

Oberlin

Digital Commons at Oberlin

Honors Papers

Student Work

2017

Thomas Paine's (Un)Common Sense and the Politics of Radical Disagreement

Jordan P. Ecker
Oberlin College

Follow this and additional works at: <https://digitalcommons.oberlin.edu/honors>



Part of the [Political Science Commons](#)

Repository Citation

Ecker, Jordan P., "Thomas Paine's (Un)Common Sense and the Politics of Radical Disagreement" (2017).
Honors Papers. 210.
<https://digitalcommons.oberlin.edu/honors/210>

This Thesis is brought to you for free and open access by the Student Work at Digital Commons at Oberlin. It has been accepted for inclusion in Honors Papers by an authorized administrator of Digital Commons at Oberlin. For more information, please contact megan.mitchell@oberlin.edu.

Thomas Paine's (Un)Common Sense and the Politics of Radical Disagreement

Jordan Ecker

Honors Thesis Completed for the Oberlin Politics Department

April 2017

I: Introduction

Common sense is a fraught political term appropriated for a variety of ends by a variety of actors, in both political theory and in more concrete political life. It is used across the political spectrum: from conservatives in New Jersey and Australia who rally for tax cuts beneath the banner ‘Common Sense Conservatism’ to left-wing environmental activists who demand support for ‘common sense’ climate change policies. A year ago, a particularly striking example of the use of ‘common sense’ in politics appeared. A group of House Democrats led by Representatives John Lewis and Katherine Clark conducted a sit-in on the floor of Congress – the first in the body’s history. Their demand was for what they called ‘common sense gun reform’: they proposed banning members of the FBI’s no-fly list from buying assault weapons. For Lewis and Clark, the radicalism of their unprecedented action was justified by the common sense nature of their proposal. In the climactic paragraph of his statement on the sit-in, Lewis said, “we have a mission, an obligation, and a mandate. History will not be kind if Congress continues to turn a blind eye and a cold shoulder to those crying, begging, and pleading for action. We must pass common sense legislation to prevent gun violence and mass shootings in our country, and we must act now. Not next week, or next year, but now” (Lewis, 2016). On a political terrain largely determined by how little Republicans and Democrats have in common, the function of the phrase ‘common sense’ here was to point to their last shred of ostensibly shared values. No matter that no one on the FBI no-fly list had ever been implicated in a mass shooting and that the ‘common sense’ legislation proposed by Lewis and Clark would thus have no impact on the problem they claimed to be addressing. ‘Common sense’ was perceived as a reservoir of agreement that could be called upon to bring legislators together in moments of even extreme disagreement. And yet, rather than receive a vote on their ostensibly

common sense bill, Lewis and Clark's sit-in barely made headlines and is largely forgotten a year later.

This paper begins from a different premise: that the moment at which we are doing politics is the moment when we have no reservoir of agreement to draw upon and use to reach consensus. Instead, politics is a matter of dealing with what I call *radical disagreement*. Following Jacques Rancière, I argue that radical disagreement does not simply denote contestations over policy. It identifies a situation in which the parties cannot agree on what the object of disagreement is, or even who counts as a party. Deployments of 'common sense' that seek to use the term to identify a shared foundation for dialogue in order to reach consensus only disguise such disagreement. What then, are we to do with common sense in politics? I argue that Thomas Paine's use of 'common sense' provides us with a historical model of an idiosyncratic understanding of common sense that is formulated to operate within a situation constituted by radical disagreement. This interpretation flies in the face of others that read Paine in the social contract tradition. Instead I argue that for Paine writing in 1776, the disagreement between America and Britain is radical, and Paine's common sense demands of his readers that they confront how radical the disagreement is: there are those with common sense who recognize the correctness of the American cause, and those with prejudice who do not. Paine's common sense thus works topographically to demarcate the line of radical disagreement that constitutes the political situation, and does not seek to justify political decisions by appealing to a common sense that would refer to an already agreed upon consensus that underpins and provides a foundation for the political situation.

This paper will first identify a tradition of political thought that uses common sense to cover up and avoid the possibility of radical disagreement. I implicate John Rawls's use of 'intuition' and Arendt's use of 'common sense' in this tradition, and trace its historical origins to ordinary language

uses of the term common sense in 18th century English politics. I argue that, as a whole, this tradition uses common sense as a reservoir of pre-given agreement and consensus which can be drawn upon to re-establish agreement. This traditional use of common sense is thus blind to the possibility of what I've termed radical disagreement: that some situations emerge – following Rancière, we may even call them the essentially political situations— where parties cannot agree on the object of dispute or even who the parties are, and no shared foundation of agreement pre-exists the dispute and ensures that consensus is possible.

I argue Paine can be read as an ancestor of contemporary radical democratic theory instead of a member of the social contract tradition. Paine's common sense does not serve to identify a point of agreement that precedes politics: instead, Paine's common sense is a topographical tool that demarcates the line of radical disagreement running through his political situation. On one side of this line are those with common sense who understand the need for American independence; on the other side are the prejudiced, who believe reconciliation between Britain and America is possible. However, Paine's common sense does not simply serve to indicate this disagreement - it also works as a partisan weapon in favor of his side of the disagreement. Paine's political theory is a tool of political practice. Paine is thus an antecedent both to Rancière, whose notion of "dissensus" (1999, 2001) usefully captures the notion of politics under the conditions of radical disagreement, and Louis Althusser, whose middle work on the political practice of Machiavelli (2011) shares with Paine a conceptualization of theory as a specific mode of political practice.

II: A Tradition of Common Sense

The term ‘common sense’ is a term widely used in ordinary language to refer to a putatively universal basic standard of judgment; if a proposal “lacks common sense” it is somehow out of joint with the prevailing, or folkish, understanding of how a problem ought to be solved. In ordinary language, ‘common sense’ also refers to a substantial and generalized body of knowledge shared by a community. This distinction has its roots in the phrase’s etymology: the English ‘common sense’ comes from the Latin *sensus communis*, which was a synthesis of three distinct Greek terms: *koinos nous*, and *koine aisthesis*, referred to faculties of judgment, and a third, *koinos ennoia* referred to a body of folk knowledge (Holton, 1997: 38). A broad array of historical and contemporary political theorists have employed both dimensions of common sense. For both Hannah Arendt and John Rawls, theorists who *prima facie* share very little in their systems of political thought, this traditional use of common sense provides the foundation upon which political discourse becomes possible.

John Rawls’s *A Theory of Justice* (1971) was widely hailed as re-opening the question of substantive political philosophy in the Anglophone academy (Douglass, 2012: 84). Rawls investigates how to come to a shared notion of justice when people hold contradictory intuitions – the privileged example being a presumed contradiction between individual liberty and the common good. In line with ordinary language uses of common sense, Rawls uses the term “intuition” both to refer to a basic and universal faculty of judgment that contrasts with reason *and* to a pre-given set of observed data (Rawls, 1999: 19; Shaw, 1980: 127-8). Rawls develops two key tools to solve the problem of contradictory intuitions: the original position and the reflective equilibrium. Rawls’s original position is a hypothetical starting point for political dialogue in which people reach consensus over what political association ought to look like without knowing their particular place within that political association. They place themselves behind a “veil of ignorance” and bring with

them only those faculties and understandings of the world that are general to all men: intuitions. To address conflicting intuitions, Rawls introduces his concept of a reflective equilibrium that reconciles contradictory intuited values and maximizes each as far as possible (Rawls, 1999: 18; Hart, 1983: 241). A balanced consensus is the end of politics for Rawls – both its aim and its exhaustion. It is a maximization of the implications of the principles agreed upon by political interlocutors behind the veil of ignorance. The extent to which intuitions can be made to agree is relied upon to moderate the extent to which they disagree: thus, Rawls’s version of common sense becomes a tool to moderate political dialogue and provide it with a foundation predicated upon agreement.

