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The New Republic, July 13, 1998, p. 38

Fear and Thinking by Peter Berkowitz

A review of *Political Thought and Political Thinkers* by Judith N. Shklar, edited by Stanley Hoffmann (University of Chicago Press, 402 pp., \$21), and *Redeeming American Political Thought* by Judith N. Shklar, edited by Stanley Hoffmann and Dennis F. Thompson (University of Chicago Press, 209 pp., \$13.95).

We tend to take liberalism for granted, to use it as a kind of political and philosophical punching bag. So liberalism is denounced as the theory of big, cumbersome government and as the theory of small, ineffective government; its principles are condemned for justifying government that is too intrusive and for requiring a government that is too limited; the public law promulgated under its name is scorned for refusing to take a stand on fundamental questions of the good life and for insidiously promulgating a particular way of life as the best and the true one.

Of course, few of those who complain about liberalism seriously contemplate a politics that does not respect individual rights, insure equality before the law, and support the practice of toleration. In these circumstances, in which liberalism's core commitments are widely shared and its political expressions are freely disdained, it is embarrassingly easy to forget that less than a half-century ago, with one totalitarian monster defeated and another on the rise, thoughtful men and women could fear for liberalism's future, or that the defense of liberal principles could summon the energy and the intelligence of exceptional individuals. In these circumstances, it is especially instructive to examine the achievement of Judith N. Shklar, who was all her life a proud and indefatigable defender of the liberal faith. Shklar, who died in 1992, belonged to the youngest generation of European-formed intellectuals who found refuge in North America and enormously enriched its academic and intellectual life after the war. Born in Riga in 1928, Shklar escaped with her family in 1939. She fled Hitler's reach via the Trans-Siberian railroad, went to high school and college in Canada, arrived at Harvard as a graduate student in 1950, and never really left.

Shklar served as a professor of government at Harvard for more than thirty-five years. While she never acquired renown beyond the academy, she became an institution at Harvard, and from her commanding position there she exerted an enormous influence on the study of politics and political ideas. Her ability to pierce to the heart of complicated issues could dazzle. The range of her knowledge was breathtaking. At the same time, she had a weakness for deflecting doubts and disagreement with harsh, high-handed, rapid-fire rhetoric. Such was the power of her personality that in the weeks after her death, many friends from the

world of political theory were moved to observe that Shklar appeared to put the lie to Machiavelli's teaching that outstanding individuals had to choose between being loved and being feared.

Shklar's first book, *After Utopia*, appeared in 1957. It sought to expose the moral pretensions and the analytical inadequacies of romanticism and Christian fatalism, two leading "enemies of the Enlightenment." The sensibility in this young woman's book is already mature and unmistakable: the profound distrust of metaphysical abstractions and comprehensive theories; the tendency to explain the attraction of big ideas in terms of moral psychology; the view, at once pessimistic and compassionate, that politics is damage control. And the learning, the command of argument, the authoritative voice issuing sharp, unsparing judgments, are also all there in the beginning.

Upon its publication in 1965, her second book, *Legalism: Law, Morals, and Political Trials*, ruffled many feathers on the American bench and bar by criticizing the then-popular view that law was an autonomous discipline. Shklar argued that the resolution of controversies through the "rule of law" was itself a controversial political choice, and so the use and the limits of courts must be ascertained by an examination of their political impact. Then followed *Men and Citizens* (1969), an influential study of Rousseau, whom Shklar admired as "first and foremost a psychologist, the historian of the human heart," and whom she regarded, among social critics, as "the most devastating of all." Her next book, a valiant attempt to make a political philosopher's sense out of Hegel's account in the *Phenomenology of Spirit* of the ascent from the most elementary forms of consciousness to the peak of absolute knowing, attracted little notice.

In 1984, Shklar published *Ordinary Vices*, a book in which she seemed to have found her genre, as well as a subject superbly suited to her eclectic gifts and the voice that was always all her own. In rich and rambling essays, she drew on literature, history, works of political theory, and everyday experience to explore the vices that in countless ways cause us to humiliate others and make fools of ourselves.

