

Republican Elements in the Liberalism of Fear

Samantha Ashenden / Andreas Hess*

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Abstract: Judith Shklars Liberalismus der Furcht unterscheidet sich von anderen Liberalismen. Er gewinnt seine einzigartige Prägung und Qualität durch eine lang andauernde und konsequente kritische Auseinandersetzung mit dem Republikanismus. Ihre Diskussion der gegenwärtigen Relevanz von Tugenden und Lasten, von Gerechtigkeit und Ungerechtigkeit, die Fragen von Rechten, Repräsentation, Staatsbürgerschaft und Demokratie weisen auf ältere republikanische Einflüsse hin. Shklar war sich dennoch darüber im Klaren, dass ein unrekonstruierter Republikanismus und die republikanische Vorstellung eines tugendhaften Lebens auf moderne gesellschaftliche und politische Bedingungen nicht mehr anwendbar waren. Dies wird besonders deutlich in ihrer Diskussion über Rousseau und in ihrer Studie *Ganz normale Laster*. Der irreduzibel pluralistische und individualistische Charakter moderner Demokratien hat es unvorstellbar werden lassen, dass wir eine einheitliche Vorstellung des tugendhaften Lebens hegen. Shklars Betonung der positiven Freiheit, die sich kritisch gegen Isaiah Berlins Argument richtet, negative Rechte und negative Freiheit ständen im Mittelpunkt des modernen Liberalismus; ihr Beharren auf der Notwendigkeit eines gemeinsamen Geistes, wie er in ihrer Studie über Montesquieu zum Ausdruck kommt; die Notwendigkeit, in Hinsicht auf Wahl und Verdienst gleichgestellt zu sein, wie er in der amerikanischen Staatsbürgerschaft betont wird; und schließlich ihre Diskussion des sich wandelnden Charakters von Loyalität und politischer Verpflichtung in ihren letzten Harvard-Vorträgen, sind allesamt Ausdruck der republikanischen Einflüsse, die in ihrem Elementarliberalismus zu erkennen sind.

Abstract: Judith Shklar's liberalism of fear is distinct from other liberalisms; it gains its unique imprint and quality through a long and consistent engagement with, and critical discussion of, republicanism. Her account of the contemporary relevance of notions of virtues and vices, justice and injustice, the questions of rights, representation, citizenship and democracy all point to older republican influences. However, Shklar also knew that unreconstructed republicanism and republican ideas of the virtuous life were no longer applicable to modern societal and political conditions. This becomes especially clear in her discussion of Rousseau and in her study *Ordinary Vices*. The irreducibly pluralist and individualist nature of modern democracy have made it inconceivable that we would all agree on what the virtuous life consists in. Shklar's emphasis on positive liberty, critically directed against Isaiah Berlin's argument that negative rights and negative liberty are at the heart of modern liberalism; her insistence on the need for a common spirit as distilled in her study of Montesquieu; the need for equality in terms of voting and earning as stressed in *American Citizenship*; and finally her discussion of the changing nature of both loyalty and political obligation in her last Harvard lectures, are all indicative of the republican elements that can be detected in her barebones liberalism.

* Samantha Ashenden, Birkbeck College, University of London
Kontakt: s.ashenden@bbk.ac.uk
Andreas Hess, University College Dublin
Kontakt: a.hess@ucd.ie

Judith Shklar is perhaps best known for her formulation of the ‘liberalism of fear’, a phrase which articulates a concern that political theory should focus not on the elucidation of the good life, justice and so on, but rather should enable us to reflect on, and thus hopefully to avoid, the worst i.e. cruelty (Shklar 1998a: 3-20). The aim of politics is, in other words, not to determine how we should live, less still to impose this on others, but to discern what we all would want to avoid and thence to build robust defenses against this *summum malum*, including using the form of laws. This negatively argued anti-perfectionist position has often been used to place Shklar firmly in the liberal as opposed to the republican camp. She was certainly skeptical with respect to the classical republican idea(l) of civic virtue through active participation in the polis, and the concomitant emphasis on combating corruption, found for example in work from Machiavelli (c. 1517) to Arendt (1958, 1963) and Pocock (1975). There is a reason why, historically, liberalism won out over classical republicanism. As Shklar recognizes, the latter requires a virtuous citizenry while the former requires only adherence to the rule of law; and the rule of law is easier to police than virtue, especially perhaps in modern complex political formations (Shklar 1984). At first sight it thus seems possible to place Shklar firmly on the liberal side of the liberal-republican divide. The aim of this paper is to trouble this easy pigeon-holing and to show some of the ways in which Judith Shklar’s liberalism was fed and sustained by distinctly republican political concerns. We are aware of the fact that advocates of modern forms of republicanism have also sought dialogues with liberal approaches (see, for example, Appleby 1992; Pettit 1997), but such accounts pay less attention than does Shklar to the need for minimal guarantees and safeguards for the individual against *any* government.¹