A particular understanding of the relationship between practice and theory follows from this conceptualization of politics. For Rawls, “public political culture” is looked to as a “shared fund of implicitly recognized basic ideas and principles.” The political philosopher then “must find a new way of organizing familiar ideas and principles into a conception of political justice so that the claims in conflict, as previously understood, are seen in another light” (Rawls, 1985: 229-230). Rawls understands the political philosopher as drawing upon shared points of agreement – the reservoirs of common sense – to bring disagreeing parties together in a consensus around what the just government looks like. The community is not constituted by anything like radical disagreement, but by what it has in common and the edifice of consensus it is able to construct upon that more basic, already given, agreement. Like the social contract tradition that he inherits, Rawls thinks the role of political philosophy is to produce an agreed upon norm for the legitimacy of government.

In Rawls’s hands intuition evacuates politics of disagreement. H.L. Hare indicts Rawls’s system because it depends on some prior shared intuitions that interlocutors bring to the original position. If those intuitions are not already shared and can’t be balanced to some extent, Rawls’s system provides no way to decide between them. For example, if one interlocutor intuits non-

human animal life as a subject with rights and another does not, Rawls gives the interlocutors no tools to resolve this disagreement. On the other hand, when interlocutors come to the original position already broadly in agreement, the whole theory seems to provide a marginal service at best (Hare, 1973: 23). In a similar critique posed in slightly different terms, Raymond Geuss argues that Rawls evacuates politics of disagreement by relying on an intuitional and shared understanding of the content of justice and its priority over other values (Geuss, 2008: 72-3). Benjamin Barber argues that Rawls's formula assumes that individual freedom and the common good would *necessarily* be in contradiction, which covers up the radical Marxist contention that this contradiction is contingent and produced by the particular historical arrangements of capitalism (Barber, 1975: 668). The disagreement between the Marxist position and Rawls's is radical and cannot be hashed out using the tools of the original position and reflective equilibrium. At the moment when radical disagreement appears Rawls's common sense fails to function and cannot produce a consensus.

The limits of this tradition of using common sense as a means to establish basic agreement and marginalize radical disagreement are also present in the political thought of Hannah Arendt. Arendt emphasizes a public/private distinction that finds its origins in Aristotle. The private realm or *oikos* is the realm of administered things (Arendt, 2012: 28). Within this realm, issues should be resolvable in principle by recourse to objective fact (Norris, 1996: 170). The public, political realm or *polis* is distinct from the rest of life because it is constituted by a plurality of perspectives. Thus, it needs a plural and shared, but also fundamentally stable epistemic authority to make space for different perspectives on the same objects.¹ This is the role of common sense (Arendt, 2012: 209). It is not simply a pre-given foundation the political community operates upon as it is for Rawls, but nor is it simply constructed – instead it is a flexible and shared set of judgments and understandings

1 Rosenfeld uses the term 'epistemic authority' to discuss the role played by common sense in 18th century Britain (Rosenfeld, 2008: 3).

about the world that are both produced by and the condition for public action and discourse. This flexibility is basically circular: common sense creates the conditions under which common sense can be discussed and modified. Without public activity common sense simply withers away and disappears, and without common sense, man loses the ability to participate in the properly political dimension of life (Hinchman, 1984: 325; Arendt, 2012: 284).

Arendt's common sense, like Rawls's, provides her with no tools to deal with the problem of radical disagreement. In both systems, common sense opens up only the possibility of a moderate critique, which can challenge the details, but not the paradigm, of a political proposal or argument. For both thinkers, common sense's application as a political judgment relies upon a larger body of already shared and inherited knowledge, and critique based on common sense can indicate only marginal cases where the polity has acted out of line with that knowledge. Common sense is understood as a reservoir that can reliably be drawn upon to find areas of fundamental agreement. However, Arendt's common sense is imagined to be flexible and dynamic: as the public dialogue that common sense enables occurs, that dialogue acts back on common sense and modifies it.² For Rawls, on the other hand, intuitions are given preconditions for political dialogue. Even with the extra flexibility common sense is allotted in Arendt's conceptualization, it still operates as a shared reservoir of agreement that is fundamental to the possibility of political community.³ Common sense can only evolve for Arendt based on resources it already provides, and thus perspectives *radically* out of joint with prevailing common sense cannot be made to appear in the public sphere.

Disagreements over the object of disagreement or over who is allowed to discuss the disagreement –

2 Interestingly, to the extent that Rawls's process of reaching reflective equilibrium takes intuitions as axioms and to the extent that he understands his theory of justice as a moral algebra, he is practicing more or less what Arendt labels as "ideology", the totalitarian inversion of common sense.

3 For an argument that Arendt's common sense is an effort to avoid constituting the political community on a common substance, see Norris "Arendt, Kant, and the Politics of Common Sense."

disagreements I have termed radical, which break with existing paradigms of political thinking - are beyond the scope of Arendt's common sense. As is the case for Rawls, Arendt's concept of common sense is blind to the possibility of radical disagreement.

We can trace this conception of common sense as a mode of moderate critique that marginalizes radical disagreement back to 18th century England. In the wake of the English Civil War, the first half of the 18th century found the opposition to the English crown searching for rhetorical tools with which to limit and criticize the British Crown without fundamentally challenging its legitimacy. For the opposition, common sense referred to an innate faculty that produced generally agreed-upon judgments of ethics and taste in a way that anticipated Arendt's notion of common sense (Rosenfeld, 2008: 8-13). The goal of this use of common sense was to find space for critique without allowing that critique to radicalize and re-open the possibility of civil war. Prominent works like the Third Earl of Shaftesbury's "Sensus Communis: An Essay on the Freedom of Wit and Humor" reflected this use of common sense. Shaftesbury writes that "we can never do more Injury to Truth, than by discovering too much of it, on some occasions" (Shaftesbury, 1709: 41). Common sense for Shaftesbury and other members of the moderate opposition was used as a particularly English "bulwark" against threats of political excess coming from a number of directions: the monarchy, philosophical skepticism and cynicism, Catholicism, and France's perceived outsized influence (Rosenfeld, 2008: 22). Political disagreements among these moderates always concerned exceptional cases that existed on the margins of political activity. Common sense oriented criticism toward already-existing consensus, rather than challenging the basis of that consensus all together.

