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Complacent and Conservative? Redeeming the Liberalism of Fear

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Abstract
This article seeks to correct several prominent misreadings of Judith Shklar's liberalism of fear in recent scholarship. By exploring and developing overlooked elements of Shklar's thought, I argue that the liberalism of fear motivates a perspective on the political world that can spur more clear-eyed political reflection on concrete realities in order to improve the plight of the weak and the powerless. I illustrate that this fatally compromises the interpretative line recently defended by critics who position themselves to Shklar's left which regards the liberalism of fear as a stifling and complacent form of cold war liberalism.

Keywords: Judith Shklar; the liberalism of fear; cruelty; intimidation; inequality.

Judith Shklar's essay "The Liberalism of Fear" is commonly regarded as one of the twentieth-century's seminal statements of liberalism.[1] Nearly all commentators recognise it is a significant contribution to liberal political theory regardless of whether they endorse Shklar's arresting claim that liberals should begin by considering how the grave evil of public cruelty can be minimised instead of pondering how more exalted political ends might be achieved. In the years since the publication of Shklar's essay, the liberalism of fear has garnered considerable attention. Some have appropriated Shklar's liberalism of fear for their own, quite different, purposes. Most famously, perhaps, Richard Rorty marshalled Shklar's claim that cruelty is the worst thing we do in defence of his own 'liberal ironism' (Rorty 2006). In a similar manner, Bernard Williams allied his political realism to Shklar's liberalism of fear (Williams, 2005, 1-17; 52–61). Other thinkers, displaying more fidelity to Shklar's work, have employed the liberalism of fear to theorise about issues of pressing concern. For example, Jacob Levy (2000) explicitly draws on the liberalism of fear to develop his multiculturalism of fear, while Avishai Margalit engages with

[1] I employ the following abbreviations throughout: *AU: After Utopia: The Decline of Political Faith*; *FOI*: *The Faces of Injustice*; *III*: 'Injustice, Injury, and Inequality'; *L: Legalism: Law, Morals and Political Trails*; *M*: *Montesquieu*; *OPO: On Political Obligation; OV*: *Ordinary Vices*; *PT&PT*: *Political Thought & Political Thinkers*; *RAPT: Redeeming American Political Thought*; *RLT*: 'Rights in the Liberal Tradition'.

Shklar's work at length when developing his theory of the decent society (Margalit 1996).

Alongside these appropriations and applications, the liberalism of fear has been subject to sustained criticism. Some have argued it is impossible to pursue the kind of negative approach to politics they impute to Shklar (Walzer 1996).[2] Others maintain that when Shklar defends various substantive proposals she, in fact, never complies with the restrictive demands the liberalism of fear imposes (Benhabib 1996, Gutmann 1996). Still others argue that the liberalism of fear represents a sharp break from Shklar's early scepticism and pluralism and should be questioned on these grounds (Fives 2020, Whiteside 1999).

I leave these engagements to one side to focus on criticisms of the liberalism of fear that have recently been levelled by theorists who position themselves to Shklar's left.[3] According to these critics, Shklar's liberalism of fear should be regarded as a species of "cold war liberalism" that forecloses genuinely egalitarian and liberating reforms. For example, Samuel Moyn argues that in her later work, Shklar rejects any "radical expectations of improvement", insisting the best we can hope for is the avoidance of the political horrors perpetrated by tyrannical regimes like Nazi Germany and the Soviet Union (Moyn 2019, 24). Moyn thus alleges that Shklar's liberalism of fear ironically "went on to incarnate" the complacent and conservative cold war liberalism she repudiated in her first book, *After Utopia* (Moyn 2019, 27; 42). Katrina Forrester makes some strikingly similar claims. She alleges that Shklar's liberalism of fear is best seen as a "minimalist" liberalism that "attempted to reduce political morality to a moral minimum … by deploying the maxim of 'putting cruelty first'". In so doing, Forrester claims the liberalism of fear "represented a significant narrowing of the political possibilities of social liberalism" and had a stifling effect by undermining the pursuit of a redistributive and emancipatory politics (Forrester 2019a, 148-52. Similar claims reappear in Forrester 2019b, 264-69).[4]

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[2] For a sustained and in my view decisive reply to this criticism see Allen 2001.

[3] I thus do not address criticisms made by those to right of Shklar. See, for example, Kekes 1996.

[4] Forrester's recent endorsement of this interpretative line is curious. In a number of her earlier articles, she persuasively criticises those who read Shklar as a purveyor of cold war liberalism (Forrester 2011; Forrester 2012). Although Forrester's later reading is hard to square with Shklar's texts, it does aid the argument she makes about the pathologies of twentieth century political philosophy in her book, *In the Shadow of Justice*. I return to Moyn and Forrester in section 5.

By offering a detailed, analytical reconstruction of Shklar's negative approach to liberalism, and paying particular attention to her focus on intimidation and inequality in her little-known lecture 'Rights in the Liberal Tradition', I render these criticisms untenable. My reconstruction of Shklar's work shows that although the liberalism of fear is certainly sceptical of the politics that Shklar's critics from the left champion, this scepticism must not be confused with a smug acceptance of the political status quo, nor a comparative lack of concern for naming and tackling a multitude of failings our present political institutions exhibit. Indeed, once we take up the perspective Shklar commends, it becomes clear our existing political institutions stand condemned on multiple grounds and that the liberalism of fear can be the basis of a genuinely liberatory politics today.

1. THE WEAK AND THE POWERFUL

Throughout her work, Shklar insists that political theorists must confront the 'actualities' of politics instead of wishing them away, no matter how tempting this may be. In this sense, she is a purveyor of "realistic" rather than "idealistic" political theory.[5] She stresses that all governments are coercive, that among other things political power is the ability to inflict cruelty and generate fear in the ruled, and that this power is *likely* to be abused by those who wield it. The only reliable way to protect subjects from these abuses is to institutionalize suspicion and construct constitutional remedies to mitigate it worst effects (*OV*, 238, 244). In this spirit, Shklar insists that the "the basic units of political life are not discursive or reflecting persons, nor friends and enemies, nor patriotic soldier-citizens, nor energetic litigants, but the weak and the powerful", and that the freedom liberals should be most concerned with securing is, in the first instance, "freedom from the abuse of power and the intimidation of the defenceless" (*PT&PT*, 9). Shklar's endorsement of the orienting political distinction

[5] This reference to 'realistic' political theory is entirely untechnical. The attempt to assimilate Shklar to the recent realist turn in political theory is complicated by her scepticism about realist approaches she was aware of which, in her view falsely, held that the political sphere was autonomous and had its own logic (see *L*, 123) and the fact that the raging debates about the rightful place of realism and moralism in political thought play out in an intellectual idiom orthogonal to her work.

between the weak and the powerful drives her endorsement of a liberalism of fear.[6] It leads her to chide many of her fellow liberals for forgetting that the original purpose of liberalism was not to ponder how liberal principles might be philosophically justified but to think realistically about how the worst effects of political power might be tamed (Yack 2017, 116).[7]

Shklar famously contrasts the liberalism of fear with the liberalism of natural rights and the liberalism of personal development. Yet she begins by noting they all agree that the basic aim of liberal politics is to secure the "political conditions that are necessary for the exercise of political freedom". The central hope of every genuine version of liberalism, then, is that "Every adult should be able to make as many effective decisions without fear or favor about as many aspects of his or her life as is compatible with the like freedom of every other adult" (*PT&PT*, 3). However, liberals disagree about what this involves. The liberalism of natural rights seeks to ensure that human beings enjoy the fruits of a 'pre-established normative order', either sanctioned by God or some version of natural law (*PT&PT*, 8). For this version of liberalism, associated with the work of John Locke, government is obligated to erect public institutions that can protect rights to life, liberty, and property. Shklar claims that the liberalism of natural rights supposes that political society is populated by "politically sturdy" citizens who are able to stand up for themselves and their compatriots in pursuit of their rights.[8] The liberalism of personal development, most evocatively outlined by John Stuart Mill, stresses that a free and open society, in which individual choice is maximised and people are exposed to clashing opinions and arguments, is a morally fertile ground on which 'character' and knowledge can develop, and the value