Shklar died in 1992, before most of the recent wave of scholarship arguing for republican ideas in modern political contexts (see, for example, Laborde 2008; Pettit 2001; Sandel 2010; Skinner 1997; 2002; 2008). It is thus fruitless to look to her work for detailed consideration of these later arguments, though we can note her sympathy for the work of Skinner as registered in her review of his *Foundations* (Shklar 1979). She would without doubt have been aware of his critical reflections on Berlin’s ‘Two Concepts of Liberty’ (Skinner 1984) and his and others’ early development of a modern republican conception of political liberty (Skinner 1990). In fact Shklar’s anti-perfectionist politics, her liberalism of fear, resonates strongly with recent civic republican ideas of non-domination or independence from arbitrary power as fundamental to political liberty. In the decades since her death a number of writers have developed modern republican arguments that center on freedom as the secure enjoyment of non-domination. This civic (as opposed to classical) republicanism is neo-Roman in its emphasis not on participation and civic virtue but on freedom versus slavery, where liberty is incompatible with structures of dependence or mastery. This conception of freedom as non-domination is distinct in critical ways from freedom understood as freedom from interference (Berlin’s negative conception) as it foregrounds the idea that laws and public policies, properly framed, sustain and enhance liberty. As we will see, Shklar’s liberalism concurs to a substantial extent with this civic republicanism reconceived for modern democratic times.

1 There is not space here to give a full account of the various attempts to outline modern republican arguments. In what follows we largely limit ourselves to elucidating Shklar’s position. However, in the conclusion the reader will find some suggestions concerning how Shklar might be positioned vis-a-vis recent republican accounts.

Below we develop elements of a genealogy of republican ideas as these play through Shklar's thinking, with the aim of showing how key republican tropes are vital to her distinctive liberalism. We first locate Shklar as a skeptic and anti-systems thinker, before developing an account of how this orientation to thinking informed her work on Rousseau as well as her consideration of that central republican theme, the vices, in *Ordinary Vices*. In considering both of these texts, we aim to show how Shklar negotiates the emphasis on public virtue found in republicanism in the context of pluralism. This is then the springboard for her refusal of Berlin's 'negative liberty' (Shklar 1998b) and insistence that negative and positive liberty must be realized together, an argument that comes to fruition in her work on American citizenship (Shklar 1991). In a final step, we consider how her concern with citizenship as standing, developed in practices of voting and earning, refracts an older republican theme of independence but in a form capable of accommodating pluralism, so that Shklar's liberalism is inhabited both by republican concerns with political obligation and by liberal sensitivity to its limits (Shklar 2019) such that her liberalism of fear and the contemporary civic republican emphasis on non-domination can be seen to echo one another.

1. Shklar's Orientation in Thinking: Early Skepticism and Possible Alternatives to Grand Theory

Unlike many other big names in twentieth century political and social theory Shklar was not one to build systematically on the intellectual inheritance of the 19th century. She was rather skeptical of the legacy it had left behind. For her, the utopias of that century were deeply flawed or showed at least some irremediable elements, independent of whether they found expression in radical imagery of what future political communities should look like, or whether they were expressed in more subtle forms in political romanticism, existentialist ideas, or some search for authenticity (Shklar 1957). Because of their deeply apolitical nature, Shklar argued, they were unable to provide a proper foundation for modern politics, never mind for a robust liberal democracy that would be able to stand up intellectually against the allure of absolute notions of equality and justice as promoted both by the Soviet Union and her allies during the emerging Cold War, and by the American left.

