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RESEARCH ARTICLE

Judith Shklar's Ethos of Skeptical Vigilance

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Abstract

Judith Shklar's negative brand of liberalism is sometimes thought to have little to say about the ethical character required of citizens in liberal democracies, beyond the injunction to avoid cruelty. In this article, however, we argue that Shklar's negative liberalism prescribes four distinctively political virtues—rational empathy, a healthy apprehension of state power, self-restraining tolerance, and being a good loser—that, taken together, constitute an ethos of skeptical vigilance. We survey Shklar's criticisms of republican and communitarian accounts of civic virtue to clarify her concerns about attempts by the liberal state to cultivate these virtues and analyze the case of passive injustice to highlight tensions between active citizenship and liberal values. We conclude with some reflections on how Shklar's political theory attempts to persuade her readers of the importance of adopting and practicing an ethos of skeptical vigilance.

Keywords: Judith Shklar; ethos; political virtue; liberalism; injustice; tolerance

Introduction

The last decade of Anglo-American political theory has witnessed a resurgence of interest in the distinctive version of liberalism developed by Judith Shklar. Shklar is renowned for what George Kateb calls her "unlurid pessimism" about politics,[1] which leads her to focus on the "avoidance, reduction and prevention" of terrible political outcomes.[2] In contrast to purveyors of 'high-liberalism' like John Rawls, who offer an ideal vision of society as a genuinely free community of equals, Shklar offers a somber vision of liberalism fixated on what she calls

[1] George Kateb, "Foreword," to *Political Thought and Political Thinkers*, ed. Stanley Hoffman (Chicago and London: University of Chicago Press, 1998), viii.
[2] Ibid., xvi.

"damage control."[3] She is best known for articulating a negative liberalism of fear that focuses on how public cruelty might be mitigated, rather than outlining a series of more positive political aspirations. The renewed interest in Shklar's work is closely related to the fact that, in many liberal democracies during this period, intolerant, xenophobic, and illiberal political movements have shifted from the fringes to the center of politics. When "The Liberalism of Fear" was published in 1989, Shklar came across as a Cassandra figure for warning that "anyone who thinks that fascism in one guise or another is dead and gone ought to think again."[4] As William Scheuerman has noted, however, her prescience about the fragility of liberal politics and preoccupation with the question of how we can protect ourselves from the depredations of state power now feel worryingly apt.[5]

In "The Liberalism of Fear," Shklar recommends that we reflect on politics in this preventative way without offering any "ethical instructions in general."[6] She insists that "Liberalism must restrict itself to politics and to proposals to restrain potential abusers of power."[7] Many commentators read Shklar as having little to say about the ethical character required of citizens in liberal democracies, beyond imploring them to avoid cruelty (something that she realized is much easier said than done). The prominence of this way of reading Shklar is well illustrated by the place she has been accorded in three recent histories of liberalism.

Most strikingly, in *Freedom from Fear*—the title of which is inspired by Shklar's famous essay—Alan Kahan highlights the institutional focus of the liberalism of fear, which takes "a deep interest in the construction of political systems and constitutions,"[8] and questions what kinds of "political guarantees" could protect citizens from overbearing states.[9] Kahan implies that the liberalism of fear does not even encourage virtues such as "tolerance, civility, and fairness."[10] When Shklar rejected perfectionism, Kahan complains, the "moral pillar of liberalism was thus narrowed to the point where it consisted solely of abhorring cruelty."[11] A similar worry animates Samuel Moyn's *Liberalism Against Itself*, which maintains that Shklar, "who serves as the book's muse, moved from outside Cold War liberalism to inside it."[12] Moyn does not analyze Shklar's late work in any detail,

[3] Judith Shklar, "The Liberalism of Fear," in *Political Thought and Political Thinkers*, ed. Hoffman, 9.

[4] Ibid., 4.

[5] William Scheuerman, "Law and the Liberalism of Fear," in *Between Utopia and Realism: The Political Thought of Judith N. Shklar*, ed. Samantha Ashenden and Andreas Hess (Philadelphia: University of Pennsylvania Press, 2019), 47.

[6] Shklar, "Liberalism of Fear," 13.

[7] Ibid.

[8] Alan Kahan, *Freedom from Fear: An Incomplete History of Liberalism* (Princeton: Princeton University Press, 2023), 408.

[9] Ibid., 408–9.

[10] Ibid., 410.

[11] Ibid.

[12] Samuel Moyn, *Liberalism Against Itself: Cold War Intellectuals and the Making of Our Times* (New Haven: Yale University Press, 2023), 166. For an important corrective to Moyn's characterization of Shklar's early work and the implied rupture in her thought, see Rieke Trimçev, "Judith N. Shklar's 'Skeptical Liberalism' and the Specter of Conservatism," *Comparative Political Theory* 3, no. 2 (2023):

but he nonetheless asserts that "The Liberalism of Fear" sums up "the Cold War liberal credo" and comes close to endorsing "survivalism."[13] It abandons "any radical expectations of improvement in order to theorize in the presence of the *summum malum* in politics."[14]

While aspects of this picture are correct, it is incomplete. As we demonstrate in this article, one of the key features of Shklar's thought occluded by Kahan and Moyn is that her brand of negative liberalism is underwritten by a very demanding liberal ethos. This is a point she stresses in both the introduction and conclusion to *Ordinary Vices*, her most famous book.[15] The importance of ethos is at the heart of Joshua Cherniss's *Liberalism in Dark Times*, yet Shklar is not one of his protagonists. Cherniss explores the work of several twentieth-century liberal thinkers to identify and defend an ethos he calls "tempered liberalism."[16] This is a liberalism centered on personal temperament, which affirms the ethical significance of recognizing the sheer complexity of politics, tolerating others, and refusing to flee from moral and political uncertainty into the comforting embrace of overly systematic political ideologies. Crucially, tempered liberals evince a principled resistance to pursuing their political ends ruthlessly.[17]

In the conclusion to the book, Cherniss briefly highlights the similarities between tempered liberalism and Shklar's liberalism of fear, and one of our aims in this article is to bring to the fore the importance of ethos for Shklar in much the same way as Cherniss has done for the thinkers he covers. When comparing tempered liberalism to Shklar's position, however, Cherniss also claims that the former "involves a richer set of features than abhorrence of cruelty and refusal to engage in or acquiesce to it (important as these are)."[18] As we hope to show, Shklar's liberal ethos is much richer than Cherniss suggests.

In this article, we argue that Shklar's negative liberalism prescribes certain kinds of distinctively political virtues. We focus on the virtues of citizens, rather than the virtues of political leaders. While Shklar does offer reflections on both, she has more to say about the former, and, crucially, she typically addresses herself to citizens, not leaders. In the first section we set out a general account of what a liberal political ethos entails, and show that for Shklar this should be under-stood in relation to the greatest evils that liberals must seek to avoid: cruelty and injustice. In the second section we identify four virtues that can

214–34. For a rebuttal of Moyn's portrayal of the liberalism of fear, see Edward Hall, "Complacent and Conservative? Redeeming the Liberalism of Fear," *Journal of Politics* 85, no. 3 (2023): 1073–77.

[13] Moyn, *Liberalism Against Itself*, 8.

[14] Samuel Moyn, 'Before—and Beyond—the Liberalism of Fear', in *Between Utopia and Realism*, ed. Ashenden and Hess, 24.