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[6] Commentators describe this perspective variously. Some talk about Shklar theorising in a victim-centred way (Heins 2019, 188), others from the victim's point of view (Dunn 1996, 46). Kerry Whiteside insists that Shklar believed we must "pay special attention to how the world looks to those who have been injured by the routine functioning of the social institutions surrounding them" (1999, 511).
[7] As Yack perceptively remarks, from the perspective of much of the liberal tradition this philosophical quest is extremely curious because it searches "for an ideal of political legitimacy that can turn … the exercise of power over others into kind of autonomy or self-legislation" (2017, 117).
[8] Although Shklar distinguished the liberalism of fear from the liberalism of natural rights, she was not dismissive of rights, seeing them as legal creations that can shield the weak from some of grossest excesses of public cruelty (*PT&PT*, 18-19). Rights may not be "naturally or divinely ordained or endowed" but their political value has been shown (Kateb 1998, xvii). Shklar's most sustained defence of this (*III*, 26) "fear-inspired, negative, protesting notion of rights" appears in 'Injustice, Injury, and Inequality', the little-known introduction she wrote for the 1986 collection *Justice and Equality Here and Now*.

of individuality can be realised. On this view, liberal institutions are uniquely capable of enabling human beings to thrive and progress (*PT&PT*, 8-9).

Though Shklar acknowledges that both these approaches are genuine expressions of liberalism, she rejects their hopefulness and insists on an "entirely nonutopian" alternative (*PT&PT*, 8). Instead of seeing politics as a sphere in which sturdy citizens can demand their moral rights and entitlements, or individuals can pursue their self-development via experiments in living, Shklar demands that we focus on the weak and the powerful and concentrate on "damage control" (*PT&PT*, 9; *M*, 89). This is an approach which (*OV*, 5) "begins with what is to be avoided" instead of imagining what we might, perhaps, become under morally well-ordered political institutions. The liberalism of fear thus does not seek to explain how politics might help us to realize a supreme good. Instead, it focuses on a great evil (*summum malum*): "That evil is cruelty and the fear it inspires, and the very fear of fear itself" (*PT&PT*, 10-11). The liberalism of fear requires that we make the prohibition against cruelty the "basic norm" of liberal political practice, the only exception being when some cruelty is necessary in order for greater cruelties to be prevented (*PT&PT*, 12).

Shklar recognises that all governments utilise some degree of fear to create peace and security and is explicit that the liberalism of fear does not seek the end of coercive government. Rather, it attempts to prevent the cruelties and fears created by "arbitrary, unexpected, unnecessary, and unlicenced acts of force" and the "habitual and pervasive acts of cruelty and torture performed by military, paramilitary, and police agents" (*PT&PT*, 11). Although the kinds of cruelty and social oppression that generate freedom-inhibiting fear has many sources, it is overwhelmingly generated by government (*PT&PT*, 3, 9, 12). History amply reveals that when public power is abused the heaviest costs are usually borne by the poor and the weak, but the ineluctable inequality between rulers and the ruled means that each of us has some reason to fear government *all the time* (*PT&PT*, 9-10). Though in this sense the liberalism of fear is pessimistic, it is not completely despairing. Intelligent political action can mitigate, if not eradicate, these features of politics. The best prophylactic against the political abuses Shklar highlights is the "constant division and subdivision of political power", and the existence of voluntary associations which can check other powerful agents, both governmental and nongovernmental. Liberal citizens must be

vigilant, working to ensure that public agents can only coerce through understood and established legal procedures and that all acts of public coercion are proportionate to ward off the threats they intend to neutralise (*PT&PT*, 12-13).

Shklar's invocations of the liberalism of fear are best seen as attempts to recast liberalism in the last decades of the twentieth century. She thought that many self-described liberals disregarded the fact that political power is routinely abused by those who wield it and that these abuses harm the most powerless members of society the worst. Regardless of one's deepest hopes for politics, she thought that all those who favour decent political outcomes have reason to focus on the negative standards she highlights because when rulers and public officials employ cruelty and intimidation to get what they want, this fundamentally threatens the dignity and freedom of the ruled. Her insistence that liberals must put cruelty first was, therefore, an evocative call for liberal theorists to redirect reflection to aspects of politics from which no one should avert their eyes. Seen in this way, the liberalism of fear is not intended to be a systematic liberal theory that we can compare and contrast with other systematic normative political theories. It is, rather, an attempt to motivate a perspective on the political world that can spur more clear-eyed reflection on concrete realities in order to improve the plight of the weak and the powerless.

Thus understood, the liberalism of fear requires us to take up a particular perspective on politics while simultaneously demanding that theorists who do that *think for themselves about what follows here and now*.[9] It suggests that 'ideal' theories, which describe the moral principles which would govern relevant institutions in a society in which all subjects complied with the demands that justice made of them, are likely to be uninstructive political guides because getting to grips with public cruelty

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[9] My view is thus somewhat at odds with Giunia Gatta's contention that Shklar endorses an 'agonistic liberalism' (2018, 110-119). I agree with Gatta that Shklar never meant her theoretical articulation of the liberalism of fear to be the final word in politics (115). As I have claimed, the liberalism of fear is a call to further reflection and a plea to adopt a particular perspective on politics, not a systematic political theory. Moreover, I agree that Shklar is not a foundationalist in any straightforward sense of that term. However, it does not follow that Shklar "remains agnostic about the general and theoretical validation of her liberalism" (114) and/or regards the liberalism of fear as merely "one voice in the [political] struggle" (115). Though Shklar recognises that the liberalism of fear is one among many versions of liberalism, and that liberalism is one among many political ideologies, she does not waver in the view that it is to be favoured above them all because it is the most tenable and practically urgent way of making sense of liberalism's deepest political commitments. The label 'agonistic liberalism' thus strikes me as unfortunate.

requires us to focus on the particular sources of cruelty and intimidation as they are manifested in concrete situations. Moreover, any recommendations we make about how cruelty and intimidation might be mitigated will be exceedingly dependent on the actual politics of the situation being addressed given path-dependencies and pertinent historical inheritances. Theorists who seek to take up the liberalism of fear must thus renounce the temptation to theorise about politics unencumbered by these often-dispiriting political realities.

These recommendations are not entirely novel, being derived from Shklar's veneration of Montesquieu's work, which sees the rule of law and the separation of powers as crowning political achievements because they limit state power in order to ward-off "animal-like obedience" (*M*, 83). Shklar explicitly follows Montesquieu by holding that any situation in which excessive power is "too concentrated is moving structurally towards despotism" (*M*, 75, 33). The point *is not* that every exercise of political coercion is evil and impossible to justify. Liberals of fear do not have to slight the importance of answering what Bernard Williams calls *the first political question* – "the securing of order, protection, safety, trust, and the conditions of cooperation" – because doing so is a condition of reliably enjoying any other moral and political goods (Williams 2005, 1 – 17). However, they stress that unless barriers are erected to limit and direct political power, evil is *likely* to result.

For Shklar, Montesquieu's central intellectual legacy lies in his contention that the best way to guard against despotism is to establish a moderate constitutional government that respects the rule of law by limiting the scope of political power, and constraining the way it is exercised. The self-restraint on the part of the powerful this form of liberalism advocates is counterintuitive. Constitutional government serves our long-term ends rather than our immediate desires. This is why a commitment to it is not natural but learned (often painfully) (Heath 2020, 94–148). From the wars of religion onward, history suggests we all benefit *in the long-run* from moderating institutions and procedural constraints on power. For Shklar, constitutional government and the rule of law are the pre-eminent liberal political achievements because they protect subjects from the worst depravities of political coercion while also facilitating prosperity and peace.