As ‘common sense’ gained political value, its substance – but not its form – was quickly contested by more radical⁴ elements of the opposition. In Henry Fielding’s play *Pasquin* ‘Queen Common Sense’ was pitted against ‘Queen Ignorance’ and their struggle made common sense into a type of jury rendering subversive judgments on reigning opinion, including arguing for limitations on Royal authority (Fielding, 1736: 217-249). These more radical appropriators wanted to use common sense subversively and gained popularity doing so, culminating in the journal *Common Sense; or, the Englishman’s Journal* (1737-1743), which leveraged common sense in a manner similar to Fielding (Rosenfeld, 2008: 31-35). Now, ‘common sense’ was used to set increasingly extreme limits on the crown’s rights over the governed, and also provided a platform for a more radical call for “moral regeneration” (Rosenfeld, 2008: 33). To counter this threat, conservatives argued that the opposition was misconstruing the substantial contents of common sense. However, both the more radical opposition and their conservative opponents shared a conception of common sense’s formal structure – it always referred back to an already shared consensus, to a reservoir of agreement that can be drawn upon. The radical appropriators of common sense challenged its substance – the specific contents of that consensus – but not its form. To challenge the formal structure of common sense and deploy it without reference to a pre-existing consensus that precludes the possibility of radical disagreement, a very different politics and political theory are necessary. I find both in Thomas Paine’s *Common Sense*.

4 N.B. this is not the radicalism I associate with Paine further down.

III: Paine's (Un)common Sense

Thomas Paine's *Common Sense* was written in 1776, the year the American colonies stopped trying to reconcile their differences with Great Britain and declared independence. Paine's pamphlet has been called the "efficient cause" for this change, and with sales estimated to have been somewhere between a hundred thousand and a million in a country of only three million, it is difficult to overstate the impact of the work (Ferguson, 2000: 465). Paine advances a slew of arguments in favor of independence: it is perverse for an island to rule a continent; William the Conqueror was a French bastard; hereditary monarchy was a Jewish sin. Amid this rhetorical onslaught, finding theoretical consistency in the work – that is, attempting to distill a consistent understanding of politics from the pamphlet – is a "frustrating" task (Ferguson, 2000: 469). I believe such reactions to Paine rest largely on a very selective reading of *Common Sense* that emphasize three pages of social contract theory over the rest of the document on the grounds that, as rhetoric, most of *Common Sense* does not qualify as genuine political philosophy. Paine's document is seen as politically confused, even contradictory: dipping its toes in the eloquence of theory for three pages before letting loose an incendiary and decidedly nontheoretical howl that does not follow from its own theoretical premises. This reading is used to integrate Paine into the social contract tradition, a tradition basically uninterested in thinking radical disagreement as constitutive of politics. Instead, I argue that Paine's defense of common sense offers a coherent political philosophical argument. For Paine, common sense offers a topographically informed theoretical practice sensitive to the reality of radical disagreement. By this, I mean that Paine both conceptualizes what the practical function of theory is, *and* sets out to practice theory according to those criteria. Paine's common sense is always opposed to prejudice, and he uses the former term to describe a particular stance on one side of a political disagreement that understands itself to be particular, but nonetheless claims to be universal.

That is, for Paine a common sense position is embedded within a political situation constituted by radical disagreement, realizes that disagreement will not disappear, but insists on the absolute correctness of its particular position nonetheless and then seeks to advance that position.

Proceduralist norms of disagreement are abandoned in favor of a radical theoretical practice that understands itself as topographically embedded in a situation where Britain and America do not share any pre-given consensus with which to moderate their disagreement.

Many scholars have emphasized the contractarian arguments from which Paine begins as a key to understanding the theoretical outlook of the document.⁵ He draws a distinction between society and government: society is natural, “encourages intercourse” and pre-dates government while government is artificial, “creates distinctions” and is a “necessary evil...a badge of lost innocence” (Paine, 2000: 3). Paine’s story of man’s fall from society into government adopts a basically Lockean perspective from which a state-of-nature origin story determines the legitimacy of government. He views men as naturally good, but because of the chance of vice they must “establish some form of government to supply the defect of moral virtue” (Paine, 2000: 4). Government is a necessary evil and any extension of democratic freedoms is synonymous with the maximization of the common good. Government is only legitimate when it fulfills its end of the contract that lead from society to government: the promotion of moral virtue and the happiness of the people. In the following pages Paine argues that English rule over America achieves neither goal.

The issue with this reading of Paine as a “vintage liberal” (Kramnick, 1990: 154) working within the social contract tradition is that it obscures the centrality of radical disagreement to Paine’s political theory. Paine clearly does not understand himself as being engaged in a properly theoretical or philosophical debate about the legitimacy of English rule over the American colonies. He writes,

5 See for instance Isaac Kramnick’s *Republicanism and Bourgeois Radicalism* (1990) or Eric Foner’s *Tom Paine and Revolutionary America* (2005).

“volumes have been written on the subject of the struggle between England and America. Men of all ranks have embarked in the controversy, from different motives, and with various designs; but all have been ineffectual, and the period of debate is closed” (Paine, 2000: 16). The point for Paine is not to produce another entry in the social contract debate over what legitimates (or delegitimizes) a monarch. The disagreement between England and the colonies will not be resolved on that terrain, and the end of Paine’s political theory is not internal to the theory, but justified in relation to its practical effects. The disagreement between England and the colonies exists within a situation where not only have British interests diverged from American interests but also one where Britain does not acknowledge America as a distinct nation with the possibility of having a distinct set of interests (Paine, 2000: 17).⁶ Thus, the disagreement is *radical*: the two sides disagree over what the object of their dispute is, who has a right to be counted as a subject within that dispute, and they do not share a vocabulary with which to resolve the dispute.⁷ As a consequence of this, England and America are already in an antagonistic relationship: those who believe reconciliation is still possible are “interested men, who are not to be trusted, weak men who *cannot* see, prejudiced men who *will not* see, and a certain set of moderate men who think better of the European world than it deserves” (Paine, 2000: 20-21). The disagreement between the two sides is disagreement over the terms of disagreement, over what objects have become and can become visible in the political terrain. Rather than try to resolve such a dispute by forging consensus and coming to a shared norm of what justifies the state (the contractual approach), Paine deploys common sense as a partisan weapon

6 This disagreement is perhaps also at stake in the different understandings of representation on either side of the Atlantic. See Pitkin, 2013.

7 Paine makes clear how central the problem of America not being recognized as a distinct subject is to his pamphlet in its second to last line: “Under our present denomination of British subjects, we can neither be received nor heard abroad; the custom of all Courts is against us, and will be so, until by an independence we take rank with other nations” (Paine, 2000: 41). Rancière calls this sort of disagreement “dissensus,” the essence of politics. As we will see, Rancière and Paine share an interest in using metaphors of visibility and invisibility to understand the stakes of politics.

from and for one side of that dispute. Only this strategy can hope to have a practical effect in a situation constituted by radical disagreement.

From this perspective, Paine's early use of the vocabulary of the social contract was only a useful rhetorical strategy in his historical context. As Eric Foner (2005) argues, the language of Lockeanism was ubiquitous in the Anglo-American debate in Philadelphia in the early 1770s. Paine's adoption of contractarian language was thus not a brief and derivative entry in the history of social contract theory. He appropriated it because it was useful. It did not give Paine an understanding of the terrain on which he was operating, and thus did not give him a topographical understanding of the political situation in which he was intervening and the effects his theory could hope to have upon that terrain – only his most important weapon, common sense, could provide him with that.