[15] Shklar, *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984), 5 and 248.

[16] Joshua Cherniss, *Liberalism in Dark Times: The Liberal Ethos in the Twentieth Century* (Princeton: Princeton University Press, 2021), 7 and *passim.*

[17] Ibid., esp. 14–39, 197–221.

[18] Ibid., 202. Cherniss also points out that tempered liberals were "typically more under the spell of ideals of heroism than was Shklar, who ... was more skeptical of appeals to honor or nobility of spirit." Ibid. We agree yet note that this could be regarded as a reason to favor Shklar's position.

mitigate these evils and suggest that, together, they constitute a liberal ethos of skeptical vigilance.[19] These are what Andrew Sabl calls "core" rather than "ideal" virtues; that is, virtues that are crucial for the survival of liberal politics, rather than virtues that will enable liberal politics to function maximally well.[20] In the third section we examine Shklar's ambivalence about the idea that the liberal state can be trusted to cultivate these virtues in the population or take on a didactic role, before turning in the fourth section to her analysis of passive injustice to illustrate the tensions that arise between active citizenship and liberal values. We conclude by considering how prevalent the political virtues need to be for liberal politics to survive, and the ways in which Shklar's own political theory seeks to foster those virtues in its readers.

What is a liberal political ethos?

Though she invokes ethos at several key junctures, Shklar spends little time outlining precisely what she means by the term. To get a handle on this idea we can turn to Cherniss's more detailed account. Cherniss acknowledges that ethos is a rather nebulous notion. He refers to it as "a 'stance' or 'bearing', formed by patterns of disposition, perception, commitment, and response, which shapes how individuals or groups go about acting politically."[21] He isolates five key components. First, *disposition*: "more or less stable and recurrent features of thought, choice and action."[22] Second, *sensibility*: "a pattern of perception, feeling, and judgment, which shapes evaluations and responses to experience."[23] Third, the *tone and temper of conduct*, by which he means the ways that one acts "toward others and expresses oneself though speech and behavior."[24] Fourth, the *self-understanding of the actor qua actor*: the ways that actors understand "the field of activity in which they are engaged, and the nature and demands of their role in that activity."[25] Finally, that the *values and ideals* guiding actors contribute to our understanding of their ethos. For Cherniss, then, when we refer to persons or groups as having a certain ethos, we are saying that they value certain things and exhibit certain qualities, and that these shape their perception of the political world in significant ways.[26]

Once we think about ethos in these terms, we can see that the call for a particular kind of liberal character is, in large part, a call for citizens to display

[19] This is not a term that Shklar uses. At one point she refers to liberal democracy requiring "an ethos of determined multiplicity," but this strikes us as an uncharacteristically opaque term, at least when isolated from the wider context of the passage; see Shklar, *Ordinary Vices*, 248.

[20] Andrew Sabl, "Virtue for Pluralists," *Journal of Moral Philosophy* 2, no. 2 (2005): 211. The four virtues we distil in Shklar's work overlap considerably with (but are not identical to) the three core virtues that Sabl identifies. As we discuss below, one of Sabl's core virtues draws explicitly on Shklar's ideas.

[21] Cherniss, *Liberalism in Dark Times*, 6.

[22] Ibid., 32.

[23] Ibid.

[24] Ibid.

[25] Ibid.

[26] Ibid., 32–33.

certain virtues. After all, as Bernard Williams stresses, to talk about virtue just is to talk about admirable "patterns of desire and motivation,"[27] which reliably affect how agents deliberate *and* act. Moreover, "if an agent has a particular virtue, then certain ranges of fact become ethical considerations for that agent because he or she has that virtue."[28] The agent who possesses certain virtues is thus able to grasp when circumstances do and do not require certain responses from them. These dispositions develop over time because the decisions one makes about how to act gradually calcify one's character. This is why proponents of virtue ethics emphasize the significance of moral education. As Julia Annas puts it, we must learn from others what is involved in living virtuously before finally acting "on the basis of [our] ... own understanding and in a self-directed way."[29]

Shklar's antipathy to the most prominent thinkers associated with virtue ethics is unequivocal. For example, in *Ordinary Vices*, she disparages Aristotle's understanding of character for being a "self-concentrated" and explicitly "aristocratic project of self-perfection,"[30] which suggests that human flourishing can be realized only by men who are "rich, fortunate, honored, and supported by slaves who do all the work that is not compatible with the aristocratic ideal of leisure and purity."[31] She echoes this point in *The Faces of Injustice*, complaining that the aristocratic approaches of Plato and Aristotle fail to pay as much attention "to the ultimate victims of injustice as to its perpetrators,"[32] with the former presented as being "unalterably inferior."[33] In other words, Shklar cannot shake the worry that discussions of human flourishing inevitably involve "the promotion of master-types, gentlemen of refinement, character, and wealth."[34]

Shklar clearly opposes aristocratic accounts of virtue, which she deems incompatible with modern liberal democracy. In *American Citizenship*, she chides theorists of direct participatory democracy, who celebrate ancient Athens and seek to revive an Aristotelian notion of citizenship that would in fact be "far from democratic, because it does not correspond to the aspirations of most Americans now and has never done so in the past."[35] Yet this does not mean that liberals should reject all notions of citizenship and virtue. On the contrary, Shklar insists that "nothing could be more necessary to maintain democracy" than "efforts to

[27] Bernard Williams, *Ethics and the Limits of Philosophy* (London: Routledge, 2006), 9.
[28] Ibid., 10.
[29] Julia Annas, *Intelligent Virtue* (Oxford: Oxford University Press, 2011), 40.
[30] Shklar, *Ordinary Vices*, 232–33.
[31] Ibid., 232.
[32] Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990), 31–32.
[33] Ibid., 117.
[34] Shklar, "Injustice, Injury, and Inequality," in *Justice and Equality Here and Now*, ed. Frank Lucash (Ithaca, NY: Cornell University Press, 1986), 18.
[35] Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 2001), 30. For further worries about the incompatibility of perfectionist accounts of human flourishing with liberal-democratic values, see Andrew Sabl's criticisms of Martha Nussbaum in *Ruling Passions: Political Offices and Democratic Ethics* (Princeton and Oxford: Princeton University Press, 2002), 97–112.

teach and praise good citizenship."[36] The negative version of liberalism she defends necessitates virtues that are vital if our politics is to meet basic standards of decency.

To identify these political virtues, we start with an analysis of the problems that those virtues are required to address. Shklar's approach does not begin by asking what kind of ethos would govern individual choice and behavior in a truly just society—as G. A. Cohen's work famously does[37]—and then ask how the ethos we associate with that ideal might be approximated in real-world political societies. Shklar's work instead suggests that we should proceed by examining the very real evils we observe in all existing human societies, and then shows how a liberal ethos can help to mitigate them. As Jonathan Allen notes, when "negative" theorists think about ethos in these terms, they insist we pay special attention to "negative dispositions and experiences to gain a better understanding of their dynamics and relations to positive moral ideals," while also attempting to highlight "the system of distributing evils that exist in any given society" and stressing "the importance of identifying and responding to the perspectives of victims of social evils."[38]

Shklar accords two evils particular prominence: cruelty and injustice. Even if her work on injustice is not a straightforward instantiation of the liberalism of fear,[39] she follows Montesquieu in identifying cruelty and injustice as the two worst vices of government that we must strive to avoid.[40] The virtues that constitute Shklar's liberal ethos, then, will be those qualities that are most crucial for preventing cruelty and injustice. With this in mind, 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 defenseless." Our understanding of politics must begin by recognizing that "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."[41] The liberalism of fear is concerned with all inequalities of power in society, but those concentrated in the modern state remain the greatest threat to freedom.[42] Shklar famously accuses the most prominent versions of liberalism of naively overlooking these basic worries about the depredations of state power. She instead adopts an "entirely nonutopian" approach.[43] Her liberalism of fear does not attempt to articulate a *summum bonum* (supreme good) toward which all

[36] Shklar, *American Citizenship*, 14.