The liberalism of fear thus does not hold that purposeful political action is futile. On the contrary, it is animated by the belief that concerted and intelligent political action can and does mitigate public harm (*OV*, 34, 43). It is, to be sure, sceptical of political ideologies that make optimistic demands on the character of political rulers, and normative models that demand high-levels of citizen virtue. By seeing cruelty as the *summum malum* of politics, the liberalism of fear limits the opportunity for public violence and impugns morally transformative political ideologies. In place of the grand designs of specific ideologies, Shklar holds that the "most important political and personal aim must always be to live under laws that do not force us to make intolerable choices" (*OV*, 156), and, following Montesquieu, celebrates the pacifying nature of "benign and inglorious commercial activities" (*OV*, 216). That this may seem prosaic to many comfortable inhabitants of functioning constitutional liberal democracies is part of the point. For Shklar, dismissing the attempt to minimise public cruelty for being insufficiently ambitious is a sign of political privilege. By contrast, the benefits of the liberal constitutionalism are not so commonly dismissed by the powerless and weak members of liberal states, let alone those unfortunate enough to live in non-liberal regimes, because they often have direct experience of the serious damage inadequately constrained public agents routinely cause.[10] It is in this sense that Shklar insists liberalism must be defended because it is "the least cruel and the least oppressive of known regimes" (*OV*, 221).

2. CRUELTY AND FEAR

In *Ordinary Vices*, Shklar defines cruelty as "the wilful inflicting of physical pain on a weaker being in order to cause anguish and fear" (*OV*, 8). In "The Liberalism of Fear", she offers a more wide-ranging account which holds that cruelty is "the deliberate infliction of physical, and secondarily emotional, pain upon a weaker person or group by stronger ones in order to achieve some end, tangible or intangible, of the latter" (*PT&PT*, 11). Though Shklar is not explicit about this, at these points she may be read as offering accounts of what she elsewhere calls *public cruelty* (*OV*, 217; *PT&PT*, 11)

[10] Though it differs from it in other respects, in this sense the liberalism of fear has something in common with the liberalism of permanent minorities that Shklar endorses in *Legalism*. See *L*, 6; 224.

rather than a more wide-ranging definition which captures both the cruelties that characterise the politics of fear and those which may mar our private lives.[11]

Shklar's understanding of public cruelty is not a bullet-proof philosophical definition immune to any conceivable counter-example. For one thing, it is unclear if the infliction of pain must succeed (as she implies) or if the mere intention to inflict pain suffices to render a public act cruel. Furthermore, vast swaths of public health policy call into question the idea that the infliction of physical pain to achieve some political end is always appropriately labelled cruel. Likewise, one might claim that necessities of military training compromise the suggestion that the infliction of emotional pain is always best regarded in those terms also. But, in any case, Shklar does not attempt to offer the kind of definition that philosophers sometimes (and falsely) insist we need to guide our political judgments and actions.[12] Rather than insisting on a rigid definition, accepting a degree of openness to how public cruelty should be understood is likely to be beneficial because new forms of public cruelty will arise which we will have to make sense of. That being said, the above account captures the kinds of considerations which Shklar sought to attune us to.

Shklar explicitly follows Montaigne in putting cruelty first. Montaigne's decision to do that was ultimately psychological. He "looked first of all into himself and found that the sight of cruelty instantly filled him with revulsion. It was a wholly negative reaction". Cruelty struck him as the ugliest and most repellent vice because it "disfigures human character" so comprehensively (*OV*, 9). His recognition of the sheer quantity of public cruelty lead to a profound misanthropy and a view of the ever-present danger of public action. It is in this sense that Shklar claims Montaigne's putting of cruelty first threatened "isolating aloofness". Though Shklar acknowledges the pull of this response, she does not fully endorse it. Like Montaigne, she recognises that putting cruelty first often "makes political action difficult beyond endurance, may cloud our judgement and may reduce us to a debilitating misanthropy and even resort to moral cruelty" (*OV*, 43). But she does not urge withdrawal. Liberals who put cruelty

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[11] That she does not employ small-scale hypotheticals or two-person examples to support her characterisations of cruelty can be taken as evidence of this.

[12] Consider Shklar's remark in the conclusion of *Ordinary Vices* that in her attempt to seek "a more concrete way of thinking about politics", she chose to give up "some rigor of exposition and precision of usage" and to spend "relatively little time on distinctions and definitions" (*OV*, 228).

first have to face these paradoxes and live with them. Though Shklar never intends to give the impression that putting cruelty first is a simple moral injunction, because it is not, she does not renounce it either.

Shklar implicitly suggests we can offer a view of both the immediate and longer-term evil of cruelty.[13] Cruel acts can be regarded as evil because they immediately cause pain (physical or emotional) and pain is objectively bad (Nagel 1986, 156-62). In addition, Shklar highlights the terrible long-term ramifications of the politics of fear, stressing that liberals find cruelty intolerable because "fear destroys freedom" (*OV*, 2). The politics of fear "reduces us to mere reactive units of sensation" (*OV*, 5), leaving us "paralyzed and demeaned" (*OV*, 235). Shklar develops these ideas most fully in her book on Montesquieu when describing his view that this kind of fear generates involuntary mental and physical reactions which create a "permanent state of foreboding" (*M*, 84. See also *OV*, 216). The systematic use of fear by the powerful "is the condition that makes freedom impossible" (*PT&PT*, 11). Putting cruelty first, is, therefore, not merely one way of being humane (*OV*, 8). It is a way of promoting the cause of political freedom.

When one considers these aspects of Shklar's work one must tread carefully to avoid caricature. In light of Shklar's claims (*OV*, 237-38) that the fear of fear does not require further justification because it is "irreducible", and that liberal and humane people often intuitively choose cruelty as the worst thing we do (*OV*, 44), some commentators, like Corey Robin, insist Shklar complacently thought that prohibitions against cruelty and fear "possessed an easy intelligibility which made for quick and universal agreement about principles" (Robin 2004, 145). This gloss on Shklar's view is extraordinarily tone-deaf. She never downplays the difficulties and confusions involved in putting cruelty first. She notes that having standards does not leave us free from doubt, and recognises that it is exceedingly hard to live with putting cruelty first because this can make deciding on political action extremely difficult (*OV*, 22). These puzzles never go away (*OV*, 44). Furthermore, in the introduction to *Ordinary Vices*, she explicitly suggests that people will disagree about which vice to put first: "freedom demands as a matter of liberal policy we must learn to endure enormous

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[13] I am grateful to David Enoch for useful discussion of this point.

difference in the relative importance that various individuals and groups attach to the vices" (*OV*, 4). That we disagree about this is presumably why the argument that liberals should put cruelty first has to be made.

Moreover, in "The Liberalism of Fear" Shklar directly rejects the claim that putting cruelty first requires no further justification. She does claim that putting cruelty first is "simply a first principle, an act of moral intuition based on ample observation" and that "Because the fear of systematic cruelty is so universal, moral claims based on its prohibition have an immediate appeal and can gain recognition without much argument" (*PT&PT*, 11). However, she immediately follows this by stating that the decision to put cruelty first "cannot rest on this or any other naturalistic fallacy" *and that* "Liberals can begin with cruelty as the primary evil only if they go beyond their well-grounded assumption that almost all people fear it and would evade it if they could" (*PT&PT*, 11). "If the prohibition of cruelty can be universalized and recognized as a necessary condition of the dignity of persons", then "it can become a principle of political morality". It can be seen as such a principle when we ask "whether the prohibition would benefit the vast majority of human beings in meeting their known needs and wants". Shklar claims that Kantians and utilitarians could accept this test (*PT&PT*, 11-12).