On the other side, the critique of totalitarianism as voiced by her mentor Carl Joachim Friedrich and, more theoretically, by her older fellow refugee Hannah Arendt, often remained, however justifiably, a mere mantra used for Cold War purposes (Arendt 1951; Friedrich / Brzezinski 1956). As Shklar saw it, such criticism showed little positive substance that could engage the hearts and minds of Western citizens, never mind those of radical intellectuals and critical thinkers. It could not help envision a more attractive model of liberal democracy, one that was not just negatively conceived as a defense mechanism against communist ideals and practices.²

At the end of Shklar's account of the rather sobering state of intellectual life in modern democracies, outlined originally in her PhD and then slightly reworked in her first book, *After Utopia* (1957), the reader will find a hint at another possible scenario: instead

2 For a developed discussion of the differences between Arendt and Shklar see Hess 2005 and 2014 (especially chapter 4), Ashenden and Hess 2016, and Bajohr 2016.

of resurrecting failed utopias the opportunity existed to use the rich tradition of western political theory as a spur to re-thinking practical ways in which non-domination or, in Shklar's nomenclature, secure standing or freedom from fear, could be achieved. In the first instance this stripped-down version of political-theoretical soul searching sounded simple. Yet, checking whether this tradition had any potential to provide ideas for a liberal framework with substance and that wasn't just succumbing to some status quo notion of democracy, proved in practice to be a challenging affair. Shklar's own intellectual trajectory is a demonstration of the contingencies and complexities involved in such a search. It was never a straightforward path from the simple to the complex, for example, or from one sparkling original idea to the development of an entire system.

We cannot detect any automatic progression or growth of an argument in Shklar's thought which in the end would amount to a comprehensive theory, perhaps of liberal democracy or of some modern form of republicanism; her work was far too dependent on contexts and conditions that were simply unpredictable for that. She was also far too much of an anti-systems thinker to have entertained the idea of a grand theory. We don't have the time and space here to chart at length Shklar's intellectual path and investigate all the contexts in which her work thrived.³ What we attempt in the following pages is to engage in a genealogical exercise that allows us to highlight some crucial moments in which republican tropes manifest themselves in her work, and thus hint at the possibility of another, more realistic set of political possibilities, which when applied to modern conditions could actually have radical consequences and make for better and more livable liberal democracies. In other words, this is more of a hermeneutical undertaking than an attempt to read into, or reconstruct, a system in Shklar's thought. Her genuine contribution lies in attentiveness to the dialogue between various traditions in political theory and in some carefully drawn conclusions that stem from those encounters. More about this in the conclusion, but first let's turn to our brief genealogy.

2. From Rousseau to *Ordinary Vices*

The argument from *After Utopia* just referred to, and particularly the final hint as to how to approach the canon of Western social and political theory, was taken up again in Shklar's study of Rousseau in her *Men and Citizens* (1969). This wasn't Shklar's first encounter with the Genevan philosopher. Completing her master's degree at McGill she had written her MA thesis under the tutelage of her American teacher and Rousseau expert Frederick Watkins. However, by the time she wrote her book on Rousseau her epistemological interest had shifted. The late 1960s had witnessed a return to Rousseau and to Rousseau-inspired political ideas, ranging from romantic notions of the unspoilt state of nature and unalienated man – mainly proposed by left leaning sympathizers (see, for example Colletti 1972 [originally in Italian 1969] and Fetscher 1993 [originally in German 1960 and 1968]) – , to hypercritical yet somewhat ahistorical readings of Rousseau in which the philosopher figured as a Jacobin precursor to modern totalitarianism – the latter being an interpretation voiced earlier but still very much reverberating in the 1960s amongst more conservative critics (for example, Popper 1945/1962; Strauss 1947; Talmon 1952). Shklar was unhappy about both takes, which she regarded as being primarily

3 For a more comprehensive attempt see Hess' (2014) monograph on Shklar.

ideologically motivated re-projections. Against such instrumentalist accounts she insisted that Rousseau should not be sold short and that other readings were possible.