[37] See G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26, no. 1 (1997): 3–30 and *Why Not Socialism?* (Princeton and Oxford: Princeton University Press. 2009).

[38] Jonathan Allen, "The Place of Negative Morality in Political Theory," *Political Theory* 29, no. 3 (2001): 349.

[39] Robin Douglass, "Cruelty, Injustice, and the Liberalism of Fear," *Political Theory* 51, no. 5 (2023): 790–813.

[40] Shklar, *Ordinary Vices*, 197.

[41] Shklar, "Liberalism of Fear," 9.

[42] Ibid., 9–11. See also Shklar, "Rights in the Liberal Tradition," *Political Studies* 71, no. 2 (2023): 285–86.

[43] Shklar, "Liberalism of Fear," 8.

rational agents ought to strive, but emphasizes a *summum malum* (supreme evil) we all have reason to want to avoid: "That evil is cruelty and the fear it inspires, and the very fear of fear itself."[44] Prohibitions against cruelty must be considered the "basic norm" of liberal political practice. Inflicting cruelty can be excused only when perpetrating some cruelty is necessary for greater cruelties to be averted, as in the case of legal punishment.[45]

Shklar focuses most on public cruelty. Inspired by her reading of Montesquieu's account of despotism, she insists that the infliction of systematic state-perpetrated cruelty is certain to destroy any semblance of political freedom.[46] The liberalism of fear thus seeks to work out how cruelties and fears created by "arbitrary, unexpected, unnecessary, and unlicensed acts of force" and the "habitual and pervasive acts of cruelty and torture performed by military, paramilitary, and police agents" can be mitigated.[47] Shklar maintains, as all liberals do to some degree, that purposeful political action can temper these dangers. To guard against the abuse of public power, she highlights the significance of the "constant division and subdivision of political power,"[48] the existence of voluntary associations which can check other powerful agents (both governmental and nongovernmental), and the benefits of rule by law rather than men.[49]

In *The Faces of Injustice*, Shklar continues to reflect on the plight of the weak, taking aim at what she calls the "normal" model of justice. According to the normal model, justice is a matter of following clear and well-established rules that rightfully allocate benefits to deserving individuals, and injustice is conceived simply as the absence of justice. However, Shklar insists that if we think about injustice in this way, we will inevitably slight the experiences of many people who see themselves as victims of injustice. She describes the sense of injustice as a "special kind of anger we feel when we are denied promised benefits and when we do not get what we believe to be our due."[50] Injustice, thus construed, is something we feel when our expectations about the conduct of others, and the rightful functioning of our social institutions, have been betrayed. This generates problems for the normal model of justice, which distinguishes between mere instances of misfortune (which do not have to be remedied) and more serious situations of injustice (which do). However, Shklar is adamant that there is no cast-iron way to differentiate the two. Victims and victimizers, who will often correspond to the weak and powerful, tend to endorse conflicting opinions due to their respective social positions. As a result, judgments about whether or not an injustice obtains are often irreducibly subjective. Shklar is not suggesting we could do away with the distinction between misfortune and injustice but urging us to reflect on how

[44] Ibid., 10–11.
[45] Ibid., 12.
[46] Shklar, "Liberalism of Fear," 11.
[47] Ibid., 11.
[48] Ibid., 12.
[49] Ibid., 12–13.
[50] Shklar, *Faces of Injustice*, 83.

that distinction is employed in different social settings and whom that employment benefits.

Positive virtues for negative liberals

This brief reconstruction of Shklar's accounts of cruelty and injustice helps us to identify four core virtues that underwrite her understanding of liberal politics. First, Shklar urges us to adopt a particular perspective on the political world. This is the viewpoint of marginalized subjects who habitually find themselves subject to state-perpetrated cruelty or injustice. Seyla Benhabib neatly captures this point when she notes that Shklar reasoned "from the standpoint of the margins."[51] In her late work, Shklar encourages her audience to reflect on how these people experience being ruled. She is not attempting to recommend a particular set of political outcomes, but directing us to pay attention to the harms and indignities that such people face, and to think hard about how their suffering might be mitigated. When considering victims of injustice, for example, we must keep in mind that it is impossible to formalize all social expectations in a pluralistic society.[52] When assessing their complaints, we should thus ask not only whether the victims were "treated fairly according to the actual rules but also with a view to better and potentially more equal ones."[53] This is less a matter of working out ideal principles of justice, and more of trying to identify the many social expectations that are not recognized by the formal rules of a society but which nonetheless give rise to a deep sense of injustice when disappointed. The point of this way of theorizing about victimhood is to generate awareness of how our political systems appear to such people so that we can grasp the harms they experience. In this respect, Shklar's work reflects an impulse that she attributed to Rousseau: the desire to paint a "picture of government seen from the depth of powerlessness."[54] We describe this as the virtue of *rational empathy*.[55]

Rational empathy involves trying to recognize the victims' position "*as if* it were our own," without falling into "the false feeling of being victimized" ourselves when we are amongst the privileged.[56] Shklar stresses that, despite the wealth of historical examples available to us, we nonetheless struggle to think clearly and honestly about victimhood. It can be tempting not only to identify with the victims but to idealize them and seek moral reassurance by attributing improbable virtues to them. This may well make us feel better about a cruel world, but it does very little to help us understand the victims' predicament.[57] Shklar insists that, if we are to understand injustice, we must let self-

[51] Seyla Benhabib, "Judith Shklar's Dystopic Liberalism," in *Liberalism without Illusions*, ed. Bernard Yack (Chicago: University of Chicago Press, 1996), 57.

[52] Shklar, *Faces of Injustice*, 37.

[53] Ibid., 108.

[54] Shklar, *Men and Citizens: A Study of Rousseau's Social Theory* (Cambridge: Cambridge University Press, 1985), 106.

[55] This is a term that Shklar invokes in "Injustice, Injury and Inequality," 26, 31–33.

[56] Ibid., 26 (original emphasis).