David Hoffman offers an account of Paine's common sense as a topographical tool of the rhetorician. He describes Paine's use of common sense and prejudice as a strategy to challenge not just specific details of Anglo-American relations, but the entire "perceptual frame" within which those details were grasped (Hoffman, 2006: 392).⁸ Paine uses 'prejudice' to bracket a whole point of view about the future of relations with Britain – namely, the belief that peaceful reconciliation is possible – and contrasts that bracket of views with his own, indicated by the term common sense. The two perceptual frames do not share a vocabulary and are not in dialogue with one another – they are separated by a break, and the terms prejudice and common sense are used to demarcate the line of that break. On Hoffman's account, common sense is used as a topographical tool, which indicates the position of the disagreement between Paine and those who believe reconciliation with England is possible. In the last instance for Hoffman however, Paine's 'common sense' is ultimately contradictory: "why was the view that America could not hope to defeat the British navy, the best in

⁸ I just want to (marginally) note again the shared metaphors of visibility that inform this understanding of politics.

the world at the time, a product of prejudice, while the notion that an island could not rule a continent, when the vast Roman empire was ruled by a tiny city-state, common sense” (Hoffman, 2006: 398)? From this perspective, Paine’s common sense signals a need not, as the contractarians believe, to come to new and shared norms of the legitimacy of government, but to break radically with the entire paradigm of thought governing Anglo-American relations. This use of common sense is a sharp break from the *form* of common sense used in 18th century Britain. Instead of referring back to an already existing consensus to legitimate critique, common sense now demarcates lines of disagreement and the need to abandon the hope of finding a shared vocabulary. However, Hoffman believes that much of the *substance* of Paine’s common sense, the discrete set of rhetorical claims advanced in *Common Sense* are incoherent and thus, Hoffman claims, not common-sensical at all. Hoffman is unwilling to allow the formal function of common sense – as signaling the need for a paradigm shift along a certain demarcated line of disagreement – to modulate its substantial content. He is only willing to meet Paine partway.

Sophia Rosenfeld offers a second, historically grounded account of Paine’s idiosyncratic break with existing uses of common sense. Rosenfeld describes two alternative 18th century traditions of common sense: one, the Scottish Realist School and in particular the work of Thomas Reid, who saw common sense as a response to Humean skepticism, a set of general intuitions that reinforce belief in the existing world, and its political, scientific and religious institutions.⁹ Common sense for Reid effectively operates in a manner philosophically analogous to its political uses in England during the same period: it refers back to the stable and already-given consensus and limits skeptical challenges to the status quo. Further, this status quo common sense is defined in part by its robust simplicity and obviousness as a folk knowledge shared by all (Rosenfeld, 2008: 643-8). In

9 For a complete recounting of Paine’s lifelong historical involvement in Enlightenment culture from London to Philadelphia, see Eric Foner’s *Thomas Paine and Revolutionary America*.

contrast, the French and Dutch traditions of *bons sens* invoke a particular type of common sense not general to the population but the possession of a handful of enlightened elites that they used to criticize existing traditions as irrational. Rather than being *common* in the sense of general and accessible to the entire population, *bons sens* is a tool of elite critique. And rather than referring to a pre-given simplicity, *bons sense* is only accessible as a result of enlightened education (Rosenfeld, 2008: 654-7). For Rosenfeld, Paine synthesizes these two traditions. Contra the continental *bons sens* school and with Reid, common sense is in principle accessible to all, but contra Reid and with continental *bons sens*, Paine's common sense is a tool of critique and not a support for existing orthodoxy. In her historically minded approach, Rosenfeld identifies a puzzle internal to Paine's common sense: He ostensibly refers back to an already existing consensus about what ought to be done with regard to Anglo-American relations while arguing that this consensus is in radical disagreement with the status quo – and thus not a substantive consensus that pre-exists his pamphlet at all.

Rather than synthesizing these traditions in an incomplete and contradictory way (as Rosenfeld implies), I understand Paine as appropriating aspects of each for use at his particular historical moment. Paine is perfectly aware that the common sense he is advocating is not yet 'common' in the sense of being a broad consensus that pre-existed his pamphlet, which opens: "Perhaps the sentiments contained in the following pages are not *yet* sufficiently fashionable to procure them general favor" (Paine, 2000: 2). Instead, Paine anticipates a common sense that is on the verge of arrival, and ends the first paragraph of his introduction with the observation that "time makes more converts than reason" (Paine, 2000: 2). Paine's common sense will become common only if his reader will "divest himself of prejudice and prepossession and suffer his reason and his feelings to determine for themselves" (Paine, 2000: 16). The conclusion that American

independence is now necessary is available to all only on the condition prejudice is first put aside. Paine's common sense is *common* because it is accessible to the popular mass, not because it refers to a pre-given consensus. Rosenfeld's paradox is resolved: Paine understood common sense as a tool of critique in the sense that it was not yet fashionable, but had the potential to become so. It is both critical and popular.

This notion of a critical and popular common sense as a horizon is broadly resonant with Hoffman's understanding of Paine's challenge to the prejudicial perceptual frame through which Anglo-American relations were understood in his time. But Hoffman objects that even if common sense plays some role in demarcating a line of radical disagreement (or in his language, bracketing perceptual frames), the substance of Paine's common sense is basically arbitrary: it is not shored up by a relation of correspondence to an empirical referent, and so, Hoffman claims, Paine claims whatever he wants is common sense. This is wrong on at least two counts. First, Paine's common sense is intrinsically simple and populist in nature. In contrast to prejudice, common sense has a substantive predisposition towards democracy. Common sense is common not because it is already general but because it is accessible; Paine's centering of common sense amounts to a centering of the masses and the form of government that is best suited to them: democracy. Support for the English monarch based on prejudice is facilitated by the English constitution's complexity (Paine, 2000: 5, 8). A return to common sense in government means a return to a government that can be understood by the masses, and thus a return to a simple constitution, the bare-bone outlines of which Paine details (Paine, 2000: 26). Central to Paine's proposed constitution is his demand for a unicameral legislature, a demand which would ultimately go unsatisfied and which would draw the ire of John Adams, who viewed Paine as a crass populist, a characterization Paine would probably agree with. For Paine, democracy is simple: it just involves a space for the representatives of the

people to assemble and pass laws, with the basic rights necessary for their assemblage protected in what he calls a “charter” (Paine, 2000: 40). In essence then, Paine saw simplicity in governance – and thus a government in tune with common sense – as inextricably linked to a democratic populism.