In the end, then, Shklar does not insist the decision to put cruelty first requires no justification. In fact, she holds that: (a) the prohibition against cruelty is a necessary condition of promoting human dignity; (b) treating people with dignity is necessary if they are to meet their basic needs and live genuinely free lives; and (c) for this reason, the decision to put cruelty first is compatible with the two most influential schools of modern moral thinking.[14] In this sense, the liberalism of fear does not rest on any "moral philosophy in its entirety" (*PT&PT*, 12). This is not, per Robin, because Shklar holds that the prohibition against cruelty does not need to be justified, or is already

[14] Claiming that this is compatible with consequentialist views, like utilitarianism, may seem surprising. However, Shklar accepts exceptions to the prohibition against cruelty when this will prevent greater cruelties. She thus does not endorse an absolute deontological prohibition on cruelty. The utilitarian who endorses the liberalism of fear would have to favour a form of rule- rather than act-utilitarianism. But once one reflects in these terms, the decision to object to public cruelty as strongly as Shklar does makes sense given the likelihood of act-consequentialist justifications of cruelty either being false or ripe for abuse. It is in this sense that Shklar remarks that one should not slight the "historical" case for putting cruelty first by myopically focusing on questions about how this can be justified a priori (*OV*, 239).

explicitly widely endorsed. Her point, rather, is that adherents of many moral philosophies can rationally defend the decision to put cruelty first provided they either accept that avoiding the bads and harms she highlights is necessary if they are to achieve the positive moral aims specific to their theories, or that the bads the liberalism of fear highlights are so weighty that their avoidance should prevail over other considerations (Enoch unpublished).[15]

3. INTIMIDATION AND INEQUALITY

Shklar's lecture, 'Rights in the Liberal Tradition', delivered at Colorado College on the 23rd of January 1991, develops and in some cases recharacterizes aspects of the liberalism of fear in salient ways. This little-known piece appeared in *The Bill of Rights and the Liberal Tradition*, a volume published by the Press at Colorado College in 1992 (the year of Shklar's death). 'Rights in the Liberal Tradition' has largely been ignored by political theorists who write on the liberalism of fear because it was not included in either of the posthumous collections of Shklar's work published by the University of Chicago Press. Yet turning our attention to it is highly instructive.

'Rights and the Liberal Tradition' considers four, rather than Shklar's original three, strands of liberal thinking. Given that her remit was to discuss the role that thinking about rights has played the liberal tradition, Shklar spends most of her time on what she calls the liberalism of rights (rather than the liberalism of natural rights) emphasising how it has dominated American political thought, mainly for good. Shklar continues to discuss the liberalism of personal development (though it is here referred to as "the liberalism of individual self-development") and the liberalism of fear, but additionally also considers 'the liberalism of legal security' as a distinct contribution to the liberal tradition. This is significant.

[15] My reconstruction suggests we must guard against interpretations of the liberalism of fear which rely solely on Shklar's well-known essay of that name. That famous essay is an attempt to distinguish different ways of understanding liberalism's primary goals. It is extremely dense and leaves an enormous amount of work for its readers. In this article, I suggest that while Shklar's essay 'The Liberalism of Fear' is highly instructive, it is not a sufficient guide to, let alone a comprehensive statement of, the negative approach to liberalism she articulates in her later work. Shklar's critics, and sometimes even sympathetic interpreters, sometimes act as if her vision of liberal politics is just a fleshed-out version of her famous essay. This is a simplistic way of reading Shklar.

According to Shklar, the liberalism of legal security focuses on the rule of law and paints political freedom as "the certain knowledge that one is perfectly safe to do as one chooses within the sphere assigned by law to one's own discretion, and that the government is predictable in its treatment of all citizens" (*RLT*, 29). It disaggregates democracy and constitutional government completely, holding that the former is not necessary for the rule of law. Rights, on this view, give subjects the security they need to enjoy their property and to benefit from the economic prosperity that stable constitutional government generates. Advocates of this mode of liberal thought thus emphasize rights to private property and the freedom of economic activity most of all.

Shklar then turns to the liberalism of fear, continuing to stress that the great political evil to avoid is "systematic, sustained and organized cruelty" generated by governments (*RLT*, 30). However, she insists that the liberalism of fear does not merely aim to eradicate political "terror" but also to restrain all the sources of "avoidable fear". In this sense, the liberalism of fear pushes for a politics that frees all subjects from "intimidation from either public or private agents". For this reason, liberals of fear "favour the decrease in every form of social inequality" because they recognise that "Any concentrations of social power that expose people to fears of deprivation of employment, health and education is objectionable". Shklar is not advocating a state of perfect material equality or claiming that all economic inequalities are impossible to justify. However, she does insist that economic inequality tends to generate fear and intimidation and should, therefore, be minimised when doing so is possible without threatening greater public cruelty (*RLT*, 30). In this sense, although the liberalism of legal security and the liberalism of fear both venerate the rule of law, the liberalism of fear is *more* politically demanding.

> It calls for principled toleration, for a diminution of social inequalities, and it does not limit itself to the law to protect people against the fear of wanton cruelty. It is more alert to the conditions of liberty, to social and personal arrangements that render liberty possible. The empowerment and education of the young and old, male and female, is supposed to make them self-reliant and active citizens, capable of defending their integrity, rather than their individuality. Battered by propaganda, intimidated by arms of unspeakable potency and afraid of a future that might be worse, individuals have as few resources as they have ever had not to protect themselves against fear and shame. The liberalism of fear takes these circumstances into account to promote at every turn policies, practices, and beliefs that will diminish the political sources of fear and fortify us sufficiently to enable us to respect ourselves and others and to learn to argue with rather than to destroy those who differ from us (*RLT*, 31).

This is a call for a politics in which government is coercive, but only to the extent that coercion is necessary, and a society that reduces social inequality in many of its forms so that subjects have little to reason to fear and be suspicious of each other. A society which meets these moderate standards exhibits a particular kind of democratic ethos. Citizens would recognise they have a duty to minimise each other's fear and suffering, whether it has a governmental or non-governmental source (*RLT*, 31-32).

In this respect, 'Rights in the Liberal Tradition' builds on the claim in 'The Liberalism of Fear' that liberals of fear must move beyond a Berlinian conception of negative liberty, which famously holds that liberty is a matter of "not being interfered with by others" and that "The wider the area of non-interference the wider my freedom" (Berlin 2002, 172). Shklar charges Berlin with artificially isolating personal freedom from a realistic appreciation of the background and institutional prerequisites of a free society.

> There is much to be said for not separating negative liberty from the conditions that are at least necessary to make it possible at all … No door is open in a political order in which public and private intimidation prevail, and it requires a complex system of institutions to avoid that. If negative freedom is to have any political significance at all, it must specify at least some of the institutional characteristics of a relatively free regime. Socially, that also means dispersion of power among a plurality of politically empowered groups, pluralism, in short, as well as the elimination of such forms and degrees of social inequality as expose people to oppressive practices (*PT&PT*, 10).

Similarly, in 'Rights in the Liberal Tradition' Shklar stresses that a narrow-minded focus on non-interference slights the positive work required to create the background conditions of liberty – conditions which, for example, free people from preventable diseases or the indignities of terrible poverty. She is adamant that "If one thinks realistically of society in terms of its inevitable inequalities it becomes clear that the powerful have to be restrained in the interest of the freedom of the less well-endowed". The task for liberals of fear is to consider how "effective intimidation" of this kind can be reduced without threatening greater cruelty (*RLT*, 32). A serviceable liberal account of political liberty, sincerely committed to thinking about how *every* adult can make effective decisions about their lives without fear or favour, cannot pretend that the conditions of liberty are somehow extrinsic to liberal doctrines of freedom or have their root in different values like equality or justice, as Berlin suggests. That might make for tidy conceptual analysis, but it does so at the cost of political intelligibility.