[57] Shklar, *Ordinary Vices*, 15–22.

declared victims speak and charitably listen to their complaints because victims of injustice have an insight into how extant political and legal institutions function that members of other groups lack. For this reason, 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."[58] Rational empathy is required to take the victims' sense of injustice seriously.[59]

When we think about politics in terms of the relation between the powerful and powerless, Shklar in effect proposes that we display a further virtue, which we can term a *healthy apprehension* of state power. In his lecture on the liberalism of fear, Bernard Williams noted that many influential contributions to contemporary analytical political philosophy address a particular kind of audience: a person or body powerful enough to "enact what the writer urges on him."[60] In this sense, Williams claims that a strange assumption of omnipotence is deeply rooted in contemporary political philosophy, which encourages theorists to think that describing good, just, or beneficial outcomes is a proper task of political philosophy, and to slight questions about how those outcomes might be achieved. Shklar's work helps us to see why this is highly questionable. First, this leads theorists to ignore many "mundane" and "quotidian" aspects of politics that are central to liberalism—bargaining, compromise, and conciliation, most obviously.[61] More importantly, perhaps, her negative liberalism buttresses these philosophical objections by suggesting that such views not only mistakenly assume omnipotence but also suppose that powerful states are benign, which leads theorists to pay insufficient attention to the question of how to guard against the abuse of political power. In other words, such views are naively trusting of the state and state-agents.

Shklar presses her readers to take imbalances in political power seriously, and to think realistically about the consequences that those imbalances usually generate. Suspicion and distrust, in particular, are salutary attitudes to hold toward the state. The liberalism of fear "owes a deep and enduring debt to misanthropy" insofar as it recognizes that citizens should always assume that those who wield power are likely to abuse it.[62] To be sure, representative

[58] Shklar, *Faces of Injustice*, 90 (emphasis added).

[59] In conditions where there are deep-seated prejudices against certain groups in society, the virtue of rational empathy may further require developing the distinctively epistemic virtues of testimonial and hermeneutical justice that Miranda Fricker sets out in *Epistemic Injustice: Power and the Ethics of Knowledge* (New York: Oxford University Press, 2007). Fricker presents her work as building on Shklar's analysis of injustice (vi–vii, 39).

[60] Bernard Williams, "The Liberalism of Fear," in *In the Beginning was the Deed: Realism and Moralism in Political Argument* (Oxford: Princeton University Press, 2005), 57–58.

[61] Shklar, *Ordinary Vices*, 245; also 48, 78, 242–43. This criticism can be traced back to Shklar's criticisms of legalism as an ideology. See Shklar, *Legalism* (Cambridge, MA: Harvard University Press, 1964), esp. 114–22 on the importance of compromising between justice and other values; and "In Defense of Legalism," *Journal of Legal Education* 19, no. 1 (1966): 54: "The moral demands of legalism are not compatible with bargaining, compromising, threatening and persuading and all the other means available to prevent more or less open warfare."

[62] Shklar, *Ordinary Vices*, 3.

democracies do have to place a certain degree of trust in those we elect, but we should not expect too much of those who govern us—probity and justice are the most we can realistically hope for.[63] Danger lurks whenever citizens place greater faith in the personal qualities of leaders than they do in the procedures and constitutional mechanisms that disperse power and mitigate its abuse. Representative government thus depends on "a fine balance between trust and distrust."[64] Rather than descending into a paralyzing misanthropy that breeds apathy, or worse, a *healthy* apprehension of state power involves retaining "a critical and independent attitude,"[65] or a "spirit of humane skepticism,"[66] toward the institutions that rule over us. As virtue is a matter of both thought and action, when necessary it further entails the willingness to fight for one's rights that characterizes a "good liberal citizen."[67]

Shklar's rational empathy with victims of injustice and cruelty appeals to the fact that the "history of the poor compared to that of various elites" reveals that the abuse of political power is "apt to burden the poor and the weak most heavily."[68] In this respect, apprehension of state power has direct implications for how we should think and act politically. Good liberal citizens must be suitably aware of the fact that state agents are likely to abuse their power, and that the normal model of justice will predictably slight the subjective experiences of society's many victims. In making these points, Shklar was pushing her fellow liberals to ensure that mitigating the baleful consequences of political power be re-enthroned as the first virtue of liberal institutions. Good liberal citizens will grasp that differences in public power predictably generate such problems and be motivated to think practically about how these social ills might be tempered.

The third core virtue involved in Shklar's negative liberalism is *self-restraining tolerance.* Throughout *Ordinary Vices*, Shklar emphasizes that liberals who put cruelty first must learn to live with conduct that they vehemently object to and sometimes even despise because they recognize the need to refrain from using public coercion to impose "uniform standards of behavior." Shklar insists that liberals must display "an enormous degree of self-control" and desist from attempting to force others to recognize the superiority of their own favored moral, cultural, or religious sensibilities.[69] She responds to the clichéd insistence that liberalism elevates self-indulgence above genuine civic virtue by arguing that "a self-restraining tolerance that fences in the powerful to protect the freedom and safety of every citizen, old or young, male or female, black or white"

[63] Ibid., 242. See also Shklar, "Political Theory and the Rule of Law," in *Political Thought and Political Thinkers*, ed. Hoffman, 23: "Justice is the constant disposition to act fairly and lawfully, not merely the occasional performance of such actions."

[64] Shklar, *Ordinary Vices*, 185, 190, 220–21; *Faces of Injustice*, 112.

[65] Shklar, *Legalism*, 72.

[66] Ibid., 209.

[67] Shklar, "Positive Liberty, Negative Liberty in the United States," trans. Stanley Hoffman, in Shklar, *Redeeming American Political Thought*, ed. Stanley Hoffman and Dennis F. Thompson (Chicago and London: University of Chicago Press, 1998), 126.

[68] Shklar, "Liberalism of Fear," 9–10.

[69] Shklar, *Ordinary Vices*, 4.

will often be experienced as "extremely difficult and constraining."[70] Minimizing opportunities for public cruelty entails leaving swathes of conduct untouched. When "public force is used to correct" private vices, public cruelty will result, and "liberty will be jeopardized."[71] Liberalism, in this respect, requires a certain kind of detached, and emotionally unsatisfying, self-discipline, for "it is not easy to accept the notion that only in the rarest circumstances may one impose one's views and will upon other adult persons."[72]

Citizens must come to understand that in a liberal society they will sometimes be offended and even outraged by the conduct of others while refraining from interfering nonetheless. Shklar's vigilant liberalism demands that we erect legal and institutional constraints on public agents. However, those external barriers are dependent on enough of us accepting her view that forbearance is a political virtue because the desire to make other people comply with, or recognize the superiority of, one's own ethical or cultural demands, or religious practices, will predictably generate horrific outcomes. Good liberals will recognize the need to argue with and educate or persuade those who differ from them, rather than coerce them.[73] Because we will inevitably find this frustrating and disquieting, especially when we are unsuccessful, such political forbearance demands strength of character. This virtue is central to what Shklar terms the "democracy of everyday life," which requires us to treat others with "a certain minimum of social respect,"[74] even when they are unreceptive to our arguments and we disapprove of either the way they choose to lead their lives, or of the moral, political, and religious commitments that inform their outlook. Under conditions of pluralism and deep disagreement, self-restraining tolerance is a demanding virtue.

Fourth, Shklar was sensitive to the fact that losing is a recurrent and painful feature of liberal-democratic politics; citizens support parties and/or candidates who do not triumph at election time and regularly find themselves disadvantaged by policy decisions. It can be psychologically difficult to accept losses of both types. Yet in a democracy, citizens are expected to endure election- and policy-outcomes they dislike because the processes through which such decisions are reached are worthy of their continued allegiance. In this sense, good liberal-democratic citizens respond to loss virtuously.