What Shklar found most attractive in Rousseau was what she called his ‘moral psychology’, by which she meant the introspective way the philosopher succeeded in observing the “human heart” and the societal circumstances that had led to the individual being in chains (1969 [1985]: vii). Taking on some of the more extreme modern readings of Rousseau (such as the ones mentioned above), she insisted that he had always been much better in pointing out what had gone wrong in western civilizational and political discourses and in analyzing the circumstances that had produced a deeply flawed political order, than in promoting ideal models of the past (Sparta) or present (eighteenth century Corsica, Geneva). What she also found attractive about Rousseau was that he did not only speak *to* the victims but often *from* the perspective of the victims of the civilizing process.⁴

As regards his method of thinking, Shklar points out that Rousseau remained somewhat of a skeptic all his life; however, he also realized that one could not live by skepticism alone, or worse, develop skepticism so far as to turn oneself into a supporter of those forces or powers that held people in chains (ibid.: xiii). This insight led him to the conceptualization of his famous social contract, a societal-republican model that guaranteed equality, justice and fairness but also demanded strong and deep obligations from the citizens who signed up to it.

Shklar clearly showed sympathy for the ‘historian of the human heart’, but she also remained skeptical as to whether Rousseau’s republican ideas could be brought to life under modern conditions. For Shklar, such conditions meant that the balance had shifted toward the empowerment and needs and desires of individuals – individualism being something that corresponded to societal changes, and which formed a direct response to the unprecedented rise and influence of political and social institutions. If this was true it would make it unlikely that an individual would submit easily to the prospect of obligatory action demanded by a principled polity, however equal, just and fair it pretended to be.⁵

Shklar’s view of Rousseau was rather that it was the moral aspirations and the formative republican motives and values that mattered. These were achieved mostly by means of education and political socialization, which in turn instilled a sense of the common pursuit of equality, justice and fairness. In other words, Rousseau was no liberal, but he nonetheless provided us with a list of republican-inspired ideas and values to which any modern polity should aspire. There was, and we can rest assured that Shklar would have agreed here with her friend and colleague Skinner, liberty before liberalism. The legacy of the older, republican political tradition deserved serious consideration by any potential inheritor who favored freedom, including those concerned with developing modern liberal conceptions of the state. But how was freedom to be conceived when those virtues that had held together older (and much smaller) republics, and which were supposed to keep vices in check, were no longer available? Was it possible to do the splits and still talk about values and virtues under modern conditions – and if so, how?

4 This was despite the fact that in his lifetime most of his writings had predominately been presented to and discussed in French Enlightenment circles, usually not the poorest of the poor and certainly not without any means or access to power.

5 The fact that this was an idea that later became ideologically perverted in the form of submission to totalitarian regimes and ideologies is not something for which Rousseau should be blamed.

All conceptions of republican liberty, however they differ in detail, place value on the formative process and those institutions that can contribute to the desired outcome, be they kindergartens, schools, universities, civil organizations or armed forces.⁶ The classic republican rhetoric that used to be employed in the process rested on the distinction of virtues and vices, with the former obviously functioning as the corrective to the latter. In modern societies, however, a strongly prescriptive view of what the actual values and virtues are has become something citizens have difficulties deciding upon. Modern polities have become too differentiated and complex, to such an extent that the very notion of freedom has given way to individualist solutions. Translated into modern conceptions, and following the separation of state and society, yet also conforming to the complex reciprocal relationship between the two, freedom today has come to mean largely ‘freedom from’, instead of ‘freedom to’.

In one of her most important essays, “Positive Liberty, Negative Liberty in the United States” Shklar (1998b [1989]) analyzed how Berlin conceptualized, and defended, that change by introducing the notion of ‘negative liberty’ (for the former) and ‘positive liberty’ (for the latter). As to the respective tasks of state and society, liberty negatively conceived gives maximum freedom and responsibility to the individual citizen so long as he/she does not harm other citizens. In this model the state is an adjudicator and, at best, a regulator of individual interests and liberties as expressed in actions and values. It does very little in terms of promoting the positive liberties of its citizens or being prescriptive about values beyond having regard to their safety and minimal welfare. Thus, it does not engage with more comprehensive visions of what a decent or good society could look like.

For the classical republican notion of virtues and vices this new bifurcation in the conception of liberty has been detrimental, argues Shklar. The problem in Berlin’s argument, she further maintains, is less the defense of the liberal rights tradition and the liberal state and the strong shield it helped provide during the Cold War, than the one-sidedness of Berlin’s account which obliterates a good part of modern historical experience, particularly of the United States. Shklar would later expand on the unique yet underappreciated American experience in her APSA address “Redeeming American Political Thought” (1998b [1990 and 1991]: 92). There she argued that the American tradition should be distinguished from the European experience by having been marked early by “male suffrage, federalism and judicial review... and [the fight against] slavery in a modern constitutional state”. Such achievements and struggles, she insisted, could hardly be captured by the term ‘negative liberty’ alone. Instead it was a positive fight for freedom, or to put it more directly, the right to have rights in the first place that determined the character of American democracy. So, in the American tradition we encounter both connotations, the negative ‘freedom from’ and the positive ‘freedom to’ instead of just the negative notion, as liberals like Berlin would have it. If that is true we confront, at least in the U.S., a formative, republican-collective notion of freedom that sits alongside and overlaps liberal notions of individual freedom.