For reasons of space it is not possible to offer a comprehensive philosophical account of precisely how liberals of fear understand freedom. It suffices to say that, in my view, Bernard Williams captures the core idea when he remarks that for liberals of fear "The basic sense of being unfree is being in someone else's power, and that … implies that you do what is directed by other person's intentions even if you do not want to do those things" (Williams 2005, 61). This understanding of freedom does not neatly coincide with either the idea of freedom as non-interference (negative liberty) or the idea of freedom as self-mastery (positive liberty). As Shklar stresses, it also requires purposeful political action on the part of citizens and the state.[16] This is because the beating heart of the liberalism of fear is the ambition to free all individuals *from* public cruelty and social intimidation, so they can make as many effective decisions about their lives as possible while promoting the 'like' freedom of others. This requires the existence of established legal and political procedures to constrain individuals and the state.[17] Some commentators have noted a similarity between the liberalism of fear's interest in minimising public cruelty and social intimidation and the claim, advanced by advocates of republican approaches in contemporary political theory, that freedom is a matter of non-domination (Ashenden and Hess 2018; Brooks 2011). Still, the resemblance between the liberalism of fear and contemporary strains of republican thinking must not be overstated. Shklar defends wide-ranging liberal freedoms in order to protect the weak from the powerful and is sceptical of the idea that "the people" could safely control and direct the state to secure the full range of morally desirable ends contemporary theorists of republican liberty champion. The manifest difference between the two approaches is exemplified by Thom Brooks' remark that republican theorists insist that we "should not view the state as some useful beast to be safely encaged, but rather as a partner. While the state may arbitrarily infringe individual freedom, the state is not wholly other to the individual"

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[16] This central point is defended in 'Positive Liberty, Negative Liberty in the United States' (*RAPT*, 111–126).

[17] Shklar's last detailed discussion of political freedom occurs in her posthumously published lecture 'Conscience and Liberty' (*OPO*, 1– 4). There, Shklar floats the possibility of a case "for the higher self in politics under some circumstances" through a discussion of abolitionists in the United States, who felt their unavoidable complicity with slavery threatened their personal liberty by forcing them to wrong others (*OPO*, 10). Whether or not liberals of fear should endorse this claim and/or the broader argumentative moves Shklar makes in that lecture strikes me as questionable, though I cannot pursue this issue further here.

(2011, 59). Liberals of fear would not countenance thinking about the state in this way for the reasons already adduced.

The restatement of the liberalism of fear, and the addition of the liberalism of legal security to the gallery of liberalisms in 'Rights in the Liberal Tradition', is significant. In 'Rights in the Liberal Tradition', Shklar repeatedly stresses that living without intimidation, and not merely not being subjected to public cruelty, is vital if the weak are to enjoy political freedom. The commitment to actively combatting such intimidation alongside curtailing public cruelty is the central difference between these two schools of liberal thinking, and pushes liberals of fear to attend to nongovernmental sources of fear, such as those generated by market inequality. To be sure, Shklar still stresses that the greatest political evil is the sustained infliction of public cruelty. It must come first. But liberals of fear should also concern themselves with combatting intimidation and inequality emanating from private and corporate sub-state actors. In making these points, Shklar aims to distinguish the liberalism of fear from conservative forms of liberalism, such as F.A. Hayek's. This is more than a little ironic, given that her recent left detractors have precisely attempted to lump Shklar's liberalism of fear together with more conservative brands of liberalism with which the liberalism of fear is frequently confused when it is disparagingly dismissed as merely another 'cold war liberalism'.

Shklar's rejection of 'conservative' liberalism was not a novel development in one of her last publications, but in fact runs throughout her corpus. In her first book, *After Utopia* (published in 1957) Shklar seeks to diagnose the appeal of conservative forms of liberalism which are hostile to all forms of economic planning, egalitarianism, and rationalist political projects (*AU*, 24). She contends that conservative liberalism, like the forms of Christian fatalism she there considers, has given up on any radical political thought, where radicalism is understood not as "readiness to indulge in revolutionary violence" but simply as the "belief that people can control and improve themselves and, collectively, their social environment" (*AU*, 219). The result is what she calls the liberalism of defeat, a view according to which all political catastrophes are a result of centralised economic planning or intervention with the free market (*AU*, 237; 248-49). Shklar is scathing about the suggestion that all purposeful attempts to improve society through concerted political action should be rejected on these

grounds. (Indeed, on the definition of radical political thought she offers in *After Utopia*, the liberalism of fear clearly counts as a *radical* political doctrine, at least by her lights).

Similar criticisms recur in *Legalism*, Shklar's second book, published in 1964. In the 1986 preface, Shklar directly contrasts her liberalism to the "rule of law" liberalism endorsed by Hayek, stressing that she does not endorse the idea that point of law is to "provide a secure framework for the spontaneous order of the free market". She also comments on the lamentable fact that this caricature of liberalism is now widely endorsed by its conservative, radical, and communitarian critics (*L*, xi). In the main text, she again dismisses Hayek's view that any tampering with the free market is likely to provoke political absolutism and tyranny, bemoaning the conservative implications of this unfounded speculation (*L*, 23-24). Similarly, she condemns classical liberalism for too simplistically identifying freedom and choice with the nongovernmental, while seeing all government action as necessarily oppressive (*L*, 56). Her undated, posthumously published paper "What is the use of utopia?" also ends with Shklar distancing herself from those who claim that any political reform is utopian and bound to end in despotic rule. Such comprehensive dismissals of purposeful political action are a scare-tactic which constrain political thinking by falsely suggesting that the only role for political theory is the "repetition of lamentations and forecasts of decline" (*PT&PT*, 190).

Hayek makes another appearance in *The Faces of Injustice* where Shklar directly states her disagreement with his view that, though the market may generate undeserved fortunes for some and a great deal of bad luck for others, the outcome of the free market cannot be classed as unjust. This, Shklar claims, is unconvincing because "it is evident that when we can alleviate suffering, whatever its cause, it is passively unjust to stand by and do nothing. It is not the origin of injury, but the possibility of preventing and reducing its costs, that allows us to judge whether there was or was not unjustifiable passivity in the face of disaster" (*FOI*, 81).

The concerns Shklar raises about inequality in 'The Liberalism of Fear' and 'Rights in the Liberal Tradition', along with her longstanding scepticism about "conservative" liberalism, thus severely call into question the idea that we can equate the liberalism of fear with a conservative defence of the night-watchman state or an

anti-egalitarian, cold war liberalism. Although the liberalism of fear and conservative liberalism belong to the same large family of liberal outlooks, within that family they are correctly seen as quarrelling cousins, not brothers-in-arms.

4. TESTIMONY

In *Ordinary Vices* and "The Liberalism of Fear" Shklar offers swift accounts of the relationship between democratic politics and the liberalism of fear. In the former, she declares that liberal democracy is more a "recipe for survival than a project for the perfectibility of mankind" (*OV*, 4). In the latter, she insists that "liberalism is monogamously, faithfully, and permanently married to democracy – but it is a marriage of convenience" (*PT&PT*, 19). Democracy, then, is essential to the realisation of a liberalism that puts cruelty first, but instrumentally so. Shklar's later work was concerned with the diagnosing of some pathologies of democratic politics and thinking about how American politics in particular might be reformed for the better in more detail. Indeed, in *The Faces of Injustice* she implicitly suggests one important way that the liberalism of fear can be facilitated. That is, by prioritising the testimony of the powerless so we can grasp how the political world appears from their point of view and understand the cruelties and indignities it imposes on them.