Shklar discusses this in the final pages of *The Faces of Injustice.* She notes that many laws are likely to arouse someone's sense of injustice because they will displace sincerely and reasonably held expectations.[75] The best way to come to live with such decisions is by recognizing that democratic politics is a "process of mutual accommodation" in which no one "wins or loses all the time."[76] Regimes where citizens can experience political loss but accommodate themselves to it

[70] Ibid., 5.
[71] Ibid., 246.
[72] Shklar, "Rights in the Liberal Tradition," 286.
[73] Ibid., 287.
[74] Shklar, *Ordinary Vices*, 77.
[75] Shklar, *Faces of Injustice*, 120.
[76] Ibid., 121.

are able to ensure that the sense of injustice does not become utterly destabilizing. This is not to suggest that the loser's sense of injustice will disappear; simply that it may be tamed.[77]

For citizens to reconcile themselves to such losses, they have to accept the old adage that "You win some and you lose some," and recognize that on another day, in relation to a different issue, "their preferences and beliefs will prevail."[78] This does not mean that Shklar thought that, in a liberal democracy, citizens have weighty moral reasons to cede their political judgment to majoritarian determination. In *Ordinary Vices* she frankly states that "Humility is not a democratic virtue."[79] Losers of political conflicts must accept that they have lost, but it does not follow that they must roll over or relinquish their commitments. Moreover, their sense of injustice will only be mitigated if they do win on other occasions; members of groups that persistently lose will understandably view the democratic process itself as unjustly stacked against them. Indeed, Shklar thought that her brand of negative liberalism was especially likely to appeal to "permanent" minorities because it recognizes that majoritarian and communitarian forms of politics threaten individual freedom.[80] But despite these longstanding concerns about the potentially illiberal consequences of majoritarian politics, Sabl is correct that Shklar's later work suggests that democratic citizens "must be willing to accept with good grace and no loss of commitment to the polity that the democratic game will not always go their way."[81] For these reasons, there is ample reason to believe that being a *good loser* is a further core virtue of liberal-democratic politics.

The difficulty, of course, is that this salutary attitude toward the outcomes of democratic decision-making depends on "losers" judging that the winning side have abided by the basic procedural requirements that obtain in a particular polity. It is very tempting for losers to lash out and insist that decisions have violated basic standards of democratic decency.[82] Even when that is not the case, "winners" may still be inclined to dismiss more reasonable complaints as the gripes of a sore loser. It is thus a predictable and probable hazard that concrete judgments about who is (and is not) behaving like a good loser, or indeed, what that involves, will be deeply political. Moreover, as observers of contemporary American politics will readily attest, such judgements can have very deleterious social and political consequences. This does not count against the idea that being a good loser is a core liberal-democratic virtue. It just shows that judgments about what it means to be a good loser in a particular place at a particular point in time will be contentious. For this reason, such judgments are unlikely to offer any real respite from political conflict.

[77] Ibid., 124.
[78] Ibid., 122.
[79] Shklar, *Ordinary Vices*, 135.
[80] Shklar, *Legalism*, 224.
[81] Sabl, "Virtue for Pluralists," 216–17.
[82] Peter Esaiasson, Sveinung Arnesen, and Hannah Werner, "How to be Gracious about Political Loss: The Importance of Good Loser Messages in Policy Controversies," *Comparative Political Studies* 56, no. 5 (2023): 61.

As these remarks suggest, the practice of all these virtues is fraught with difficulties. Good liberals must judge carefully the extent to which any virtue is appropriate at any given time. Citizens who display rational empathy must avoid identifying so much with the victim's sense of injustice that they end up condoning or even supporting violent revenge.[83] A healthy apprehension of state power should not lose sight of the fact that governments can act in ways that alleviate cruelty and injustice, and judging when they are likely to make matters better or worse is rarely straightforward. A self-restraining tolerance should not be pursued so far as to entail a complete withdrawal from social and political life, and being a good loser must not translate into submissiveness in the face of unfair procedures or corruption.

These four virtues constitute what we are terming an *ethos of skeptical vigilance.* The first two virtues—rational empathy and a healthy apprehension of state power—lead citizens to be vigilant, on guard not only against abuses of power that affect them directly but also against those that target the most vulnerable and marginalized members of society. The second two—self-restraining tolerance and being a good loser—involve a skeptical attitude toward one's own and others' beliefs,[84] such that a good citizen will be more disposed to accept the disagreements and diversity that characterize a liberal society and less inclined to expect that everyone else endorses or affirms their own values.

Misgivings about cultivating virtue

With Shklar's account of the virtues required for liberal politics set out, we turn next to consider how they can be cultivated. One difficulty immediately arises, however, as Shklar repeatedly criticizes approaches to political theory that place a premium on civic virtue. What scope, if any, do these criticisms leave for a liberal account of how an ethos of skeptical vigilance can be fostered and sustained? To answer this question, we first outline the nature and bearing of Shklar's worries about cultivating virtue, before turning to her account of passive injustice in *The Faces of Injustice* as an illustrative example of the tensions between promoting active citizenship and liberal values.

One way to approach Shklar's misgivings about forms of politics that seek to inculcate civic virtue is through a historical lens. Reflecting on her lifelong fascination with Rousseau, Shklar observes that his writings are "totally alien to a liberal mentality. He is the complete 'other,' and yet entirely integral to the modern world that he excoriated."[85] Shklar was under no illusions about what Rousseau's account of civic virtue entailed. Citizens' emotional drives would have to be "reoriented entirely to express themselves in love of the republic,"

[83] Shklar, *Faces of Injustice*, esp. 91–101.

[84] We do not defend any particular interpretation of Shklar's skepticism in this article, although the formulation here is loosely based on her claim that political skepticism "is simply a doubting, unconventional view of accepted social beliefs." See Shklar, *Faces of Injustice*, 20. For further analysis of Shklar's skepticism, see Shefali Misra, "Doubt and Commitment: Justice and Skepticism in Judith Shklar's Thought," *European Journal of Political Theory* 15, no. 1 (2016): 77–96.

[85] Shklar, "A Life of Learning," in *Liberalism without Illusions*, ed. Yack, 275.

with civic virtue "sustained by perpetual education and support from society."[86] The Sparta that he so often held up as the epitome of virtue was "a single-value society,"[87] and the civic education required to sustain anything like this must be rejected by "anyone who thinks that pluralism and diversity of views and manners are the very core of freedom."[88] More generally, the republican ideology of late eighteenth-century European political thought—most influentially set out in Montesquieu's typology of different forms of government and subsequently endorsed by Rousseau—was distinguished by "a patriotic ethos" and "the love of equality," but these virtues could be sustained only in "small and cohesive societies" and were thus deeply inappropriate for most modern European states.[89] Insofar as there was a distinctive radical republican tradition in early modern Europe, "it reached its epitome and death in Robespierre's virtuous terror."[90]

Shklar implores us not to lose sight of the conditions that Montesquieu and Rousseau thought were necessary for civic virtue to prevail, especially in light of the revival of such ideas amongst contemporary communitarian and republican theorists.[91] Whereas some took John Pocock's *The Machiavellian Moment* as inspiration for renewing a virtue-based republicanism, Shklar characterizes the book as an important and forceful reminder of "the deeply illiberal pre-revolutionary republican tradition."[92] Expressing her reservations about Quentin Skinner's republican account of political freedom, Shklar highlights the disagreement between them as turning on the weight they each attach to "the less attractive aspects of solidarity." Given its historical entanglement with xenophobia and military grandeur, the question remains whether republicans today can "develop a theory and practice of citizenship that does not slight liberal notions of personal freedom, fairness and justice."[93]

Shklar subjects Michael Walzer to far more searing criticism for idealizing the civic loyalty of voluntary associations in America, without taking seriously the extent to which their supposed virtues have, historically, been bound up with a violently nationalist and xenophobic ethos.[94] Communitarians are too

[86] Shklar, *Men and Citizens*, 73; also *American Citizenship*, 34–35.