Cruelty, hypocrisy, snobbery, treachery, and misanthropy all share a special quality: they have both personal and public dimensions.... Because these vices flaw our character so deeply, they are a common sight everywhere. As such, they pose complicated puzzles for liberal democrats, who have notorious difficulties in settling the boundaries between private and public spheres of conduct. Some personal vices, which may be completely revolting to a free people, must nevertheless, as a matter of principle or prudence, be overlooked. That is especially difficult with the vices that I have in mind --- cruelty, misanthropy, hypocrisy, snobbery, and treachery. They are not like unpopular views or obnoxious ideologies, to which people have a constitutional right, nor do they encompass merely specific acts or decisions. These vices may involve our whole character, and our responses to them are therefore far deeper, both emotionally and speculatively.

Shklar argued that liberals had every right --- and a pressing responsibility --- to be concerned with the complexities of character. But instead of inquiring like haughty aristocrats, visionary romantics, or conservative moralists into the nature of moral virtue and the achievement of human excellence, liberals should focus on the avoidance of the ordinary vices, particularly those that inflict wounds on other human beings.

Shklar's *Montesquieu* (1987) is a short, introductory volume. She celebrates the great French political theorist for teaching that law is part of a social and political whole, and therefore must be crafted with a view to geography, climate, mores, commerce, and religion; for defending liberty by exposing the tendency to despotism inherent in all government; and for demonstrating that philosophically informed narrative history is the indispensable foundation of political understanding.

In Shklar's last two books, both brief but splendidly suggestive, several admirers have been delighted to detect the emergence of not only a reformist spirit but also a preference for social democracy. These admirers have pointed out that in *The Faces of Injustice* (1990) Shklar argues that "when we can alleviate suffering, whatever its cause, it is passively unjust to stand by and do nothing." Yet because of her keen appreciation of "the ambiguities of just reform," Shklar remains skeptical about summoning the state to right wrongs and make individuals whole:

| There is no denying that greater equality of power would enhance the conditions for justice, but many of the plans offered for its achievement are flawed. The single most serious objection to them is not that they are radical but that they are often so paternalistic as to arouse a sense of injustice. Though they aim at a more perfect democracy, plans for the reform of existing institutions often require remaking the citizenry as well. And who exactly is competent to do so?

In *American Citizenship: The Quest for Inclusion* (1991), Shklar does argue that political participation and the securing of the social and economic bases of political equality are crucial elements of democratic citizenship. And she eloquently expresses moral outrage at practices of exclusion that have tarnished our history, in particular slavery and its painful legacy. Unlike the demands of most theorists of social democracy, however, the forms of equality and inclusion that Shklar demands --- voting and the opportunity to work and earn one's livelihood --- are essentially minimum conditions of citizenship. They are not grounded, she insists, in a larger theory of human well-being.

In the final paragraphs of her book, Shklar contemplates the establishment of a qualified right to work, but she is tentative in her advocacy. She insists on thinking of such a right as "a presumption guiding our policies," because the right to work is not a self-evident moral right, and it may not be legally enforceable. Moreover, Shklar stresses that a right to work must be understood in terms of one's formal standing as a citizen, and cannot have as its goal the promotion of self-respect, since "self-respect is too vague and too subjective a state of mind to be the ground for any public policy."

Thanks to the efforts of two former colleagues at Harvard, we now know that Shklar's books by no means exhausted her scholarly achievement. Stanley Hoffmann has edited a generous sampling of those essays by Shklar that focus on political thought and political thinkers outside the United States; and, along with Dennis Thompson, he has assembled also a shorter collection of essays that focus only on America. These two volumes provide easy access to an impressive assortment of writings that span Shklar's career and testify to the breadth of her interests and the fertility of her mind. As Hoffmann observes in his beautiful and instructive preface, "It is hard not to be overwhelmed by Judith Shklar's work."

Indeed, Shklar's essays sparkle with ideas. It is true that some are dated. Some meander. Some of the essays, especially in *Political Thought and Political Thinkers*, will be too technical for the general reader. Others, particularly the previously unpublished essays in *Redeeming American Political Thought*, which derive from an undergraduate lecture course very close to Shklar's heart, are repetitive and will prove too casual for the specialist. But all the essays abound in original formulations, striking observations, stimulating lines of argument, and gems of textual interpretation.