The Faces of Injustice is a sustained attempt to expose the shortcomings of the 'normal' model of justice, which holds that justice is a matter of following clear and well-established rules and of trusting impartial institutions to rightfully allocate to deserving individuals. According to the normal model, injustice is simply a matter of this legalistic logic being frustrated or breaking down and thus obtains when rules are not followed, or partiality corrupts the functioning of relevant institutions (*FOI*, 17). However, Shklar insists that understanding injustice as the mere absence of justice slights the experiences and subjective attitudes of those who regard themselves as victims of injustice. Central to her argument is the claim that determining whether or not *x* is merely unfortunate (and therefore beyond the scope of justice) or unjust is itself a "often a matter of technology and of ideology and of interpretation" (*FOI*, 1). When confronted with these issues, victims and victimizers – who often correspond to the distinction between the weak and the powerful – tend to have sharply divergent

perceptions resulting from their different social experiences and interests. (It is, after all, clearly in the interests of the powerful to regard many inequities and hardships as the result of misfortune, not injustice). Shklar does not make this point to contend the distinction between misfortune and injustice should be abolished. That strikes her as decidedly unrealistic, both psychologically and politically (*FOI*, 5, 55-56). But she does think it should lead us to think about the politics of injustice anew. We can do so in two ways. First, by appreciating the phenomenon of *passive injustice*. This obtains when officials and private citizens refuse to stop forms of wrongdoing when doing so is possible: "we are passively unjust … when we do not report crimes, when we look the other way when we see cheating and minor thefts, when we tolerate political corruption, and when we silently accept laws that we regard as unjust, unwise, or cruel" (*FOI*, 6). Shklar's point is not that we should ensure that public officials have the power they need to ameliorate every passive injustice. That may require concentrating power in the hands of an overbearing state, and therefore risk the kind of public cruelty Shklar was so concerned with, and also undermine social peace and toleration (*FOI*, 45-46). Yet when passive injustices can be rectified without increasing the likelihood of such harms arising they should be. This leads to Shklar's second recommendation. Because the question of what gets classed as misfortune instead of injustice is a matter of convention, and conventions usually benefit the powerful rather than the weak, we should be sceptical of the idea that we can satisfactorily determine what counts as an injustice and what counts as misfortune with reference to the settled rules of justice alone. Sometimes strict adherence to established rules should be insisted on to ensure that social conflict does not proliferate, and we can get on with other important tasks, but this is an intellectually inadequate way of thinking about injustice because it leaves out a whole range of reasonable complaints people may have about how they have been treated.

Shklar accordingly insists that the only way to arrive a more acceptable judgements about the nature of social injustice is to let the victims speak and to charitably listen to their complaints. This is a way of recognising that victims and powerless members of society have insight into the workings of our political and legal institutions that others lack because politics is scarred by the historical legacies of inequalities in power, standing, and influence (Yack 1991). For this reason, Shklar

maintains we must attend to the complaints of the victims first and "at least initially, *credit* the voice of the victim rather than that of society's official agents, or the accused injurer, or of the evasive citizens" (*FOI*, 81). The victim's testimony may turn out to be "unfounded on the available evidence … but the putative victim must be heard" (*FOI*, 90).

The argument of *The Faces of Injustice* thus compliments the liberalism of fear because it suggests that unless democratic politics opens up spaces in which complaints about the normal functioning of institutions can be given a fair hearing, the weak and powerless will not be able to assert themselves politically nor seek redress for their mistreatment at the hands of the powerful. The point is that if we do not privilege the testimony of victims, we risk reinforcing "the authority of the powerful and further disempower[ing] the potential victims" (Yack 1991, 1339). Treating the testimony of victims as a springboard for reflecting on the ramifications of social inequality and power imbalances is, thus, one significant way of taking up the perspective on politics the liberalism of fear commends.[18]

5. WHERE SHKLAR'S LEFT-CRITICS GO WRONG

I have illustrated that Shklar's liberalism of fear requires us to: (a) take up the point of view of the weak and most powerless members of society in order to think about how the cruelties and intimidation they face may be mitigated; (b) focus on the conditions of liberty so that the *like freedom of all adults* can be secured; and (c) privilege the testimony of the powerless when reflecting on the current functioning of political institutions. These demands give the lie to a number of criticisms, aired by some of the most prominent figures in current political theory and public intellectual life who

[18] Some scholars maintain the argument of *The Faces of Injustice* marks a sharp break from the liberalism of fear. Amy Gutmann contends that in it, Shklar moves beyond the liberalism of fear towards a more social democratic liberalism because she does not merely highlight barriers the state must not cross but also stresses that government should "secure the conditions that enable people to make effective use of their liberty" (Gutmann 1996, 68). Seyla Benhabib claims that *The Faces of Injustice* offers a vision of liberal politics which requires "active politics, public rectitude, and social compassion" in a way that she alleges the liberalism of fear disallows (Benhabib 1996, 62). These claims are unconvincing. As I have shown, the liberalism of fear was never committed to the kind of minimalist account of freedom that Gutmann claims Shklar later recanted. Likewise, my reconstruction of the liberalism of fear illustrates that Shklar never suggested that we could do without the 'active' politics and compassion for others that Benhabib claims to only find in Shklar's subsequent work.

critique liberalism from the left, which chastise Shklar's late work when arguing that liberalism cannot form the basis of a genuinely liberatory politics today.

For example, Samuel Moyn has recently argued that we would be better served by focusing on the argument of *After Utopia*, which sets out Shklar's view of the limitations of the kind of conservative liberalism which she thought was ascendant in the 1950s, rather than the "bleak" liberalism of fear she later espoused and for which she is better known. This is because Moyn insists that Shklar's earlier work ironically offers a stinging rebuke of the conservative liberalism he claims she later went on to "incarnate" (Moyn 2019, 27). Indeed, Moyn (2019, 27) disparages the liberalism of fear as a "beautifully honed but ultimately complacent version of Cold War liberalism" which has little to say to us today.

Katrina Forrester's engagement with Shklar is more complex. Around a decade ago, her article 'Hope and Memory in the Thought of Judith Shklar' set out to undermine the view of Shklar as a Cold War liberal. Forrester did so by arguing that this reading of Shklar obtains because commentators focus to a disabling extent on Shklar's articulation of the liberalism of fear rather than reading her work in the round, mistaking part for whole. If we consider Shklar's work as a whole, Forrester claims that it is easy to uncover numerous hopeful elements of Shklar's thinking that betray a simple dismissal of her as a Cold War liberal (Forrester 2011).

Bearing in mind my reconstruction of the liberalism of fear, what is striking about these approaches is that they attempt to undermine the charge that Shklar can be dismissed as a cold war liberal by emphasising that that the liberalism of fear should not be confused for the totality of Shklar's thinking. Like Moyn, Forrester laments the fact that Shklar's articulation of a liberalism of fear is the element of her thinking most engaged with. But my reconstruction reveals that the claim that Shklar's late liberalism of fear can be read as a complacent and conservative form of Cold War liberalism is untenable in its own terms. In this sense, while I commend Forrester's and Moyn's claims that Shklar's corpus as whole cannot be dismissed as an enterprise in Cold-Warriorship, my central point is that this charge is simply false when levelled at the liberalism of fear too. This judgement is not dependent on any claims about the nature of Shklar's early work, or any view of how we should read her corpus as a whole.

In a number of later pieces – the essay 'Experience, Ideology, and the Politics of Psychology', and chapter eight of *In the Shadow of Justice* – Forrester articulates a more critical perspective altogether. In the former essay, Forrester offers an interesting reading of the different ways that Shklar appealed to psychology in her work in order to, as she puts it, make 'visible the limitations of her liberalism of fear' (Forrester 2019a, 137). Most importantly, for the purposes of this article, Forrester insists that in her late work, Shklar's appeals to psychology move her toward 'a Cold War liberalism' of 'anxiety' and 'fear' which focused on stressing the 'political limitations' of rival ideologies (Forrester 2019a, 146). Like Moyn, Forrester maintains that the 'minimalist' liberalism Shklar ended up endorsing was itself a 'disciplining' and 'deradicalizing' form of liberalism that the young Shklar may well have rejected (Forrester 2019a, 147). Building on this point, Forrester suggests the liberalism of fear is a form of 'survivalist' politics which 'reduced political morality to a moral minimum' and, in so doing, 'represented a significant narrowing of the political possibilities of social liberalism' (Forrester 2019a, 148). The liberalism of fear had this function, Forrester maintains, by undermining calls for a more 'redistributive politics' (Forrester 2019a, 152). In conclusion, Forrester contends that Shklar's mature work exemplifies how appeals to psychology lead to a form of liberalism that 'removed the emancipatory edge of political action' (Forrester 2019a, 153).

