well as to men’s projection of their needs and desires onto that body—a form of the feminine she elsewhere describes as “sameness” [skillfully masquerading as difference” (98)—she also insists that women’s “agentic” capacity, even or especially in the realm of appearance, remains critical to republicanism. Because women signal and redeem an original failed masculinity, they must always figure politically, even as that figuration engenders anxiety and a desire to repress.

There is, of course, some question about how to interpret Lucrezia’s agency. After all, her key acts are represented by other characters rather than witnessed by the audience (the cuckolding Callimaco reports on Lucrezia’s successful “seduction”) and she appears on stage first and memorably as a vial of urine (scrutinized for signs of infertility by Callimaco, Ligurio, and Nicias, whose collective gaze seems not exactly to fit the difference-made-same model). While Matthes acknowledges some difficulties on this score, she ultimately appeals to the larger context of theatricality and representational indeterminacy that leaves us all judged solely on appearances. In this sense Matthes’s interpretive approach to the play echoes what she presents as Machiavelli’s approach to politics more generally. In his preference for comedies, his persistent reconfiguration of history, and his “optimism” apropos Florentine republicanisms, Machiavelli emerges as a realist whose “real is elusive” (58) and whose ideal republican resembles nothing so much as a shape-shifter. Matthes’s application of his world-view to an analysis of his Lucrezia is in many ways compelling. But it also suffers from the pile-up effect: it is disorienting to read, in fairly rapid succession, that Lucrezia is a political pharmakos (simultaneously poison and remedy), an orchestrator (”like the prince”) of her representational effects, an embodiment of “the people,” and the personification of “dissimulation” (81–95).

When she turns to Rousseau’s work, Matthes presents some of her most controversial and original readings. Drawing on the notions of the spectacle, feminine virtù and its compensatory political role, and citizenship as performative, she offers a provocative depiction of Rousseau’s republican as a “private political man” who finds “a haven for politics” in sexual difference (136). Here, familiar claims about Rousseau’s desire for transparency, his fear and denigration of women, and his paradoxical relationship to theatricality and publicity more generally are complicated and enriched by Matthes’s attention to the role that the Lucrezia narrative plays in his republicanism.

Yet, some readers will question if La Nouvelle Héloïse is properly characterized as a variation on the Lucrezia story: that Clares represents a republican community and Julie serves as its “founder” (118) are surely debatable points. This is a different question from the general one of how signification works; rather, at issue is the specifically republican aspects of the multiply iterated Lucrezia tale. A more focused discussion of republicanism—and, specifically, of its narrative requirements—is thus needed to secure Matthes’s conclusions: on balance it is just not clear how what she identifies as republican dilemmas are unique to that political form. Monarchies also suffer crises of authority, at least in the form of successionary challenges, and they also mediate and mitigate those crises through spectacular displays and sexual antagonisms. So while Matthes succeeds admirably in making the case for the political relevance of narrative, she risks losing sight of properly political distinctions and, in the process, risks letting careless readers mistake symbolic indeterminacy for analytic and political imprecision. But this, finally, speaks less to the book’s limitations than to the impressive scope and depth of Matthes’s interpretive insights and commitments.

Elizabeth Wingrove, University of Michigan


In Democratic Procedures and Liberal Consensus, George Klosko provides an argument for a particular kind of procedural liberalism as representing the best possible basis for the legitimacy and stability of a diverse liberal society. The starting point is Rawls’s political liberalism. Klosko takes to heart Rawls’s basic question concerning how a just and stable political union can be possible under conditions of contemporary pluralism. He does, however, take issue with Rawls’s approach and answer in light of the empirical facts that characterize contemporary liberal societies. Klosko’s “central claim is that principles of political liberalism must be worked out with close attention to the facts of modern societies, and that these drive resultant principles in a definite direction,” namely, in the direction of a liberal consensus based in democratic procedures (vii). In the process of making this argument, Klosko raises deep questions about the relationship between facts and norms and the nature of justification. It is the stakes he adopts on these questions that make the book so rich while leaving the reader to wonder whether the argument ultimately succeeds.