Shklar's essays tend to revolve around major thinkers and enduring themes. Here one will find rich studies of Harrington, Pope, Rousseau, D'Alembert, Adams, Jefferson, Hawthorne, and Emerson; as well as explorations of the obligations and loyalties of political exiles, the uses of utopia, the political significance of history, the subversive possibilities of genealogy, the practice of friendship in personal life and politics, the meaning of political equality, and the boundaries of democracy in America. What one will not find in Shklar's essays, or in any of her books, is a comprehensive theory of politics.

She was not a systematic theorist. Still, Shklar's thought was governed by unyielding convictions. She was opinionated to the core; and her opinions were based on her unyielding convictions. Thus she did not develop an extended critique of the longing for community in contemporary political theory, but one encounters in an affectionate appreciation of the work of Michael Walzer a typically sharp criticism of the communitarian tendency to think of the state on the model of a club, to idealize voluntary associations, and to base moral judgment on citizens' "shared understandings":

| Far from sharing a common understanding, the citizens of a modern state are culturally disparate and often deeply hostile to one another as individuals and especially as members of ascriptive groups. A modern state, and that was from the first the great case made for it, not only stands above the warring groups but exists to mitigate by lawful coercion the murderous proclivities generated by racial, ethnic, and religious solidarity.... Walzer's clubs are creatures of a nostalgia that he can afford only because he lives in a constitutional democracy built on Enlightenment principles and not in a suffocating little city-state or in a community of enforced conformity to collective values. That his longing for them amounts to an interpretation of the immanent spirit of his fellow citizens strikes me as absurd. They are here precisely because they wanted to say good-bye to all that.

Similarly, Shklar does not provide a single, self-contained analysis of the wide variety of democratic theorists who have embraced Hannah Arendt's vision of the ancient Greek polis as a model for contemporary politics, but she makes clear her opinion that such theorizing is based on bad textual interpretation and culpable neglect of elemental history:

| In spite of what Aristotle tells us, [Arendt] was never very clear about what went on in that blessed "public space." In fact, we know that there was ferocious fighting between rich and poor and over who would conduct the next interpolis war, and in what manner. These unpleasant facts are rarely mentioned by those advocates of participatory democracy who became her disciples.

And while Shklar does not directly confront the challenge of postmodernism, she summarily disposes of the postmodern presumption that the intentions of a writer are unavailable or irrelevant, so that all reading becomes a kind of creative writing:

| I do not believe that many people would choose to read *Paradise Lost* in this way, and I know that this is not the way one goes about interpreting the great works of political philosophy.... If we did not think the writer a greater man than his readers, we would not undertake the labors of interpretation in the first place. The idea of making every reader the true author of the text has a nice anarchic ring to it, but it does not correspond to the experiences of the common or the scholarly reader.

These admonitory passages are characteristic. Driven by a stern common sense, and brimming over with impatience for sentimentality, self-indulgence, and utopian impulses, they trumpet messages or morals that reverberate throughout Shklar's essays. Do not take for granted the solid achievements of Enlightenment thought, she instructs, or the contribution to human dignity that comes from a state that is large and impersonal enough to protect the freedom of the individual. Do not expect salvation from modern democracy. Do not be deluded into thinking that salvation was achieved by ancient democracy. Do not seek in sophisticated theory an excuse to avoid the rigors of responsible textual analysis and painstaking historical scholarship.

Yet it would be a mistake to conclude that Shklar's essays are just negative or critical. Indeed, they are unified by a positive contribution of lasting significance: her interpretation of the liberal tradition, which is her own display of the liberal spirit at work. From the very beginning of her career, Shklar was an outspoken champion of a self-assured, tough-minded, and austere liberalism.

The roots of what she characterized in *Legalism* as her "barebones liberalism" went back to the formative experiences of her European youth. Consistent with her insistence on the importance of the study of history to the understanding of political thought, but breaking discreetly with her practice of keeping her private life private, Shklar herself briefly indicated, in "A Life of Learning," a riveting autobiographical essay published in 1989, the impact of her own history on her ideas about the world:

| I am a bookworm. Since the age of eleven I have read and read, and enjoyed almost every moment of it.... One day I picked up the first volume of Shakespeare in the Schlegel-Tieck translation. The first play was Titus Andronicus, and I read it all. To this day I can still feel the fear and horror it inspired. I was so afraid and confused that I could not even bring myself to tell anyone what was bothering me. Finally I managed to spill it out to my oldest sister. As soon as I told her, I, of course, felt infinitely relieved, especially as she assured me that these things did not really happen. The trouble was that both she and I knew that far worse was going on all around us. By 1939 I already understood that books, even scary ones, would be my best refuge from a world that was far more terrible than anything they might reveal. And that is how I became a bookworm. It was also the end of my childhood.