But Paine’s *Common Sense* is not a general theory of democratic government defending it on the grounds of its simplicity: it is a pamphlet meant to help secure American independence and democracy at a particular historical moment. In the closing pages of the pamphlet, Paine describes why the particularities of the American situation in 1776—from the right population density to the abundance of lumber—makes independence common sense (Paine, 2000: 31-34). Thus “the present time, likewise, is that peculiar time which never happens to a nation but once, viz. the time of forming itself into a government” (Paine, 2000: 35). America is a particular positioned to achieve a universal cause, a logic that stretches from the introduction of *Common Sense* to its final page: “the cause of America is, in a great measure, the cause of all mankind. Many circumstance have, and will arise, which are not local but universal” (Paine, 2000: 2). There is a twisting logic here: Paine begins the sentence by naming a particular locality, America, and ends it by concluding that this is not a particular at all, but a universal. Rather than trying to resolve the tension between particular/universal in a gesture towards their ultimate conformity (as Rawls attempts to with his reflective equilibrium), Paine takes this tension as a condition of the situation *Common Sense* is operating within – it is not a document directed towards demonstrating the universal necessity of particular situations giving way to universals, but of showing how the contingent particularities of *America’s* situation *will* give rise to a universal.¹⁰

¹⁰ In this sense, Paine wants common sense to be both particular and universal. He anticipates Ernesto Laclau’s formulation of this logic: “The conclusion seems to be that universality is incommensurable with any particularity yet cannot exist apart from the particular. How is this relation possible? This paradox cannot be solved, but its insolubility is the very precondition of democracy” (Laclau 1992, 90). Laclau understands this impossibility to mean that politics will always be the claim of a particular to be the universal, and democracy is the regime that realizes the

Paine's common sense, conditioned by being the particular common sense of the American masses, necessarily has substantively populist democratic content. However, the core of Hoffman's empirical complaint still remains: under what conception of common sense could it possibly be common-sensical that the non-existent American navy could defeat the globally hegemonic British navy? Paine clearly thinks that belief in the coming American victory is as common-sensical as the simplicity of the democratic constitution that will be implemented after the war. Paine also imagines common sense as an intrinsically populist weapon used on one side of a radical disagreement. The formal function of Paine's common sense is to demarcate the lines of a radical disagreement, and contend that one side of this argument, a particular, is predisposed to becoming universal. But common sense does not operate simply *for* this side of the disagreement – it operates *from* that particular position. Paine presents as common-sensical what *must be* common sense in order for the separation between America and Britain to take place and for America to become independent. Paine allows practice to modulate his theory (instead of attempting to develop a theory that will govern practice) and thus understands his work as theoretical practice, a weapon deployed in a terrain constituted by radical disagreement, and writes accordingly.

Reading beyond the putative contractarianism of Paine's document allows a much more radical figure to emerge. Paine developed an understanding of the relationship between theory and practice conditioned by disagreement that *prima facie* contradicts social contract notions of practice. This new understanding of the theory/practice relationship is facilitated by his use of common sense. Paine understands his situation as constituted by radical disagreement between Britain and America over the question of whether American and British interests can and have diverged. Given the centrality of this radical disagreement to the political situation, theoretical arguments that draw

possibility of making such a paradoxical claim. Paine's notion of common sense is similar: it is a universal conditioned by a particularity, a universality always because of its particularity.

on supposedly shared norms of legitimacy that govern the English monarch do not function: instead of finding a public eager to engage in debate over the rights and responsibilities of the sovereign and the governed, Paine finds two sides in radical disagreement and lacking a shared vocabulary in which to discuss the issue. To make theory work, to make theory *practice*, the radical nature of the disagreement between America and England has to be taken as its condition.

This radical, agonistic approach to political theory is in sharp contrast with liberals like Rawls, for whom the practical role of political philosophy is to find common ground in the face of even the deepest disagreements. Paine is not attempting to produce a consensual and agreed upon norm for the legitimacy of government. Instead, he believes that there is no shared vocabulary with which to discuss foundational and agreed upon norms of legitimacy – politics must be done in a situation constituted by radical disagreement where the interlocutors do not share a vocabulary. Paine’s use of common sense is a strategy to carry out politics in light of this radical disagreement, and instead of attempting to immanently resolve disagreement, Paine attempts to practice politics with a common sense that does not need a reservoir of agreement between political parties to function.

IV: Disagreement and Radical Democracy

Norm Jacobson has written that the American Revolution had “two varieties of political thought” at its origin. One, Paine’s, was “unsystematic in temper” and emphasized spontaneity and the possibility of “friendship and brotherhood.” The other, James Madison’s, had a “preoccupation with procedural rationality.” Madison won the day and his way of thinking was enshrined in the U.S. Constitution (Jacobson, 1963: 561). With Jacobson, I see Paine as offering up a radical alternative to liberal political thought. However, most political theoretical studies of Paine interpret his work

through a lens developed by Quentin Skinner, in which Paine is read either as a liberal who sees no contradiction between the common good and individual liberty, or as a republican who does see a contradiction between the two and thus advocates for some participatory norm of citizenship.¹¹ This debate tends to emphasize the contractarian opening of *Common Sense* at the expense of the rest of the document, where Paine re-modulates the relationship between theory and practice and produces a politics centered on disagreement. The bulk of the pamphlet is dismissed as “rage” or rhetoric that is of no theoretical value.¹² Re-reading Paine outside of this republican-liberal paradigm reveals a much more radical thinker at the origins of the American Revolution.

My reading of Paine’s common sense as a topographical tool that demarcates disagreement and then mobilizes politics within the context of that disagreement makes him an unlikely predecessor of the radical democratic theorist Jacques Rancière. Rancière’s notion of “dissensus” (1999, 2001) shares a similar topography with Paine’s common sense. Since Paine understands himself not just as articulating a political topography but as acting within that topography as a theorist of politics, he also anticipates Louis Althusser’s understanding of political practice as it is formulated in his 1972 lectures on Machiavelli (2011), and his revised understanding of Marx’s materialism presented in *Philosophy and the Spontaneous Philosophy of the Sciences* (2012), a collection of

11 See e.g. the Cambridge selections edited by Bruce Kuklick, *Paine: Political Writings*, xviii, or Isaac Kramnick *Republicanism and Bourgeois Radicalism*, 147 or Eric Foner *Tom Paine and Revolutionary America*, 87-89 for readings of Paine as a liberal. Other contemporary works that do not read Paine as a liberal often read him as a republican who does see a contradiction between the common good and individual liberty, e.g. Gregory Claeys *Thomas Paine: Social and Political Thought*, 47, 86-88. It’s worth noting that Kramnick is *not* a member of the Cambridge School – see Pocock’s scathing review of the aforementioned book citation? – but that does not prohibit him from participating in its discursive paradigm.

12 See for instance Kramnick, 151 where Kramnick explicitly contrasts *Common Sense*’s rational arguments for a “vintage liberalism” with the rest of the document’s “rage”, or Pocock *Virtue, Commerce, and History* 276, description of Paine as a contradictory thinker.