What happens to the discussion of classic republican themes such as virtues and vices in such a situation? Are there virtues we can all agree upon nowadays? And similarly, can

6 This is not to deny the importance of public schooling and other forms of education emphasised by liberal thinkers; however, we think that this is a phenomenon that appears only after the French and American revolutions and as part of 19th century liberal reform movements.

we agree on the vices that should be avoided? What exactly are vices in the 21st century? Do the virtues that the classic republican tradition held dear just disappear or have they been crowded out, replaced perhaps by a liberal vocabulary and rhetoric that is more tolerant about human foibles and which increasingly insists instead on maintaining and protecting individual rights and individual welfare? And how does Shklar's own unique coinage of the liberalism of fear fit into that? What exactly is the relationship between virtues, vices and Shklar's liberalism of fear?

Shklar's first elaborate use and comprehensive discussion of the term can be found in her book *Ordinary Vices* (1984).⁷ There she stresses that in contrast to other liberal and predominantly natural rights conceptions, the "liberalism of fear" is mainly interested in and geared towards the ultimately worst vice, the *summum malum* as she calls it, cruelty (and, in response to cruelty, the measures that can be taken to avoid fear and suffering related to it). Her conceptualization of the liberalism of fear takes its lead and inspiration first from Montaigne and secondly, in more systematized form, from Montesquieu since the latter was the first to argue that it was a rights-based framework that protected citizens from that pre-eminent vice cruelty (ibid.: 235-239).

Yet Shklar finds that in modern times the situation has become much more complex. She points out that in the world that moderns have come to inhabit other vices such as hypocrisy, snobbery, arrogance, betrayal and misanthropy appear to be too multi-faceted and complex to be conceived in plain affirmative or negative terms, as was obviously still possible at the time of Montaigne and Montesquieu. Hypocrisy, for instance, may continue to be poorly regarded in both public and private realms; however, it allows people to wear masks and play roles. It would, therefore, be highly problematic for a liberal democracy to take public measures to abolish it. A similar argument can be made in the case of snobbery, which nowadays is hardly an offence, let alone always necessarily an anti-democratic attitude. Treason and betrayal are perhaps more problematic; yet again, no one-size-fits-all solution will serve as a response to the complexity of these two vices.

The 20th and 21st centuries have shown that what one person sees as treason against the fatherland, another person might see as a positive contribution or even regard as the truly sane response to cruelty (resistance to totalitarian regimes comes to mind immediately). Or let's take adultery, an example of betrayal, which often does destroy confidence. Yet a private breach of trust does not necessarily mean that a trusting relationship with other people is precluded. Even misanthropy does not always have to have negative consequences; it may merely be a personal protest against the brutal way the modern world sometimes works. Misanthropy might even have some positive effects – for instance, in the form of radical criticism as in Swift's polemic 'A Modest Proposal'.

As Walzer has pointed out (in a blurb for the paperback edition of *Ordinary Vices*), Shklar's phenomenology is a moral psychology for modern times. In contrast to Montaigne, who still operated with one foot in the past and the other testing out the new era to come, but who in doing the splits remained inspired by virtuous behavior derived from classic republican models, Shklar's moral psychology has a contemporary ring to it, despite also containing frequent reminders of, and citing evidence from, past cruelties. By making a connection with Montesquieu's *Spirit of the Laws*, and particularly by linking

7 On the final pages of her 1964 book *Legalism* Shklar mentions the liberalism of permanent minorities, which inspired her writing of the book. However, this is not the same as the liberalism of fear of twenty years later, despite some overlapping concerns.