This reading of Shklar as the harbinger of a stifling, minimalist, "Cold War" liberalism runs through chapter 8 of *In the Shadow of Justice*, where Shklar's later work is again directly referred to as a form of 'survivalism' which 'signalled a retreat to an anti-totalitarian liberalism' (Forrester 2019b, 264). Here Forrester insists that the liberalism of fear undermines the kind of 'collective politics' we need here and now (Forrester 2019b, 267). In particular, Forrester argues that the liberalism of fear 'had a conservative tendency' by 'constraining the possibilities for transformation' (Forrester 2019b, 267). For all of these reasons, Forrester maintains that the liberalism of fear must be seen as a regrettable 'retreat' from the more expansive politics we require here and now (Forrester 2019b, 269).

Moyn and Forrester should be credited for shining a light on Shklar's work as a whole. Moyn is right that the criticism of conservative liberalism that Shklar mounts in *After Utopia* is often overlooked by those who mine Shklar's work in order to

contribute to contemporary debates. Forrester too persuasively argues that readers must not overlook the hopeful elements of Shklar's thinking. However, their stark rejections and quick dismissals of the liberalism of fear should be challenged because they are representative of the way that liberalism's contemporary left-critics disparage Shklar's late work as part of their attempt to deny the liberatory potential of liberalism today. As I have shown in the proceeding sections, Moyn's and Forrester's shared suggestion that the really valuable elements of Shklar's work lie in what came before the liberalism of fear, because the liberalism of fear is complacent and stifling, betrays a failure to think through what the liberalism of fear actually involves alongside an inability to recognise the multiple critical judgements about our current politics that it generates. Once we see the liberalism of fear as I have argued we should, the suggestion that it offers a smug and relaxed assessment of the current political status quo is revealed to be unfounded. In particular, my reconstruction reveals that Moyn's claim (2019, 42) that Shklar's work in 1980s "rallied to a form of Cold War liberalism she had once abjured and fiercely critiqued", and accusation that her late work on liberalism can be dismissed as a matter of ill-judged "Cold War compromises" (Moyn 2019, 43), is extremely hard to square with a close reading of what Shklar actually wrote. Moyn (2019, 42) and Forrester (2019b, 264) both imply the liberalism of fear is synonymous with the 'survivalist politics' Shklar commented on in her earlier work. Shklar did, indeed, express some sympathy with survivalist politics in her early paper 'Ideology Hunting: The Case of James Harrington'. There, she refers to survivalism as tradition which "rests on the assumption that government cannot make men good, but that it can keep them from violent action" and which, therefore, insists that, "the preservation of the political order is the first task of politics". Shklar attributes this view to a number of thinkers including Spinoza, Harrington, and Montesquieu, and notes "It is a philosophy that is sure to appeal to those who have seen enough of civil war and ideological wrangling to last them forever" (*PT&PT*, 230). But while the liberalism of fear is clearly related to 'survivalism' in *some* respects, it is not identical with it, and there is no reason to think it can be reduced to it. Likewise, when Forrester claims (2019b, 267) that the liberalism of fear generates a politics in which 'histories of exclusion, exploitation, or appropriation' are either ignored or merely seen as failures to properly implement liberalism, the correct response is to point out that the central

motivation of the liberalism of fear is precisely to reflect on how politics appears "from the standpoint of the margins" (Benhabib 1996, 57). In other words, the liberalism of fear pushes us to think about how these historical legacies continue to inflict great cruelties on the weak and powerless and to realistically consider how these cruelties might be mitigated here and now.

Thus, though Shklar was certainly sceptical of the politics her left-critics clearly favour, they are wrong to dismiss the liberalism of fear as a minimalist/survivalist/anti-totalitarian liberalism that rails against social redistribution and is hostile to all forms of political egalitarianism. Though the liberalism of fear is negative – focusing on harms and bads to be avoided rather than goods to be realised – calling it minimalist, as nearly all commentators do, is misleading. Shklar thought that taking cruelty seriously meant asking an awful lot of our politics – indeed, far more than the liberal regimes of her day in fact managed to live up to (regarding which little has changed). At one point, Forrester casually cites Corey Robin's musings that the liberalism of fear played some important precursor role to America's disastrous war on terror, in support of her claim that "Many kinds of unpleasant, unfair, unjust, and exploitative domestic and international political arrangements could be justified in the name of protecting individuals from fear: humanitarian interventions, war, or the injustices accepted for the sake of the lesser evil" (Forrester 2019b, 265). This is, at best, an imputation of guilt by association.[19] A proper review of the evidence reveals that Shklar's work provides ample resources for condemning precisely the abuses of state power that the war on terror unleashed, not least the shocking levels of cruelty it directed at vast numbers of ordinary people.

There is, of course, nothing inappropriate about criticising the liberalism of fear for being insufficiently egalitarian and/or unnecessarily unambitious. Indeed, some have legitimately argued that the politics Shklar favours may itself be unachievable without wider-ranging political and economic reform than she countenanced (Barber 1993). What is troubling, however, is the way that Shklar's recent critics from the left treat her work in order to motivate their own ideological preferences. To put the matter bluntly: their lamentations about the liberalism of fear only make sense in

[19] For Robin's convoluted levelling of this accusation see 2004, 144-160.

relation to the tacit assumption that a negative liberalism is obviously not the right political position to pursue here and now. Ipso facto, Shklar's views must be dismissed as the wrong ones. Yet this is to beg the crucial question at hand. For unfortunately, these critics do not grapple with the very reasons that Shklar gives for being sceptical of the ideological ends they are assuming to be the correct ones: namely, that the sort of 'collectivist', left politics they champion will in reality end up increasing and perpetuating cruelty, rather than improving the social and political world in the way they imagine.[20] They judge Shklar's political thought in light of their assessment of the unattractiveness of the political outcomes she prioritises rather than by considering the merits of her arguments for prioritising those ends. To simply assume that Shklar is wrong about this, and that they are right, is a strange way of writing intellectual history and a disingenuous way of doing normative political theory.

It is also worth stressing the strangeness of alleging that the liberalism of fear, with its focus on mitigating the cruelty and intimidation inflicted on the most vulnerable and powerless members of society, functions as a complacent defence of the political status quo and undermines calls for political reforms which seek to tackle the baleful consequences of social and economic inequality. Minimising the worst effects of public cruelty and curtailing the opportunities for freedom-compromising intimidation will most improve the situation of the powerless. Indeed, the liberalism of fear is clearly most concerned with *their* plight. In addition, putting public cruelty first, and social intimidation close behind, does not rule out attempting to achieve more ambitious political ends so long as these ends can be achieved without the exacerbating the bads and harms that Shklar highlights (Misra forthcoming, 12). The liberalism of fear challenges some kinds of transformative political ideologies, but it does not oppose egalitarian reform tout court.[21]

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[20] At various points, Forrester implies she favours a leftist, class-based, "collectivist" politics without defending this preference or explaining what it involves (2019b, 267; 270-79). Moyn's position is harder to pin down, but he expresses sympathy with the pursuit of a "believable Enlightenment and an actionable radicalism" (2019, 42) implying the liberalism of fear disdains both.