Althusser's writings from 1965 to 1978.¹³ In short, in my reading Paine becomes an ancestor of contemporary radical democratic thought

For Rancière, politics is the making countable of what was previously uncountable. Politics refers to what Rancière calls “subjectification” or a specific mode of emergence of a new subject (Rancière, 2008: 35). The subject of politics is a “specific figure of the count of the uncounted or of the part of those without part” (Rancière, 2015: 43). The introduction of this subject, which has no identity or direct precedent in the community, creates a situation of *radical* disagreement because it means “political conflict does not involve an opposition between groups with different interests. It forms an opposition between logics that count the parties and parts of the community in different ways” (Rancière, 2015: 43). This “making visible that which had no reason to be seen” is the essence of politics and what Rancière calls “dissensus” (Rancière, 2015: 46). Rancière contrasts the political with what he calls the “police”, whose “essence lies in a certain way of dividing up the sensible” (Rancière, 2015: 44). The police is an ordering of what can be counted in a given distribution. Historically, Rancière considers the revolt of the Aventine plebs to be an example of the staging of dissensus. The Aventine plebs transgressed existing norms that governed the distribution of the sensible (the police) by adopting the practices of the patricians (e.g. by consulting an oracle) and as a result, disrupted the logic of countability that governed the situation and presented themselves as a new political subject dis-identified with the current police order (Rancière, 1999: 24-5). Topographically then, politics is the rupture of a given police order of dividing up the sensible by the assertion of a new logic of what is visible. The political subject emerges as that which was invisible in the police order, and which confronts the police order with the paradoxical demand to

13 The periodization is important here: I draw on the work of the ‘middle’ Althusser, post-May ‘68, an Althusser who has criticized the position he assumed on theory’s relationship to practice in the ‘60s in his better known works *For Marx* (1965) and *Reading Capital* (1965).

count the previously uncountable. Politics thus amounts to “the construction of a paradoxical world that puts together two separate worlds” and is constituted by radical disagreement (Rancière, 2015: 47).

Like Paine, Rancière has laid out a formalistic or ‘topographic’ approach to understanding politics. As we asked of Paine, does Rancière’s notion of the political imply any necessary substantive and normative content, or is its content arbitrary? Does Rancière create as much space for a fascist subjectification (e.g. the Aryan people as the part who have no part in some cosmopolitan order) as he does for a leftist subjectification (e.g. the proletariat as the part who have no part in a capitalist order)? In a word, no. Like Paine, Rancière associates his concept of the political with democracy, which “is not a political regime” but rather “the specific situation in which it is the absence of entitlement that entitles one to exercise the *arkhê*” (Rancière, 2008: 39).¹⁴ In a properly political situation then, the subject who emerges is the one who previously had no entitlement to govern. Fascism on the other hand, imagines “a world cleansed of surplus identities” where the *arkhê* is governed *only* by pre-existing identities – that of the “ethnos” or ethnic people. Rancière’s political is a situation in which a disempowered mass who previously was not entitled to govern asserts their right to govern.

Paine’s pamphlet stages this political rupture with the police logic of countability that existed in 1776 colonial America. The break between common sense and prejudice is conditioned by a disagreement over whether it is possible for American interests to be distinct from British interests – in Rancière’s terms, whether the subjectification of America and America’s dis-identification from

14 *Arkhê* is a complicated term, originally from the Greek. For a prolonged conversation on its meaning, see Rancière’s *Disagreement: Philosophy and Politics* (2008). Briefly and crudely put, *arkhê* refers both to the commencement of a *polis* and to a determination of what will follow within the polis. It is a kind of stage that governs the play of appearances upon it.

Great Britain is possible.¹⁵ Paine's common sense thus effects the arrival of Rancière's political: it is no longer a question of how well a given order operates, but a question of what is allowed to count within that order and the introduction of America as the part which has no part. Like the Aventine plebs consulting an oracle, Paine argued that America had to establish embassies in foreign nations and declare independence, and present themselves in the international community as Britain's equal. The possibility of 'mutual' understanding is not pre-given because the parties that would mutually understand one another are themselves the object of the dispute. Paine's pamphlet is the "construction of a paradoxical world that puts together two separate worlds": within it, prejudice is not immanently challenged as self-contradictory, but posed as a separate world from common sense, and the text puts the two heterogeneous logics on the same stage. Despite the internal consistency of prejudice, common sense and America's cause are nonetheless paradoxically portrayed as the universal and correct side of the political dispute. Paine takes this paradox of radical disagreement as the starting point for his text.

Again similar to Rancière, Paine's common sense and the political subjectification he carries out has a necessarily populist bent. Common sense constitutes a political subject who is capable of governing (of controlling the *arkhê*) but has been prevented from doing so for a number of reasons, including the complexity of government. By simplifying government, the new American regime (with its unicameral legislature) will make visible a particular new part that previously had no part: the American people. 'America' in Paine's text is not an ethnos because America refers to a nation that did not count as a subject when Paine was writing. Rather than predicate the right to

15 Interestingly, the two sides' disagreement over virtual and real representation, is reflected in this: does the Crown count as a representative of America, or is America distinct from the Crown and thus in need of distinct representation? In short, Britain and the colonies "both understand and do not understand the same thing by the same words" (Rancière, 2008: xi).

government upon a pre-existing identity, Paine's *Common Sense* demands that a new subject—America—be provided with the stage on which to present itself.

There is a final benefit to reading Paine with Rancière. In Rancière's texts, politics ruptures a given police, but Rancière offers no hints to help us predict the location of this rupture, or demarcate it topographically.¹⁶ This is precisely what Paine attempts to accomplish with his common sense. Rancière gives us terms to describe a partition of the sensible (police) and a term for the rupture within that partition (politics). He does not, however, give us terms to topographically and in an embedded way, demarcate the lines of ensuing disagreement. My wager is that Paine's common sense and prejudice can serve as these terms. Translating Rancière's discourse into Paine's, it thus becomes the prejudicial (and anti-political) view to deny the existence of the rupturing *demos*; similarly, it becomes the common-sensical (and political) view to recognize it.

I suggested earlier that Paine both articulates and practices a new mode of political practice to go along with his particular political topography. That topographically informed practice anticipated and is clarified by Althusser's work on Machiavelli. In that work, Althusser emphasizes how Machiavelli treats his political theory as a mode of political practice: "Machiavelli, who in his text elaborated the theory of the means at the disposal of the Prince set to save Italy, *treats his own text, in its turn and at the same time, as one of those means*, making it serve as a means in the struggle he announces and engages" (Althusser, 2011: 66, emphasis in the original). The point of political theory for the post-1968 Althusser is not to govern practice, or to understand the possibilities of practice in general, but for political theory to become a specific modality of political practice itself.

16 This might be a 'feature' and not a 'bug' as Rancière assiduously wants to avoid attaching politics to a pre-existing subject or a specific location. That said, practice still seems to demand determining what subjectification where counts as political.

Part of this reconceptualization of the relationship between practice and theory involves a reconceptualization of the relationship between particular and universal. Rather than orient *The Prince* towards a “general knowledge” of politics, Machiavelli is focused instead on a “particular political problem” (Althusser, 2011: 16). As Mikko Lahtinen puts it, for Althusser “the individual case cannot and should not be subsumed under any general law or theory” (Lahtinen, 2011: 140). Machiavelli uses the concept of “fortuna” (‘luck’) to demonstrate the inability of any general theory to predict the outcome of politics or govern its practice. That is not to say that Machiavelli eschews making any general pronouncements on politics; it is to say that every pronouncement of a general is made with an eye to the effects it will have on the particular political situation Machiavelli is confronting.