Judith Shklar's liberalism never ceased to revolve around the fearful knowledge of the fragility of moral and political life, and of the terrifying crimes that, in the name of great causes and grand ideas, states can perpetrate against individuals. She saw the protection of the physical security of citizens, especially from the arbitrary use of state power, as the primary goal of liberal politics. The rise of Nazism out of the disarray of liberal Weimar was never far from her mind, and so she did not waver in her belief that the fundamental threat to liberal democracy comes from illiberal ideologies and antidemocratic forces.

Shklar offers the most authoritative account of the essentials of her "liberalism of fear" in an essay of that name, which was written in 1989. (Hoffmann appropriately places at it the head of Political Thought and Political Thinkers.) "The original and only defensible meaning of liberalism," Shklar proclaims, is that "every adult should be able to make as many effective decisions without fear or favor about as many aspects of her or his life as is compatible with the like freedom of every other adult." Unlike the Lockean liberalism of natural rights and the Millian liberalism of self-development, Shklar's liberalism of fear is a strictly political liberalism. It does not depend on metaphysical notions or a comprehensive moral theory. It practices toleration and encourages pluralism, deriving support for both from a skeptical frame of mind.

Shklar's liberalism offers no greatest good, but it insists that cruelty, and the fear that cruelty inspires, is the greatest evil. It regards government and its agents as the greatest perpetrators of cruelty, and it pays special attention to the poor and the weak since they are the most likely to suffer. It requires not weak government but limited government, government that is strong enough to devise and to execute "public policies and decisions made in conformity to requirements of publicity, deliberation and fair procedures." It recognizes that citizens must exercise virtues such as self-restraint, respect for the claims of others, self-reliance, and moral courage, but it declares that "it is not the task of liberal politics to foster them simply as models of human perfection." It rejects the idea of rights as natural or fundamental, but it employs them "as just those licenses and empowerments that citizens must have in order to preserve their freedom and to protect themselves against abuse." It is wedded to representative democracy, the ideal of political equality, the institution of an independent judiciary, and a pluralism of political groups and interests.

For even a cursory understanding of Shklar's liberalism, two other essentials of her thinking must be appreciated. The first is Shklar's love of Rousseau. This love might seem puzzling: as a critic of the Enlightenment and bourgeois civilization, as an accuser of the arts and sciences for corrupting men and morals, as a proponent of ancient virtue and a modern republicanism that proclaims that individuals must be "forced to be free," Rousseau and his way of thinking seem in every way the antithesis of Shklar's no-nonsense liberalism. Yet her essay "Jean-Jacques Rousseau and Equality" explains the debt beneath the difference. Among the great critics of liberal modernity, Rousseau was dear to Shklar's heart because he attacked modern society on the basis of a premise he shared with liberalism, the premise of the natural freedom and equality of all human beings.

Rousseau's thought presents, in Shklar's view, "a veritable encyclopedia of egalitarian ideas.... He did not invent the secular idea of equality, but he was its most complete and eloquent defender." Viewing political life "from the vantage point of the wretched," Rousseau teaches that artificial inequality created by custom and law is the source in modern society of unhappiness, vice, and injustice. And Shklar also took another sobering lesson from Rousseau. Since the achievement of equality was dependent on a kind of education that could not be provided to every citizen, "the true principles of political right" could not function as a blueprint for remaking society. They must serve, rather, as a standard for understanding the limits of politics.

The other essential of Shklar's thinking is her enthusiasm for American political thought. She came to the subject relatively late in her career, but she increasingly gave it pride of place in her work. In the title essay of *Redeeming American Political Thought*, Shklar took issue with the idea, closely associated with Louis Hartz, that a rights-based liberalism defined American politics and political thought from the founding era down to the present. Shklar thought this interpretation wrong and dangerous. It was wrong because it obscured the illiberal and antidemocratic elements that have assaulted and often overcome the liberal impulse in America. And it was dangerous because it lulled liberals into complacency when their business was unfinished, and supplied liberalism's critics with the canard that in America liberalism was a hegemonic and unmovable ideology.