[21] In "What is the Use of Utopia?" Shklar distinguishes between 'prophetic' and 'normative' utopian models in a way that is germane to this point. The latter are reformist rather than transformative and "try to demonstrate the positive potentialities of existing forms of government" (*PT&PT*, 187). In the reformist category, Shklar includes the work of John Rawls and Jürgen Habermas. This indicates that although she had issue with the way both theorised about politics, this did not extend to the normative spirit of their work. For useful discussion of this point see Forrester 2011.

There is an important theoretical point at stake here. Academic left radicals can either accept liberalism of fear-type warnings about the evil of inflicting cruelty and intimidation to secure one's political ends, in which case it is hard to comprehend the basis of their dispute with Shklar, or they can reject them, in which case the rest of us should be worried by their political designs and where those might end up taking us if unleashed on the real world. Indeed, this was precisely one of the points Shklar was trying to make. Most polite advocates of 'radical' politics nowadays are silent about the fact that the achievement of their ideological ends would likely involve exercising political violence and coercion on millions of unwilling subjects who do not share their leftist redistributive outlooks. Yet by passing over this means-ends problem, polite radicals fail to treat the question of how their ideological ends might actually be realised *from here* with the significance it deserves. This was one of the points Shklar tried to make central, and by simply ignoring it, her critics do not engage seriously with the force of her arguments. When critics of the liberalism of fear either ignore the means-end issue altogether, or suppose that that some kind of moral transformation of civic virtue will be sufficient (and tacitly imply that it is immanently forthcoming), the seriousness of their political thinking is called into question quite fundamentally *as* political thinking.

Many self-described radicals dismiss these kind of reminders as right-wing attempts to smear their political agenda. But transformative right-wing political ideologies, such as those that seek to free the market from the constraints of political control, must also confront the means-end problem and there is no reason to think that liberals of fear would give them an easy ride. It is, for instance, baseless to suppose that the liberalism of fear cannot be employed to offer penetrating criticism of the horrific consequences of imposing of "free market" reforms in Chile. To the extent that so-called liberals turn a blind eye to such abuses, they do not adhere to the liberalism of fear, and are as much indicted by Shklar's arguments as the supporters of any other political ideology which generates such harms.[22]

[22] Though Hayek's attitudes toward, and the extent of his engagement with, the Pinochet regime are matters of scholarly dispute, even his defenders acknowledge that he endorsed a theory of transitional dictatorship (Caldwell and Montes 2015). Hayek was thus honest enough to confront the means-end problem, even though his response to it evinced the exact kind of political mind-set Shklar warns against. In this respect, Hayekian politics has something important in common with Marxism given that Marx also famously endorsed transitional dictatorship – though of the proletariat rather than, in

A similarly defective reading is evident in the work of those who triumphantly invoke the liberalism of fear when insisting that "what must be attended to [first] has been, at least to a decent extent, locally attended to" (Williams 2005, 60). Drawing on this kind of thought, Andrea Sangiovanni (2009, 233) has argued that theorists in rich constitutional democracies have little reason to adopt the light of the liberalism of fear now.

> There is a risk to accepting the 'liberalism of fear' as the last word in politics. There are places and times where such a narrow focus on bare physical and psychological security is exactly what is required, and we do well to keep in mind in such circumstances. But the argument does not generalize well. Should we abandon our concern for more high-reaching political values – such as, say, social equality – in, for example, relatively stable, rich constitutional democracies? To cope with questions like these, the liberalism of fear might try to point to more articulated (and controversial) conceptions of domination, for instance. But the more content and scope the liberalism of fear tries to pack in to its restricted range of values, the less it will be distinguishable from [other] project's.

Two claims here must be unpacked: first, that focusing on preventing the worst tells us little about what to do in stable constitutional democracies; and second, that if the liberalism of fear tries to pack more into its restricted range of values there is less reason to affirm it as a viable *alternative* approach to liberal thinking.

The first claim rests on fundamental misapprehension. The liberalism of fear was never supposed to be the last word in politics. *It offers an account of what must be dealt with first.* Sangiovanni's contention that focusing on Shklar's negative evils is only relevant in certain 'places and times' also betrays a quite basic misunderstanding of the role that her endorsement of the cleavage between the weak and the powerful plays. Sangiovanni implies that constitutional liberal democracies have solved the problem of gross public cruelty and can, therefore, move on to other things. This is not a claim any proponent of the liberalism of fear should endorse, for the simple reason that it is manifestly not true. Although Shklar thinks liberal constitutional regimes do better by this rubric than other regimes, it does not follow that she thought they yet did so anything like satisfactorily. Powerful members of society – both governmental and non-governmental – still routinely inflict public cruelty on the weakest and intimidate them in myriad ways, as Shklar repeatedly emphasised. It is

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Hayek's case, of a so-called liberal dictator. Liberals of fear will stress that the means-end reasoning Hayek and Marx endorse should concern us because it often excuses the infliction of cruelty in the pursuit of glorious political ends that rarely ever materialise.

vital that we recognise that state-perpetrated cruelty is not an already-solved problem. In consolidated democracies today, such problems are, indeed, at the beating-heart of some of the most important political struggles. Think, for example, of the ongoing controversies about police power and immigration control. That there is still work to be done to minimise these harms is undeniable and attests to the contemporary relevance of the liberalism of fear. Moreover, a realistic view of politics suggests such work will be unending because these problems won't ever go away.[23]

While there is something to be said for Sangiovanni's second claim, the issue is less fraught than he suggests. For one thing, the liberalism of fear can speak to the comfortable inhabitants of liberal societies by reminding them of "what they have got and how it might go away" (Williams 2005, 60). These warnings about the precariousness of liberal political achievements can have salutary implications if they move us to devise more reliable ways of mitigating the evils Shklar highlights. Moreover, as Bernard Williams notes, once the "basic fears are assuaged, then the attentions of the liberalism of fear will move to more sophisticated conceptions of freedom, and other forms of fear, other ways in which the asymmetries of power and powerlessness work to the disadvantage of the latter" (Williams 2005, 60). As I have shown, this point comes through in Shklar's work because, alongside prioritising public cruelty, she urges us to focus on freedom-compromising intimidation, to secure the conditions of liberty, and to prioritise the testimony of the powerless.

Beyond this, the correct response is simply to point out that the liberalism of fear is not intended to specify how we should theorise about all political goods and/or the entirety of the political aspirations we may have. Shklar sought to commend a particular perspective on politics and to indicate how we can theorise about great political evils. When theorists address other issues, they will need to adopt different frames of reference. Liberals of fear, however, insist these further enquiries are always of secondary political importance. To the extent that Sangiovanni and like-minded commentators accept this, they have no real quarrel with the liberalism of fear.

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[23] In my current book project, *Power and Powerlessness: The Liberalism of Fear in the Twenty-First Century*, I explore how the liberalism of fear can help us to grapple with these and other issues of pressing political concern. For Shklar's thoughtful account of some of the deeply unsettling issues that arise when we think about the plight of refugees see 'Obligation, Loyalty, Exile' (*PT&PT*, 38 – 55).

CONCLUSION

I have argued that the liberalism of fear cannot be regarded as conservative form of liberalism that is smugly complacent about the political status quo simply because it supports the judgement that non-liberal regimes are likely to fare even worse with regard to the core evils it highlights. The liberalism of fear is neither a complacent, triumphant celebration of liberal politics nor an exercise in resigned indignation. It pushes us to focus on the sources of public cruelty and social intimidation so that we can think realistically about how they might be mitigated. While it is marked by a complete absence of easy answers about how any of the political "bads" Shklar focuses on might be extirpated, it is not fatalistic because it suggests that a degree of mitigation *is* possible. Shklar believed that if we adopt such a perspective we can distinguish better politics from worse and reflect more realistically on how our political institutions should be reformed so they become less harmful. Those who dismiss this as complacent would do well to consider what that may say about their own political aspirations. It was Shklar, after all, who remarked that politically active intellectuals are especially given to the "pretense that the ideological needs of the few correspond to the moral and material interests of the many" (*OV*, 66).

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