the American political tradition to Montesquieu's insights, as evidenced by the establishment of a republic of law and judicial review and the pursuit of a positive liberty tradition, Shklar managed to save elements of what used to be important figures of classic republican speech for modern democratic thinking (Shklar 1998a [1990]; 1987). It is thus justified to say that her liberalism of fear is the most republican-inspired of all liberal conceptions. It involves a constant dialogue with republican arguments concerning equality, freedom/liberty, virtue and positive rights, yet also awareness of the fact that we no longer live in a world in which formative processes happen in small city states or republics. The 19th and 20th centuries witnessed the rise of social and political institutions of scale, importance and impact unseen before. Today, the state, society and citizens have come to form a complex and interdependent web of relations. A sense of entitlement and of rights for private individuals and political citizens is detectable everywhere; this means we cannot talk about the duties of citizenship as republicans and republican theorists did in the past. Shklar was acutely aware of the contradictions and problems that emerge with the rise of modern democracy, and she raised questions about the weakness of liberals' conceptions of politics, starting with their own whiggish history of seemingly never ending progress and culminating with the unresolved problem of how citizens who are now exhibiting all kinds of individualism and individually formed opinions will ever be able to agree on a formative process with some common virtues as its aim.⁸

For Shklar, liberalism took on the baton from the republican tradition, but could only do so by distinguishing between the older and the newer discourse, and by establishing what was possible to save from the liberty tradition of classical republicanism and what was not. It was, to be sure, a truly Sisyphean task: how exactly can we imagine such an exercise under the dynamic societal conditions of modern times? And how can we succeed without falling into the trap of ahistorical, normative system building efforts and the pitfalls of grand theory? This was the problem that Shklar's liberalism of fear tried to confront and which she addressed in the work she conducted in the period just before her death in 1992.

3. Modern Notions of Standing and Political Obligation

As suggested above, Shklar's purpose was not to write a grand theory of liberal democracy, so it is no surprise that her Tanner Lectures, first presented at the University of Utah in 1989 and later published in a reworked form under the title *American Citizenship*, contained only two chapters, both of which again address the legacy of classical republicanism in modern times: voting and earning (Shklar 1991).

As to the first activity – voting – Shklar continues where her APSA address from 1991 left off. She points again to the peculiar experiences of what has become the American political tradition, yet without promoting some form of American exceptionalism. This is so because she distinguishes from the start between the principles and the actual political and social practices of American democracy. The principles of the early American republic – submission to the rule of law, rights-based argumentation and judicial review, federalism, and an awareness that in order to function democracy had to be experi-

8 It is fair to assume that Shklar would have rejected today's identity politics, though not the rights of individuals to express themselves as they choose.

enced at every level of the political and social process, meant that from the very start the question of inclusion presented itself. However, Shklar does not describe the development as automatic progress; indeed she stresses that “if there is permanence [...], it is one of conflicting claims” (ibid.: 14). As everybody knows, the inclusion particularly of African Americans, but then also of American Natives, women and various sections of working class immigrants of different origins was hard fought for and only achieved after decades of struggle. Inclusion was hindered by prejudices of various sorts, which often meant practical political and often also social *exclusion* from the polity (ibid.: 4). Citizenship was indeed a late American achievement and officially only introduced with the 14th Amendment (ibid.: 15).

In the chapter on voting Shklar discusses various historically occurring notions of citizenship. As she points out, it was by no means agreed among political philosophers of the past that citizenship had to be inclusive. In fact, republican citizenship could be rather narrowly defined, as classic and more modern examples from Aristotle to Rousseau show. The American Declaration of Independence, which claims to include ‘the people’, is a case in point. Voting or having a voice heard and/or represented is a necessary requirement for the expression of meaningful citizenship and the American republic required it, too. Yet, at least in the U.S., voting and its requirements and procedures soon made it obvious that those citizens who had the right to vote had denied that right to their excluded fellow denizens – and had done so legally. This put pressure on the legitimization process of those who had the right to vote. Arguments had to be found or invented to justify the right to exclude others from the process. Such exclusion was achieved by means of social Darwinian explanations of existing social conditions and by reference to traditional rights of citizens to own slaves, as did John Calhoun, the ‘Marx of the masterclass’. These arguments proved to be less and less convincing. In the long run, political standing and political equality prevailed against such failed attempts at translating social superiority into political standing. It was the rejection of such social notions of superiority and *political* inclusion and citizenship that made it possible for the American republic to metamorphose into an American democracy.