[87] Shklar, *Men and Citizens*, 203.

[88] Shklar, "Jean-Jacques Rousseau and Equality," in *Political Thought and Political Thinkers*, ed. Hoffman, 282.

[89] Shklar, "Rousseau and the Republican Project," *French Politics and Society* 7, no. 2 (1989): 42.

[90] Shklar, "Review: *The Political Works of James Harrington*, edited by J. G. A. Pocock," *Political Theory* 6, no. 4 (1978): 561. See also Giunia Gatta, who explains that Pocock mistakenly regarded Shklar as an ally in the republican cause: *Rethinking Liberalism for the 21st Century: The Skeptical Radicalism of Judith Shklar* (New York and London: Routledge, 2018), 72.

[91] For insightful discussion of similar concerns, see also Shefali Misra, "Ugly Attachments: Judith Shklar and the Unattractive Face of Solidarity," *Global Intellectual History* 7, no. 4 (2022): 691–94.

[92] Shklar, "Liberalism of Fear," 4.

[93] The quotes here are drawn from Shklar's letter to Skinner of 5 July 1991, and documented in Quentin Skinner, "The Last Academic Project," in *Between Utopia and Realism*, ed. Ashenden and Hess, 261.

[94] Shklar, "The Work of Michael Walzer," in *Political Thought and Political Thinkers*, ed. Hoffman, 381–82. See also Sanford Levinson, "Is Liberal Nationalism an Oxymoron? An Essay for Judith Shklar," *Ethics* 105, no. 3 (1997): 626–45, who draws on Shklar's concerns about real-world nationalism to cast

complacent about the personal freedoms they enjoy in liberal societies, failing to adequately account for the fact that it is often the most illiberal regimes and groups within society that appeal to communal values and solidarity.[95] In the American context, in particular, communal and republican values flourished amongst slave holders in the South before the civil war. "Solidarity and public virtue were rooted in slavery and more than justified it." Some Southerners recognized that slavery was unjust in itself, but also saw it as inextricably "woven into the fabric of Southern life, which, as a whole, was well worth defending."[96] Those who appeal to solidarity or public virtue today owe us an account of how the deeply illiberal historical instantiations of these values can be avoided.

Two overarching (and interrelated) worries can be identified from Shklar's criticisms of communitarian and republican theorists. The first relates to the moral psychology of citizenship. Virtuous citizens must be willing to set their private interests aside to act in ways that are beneficial for the community, but what could reliably motivate them to do so? In both theory and practice, prominent answers have included forms of patriotism (such as Rousseau's *amour de la patrie*) and, more recently, national loyalty. Even if citizens motivated by patriotism or national loyalty are committed to serving their community, there is also a very real danger that the emotional bonds that form a strong sense of in-group solidarity can easily lead to intolerance of those do not share the community's values and generate indifference (or worse) toward cruelties and injustices perpetrated against outsiders. A liberal account of virtue, then, must not make demands of citizens that the historical record suggests are psychologically aligned with xenophobia, racism, religious bigotry, or other forms of intolerance.[97]

Shklar's second worry relates to the *transformative education* required to turn individuals into virtuous citizens. She not only claims that liberalism originated in opposition to "the educative state,"[98] but also that, throughout much of the twentieth century, the "educative" and "manipulative" state which favors "the total reconditioning of individuals" remained the main rival to more liberal and legalistic states.[99] A "transformative education" would form virtuous citizens by socializing them "so completely that their private aspirations will never diverge

doubt on Yael Tamir's account of liberal nationalism. Cf. Yael Tamir, "The Land of the Fearful and the Free," *Constellations* 3, no. 3 (1997): 296–314.

[95] Shklar, "Liberalism of Fear," 17–18; "Rights in the Liberal Tradition," 292–93. Consider also, in this context, Shklar's verdict on Charles Taylor's *Sources of the Self* (1989) as "an exhaustive and enlightening guide to the moral world of those who fear skepticism more than evil." See Shklar, "Review: *Sources of the Self* by Charles Taylor," *Political Theory* 19, no. 1 (1991): 109.

[96] Shklar, "Redeeming American Political Theory," in Shklar, *Redeeming American Political Thought*, 103.

[97] This list of evils draws on Shklar, *American Citizenship*, 4.

[98] Shklar, "Liberalism of Fear," 15.

[99] Shklar, *Legalism*, 120–21; also "In Defense of Legalism," 54. Even in liberal democracies, like America, Shklar cautions against proposals for reform that "involve troubling provisions for perpetual moral education based on dubious psychological theories," and paternalistic policies that seek to perfect democracy by "remaking the citizenry." See *Faces of Injustice*, 118–19.

from public goals." This is unacceptable to citizens of any liberal society.[100] Aside from the fact that the twentieth century witnessed many deeply illiberal educational programs, the idea that all citizens' private aspirations could be aligned with the public good is incompatible with liberal commitments to diversity, pluralism, and, ultimately, personal freedom. A liberal account of how certain virtues can be fostered, then, must never violate the "absolute prohibition against any efforts by government to impose dispositions" upon citizens.[101]

These two worries are closely related: a transformative education would be required, at least in modern states, to ensure that all citizens are motivated by a strong sense of patriotism or national loyalty. Shklar does not deny that this could lead to a more active and virtuous citizenry, but she doubts the price is worth paying. One response the liberalism of fear offers is to downplay the importance of cultivating virtue altogether. Shklar credits Montesquieu with being the first to institutionalize the idea of putting cruelty first, with political liberty depending on "an impersonal legal system" that disperses power without making any great demands "on anyone's virtue or intelligence."[102] Following in Montesquieu's footsteps, when James Madison and others thought through how to found a modern representative republic in America, "it was not based on virtue ... but on independent agents and the free play of their interests." In place of "an outmoded notion of public virtue," the idea of striving towards economic independence by earning a living for oneself proved central to American ideas of citizenship.[103] Indeed, Shklar's history of American citizenship suggests that valuing economic independence is conducive to a healthy apprehension of state power,[104] even if it does not necessarily contribute to other virtues, such as rational empathy for the victims of cruelty and injustice.

Shklar also argues, however, that liberal institutions can play an important role in fostering qualities associated with an ethos of skeptical vigilance. Moreover, the long-term success of liberal institutions depends on their ability to generate habits and dispositions that support their continued operation. While a liberal state can never "have an educative government that aims at creating specific kinds of character,"[105] all systems of government and legal procedures will have an indirect educative effect on those who live under them. Living under

[100] Shklar, *Faces of Injustice*, 107; also *American Citizenship*, 36.

[101] Shklar, *Ordinary Vices*, 235.

[102] Ibid., 216. The limits of Montesquieu's vision soon became apparent with the establishment of representative democracy in America, where personal leadership skills proved to be central to electoral politics. Electoral politics does not necessarily generate liberal outcomes, which (to recall the earlier discussion of a *healthy apprehension* of state power) is why striking the right balance between trust and distrust is so important, and why impersonal procedures must be protected from charismatic personalities. See *Ordinary Vices*, 220–21.

