

# Republican Elements in the Liberalism of Fear

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**Schlüsselwörter:** Republikanismus, Liberalismus der Furcht, Rousseau, Tugenden und Laster, negative und positive Freiheit, Loyalität, politische Verpflichtung

**Abstract:** Judith Shklar's 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 Lastern, 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. Shklar's 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.

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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.<sup>1</sup>

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.

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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.