The achievement of political equality, political rights and voting, and decisions against conceptions of social, and often racial, supremacy do not mean that the issue of social standing has become irrelevant. In her discussion of social standing Shklar uses older republican ideas to make a modern argument: to be a citizen involves the capacity to free oneself from dependencies and to be able to make a living and to provide for oneself and for one’s family. For republics in the past this meant owning some form of property, mostly land, and living from its produce or being otherwise independent and making a living, be it through being involved in trade or some other form of commercial activity.

The arrival and now omnipresence of modern industrial capitalism, the divisions in terms of labor and income, and the forms of dependent work that it relies upon have created new tensions and contradictions in relation to the classic republican notions of independence so crucial to political citizenship. Shklar argues that the issue of self-directed earning under new industrial-capitalist conditions is of paramount importance for any meaningful political democracy. This is particularly true if and when citizens, mostly not through their own fault, lose their economic independence and the ability to make a living by selling their labor power, be it during periods of economic crisis or due to restructuring of firms and companies. For Shklar this amounts not only to a loss in terms of social standing but also often has psychological and moral repercussions – with potentially

fatal consequences for civic life. In the present the question of standing takes on a different meaning than it originally had in classical republican arguments. The modern system demands more consciously achieved solidarity, particularly in times of economic stress (see *ibid.*: 71, 77–78, 84). Having outlined the importance of social independence and standing, Shklar still hesitates to elevate this to the level of a constitutional or human right. At the same time she knows that ‘welfare’ systems (Shklar thinks the word is a misnomer) are only temporary solutions; they do not offer real long-term improvements, not least because they often create new dependencies, which psychologically and morally-speaking run counter to the notion of equal standing in a democracy. Relief there should be for every citizen, but what form this should take she refrains from saying.

American Citizenship shows that Shklar did not avoid difficult terrain and that she ventured into new territory that could no longer just be conceptualized in terms of the polity (the state, the republic, the federal form) or classic citizen virtues. The arrival of the modern civil sphere and its complexities made it necessary to rethink our obligations and ask what we can realistically expect from and for today’s democratic citizens. Toward the end of her life Shklar returned to these questions and we see her in constant dialogue with republican ideas, if only to work out whether and if so how we can still talk meaningfully about such things as obligation and what it means to be loyal to a polity and to fellow citizens under modern conditions.

Just a few months before she died Shklar taught a new course on political obligation (Shklar 2019). Several arcs hold these lectures together, linking different time periods with each other through shared thematic bonds. In her lectures Shklar remained attuned to the different historical, social, political, cultural and religious contexts of specific arguments and instances. For example, the classics and early modern thinkers were confronted with different challenges and dilemmas and thought differently about obedience and loyalty when compared to the moderns. And yet there remained some common concerns and questions, which linked the distinct parts of this course to one another: What can be demanded from any citizen and, in turn, from a political community? How does an individual citizen decide in the face of cruelty, fear and other adverse conditions, and in order to avoid the worst? What distinguishes modern conditions from classic ones? Was not modern democracy invented to replace traditional forms of obedience and the stark moral conflicts involved and to make space for choices within a democratic polity, bound by voluntary political loyalty and obligation?

In her political obligation lectures Shklar does not engage at length with contemporary thinkers or paradigms, mainly because the course had a different purpose – to introduce undergraduate students to some of the classic texts of moral reasoning – and because she was keen on sticking to her own rules and objectives when it came to teaching. However, occasionally her position as a defender of a new liberalism without illusions showed through: her examples and particularly the last lectures make clear that she was not entirely happy either with returning to and re-invoking simple classical republican tropes or with what some of her contemporaries had to offer (*ibid.*: 7 ff. and 152 ff.). She reiterated some of the arguments previously referred to, such as, for example, that to advocate a return to classic republicanism would not be feasible; the rise of modern individualism had simply crowded out any common vision of what the central virtues should be. At the same time the liberalism of Berlin, based on negative liberty, would not do justice to modern democratic experiences and struggles for positive liberty and recognition (the American case in particular seemed to tell a different story). Equally, rights-based approaches such

as the one suggested by Dworkin seemed deficient since they would never be able to spell out comprehensively what political obligation in a democracy entails without running into the danger of being prescriptive. Finally, communitarian proposals like that of her colleague and friend Walzer were too community-oriented, so much so actually that their advocates simply could not imagine situations in which it was of primary importance to support the individual citizen and his or her conscience against a community, something that might be necessary according to Shklar even in the most perfect community in the world (*ibid.*: 7).⁹ There was, after all, something worthwhile rescuing and learning from older deliberations on moral reasoning, from Antigone, Socrates, and so on, but also from Thoreau and other abolitionists. With the rise of modern democracies classic conceptualizations of obedience have to a large extent been replaced by notions of obligation and loyalty. Shklar also discussed the conditions of exile and legitimate dissent and the tensions that arise when competing understandings and claims of loyalty clash with each other.