Paine’s common sense does something close to what Althusser’s Machiavelli does: It casts theory as a ‘topographically informed practice’: it calls upon theory to position itself within a specific conjuncture and then participate and practice with that positioning in mind. Good political theory, from this perspective, is not a representation of politics so much as it is a practical intervention within the field of theory, and political theory’s relative ‘goodness’ is determined by the effect that intervention has on the particular political context within which it is carried out. Paine’s *Common Sense* is certainly an example of such a theoretical practice.

However, there is an important contrast between Paine and Althusser. Althusser’s political thought involves a commitment to the priority of contingency over necessity: “instead of thinking contingency as a modality of necessity, or an exception to it, we must think necessity as the becoming-necessary of the encounter of contingencies” (Althusser, 2006: 194-5). Althusser wants to be able to think history as sheer contingency, without ascribing any teleological necessity to its development. Paine’s *Common Sense*, on the other hand, emphasizes above all else the necessary

victory of America. Paine insists on what Althusser attempts to disavow: he ascribes a necessity to history that will lead to a glorious future for America as a free nation. This difference originates in a difference between Althusser and Paine's particular historical and theoretical conjunctures. Althusser understands his theory as an intervention in Marxist political philosophy and more specifically as an effort to rebut 'economism', which Althusser perceived as having rightist implications because of its emphasis on historical mechanisms at the expense of political agency. No such opponent exists for Paine. Instead, in Paine's conjuncture it is the seeming impossibility of American victory that makes separation from Britain unlikely. If economism means *too little doubt* that 'socialism can fail', then Paine's conjuncture was predominated by *too much doubt* that America could be victorious. Paine and Althusser both develop topographically informed norms of theoretical practice that are sensitive to the particular balance of forces in their respective historical situations. As Althusser quoted Lenin, Paine is bending the stick back – he is compensating for an overabundance of doubt with an abundance of certainty.

I have sought to locate Paine's pamphlet beneath an umbrella of thought I've called 'radical democratic.' This label sits happily with Rancière, who understands himself as advocating a norm that equates democracy with the political and is radical insofar as it disassociates democracy from the regime of representative liberal democracy. Althusser is a slightly less happy member of this coalition: his work belongs to a distinctly Marxist tradition that advocates for a dictatorship of the proletariat. Rancière also famously broke with his former teacher Althusser, publishing *Althusser's Lesson* in the wake of events in Paris in 1968, indicting Althusser as a philosopher of order (Rancière, 2011). However, what brings these three thinkers together is a shared conceptualization of political theory as a specific type of political practice. Political theory is an intervention within theory – theory is a specific modality of practice. Rather than seeking to govern practice, theorists need to

understand their position within a situation, determine what will make theory effective and then practice it. The emphasis on radical disagreement is key to this renovated norm of theory-as-practice. Disagreement has ruptured a situation, and for theory to be effective it has to act from particularity, without any dream of pre-given consensus and agreement. Paine's common sense approaches politics as constituted by radical disagreement, and then attempts to be practically effective within that political space. Paine stages Rancière's dissensus and dis-identifies America with the existing police order. In this sense Paine anticipates contemporary theories of radical democracy: democratic because situated on the side of a mass yet to appear; radical because of the demand placed upon theory to be practical.

V: Conclusions: Common Sense in the age of Trump?

In this paper I have criticized widely accepted notions of common sense that evacuate politics of disagreement in the name of Paine's common sense, which approaches politics as a situation constituted by radical disagreement. Lewis and Clark's usage of common sense, from which this paper began, is paradigmatic of the problems typical of the traditional approach. Their belief that common sense refers to a fundamental point of agreement sets them on a fool's errand searching to find the most basic agreement on gun control – what will be 'common sense' gun control – in the belief that this at least they will share with the Republican opposition. Instead, however, they are in a position of radical disagreement with their Republican colleagues. Lewis and Clark approach gun control as one right among many the importance of which will be determined by its consequences in practice; Republicans approach the issue as a fundamental right that cannot be compromised. Further, as Paine found with prejudiced supporters of Britain, Republican legislators' 'interests' are actively compromised by National Rifle Association organizing and

lobbying efforts (and Democratic legislators are actively compromised by their interest in re-election). The object of dispute is thus itself in dispute and gun control advocates and their opponents do not share a vocabulary with which to discuss the issue. But because Lewis and Clark perceive common sense as a point of fundamental agreement that must exist so long as the polity exists, and because they understand politics as the business of finding out what everyone can agree upon, they end up in a political no man's land, proposing legislation that not only does not address the issue of mass shooting they claim to be motivated to solve, but that fails to resonate with their 'base' and generate grassroots activism and support.

If Lewis and Clark adopted Paine's notion of common sense and attempted to demarcate lines of disagreement instead of locating the last shred of agreement, they could enact what I've called above a topographically informed norm of politics. This would mean working to demarcate lines of radical disagreement: they stand for X, we stand for Y, and common sense is only Y, not the overlap of X and Y. It also means articulating that line of disagreement in a way such that the distinction between X and Y produces the possibility for a new populist mass subject to emerge. That does not mean that I think the gun control debate is particularly good terrain for radical politics— for one thing, it is an open question whether a radical left committed to empowering the people and not the state really wants to centralize the means of violence in the state, and whether rural gun ownership contributes to the problem of inner city gun violence Lewis and Clark understand themselves to be addressing. But it does mean that Lewis and Clark's use of common sense is paradigmatic of the problems with the predominant usage of common sense: it is used to rule out disagreement rhetorically and thus to obscure the real practice of politics itself. Lewis and Clark are doing politics as though the object of debate was pre-given. But, following Rancière,

politics is precisely the business of establishing what the object of debate will be, and who is entitled to debate.

In contemporary American politics, the importance of disagreement in political discourse – and the importance of simple agreement over the objects of disagreement – has been raised yet again. The election of Donald Trump, a far right xenophobe and quasi-fascist figure has been surrounded by talk of a ‘post-truth’ world, ‘alternative facts’ and ‘fake news.’ Trump’s violations of the norms of civility typically expected of public figures, coupled with a far-right posture that speaks a misogynistic, racist, anti-scientific and reactionary discourse, seems far out of the norm to many Americans¹⁷ – we may even be tempted to say Trump is devoid of common sense.

Traditional approaches to common sense would then argue for an effort to combat Trump by re-finding a lost consensus. On this view, Trump’s lack of common sense suggests that he is out of joint with a view that the population already agrees upon. Opposition then should emphasize those areas where Trump can be made to appear as exceptionally aberrational, even in comparison to past right-wing American governments: his vulgarity, his personal status as a business man, his alleged collusion with Putin’s Russian government. Common sense arguments against Trump call upon a reservoir of consensuses that Trump is portrayed as violating. Once we have re-established this consensus and limited the transgressions of Trump to deviations from that consensus, we can return to politicking as normal. In my view, this is a dangerous tack to take. It suggests that those opposing Trump oppose him *only* because he transgresses norms that the entire community shares. On issues where Trump is in line with existing Republican Party orthodoxy – in recent days, his decision to bomb Assad government airstrips in Syria – this conception of common sense provides

¹⁷ Trump’s approval rating, tagged by Gallup at 35% as of 3/31/2017, does not correlate with any of the usual predictors of low approval ratings: the economy is healthy, the country is not at war, there hasn’t been a large national disaster.

the opposition with few tools, and arguments against Trump would lose their claim to being common-sensical.