In Shklar's account, American political theory from Paine to Madison, Hamilton, Jefferson, and John Adams, through Hawthorne, Emerson, and Henry Adams, represented a "profound meditation upon our political experiences and our peculiar and often tragically flawed institutions." Despite her frequent polemics against communitarian appeals to shared values, Shklar comes close to viewing American political thought as our precious inheritance, whose core principles, rightly understood, ought to be constitutive of American citizenship.

In the years since her death, a consensus has emerged about the character of Shklar's achievement. The virtues that lie at the heart of Shklar's liberalism of fear are a rigorous skepticism, a far-reaching analysis of the character that liberalism requires, and an acute

appreciation of the illiberal ideas and antidemocratic forces that perennially threaten liberal democracy. In truth, though, the consensus about the virtues of Shklar's thinking about politics fails to take note of its vices, and so overlooks the illusions licensed by her liberalism.

The first illusion is that liberalism can dispense with, or need not bother itself about, first principles and theoretical foundations. This illusion springs from Shklar's skepticism. But alas, her skepticism has a dogmatic root. She never doubts, or subjects to critical scrutiny, liberalism's fundamental premise, which is the natural freedom and equality of all. Nor does she investigate sympathetically (or even consider seriously) the claims of religion or the conservative critics of liberal modernity. Her liberalism of fear is directed by an unyielding moral impulse --- the ambition to respect the dignity of the individual --- which she surreptitiously exempts from skeptical examination.

For the purpose of political debate, this exemption is admirable and right: our politics should not contest the question whether human beings are essentially equal. It must busy itself, rather, with the manner in which this fundamental equality receives expression in law and public policy. For the purpose of clear thinking, however, Shklar's casting of her liberal moralism as grounded in skepticism is a confusion. It has had unfortunate consequences, extending in some cases beyond the realm of ideas, for it has misled her many followers into believing that toleration and pluralism stem from skepticism, when they derive their fundamental support from the principle of the dignity of the individual. And it has helped to convince a generation of scholars that the rejection of all certitudes and all absolutes justifies the easy and absolute rejection of the wisdom embodied in tradition, the claims of faith, and the very idea of a moral standard that is the discovery of reason and not the invention of will or the artifact of imagination.

The second illusion fostered by Shklar's liberalism is that virtue will always more or less take care of itself. This illusion stems from questions about virtue that her own account of character tends to hush-up and cover over. It is bracing to hear Shklar reproach the conservative moralists who argue that liberalism licenses a kind of sluggish, self-centered, do-as-you-please individualism. Yet it is not enough to assert with pride, as Shklar does in *Ordinary Vices*, that toleration "demands an enormous degree of self-control" and that "liberalism is, in fact, extremely difficult and constraining, far too much so for those who cannot endure contradiction, complexity, diversity, and the risks of freedom." Nor is it adequate confidently to assure the reader, as she does in "The Liberalism of Fear," that liberalism is perfectly well-endowed with the conceptual resources that permit it to identify the virtues on which self-government depends (even though it denies government the authority to foster those virtues).

For this is the really pressing question, which is never squarely addressed in Shklar's work: where will such a strenuous liberal self-discipline originate? The liberal tradition has offered a variety of answers: the family, religion, commerce, voluntary association, public education. Yet these institutions have all undergone substantial changes since the heyday of classical

liberalism, and in some cases they have been weakened by the very actualization of liberal principles. By fostering the illusion that liberalism need not exercise itself about the ground and the cultivation of virtue, Shklar obscures the tension between the virtue that liberalism requires and the means at its disposal to summon it and to sustain it.

The third illusion nourished by the liberalism of fear is that the dangers to liberal democracy in America come exclusively from illiberal ideas and anti-democratic forces. This mistake grows out of the judgment that whatever the internal weaknesses of liberal democracy, they are less urgent than, and should not be allowed to distract from, the more urgent external threats. Or, less defensibly, that there can only be one serious threat to liberal democracy, and it is the threat that is posed by liberalism's enemies.