The justification of political authority to those who are governed by it, Klosko reminds us, is a central commitment of the liberal tradition. “Principles should be generally acceptable, thus reflecting a consensus of citizens’ beliefs. Our question, then, is how consensus can be obtained in contemporary liberal societies” (4). The conjuncture of ineradicable pluralism that characterizes contemporary liberal societies—itself an assumption—turns the generation of such a consensus into a challenge. Klosko argues that this search for a consensus cannot proceed in isolation from empirical facts about the actual beliefs of liberal citizens. In order to document the beliefs and attitudes of liberal citizens, he turns to survey research. Klosko is fully aware that survey research suffers from errors in sampling, measurement, and specification. Yet, despite these shortcomings, he suggests that survey research nevertheless offers the best evidence we have available, being superior to the alternatives of generalizing from random cases, impressionistic assessment, or armchair sociology.
If the legitimacy and stability of a liberal society depend upon an underlying consensus, attention to empirical facts reveals serious problems. It turns out that large proportions of the American population do not seem to affirm that consensus. Survey evidence also shows that while general support for abstract principles about democratic rights and merit distribution is strong, a lot of ambivalence exists at the level of applying these abstract principles to particular cases. Despite the general support for the democratic rights of all citizens, large numbers of Americans are intolerant, willing to abridge the rights of citizens who are members of their most disliked groups. Levels of intolerance decrease with education and increase with certain forms of religiosity. A certain cognitive style that tends to go hand in hand with religious conservatism, namely authority-mindedness, is closely associated with right-wing authoritarianism, as well. Disturbingly, 25% of Americans are religious conservatives. Similarly, the general agreement on merit distribution is qualified in its application to particular cases, where widespread disagreement prevails about whether genuine equality of opportunity exists and whether assistance to the truly needy is necessary. These gaps between abstract principles and particular applications in the realms of political and economic justice are not the result of logical error, either. Instead, upon due reflection, citizens realize that the abstract principles they affirm were qualified from the start.

The empirical evidence indicates that consensus on substantive principles of justice does not exist in the United States—a highly troubling predicament for the legitimacy and stability of that pluralistic society from the standpoint of liberal theory. The evidence, Klosko argues, also reveals the primary weakness in Rawls’s method. Rawls appeals to intuitive ideas about free and equal citizens, fair cooperation, and well-orderedness, which he claims are implicit in the public political culture of a liberal society, in his effort to generate substantive principles of justice for a free-standing, overlapping consensus. The problem is that the religious conservatives who make up 25% of the American population are excluded from the start because they could not agree to the burdens of judgment that constitute an essential part of the conception of the person. Much better than appealing to such controversial intuitive ideas would be to start from the beliefs that citizens already hold and try to find areas of overlap between adherents of different comprehensive doctrines. The method of convergence, as Klosko calls it, is a superior way of building the liberal consensus necessary for stability and legitimacy. This consensus is procedural in nature: it involves agreement on core principles and the procedural norm of democracy, which states that the details of the principles must be worked out by democratic procedures within the constraints imposed by basic liberal commitments. The experience of the United States supports these conclusions. The lack of deep agreement on substantive principles does not lead to instability because a large degree of support for the political system exists. System support is closely tied to perceptions of procedural fairness. It seems that fair procedures lead to legitimacy, which in turn leads to acceptance and stability in practice, and liberal theorizing should be informed by this empirical link.

Klosko’s argument is very rich, in both the multitude of deep theoretical questions it tackles and the wealth of social science research it draws upon. There are, however, several problems with the argument. The first pertains to the limitations of survey research. Klosko is well aware of this difficulty, but at times proceeds with the argument as if the findings he invokes are uncontroversial in what they establish. Most important in this regard is specification error, whereby it is not clear exactly what attribute the survey questions measure. For example, are levels of tolerance captured by questions that ask citizens whether they would be willing to abridge the rights of their most disliked groups, whether the groups in question be homosexuals or Klan members in the United States or neo-Nazis in Germany? There is a significant respect in which these groups differ in the harm they can (and in practice, do) cause their fellow citizens. As Klosko himself notes, one of the central commitments of liberal democracy is that liberty can only be restricted to secure the greatest possible liberty for all. Even if the question of where the boundaries lie is controversial, the prevention of harm and serious offense is generally seen as legitimate grounds for interference. In that light, it is theoretically questionable to lump together groups that pose very different kinds of threat in a single measure of tolerance.

The second problem concerns the conception of reasonable disagreement. The fact that 25% of Americans could not agree with the substantive principles of liberal democracy worries Klosko, as he deems such agreement to be necessary for legitimacy and stability. Thus, he argues that a Rawlsian-style overlapping consensus that excludes these citizens by appealing to controversial substantive principles derived from controversial intuitive ideas would be problematic. It is far from obvious that the central liberal commitments concerning individual rights that Klosko appeals to in building his procedural liberalism are any less controversial, but that is a different matter. My focus here is on whether the disagreement of the intolerant segments of the American population with the substantive principles of the overlapping consensus raises problems for legitimacy. It seems that this would be the case only if those who disagree are reasonable. Klosko recognizes this when he recommends that “the most advisable strategy is to begin by examining the beliefs of the range of reasonable citizens—the large majority of the population—and to look for areas of overlap or agreement among adherents of different comprehensive views” (24, emphasis mine). If it turns out that the citizens whose views have been documented are merely prejudiced, having negative attitudes toward groups that are not grounded in adequate reasons, then it is not clear why they should not rightly be excluded from the liberal consensus. Why accept these prejudices as a starting point as opposed to trying to educate the prejudiced out of their prejudices? Why not incorporate the prejudiced on the basis of political obligations grounded in the principles of fairness arising from the duty to contribute to public goods one benefits from, as Klosko argues should be the case for
those who disagree with his version of the liberal consensus? Why water down the content of the overlapping consensus on their behalf? Clearly, this is a matter that needs to be addressed in further detail, as liberal justification simply cannot proceed without a conception of the person, however hard the task of specifying the content of what reasonableness entails for persons might be.