An alternative is happily open, however. Instead of understanding the phrase “Donald Trump is devoid of common sense” to mean that Trump has violated civil norms widely shared by Americans, it can be construed along Paine’s lines to mean that Trump is anti-political in the Rancièrian sense. On this view, Trump can be portrayed as a president interested in maintaining a police order that prevents those who are unrepresented within it from becoming represented. His disagreement with them is radical. The common sense position is to pay attention to the *demos*’s points of rupture – from the Black Lives Matter movement, to Standing Rock, to the surprising success of the Bernie Sanders campaign with young and low-income voters. Others who are suffering in silence have common sense grievances as well: the trans communities, counties ravaged by the opioid crisis, those still without health insurance under the Affordable Care Act. These are all groups whose demands are unheard or declared unimportant by the reigning police order. Instead of pretending that when we enter the political arena we can finally recover a lost common sense, found the community on widely shared foundations and then negotiate as the ‘loyal opposition’ until our needs are met, we must admit that we *do not agree* with the police order, and in fact that we disagree so radically with it that it appears to us only as a prejudicial position, while ours is simply common sense.

This paper is meant to practice this type of resistance. Arguments that Trump has violated the social contract may be useful, but it is my intuition that they are only useful insofar as they advance one position in a situation constituted by radical disagreement, not because they can promise to re-knit consensus about the legitimate foundations of American government. By reading Paine as a radical democrat, I hope to intervene in political theory on the grounds that radical

disagreement and democratic theory are a part of America's political inheritance and dis-identify Paine with a given police order that currently structures widely held perceptions about the origins of the American Revolution. Portraying Paine as a radical democratic populist is also of polemical value, and I have both polemicized and theorized in defense of that claim. In short, I have attempted a common sense reading of Paine's *Common Sense*.

Works Cited

- Althusser, Louis. *Machiavelli and Us*. Translated by François Matheron. London: Verso, 2011.
- Althusser, Louis. *Philosophy and the Spontaneous Philosophy of the Sciences*. Edited by Gregory Elliott. Verso, 2012.
- Althusser, Louis. *Philosophy of the Encounter: Later Writings, 1978-1987*. Translated by G. M. Goshgarion. London: Verso, 2006.
- Arendt, Hannah. *The Human Condition*. Edited by Margaret Canovan. Chicago: University of Chicago Press, 2012.
- Barber, Benjamin R. "Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls." *American Political Science Review* 69, no. 02 (1975): 663-74. doi:10.2307/1959095.
- Douglass, R. Bruce. "John Rawls and the Revival of Political Philosophy: Where Does He Leave Us?" *Theoria* 59, no. 133 (2012): 81-97. doi:10.3167/th.2012.5913305.
- Fielding, Henry. *The dramatic works of Henry Fielding, Esq.: in three volumes*. Edited by Thomas Lockwood. London: Printed for A. Millar ..., 1755.
- Ferguson, Robert A. "The Commonalities of Common Sense." *The William and Mary Quarterly* 57, no. 3 (2000): 465-504. doi:10.2307/2674263.
- Foner, Eric. *Tom Paine and Revolutionary America*. Oxford: Oxford University Press, 2005.
- Geuss, Raymond. *Philosophy and Real Politics*. Princeton University Press, 2008.
- Kramnick, Isaac. *Republicanism and Bourgeois radicalism: political ideology in late eighteenth-century England and America*. Ithaca (N.Y.): Cornell university press, 1990.

Jacobson, Norman. "Political Science and Political Education." *American Political Science Review* 57, no. 03 (September 1963): 561-69. doi:10.2307/1952562.

Lahtinen, Mikko. *Politics and Philosophy Niccolo Machiavelli and Louis Althusser's Aleatory Materialism*. Translated by Gareth Griffiths and Kristina Kohli. Chicago, IL: Haymarket Books, 2011.

Hare, R. M., and John Rawls. "Rawls' Theory of Justice--II." *The Philosophical Quarterly* 23, no. 92 (1973): 241. doi:10.2307/2218002.

Hart, H. L. A. "Rawls on Liberty and Its Priority." *Essays in Jurisprudence and Philosophy*, 1983, 223-47. doi:10.1093/acprof:oso/9780198253884.003.0011.

Hinchman, Sandra K. "Common Sense & Political Barbarism in the Theory of Hannah Arendt." *Polity* 17, no. 2 (1984): 317-39. doi:10.2307/3234510.

Hoffman, David C. "Paine and Prejudice: Rhetorical Leadership through Perceptual Framing in Common Sense." *Rhetoric & Public Affairs* 9, no. 3 (Fall 2006): 373-410. doi:10.1353/rap.2006.0075.

Norris, Andrew. "Arendt, Kant, and the Politics of Common Sense." *Polity* 29, no. 2 (1996): 165-91. doi:10.2307/3235299.

Paine, Thomas. *Thomas Paine: Political Writings*. Edited by Bruce Kuklick. Cambridge, U.K.: Cambridge University Press, 2000

Pitkin, Hanna Fenichel. *The concept of representation*. Berkeley: University of California Press, 2013.

Pocock, J. G. A. *Virtue, Commerce, and History: essays on political thought and history, chiefly in the eighteenth century*. Cambridge: Cambridge University Press, 2002.

Rancière, Jacques. *Althusser's Lesson*. Translated by Emiliano Battista. London: Bloomsbury Academic, 2011.

Rancière, Jacques. *Disagreement: Politics and Philosophy*. Minneapolis: Univ. of Minnesota Press, 2008.

Rancière, Jacques. *Dissensus*. Translated by Steven Corcoran. London: Bloomsbury Academic, 2015.

Rawls, John. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1999.

Rawls, John. "Justice as Fairness: Political Not Metaphysical." *Philosophy and Public Affairs* 14, no. 3 (Summer 1985): 223-51. <http://links.jstor.org/sici?sici=0048-3915%28198522%2914%3A3%3C223%3AJAFPNM%3E2.0.CO%3B2-0>.

"Rep. John Lewis Renews Call to Action on Gun Violence." Congressman John Lewis. September 14, 2016. Accessed April 10, 2017. <https://johnlewis.house.gov/media-center/press-releases/rep-john-lewis-renews-call-action-gun-violence>.

Rosenfeld, Sophia. "Before Democracy: The Production and Uses of Common Sense." *The Journal of Modern History* 80, no. 1 (2008): 1-54. doi:10.1086/529076.

Rosenfeld, Sophia. "Tom Paine's Common Sense and Ours." *The William and Mary Quarterly*, 3rd ser., 65, no. 4 (October 2008): 633-68. <http://www.jstor.org/stable/40212021>.

Shaftesbury, Anthony Ashley Cooper. *Characteristicks of men, manners, opinions, times*. Edited by Douglass Den Uyl. Indianapolis: Liberty Fund, 2001.

Shaw, William. "Intuition and Moral Philosophy." *American Philosophical Quarterly* 17, no. 2 (April 1980): 127-34. <http://www.jstor.org/stable/20013855>