[103] Shklar, *American Citizenship*, 65–67.

[104] When discussing Montesquieu, Shklar similarly highlights the role of commercial development in rendering people more politically self-interested and willing to defend their personal freedom. Justice and "the spirit of peace" increasingly take the place of valor and Machiavellianism, with the former qualities providing a much stronger safeguard against cruelty. See *Ordinary Vices*, 15–16, 26; Shklar, *Montesquieu* (Oxford and New York: Oxford University Press, 1987), 103–5.

[105] Shklar, "Liberalism of Fear," 15.

the rule of law and fair procedures gives rise to "habits of patience, self-restraint, respect for the claims of others, and caution" that are valuable aspects of a liberal ethos. Shklar goes further still, insisting that to "foster well-informed and self-directed adults must be the aim of every effort to educate the citizens of a liberal society." Such citizens should not be held up "simply as models of human perfection," but their behavior may be commended for promoting political freedom.[106] The liberalism of fear unapologetically champions the "empowerment and education of young and old, male and female ... to make them self-reliant and active citizens."[107]

As these remarks indicate, Shklar's worries about the moral psychology of citizenship and transformative education do not extend to all forms of public education or attempts to foster a liberal ethos amongst citizens. Unlike versions of patriotism and national loyalty that require an emotional attachment to the state, self-reliance and independence encourage a healthy apprehension of governments and other bodies that can easily abuse their powers in ways that imperil freedom. Governments, of course, will typically have a stronger incentive to try to instill emotional attachments to the state than they will to foster a healthy apprehension of their own power, which is a further reason why we should be skeptical of government-led initiatives to cultivate virtue. Whereas a transformative education seeks to socialize citizens to such an extent that their private goals align with the public good, a liberal and law-bound government remains limited in its methods and allows individuals plenty of discretion over how to lead their lives.[108]

Active citizenship and passive injustice

It would be tempting to conclude that the concerns Shklar raises about cultivating virtue do not apply when it comes to fostering a liberal ethos of skeptical vigilance. There remains a deeper tension, however, between the limits that Shklar thinks liberals must place on attempts to cultivate virtue and the active dimension of citizenship that, as we have seen, she deemed crucial for liberalism's long-term viability. In "The Liberalism of Fear" Shklar highlights the "revolting paradox" that liberal societies can easily become victims of their own success once citizens' political empathies degenerate and they start to take their freedom for granted.[109] Yet the tension between active citizenship and other liberal commitments comes out most prominently in her discussion of passive injustice in *The Faces of Injustice.*

In both *The Faces of Injustice* and *American Citizenship*, her final two books, Shklar explores the demands of citizenship in considerable detail. Whereas *American Citizenship* (unsurprisingly) focuses squarely on the American experience, *The Faces of Injustice*, while still a book about America, analyzes the relationship between injustice and citizenship at a more general level. Shklar

[106] Ibid.
[107] Shklar, "Rights in the Liberal Tradition," 287.
[108] Shklar, *Legalism*, 120–21.
[109] Shklar, "Liberalism of Fear," 17.

adopts the distinction between active and passive injustice from Cicero and argues that the latter is central to a republican account of active citizenship. The normal model of justice understands injustice only in terms of active misconduct, but passive injustice has a far greater scope and involves falling below "personal standards of citizenship."[110] It is a widespread failing within any constitutional democracy and examples abound. 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."[111]

Although we are passively unjust when we fail to report the crimes we witness, active citizenship does not demand that we risk our own safety to stop criminals from carrying out crimes. What counts as passive injustice will depend on the expectations bound up with citizenship, and we should not expect all citizens to agree about these. Victims typically see injustice where others see misfortune, and in the case of passive injustice, this will often be a matter of whether the victim thinks that their fellow citizens or public agencies should have intervened to prevent or remedy the wrongs they have suffered.

Bernard Yack has argued that Shklar's discussion of passive injustice entails a virtue of "active justice," which involves "a disposition to prevent harm to one's fellow citizens."[112] Shklar does not use this term herself, but Yack's notion of active justice corresponds closely to the virtue of rational empathy, which can go some way toward mitigating passive injustice. Passive injustice is widespread amongst those who enjoy the benefits of constitutional democracy but do little to maintain it, turning a blind eye "to the injustice that prevails in their midst."[113] Those who possess rational empathy should refuse to do this, and instead endeavor to see matters from the victims' perspectives. To avoid being passively unjust, however, involves more than this shift in perspective. Citizens must actively intervene whenever they can do something to prevent wrongdoing from taking place. The active citizen would not only report the domestic abuser next door; they would also stand up for the shopper who is shortchanged by a cashier and whose protests are dismissed.[114] Active citizenship will often involve interfering in other people's affairs, and in such cases, come into tension with maintaining "peace and a general spirit of tolerance."[115] If the alternative to being passively unjust is becoming a busybody, then we may well decide that passive injustice is the lesser evil. A "sophisticated skeptic," Shklar claims, will be willing to live with a certain amount of injustice to avoid jeopardizing other social goods. There is no

[110] Shklar, *Faces of Injustice*, 9. For further discussion of the inadequacy of the "normal model" for understanding passive injustice, see Bernard Yack, "Review: Injustice and the Victim's Voice," *Michigan Law Review* 89, no. 6 (1991): 1335–39.

[111] Shklar, *Faces of Injustice*, 6.

[112] Yack, "Injustice and the Victim's Voice," 1347–48.

[113] Shklar, *Faces of Injustice*, 42.

[114] Ibid., 43–46.

[115] Ibid., 45.

reason to expect that active citizenship will "automatically translate into wise, just, or humane politics."[116] The active citizen sometimes turns out to be "a raging bigot, or revolutionary, or both."[117]

Shklar insists that the only possible way to reduce (passive) injustice significantly would be through "a massive and effective education in civic virtue for every citizen." Most liberal states, however, display a preference for "peace and diversity with injustice."[118] As we have seen, there are decisive reasons to resist any such transformative education, chief amongst which is that it would imperil personal freedom. But there is nonetheless a real tension here that we must learn to live with. The rational empathy of a good liberal citizen should lead them to adopt the perspective of the victim and take seriously their claims of injustice. Yet the citizen's self-restraining tolerance should make them cautious about intervening in others' affairs, even if that means that they must tolerate a certain amount of injustice.[119] It is not only the case, then, that the individual virtues that constitute a liberal ethos of skeptical vigilance are demanding in themselves, but, further, that striking the right balance between different virtues when they come into tension is very challenging, and we should not expect to discover hard-and-fast rules to guide our conduct. Those who aspire to take a phenomenon as complex as injustice seriously, at least, should embrace the fact that such "an inquiry is bound to create puzzles rather than to solve them, but from a skeptical point of view that is no defect."[120]

Conclusion

Shklar's writings suggest that four political virtues—rational empathy; a healthy apprehension of state power; self-restraining tolerance; and being a good loser—are crucial elements of the liberal ethos that she invoked at key junctures in her work. We take these to be the most important virtues that can be distilled from her work, without suggesting that they provide an exhaustive account of a liberal ethos. Shklar never explicitly delineated these virtues and, indeed, often ran them together. She might have found our attempt to clarify and demarcate them dubious. After all, in the final paragraph of *Ordinary Vices*, she remarks that as liberals "have abandoned certainty and agreement as goals worthy of a free people, we have no need for simple lists of vices and virtues."[121] Still, we hope that the position we have articulated is faithful to her work and delivers a recognizably Shklarian account of liberal political virtues.