In the final analysis, while it is true that liberal justification in actual societies should proceed in light of the empirical facts that characterize such societies, the bigger question of how to establish the link between facts and norms retains its full force. Which facts are relevant and why? What normative significance should one accord to facts? In this connection, it is striking that Klosko focuses on the beliefs and attitudes of citizens in liberal societies, without inquiring into the sources of such beliefs. Unfortunately, the lack of a structural and sociological component to the empirical analysis limits the normative conclusions one can draw from the facts. Nevertheless, Klosko’s work does a wonderful job of starting to fill the empirical vacuum in which normative theory proceeds, thus opening the door for the subsequent development of empirically astute accounts of liberal justification.

Nancy Kokaz, University of Toronto


Jed Rubenfeld begins his book with a quote from a Milan Kundera novel describing the appeal of high-speed motorcycle riding. “The man hunched over his motorcycle can focus only on the present instance of his flight; he is caught in a fragment of time cut off from both past and future ... in other words, he is in a state of ecstasy; in that state he is unaware of his age, his wife, his children, his worries, and so he has no fear ... because a person freed of the future has nothing to fear” (3).

Rubenfeld claims that Kundera’s motorcyclist is emblematic of modern experience: we strive to live in the present because we believe this makes us free. Rubenfeld finds examples of modernism’s pervasive “presentism” in a wide range of ideas and cultural practices. Of greatest interest to Rubenfeld, however, is the presentism that infects modern politics. He argues that during the mid- to late 1700s many thinkers converged on the idea that politics should be governed by the present will of the people. Thomas Jefferson was the leading American champion of this notion, famously declaring in a letter to James Madison that because “the earth belongs in usufruct to the living” (19) the constitutional order should be re-made as each successive generation sees fit. Rubenfeld believes that the Jeffersonian demand for “government of the present, by the present, for the present” (23) remains central to political thought today, finding expression in our concern with democratic voice and discussion. Although such “speech-modeled” views of democracy come in many different forms, they all equate self-government with the articulation and enforcement of present-tense preferences.

The difficulty with all this, according to Rubenfeld, is that an exclusive attachment to presentism is unsustainable. In the case of modern literature, for example, the novel generates “astonishing presentism” by giving readers “the experience of living in the (fiction’s) present, even if this present [is] the present of a bygone time” (29). Yet in order to cultivate a presentist experience, the novel relies on plot to organize its events over time. Literary presentism is therefore self-canceling: it survives by depending on the temporal development that it denies. The same self-canceling dynamic is at work in the case of politics. Speech-modeled conceptions of democracy valorize the present will of the people. But the present will of the people can be an effective force only if (i) some prior determination of who the people are has already been made, and (ii) the laws passed today actually govern behavior tomorrow. Contrary to its own prescriptions, political presentism is in fact “bound up with the past” and “entrailed in the future” (85).

In the place of presentism, Rubenfeld argues that modern individuals should recognize that they are actually engaged in temporally extended projects governed by self-given commitments. Rubenfeld develops his “commitmentarian” approach at length, outlining the specific understandings of reason, personal existence, collective identity, and judicial action that his view entails. The end result is a “writing-modeled” conception of democracy that scorns the current political preferences cultivated in speech-modeled democracy. “The citizens here and now ought to regard themselves not as the bearer of the sovereign voice of self-government, but as participating in a temporally extended people whose commitments deserve respect regardless of present will. The Constitution could impose a requirement on the nation contrary to the present will of every single citizen, yet this requirement could still be legitimately binding in the name of self-government” (177, emphasis in original).

Rubenfeld is an energetic iconoclast. In the course of his relatively short book, he claims to find fatal flaws in a large number of theories and schools of thought, including liberalism, communitarianism, civic republicanism, postmodernism, deliberative accounts of democracy, contemporary moral philosophy, rational-actor economics, modernist architecture, Freudian psychology, Derek Parfit’s account of identity, Kenneth Arrow’s Impossibility Theorem, Benedict Anderson’s understanding of nationalism, and every leading theory of constitutional interpretation.

In his long litany of criticism, Rubenfeld makes some striking points by uncovering presentism in unexpected places (his discussion of original intent in constitutional interpretation is particularly good). But his sweeping coverage has a price. Rubenfeld often tries to debunk other thinkers on the basis of fairly thin analyses. He also paints his own position in broad strokes, leaving open questions about his central claims. If commitmentarianism is in fact widely practiced, why has it gone so little noticed? If knowledge of commitmentarian-