. 5 (1999): 597-633; Bryan Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgment* (Cambridge: Harvard University Press, 2006); Jürgen Habermas, "Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism," *The Journal of Philosophy* 92, no. 3 (March 1995): 109-31; McCarthy, "Kantian Constructivism and Reconstructivism"; Michael Sandel, *Political Liberalism* by John Rawls, *Harvard Law Review* 107: 1765-94; Jeremy Waldron, "Religious contributions in public deliberation," *San Diego*

Law Review 30 (1993): 817-48. For a defense of Rawls's idea of public reason against these critics, see Samuel Freeman, *Rawls* (New York: Routledge, 2007); Anthony Simon Laden, *Reasonably Radical: Deliberative Liberalism and the Politics of Identity* (Ithaca, NY: Cornell University Press, 2001); Richard Rorty, "The Priority of Democracy to Philosophy," *Objectivity, Relativism, and Truth, Philosophical Papers*, vol. I (Cambridge: Cambridge University Press, 1990), 175-96.

8. Rawls calls political liberalism a "method of avoidance" insofar as it does not engage in traditional philosophical controversies about the nature of the good or the true. This same method then becomes the rule for what it means to engage in public reason. See Rawls, "Justice as Fairness," 395.
9. In "The Idea of Public Reason Revisited," Rawls takes great pains to answer critics who claim that political liberalism suffers from a democratic deficit called public reason. Here he states explicitly: It is imperative to realize that the idea of public reason does not apply to all political discussions of fundamental questions, but only to discussions of those questions in what I refer to as the public political forum. This forum may be divided into three parts: the discourse of judges in their decisions, and especially of judges of a supreme court; the discourse of government officials, especially chief executives and legislators; and, finally, the discourse of candidates for public office and their campaign managers, especially in their public oratory, party platforms, and political statements. John Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples with "The Idea of Public Reason Revisited"* (Cambridge, MA: Harvard University Press, 1999), 131-80; quotation is from pp. 133-34. Hereafter cited in the text and notes as IPRR with page references. "Political liberalism, then, does not try to fix public reason once and for all in the form of one favored political conception of justice" (IPRR, 142), writes Rawls. In this spirit, Rawls grants that there is such a thing as a "background culture," where the rules of public reason do not apply in any case; that nonpublic reasons made there and elsewhere can be made good in terms of public reason at a later date (the "proviso" exception (152); that "there are many liberalisms . . . and therefore many forms of public reason" (141); that indeed "new variations [of public reason] may be proposed from time to time" (142) including ones that do not prioritize justice as fairness (141); and that this is important, "otherwise the claims of groups or interests arising from social change might be repressed and fail to gain their appropriate voice" (142). In fact, by the end of the essay it appears that the only criterion that is unassailable as far as political liberalism and public reason are concerned is "the criterion of reciprocity" (141, 173). This leads a rather exasperated Rawls to declare at the end of the essay: "I do not know how to prove that public reason is not too restrictive, or whether its forms are properly described. I suspect that it cannot be done" (179).

10. The exceptions here include Bryan Garsten, *Saving Persuasion*; and Ronald Beiner, *What's the Matter with Liberalism?* (Berkeley: University of California Press, 1995).
11. Rawls, IPRR, 132-133.
12. MarthaNussbaum, "Political Objectivity," *New Literary History* 32(2001): 883-906; quotation is from p. 896.
13. Ibid.
14. Ludwig Wittgenstein, *On Certainty*, ed. G. E. M. Anscombe and G. H. von Wright, trans. Denis Paul and G. E. M. Anscombe (New York: Harper & Row, 1969), §307)
15. James Conant, "Wittgenstein on Meaning and Use," *Philosophical Investigations* 21, no. 3 (July 1998): 222-50.
16. Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (New York: Oxford University Press, 1982), 211.
17. Conant, "Wittgenstein on Meaning and Use," 223.
18. Ibid., 239.
19. Ibid., 240.
20. Part of what Wittgenstein is questioning here is the distinction between meaning and intelligibility. This is the idea that we have, on the one hand, the meaning of a proposition and, on the other hand, the context of use in which that meaning is properly communicated and thus intelligible. On this view, propositions can be fully meaningful yet unintelligible: as sentences they have meaning but that meaning has not found a suitable context of use. See Ibid., 228. The distinction between meaning and intelligibility is at work in Rawls's approach to comprehensive claims to truth. In his view, comprehensive claims (e.g., about God as the creator of human equality) are meaningful—his point is not to endorse skepticism about claims to truth. But when the generalized context of use is the "public political form," such claims are to be considered unreasonable, that is to say, unintelligible as legitimate political speech. We understand the words, but we cannot credit them as intelligible insofar as they make no political sense according to the public criterion of reasonableness. The semantic content of the assertion is in order but the context of its utterance is just wrong.
21. I discuss this point in Linda M. G. Zerilli, *Feminism and the Abyss of Freedom* (Chicago: The University of Chicago Press, 2005), ch. 4; and in Linda M. G. Zerilli, "This Universalism Which Is Not One," *Diacritics* 28, no. 2 (August 1998): 3-20.
22. For Rawls, the example of slaves serves to support his argument that the view of the person as free and equal is a political conception. I agree that it is. But that is all the more reason to consider how it is that one comes to be seen as the originator of claims. Married women in mid-nineteenth century America could not vote, legally own property, make a will, sign a contract or, if employed, claim their own wages.