Dennis F. Thompson's foreword to *Redeeming American Political Thought* illustrates how easy it is to slide from the more defensible view to the less defensible one. One finds there a hearty endorsement of Shklar's questionable argument that Tocqueville's criticism of the forces in democracy that weaken the love of liberty is invalid for America, since Tocqueville was writing for fellow Frenchmen. (And so he was, except that he explained that it was his aim to disclose to them the universal properties of the democratic condition.) Indeed, Thompson seeks to drive the wedge between Shklar and Tocqueville still deeper: "Shklar could have faulted Tocqueville, more explicitly than she did, for defining the problem the way he did. Her view of equality in America is in a fundamental respect the opposite of his. For him, the problem is social equality, because it threatens political liberty. For her, the problem is social inequality, because it endangers political equality."

Surely this way of thinking, this tendency to distinguish two threats to liberal democracy and insist that only one is valid and true, weakens liberalism. It weakens liberalism by prohibiting it from understanding its own weaknesses. It leaves liberalism smug and tidy. But this prohibition contravenes two essential liberal lessons taught by Mill in *On Liberty*. The first lesson, which is also a Socratic lesson, is that, in contrast to mathematics "where there is nothing at all to be said on the wrong side of the question," in moral and political matters there is always something to be said on the other sides of the issue. And the second lesson pertains to the fundamental requirements of public debate, and the variety of principles that ought to inform the construction of political institutions in a liberal democracy:

| Unless opinions favorable to democracy and to aristocracy, to property and to equality, to cooperation and to competition, to luxury and to abstinence, to sociality and to individuality, to liberty and to discipline, and all the other standing antagonisms of practical life, are expressed with equal freedom, and enforced and defended with equal talent and energy, there is no chance of both elements obtaining their due.

What Shklar ought to have allowed, in the finest liberal spirit, is that democracy is endangered not only by extremes of social inequality, but also by the democratic tendency to take equality to an extreme and, at the expense of liberty, to demand that the state equalize

all the aspects of life. Her excellent eye for illiberal dispositions needs to be supplemented with an account of the vices that the liberal celebration of individual choice regularly seems to engender. For the prideful aversion to authority (including the authority of reason), the envy of excellence, the apathy of self-absorbed individualism, the slavish submission to self-interest narrowly understood --- in sum, all the vices of liberal democracy --- interfere with the responsible exercise of individual rights, and hinder the discharge of the duties of democratic citizenship.

Why did Shklar, who knew as well as anyone that venality, corruption, and cruelty are never far from the surface in democratic politics, fail to examine the sources of self-indulgence and viciousness that arise out of the spirit of liberal democracy itself? Why did she exploit skepticism to shelter liberal certitudes? Perhaps, as she herself suggests, the answer has to do with the peculiar kind of refugee she was:

| As I look at myself I see that I have often been moved to oppose theories that did not only seem wrong to me, but also excessively fashionable. I do not simply reject out of hand the prevailing notions and doctrines, but complacency, metaphysical comforts, and the protection of either sheltered despair or of cozy optimism drive me into intellectual action. I do not want to settle down into one of the available conventions. Perhaps this reflects the peculiarity of the kind of refugee I was.

Following Shklar's lead, we may wonder whether the experience that helps to account for the virtues of her political theory also helps to account for its vices. For almost four decades, the refugee from European reaction argued that liberalism was chiefly threatened by various romantic, authoritarian, and anti-individualist reactions against the Enlightenment; and insisted that the main threat to democracy in America comes from religion, from aristocratic residues from our past, and from entrenched patterns of prejudice and exclusion.

It would go too far to say that the "liberalism of fear" was a solution to a problem that no longer existed. For the threats to liberal democracy that Shklar identified and feared --- especially grinding poverty and severe social inequality --- are genuine and persistent. But surely they are not all that can bring liberalism down. And so it must be said, a little ruefully, that in the long and brilliant fight that Shklar waged against illiberal ideas and antidemocratic forces, she gave aid and comfort to a democratic dogmatism and a liberal intolerance that are also genuine and persistent threats to the well-being of liberal democracy.

She was an unforgettable teacher and a remarkable political theorist. Her great achievement was to show several generations of students, many of whom had been educated to believe that liberalism was a one-dimensional, dreary, and dispensable idea, that liberalism names a many-sided and multilayered tradition worthy of study and defense and love. She was right; but it is tougher love that liberalism needs today, a more candid and more exigent love. We must learn to learn not only from liberalism's heroes, but also from its critics and its rivals. It is not the only way to honor Judith Shklar, but it is the liberal way.

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