Our interpretation offers an important corrective to commentators, such as Kahan and Moyn, who have recently suggested that Shklar stripped liberalism of its moral content. On the contrary, her work is better read as maintaining that

[116] Ibid.
[117] Ibid., 46.
[118] Ibid., 45.
[119] On this point, see also Douglass, "Cruelty, Injustice, and the Liberalism of Fear," 807–8.
[120] Shklar, *Faces of Injustice*, 50.
[121] Shklar, *Ordinary Vices*, 249.

liberal politics cannot afford to neglect questions of character and virtue.[122] While aimed at mitigating the worst abuses of social power, we have argued that Shklar's liberal ethos demands a lot more than the abhorrence of cruelty.[123] We have also shown that her discussion of the moral psychology of citizenship and concerns about transformative education raise pressing questions about whether the state can be trusted to cultivate virtues in the liberal citizenry. In addition, we have noted that, in certain scenarios, these virtues may well conflict. In this respect, as in many others, Shklar's work raises profoundly important political questions without suggesting, in a facile or callow way, that those questions have any straightforward or emotionally reassuring answers.

Two puzzles remain. The first is how prevalent these virtues need to be. On the one hand, the suggestion that liberal democracy rests on a particular ethos implies that a majority of citizens will exhibit these virtues of character, in one way or another, most of the time. However, there is no reason to think that every citizen in a liberal democracy needs to have such virtues. For one thing, Shklar repeatedly stresses that liberal societies are internally pluralistic: populated by citizens who endorse a wide range of political, philosophical, religious, and cultural commitments, many of whom are not committed liberals. This kind of deep pluralism is a "social actuality that no contemporary political theory can ignore without losing its relevance."[124] On this view, it is inevitable that within liberal democracies swathes of the population will not display the kind of good liberal character her work praises. Moreover, Shklar insists that liberals have principled reasons not to bemoan this, writing that conflict amongst members of liberal constitutional democracies is "both ineluctable and tolerable, and entirely necessary for any degree of freedom."[125] Of course, it does not follow that non-liberals will not display *any* of the virtues associated with the ethos of skeptical vigilance. Committed socialists, for example, may well exhibit rational empathy with the marginalized and powerless, while right-libertarians may praise a healthy apprehension of state power and self-restraining tolerance on grounds close to Shklar's own. However, committed liberals must reckon with the fact that liberal society depends on the existence of certain virtues that sizeable numbers of people within liberal societies will not display.

The attempt to stipulate how widespread the commitment to such virtues must be for liberal politics to endure strikes us as a fool's errand. In part, this is because it is extremely difficult to measure the prevalence of any virtue and, further, to isolate its causal role in explaining the deterioration (or success) of liberal norms and institutions in any given state. It is doubtful that attempts to answer the prevalence question could deliver robust, general conclusions. A deeper reason, however, is that the relative importance of the four virtues may

[122] See also William A. Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991), 213–15. Galston lists Shklar as one of the few thinkers at the time whose writings challenged the orthodox view (held by most critics and proponents of liberalism) that liberal politics does not require individual virtue.

[123] Cf. Cherniss, *Liberalism in Dark Times*, 202; Kahan, *Freedom from Fear*, 410.

[124] Shklar, *Legalism*, 6.

[125] Shklar, *Ordinary Vices*, 227.

vary depending on the precise circumstances that any particular liberal democracy encounters. The virtue of being a good loser, for example, will be especially salient in cases where powerful political actors groundlessly seek to contest the legitimacy of electoral outcomes—such occurrences do pose serious threats to liberal democracies, but they are not the norm. As this example also suggests, what matters is not necessarily *how many* citizens possess a particular virtue at any particular time, but *which* citizens (and political actors, although they have not been our focus here) do in light of the specific challenges that a given liberal democracy faces.

This brings us to the second outstanding issue. Shklar's concerns about entrusting the state to take on a didactic role may strike some readers as extremely fatalistic because they suggest that attempting to cultivate good liberal characters is simply too hazardous to countenance. However, while Shklar was deeply concerned about the state taking on such a role, for the reasons we have canvassed, it does not follow that everyone must refrain from attempting to cultivate certain kinds of political virtues. Although she once remarked that she could not think why anyone would seek her advice about "how to conduct themselves or about what policies they should choose,"[126] her work does offer a vision of a decent politics and the character traits that such a politics depends on. In this sense, hers is clearly a normative undertaking. Shklar is trying to persuade her readers to think about politics and its ever-present dangers in particular kinds of ways because she hopes this may have salutary consequences.

In the concluding chapter of *Ordinary Vices*, Shklar writes that her work has attempted to execute the job of political theory, as she understands it: "to make our conversations and convictions about our society more complete and coherent and to review critically the judgements we ordinarily make and the possibilities we usually see."[127] She reflects on the fact that, when proceeding in this way, she refers to "us" and "we" because she is addressing her fellow citizens of a constitutional, liberal democracy.[128] Shklar is writing for citizens of liberal states, urging them to pay attention to various disquieting realities about politics that she worried liberal thought and practice was increasingly ignoring. As Bernard Williams has remarked, her work has a quite different audience from more mainstream versions of liberal theory, which tend to direct their prescriptions to powerful listeners: be they founders of states, rulers, or supreme court judges.[129]

While Shklar has important misgivings about the idea that the state could employ coercion to directly mold citizens, she never suggests that citizens must refrain from attempting to persuade each other about how they should conduct themselves politically. Indeed, Shklar's work is clearly motivated by her belief

[126] Ibid., 226.
[127] Ibid.
[128] Ibid., 226–27.
[129] Williams, "Liberalism of Fear." For further discussion of Shklar's audience, see Edward Hall "Ideological Self-Consciousness: Judith Shklar on Legalism, Liberalism, and the Purposes of Political Theory," *Social Philosophy and Policy* 41, no. 1 (2024): 105–25.

that her audience could be persuaded to take seriously her pessimistic reminders about politics because they too shared her concern for political freedom. She must have hoped that such reminders might persuade some readers to amend their practice and judgment accordingly. Political theory, on Shklar's understanding, "is meant to be persuasive. … It aims rather at changing attitudes, at making the reader see his world differently, and so to discover new meanings."[130]

The attempt to work with existing motivations in this kind of way is emphasized by philosophers who write on virtue. As Julia Annas notes, "by the time we reflect about virtues, we already have some."[131] Once we accept this, we ought to recognize that persuasive ethical and political argument is not a matter of "injecting new motivations into us" but of attempting to "educate and form motivations that are present already."[132] Shklar's writings offer such an education by urging those who possess certain liberal political motivations to reflect doggedly on how they act and think in order to defend the weak from the strong.

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[130] Shklar, *Men and Citizens*, 225. For further discussion, see also Eleanor Pickford, "Judith Shklar on the Problem of Political Motivation," *History of European Ideas* 50, no. 7 (2024): 1268–71.

[131] Annas, *Intelligent Virtue*, 10.

[132] Ibid.

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