23. For an account of Douglass's speech that sets it in historical context and relates it to the struggle for women's rights, see James A. Colaiaco, *Frederick Douglass and the Fourth of July* (New York: Palgrave Macmillan, 2006). I am using the Douglass text at www.historyisaweapon.com
24. George Shulman, "Thinking Authority Democratically: Prophetic Practices, White Supremacy, and Democratic Politics," *Political Theory* 36, no. 5 (October 2008): 708-34; quotation is from p. 721. See also George Shulman, *American Prophecy: Race and Redemption in American Political Culture* (Minneapolis: University of Minnesota Press, 2008), esp. pp. 15-20.
25. Emphasis added. On this point see Colaiaco, *Frederick Douglass and the Fourth of July*, 33-34.
26. Douglass, "The Meaning of July Fourth for the Negro."
27. Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC: Duke University Press), 224.
28. Ernesto Grassi, *Rhetoric as Philosophy: The Humanist Tradition* (Carbondale, IL: Southern Illinois University Press), 20. I discuss Grassi's view of rhetoric more extensively in "'We Feel Our Freedom,'" 166-68.
29. Rawls, "Justice as Fairness," 394.
30. Frank, *Constituent Moments*, 218.
31. *Ibid.*
32. Zerilli, *Feminism and the Abyss of Freedom*, 171. Frank describes what I am calling the predicative moment of politics a "constituent moment." See *Ibid.*, 8.
33. Colaiaco, *Frederick Douglass and the Fourth of July*, 92.
34. *Ibid.*, 92. As Colaiaco explains, "Douglass put his pragmatism into practice. For national elections, he did everything in his power to advance the cause of freedom by supporting the platform of the Liberty Party, later known as the Radical Abolitionists, calling for the immediate abolition of slavery everywhere in the United States. But once the election drew near, recognizing that an abolitionist victory was unlikely, he prudently switched his support to those political parties, such as the Free Soil Party [which sought merely to contain rather than abolish slavery], and subsequently to the Republican Party, which had better chances of success." *Ibid.*, 94. Likewise, Douglass transferred his support of the abolitionist Gerrit Smith to the Republican Abraham Lincoln in the 1860 presidential election, even though Lincoln's party advanced a strategy of containment rather than abolition. *Ibid.*
35. See Michael Sandel's reading of the role played by morality in the 1858 debates over abolition between Abraham Lincoln and Stephen Douglass. As Sandel argues, "The debate between Lincoln and Douglass was not primarily about the morality of slavery, but about whether to bracket a moral controversy for the sake of political agreement." Sandel, *Political Liberalism* by John Rawls,

- Harvard Law Review 107: 1765-1794; quotation is from p. 1780. For Rawls's response to this critique, see IPRR, 174.
36. Rawls, IPRR, 133.
 37. See Hannah Arendt, *On Revolution* (New York: Viking, 1965), ch. 5; Zerilli, *Feminism and the Abyss of Freedom*, ch. 4.
 38. Arendt, "Truth and Politics," 239, 240.
 39. *Ibid.*, 246. I discuss this point in *Feminism and the Abyss of Freedom*, ch. 4.
 40. At the 1833 American Anti-Slavery Convention, Garrison argued: "All those laws which are now in force, admitting the right of slavery, are therefore before God utterly null and void." Quoted in Colaiaco, *Frederick Douglass and the Fourth of July*, 84. Like Douglass, he drew on the natural law tradition to contest the validity of positive law; unlike Douglass, he used that tradition to denounce the Constitution as a pro-slavery document that, thanks to natural law, ought to be rejected as null and void.
 41. As Rawls sees it, "given the fact of reasonable pluralism . . . liberal principles meet the urgent political requirement to fix, once and for all, the content of certain basic political rights and liberties, and to assign them special priority. Doing this takes those guarantees off the political agenda and puts them beyond the calculus of social interests, thereby establishing clearly and firmly the rules of political contest" (*PL*, 161).
 42. On this point, see Bryan Garsten, *Saving Persuasion*, 182-83.
 43. Hannah Arendt, *The Human Condition*, second edition (Chicago: University of Chicago Press, 1998), 57-58.
 44. *Ibid.*, 58.
 45. Bader, "Religious pluralism: secularism or priority for democracy?" 618.
 46. Rawls, IPRR, 142-42.
 47. Rawls, IPRR, 178.
 48. *Ibid.*, 177.
 49. Although "the idea of public reason" applies only to "the public political forum" (discussed in note 9 above), Rawls also describes "the *ideal* of public reason" as something that should be aspired to and can be "realized by citizens who are not government officials." In accordance with this ideal, "citizens are to think of themselves as if they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think most reasonable to enact." Thinking and acting in ways that are consistent with public reason is a "moral duty" of all citizens which clearly expands the normative claim of such reason way beyond the boundaries of the official public sphere. Rawls, IPRR, 135.
 50. Arendt, *The Human Condition*, 182.

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