As Shklar tells her listeners, a modern understanding of sovereignty means that the people should consider themselves authors of their own laws. Obviously, this does something to obedience since it implies self-mastery and recognition of oneself in the collectivity. This is Rousseau's solution to the problem of self-rule and Shklar's appreciation of Rousseau as a thinker surely resides in part in his keen recognition of the problem of obligation, and his attempt to deal with it head-on. But Shklar is also aware that Rousseau's preoccupations and horizon were necessarily time-bound as he developed his theory before the 'Age of Democratic Revolution' (R. R. Palmer) and the rise of what Shklar terms the Positive State (*ibid.*: 129 ff.), including the modern ideologies of the nineteenth and twentieth centuries. In democratic societies individual consciousness and opposition face new challenges and dilemmas,¹⁰ hence Shklar's fascination with Thoreau's argument about civil disobedience, the question of conscientious objection in wars that are fought by modern democracies and the discussion of the individual's obligation, or the limits of it, under such conditions (*ibid.*: 166 ff.).

What the lectures reveal again is Shklar's reluctance to pursue or contribute to a grand theory. Her task as a political theorist was, as she saw it, to remain skeptical and to ask questions of one-size-fits-all models that pretend to have the answer to every contingency, historical constellation and problem. As we have seen, this is also true of her engagement with republican traditions, themes and tropes. There is, to sum up our brief genealogy, surely a strong republican undercurrent and a clear wish to engage with the republican tradition in her work. This does not mean that she herself would have been prepared to wear such a label or to declare herself a republican political theorist; at the same time, her liberalism of fear would not have the conviction that it has without the engagement with and the critical reading of republican sources, theorists and paradigms.

Shklar's direct engagement with republican arguments was necessarily primarily with classical republicanism, of which she was, as we've shown, critical. We have also sought to show how her thinking about negative and positive liberty, and concern with standing, while not expressed in the civic republican language of 'non-domination', surely has this

9 For a discussion of Walzer's and Shklar's different notions of political obligation see Rieke Trimčev's contribution in this issue.

10 At times Shklar's work has been interpreted as a kind of political psychology with moving goalposts. See particularly Forrester 2019.

as its aim. We can only speculate as to how Shklar would have reacted to more recent attempts at theorizing republicanism. Take for example the type of republicanism proposed by Pettit (1997). We suspect that Pettit's attempt to ground republicanism analytically would have appeared to Shklar to be bold yet somewhat problematic as it uses history as mere illustration. As to the strict juxtaposition of positive and negative rights, she maintains that political theory should anticipate and reflect critically about any and all forms of government since these cannot be relied upon to guarantee adequate safety mechanisms for the individual. This applies also to any proposed republican form, even the most perfect: as Shklar has shown, law and principled contestability in themselves are not necessarily capable of guaranteeing such rights. Equally, Sandel's discussion of liberalism and republicanism, in directly juxtaposing the two as ideal types, would likely have looked to her to be overly polarized (Sandel 2010). Arendt and her admirers emphasize a republic of action in the space of appearance but without due attention to the necessary frameworks of law and liberal constitutionalism that Shklar argued uphold robust possibilities of pluralism in modern societies (Arendt 1961; 1963; Shklar 1964). Wolin's radical notion of modern republican democracy (Wolin 2016) and his critique of modern society as being tendentially totalitarian (Wolin 2010) would probably have struck her as overblown. In all cases she would have called for moderation and consideration of historical and political contexts, and for attention to the vulnerability of individuals in the face of ideals, even republican ones. She attempted to tease out possibilities for enhancing freedom from fear, giving close attention to social and political contexts. Perhaps Shklar's very mode of thinking could be characterized as republican – after all, to attend to history and experience rather than abstract principles is to attend to the public world.¹¹ This seems to be a legacy worth remembering. Political theory would be richer were her advice and example more thoroughly heeded.

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