

**Judith Shklar's Subversive Genealogies:
Cruelty, Misanthropy and the Liberal Response to Nietzsche**

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Judith Shklar's "The Liberalism of Fear" appeared in 1989, the same year Francis Fukuyama published another noteworthy essay, "The End of History," which forecast "the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government."¹ Shklar knew better than to indulge in such optimism well before the general euphoria surrounding the collapse of communism yielded to a new round of ethnic and religious conflict, genocide, and terrorism. Even with its ideological competitors discredited, she saw contemporary liberalism as a fragile political faith suffering from a crisis of identity and a lack of moral purpose. "Overuse and overextension have rendered it so amorphous that it can now serve an all-purpose word, whether of abuse or praise."² Her essay was meant to clarify liberalism as a political doctrine that has one overriding aim: to secure the political conditions necessary for the exercise of personal freedom by preventing official acts of cruelty. This simple definition, however, belied a more startling claim that "liberalism has been very rare both in theory and in practice in the last two hundred years." (LF 4) Indeed, liberals themselves have been to blame for failing to develop a serious historical self-understanding and settling for "less urgent forms of liberal thought." They have relied too much on abstract, ahistorical philosophical arguments or naive expectations of humanity's moral progress. And even more historically-minded liberals have simply trod on the well-worn paths leading back to Locke's "liberalism of rights" and Mill's "liberalism of personal development." But for Shklar, "neither of these two patron saints of liberalism had a strongly developed historical memory, and it is on this faculty of the human mind that the liberalism of fear draws most heavily." She made clear that our "most immediate memory is at present the history of the world since 1914," an era in which torture, cruelty, and the horror of modern warfare once again made "acute fear ... the most common form of social control." Her liberalism is intended as a political and moral response to these "undeniable actualities" (LF 9), but it is one that required a deeper understanding of liberalism's own historical origins.

What form should liberalism's historical memory take? What is its content? This paper argues that the kind of historical memory needed by liberals takes the form of a genealogy, and that Shklar provided the content of that genealogy in *Ordinary Vices*, the book in which she first

¹ Francis Fukuyama, "The End of History?" *The National Interest*, Summer 1989, p. 1.

² "The Liberalism of Fear." In *Political Thought and Political Thinkers*. Edited by Stanley Hoffmann and George Kateb, 3-20. Chicago: University of Chicago Press. 1998, p. 3. (Hereafter cited as LF in text.)

introduced the liberalism of fear.³ It is certainly an unusual book, and one with no shortage of paradoxes. It is a book about liberalism, for liberals, but its heroes are not the usual suspects. Locke, Kant, and Madison do make appearances but Mill is hardly mentioned at all. The book's hero, Shklar tells us, is Montaigne, who is at best a pre-liberal humanitarian, but who had a profound influence on Montesquieu and the tradition of liberal constitutionalism. Surprisingly, two of the great anti-liberals, Machiavelli and Nietzsche, are continually brought on stage, and Shklar makes clear that these antagonists may have more to offer liberals than safer figures. In fact, one of her central arguments is that much of liberalism emerged in response to the challenges posed by Machiavellian realism. But liberals also need to pay more attention than they have to Nietzsche, for he understood the cruelty underlying liberal morality and its codes of justice. Like Shklar, he too admired Montaigne's skepticism, though his own intellectual honesty and the brilliance of his unmasking of moral hypocrisy led him into a raging misanthropy that "turned its disdainful back upon liberal democracy" and helped precipitate some of the political calamities of the 20th century. (OV 86) Nonetheless, Shklar believes Nietzsche has much to teach us; even his misanthropy is "a vice that liberals need to think about, especially if they do not wish to succumb to its more threatening and cynical forms." (OV 3) In many respect, then, *Ordinary Vices* offers a genealogy of liberalism that is both indebted to, and critical of, Nietzsche's own *Genealogy of Morals*.

I. Genealogies, Ennobling and Subversive

Genealogies, according to Shklar, are rarely accurate since their original purpose was to discover noble or divine origins and not necessarily the truth.⁴ A noble pedigree satisfies the social pretensions of the powerful and claims to divine or heroic ancestry sanction their status and privileges, as Homer's warriors knew. (SG 132) Genealogies of this sort are likely to reinforce the exclusivity of aristocratic regimes, as it did among members of the French *ancien*

³ *Ordinary Vices*. Cambridge, Mass.: Harvard University Press, 1984. (Hereafter cited as OV in the text.) *Ordinary Vices* was published in 1984, a time when liberalism was under attack by critics who offered competing political genealogies. Alasdair MacIntyre's *After Virtue* (1981) offers a critical account of Enlightenment morality that aims to resuscitate the Aristotelian tradition of virtue ethics. The collapse of the liberal Enlightenment with Nietzsche's unmasking of morality as nothing more than rationalizations of the "will to power" leads MacIntyre to vindicate the Aristotelian tradition as the only humane alternative to modern nihilism. In contrast, Foucault's historical studies were positively influenced by Nietzsche's genealogical critique of modern morality and he in turn inspired criticisms of liberalism from the cultural left, radical democrats, and feminists. See "Nietzsche, Genealogy, History" in *The Foucault Reader*, ed. Paul Rabinow. New York: Pantheon, 1984.

⁴ Shklar's essay, "Subversive Genealogies," originally appeared in 1972.

regime who believed “that noble blood could only be inherited and that only heredity could bestow the charisma required for genuine honor.” (OV 92-3) Genealogies provide “the honor of good birth” that underwrote aristocratic snobbery. (OV 110) But even in democratic societies the longing to acquire “instant traditions and a pedigree” spurs the genealogical search for family roots. (OV 116) These forms of “secondary snobbery” may be innocent enough, though Shklar points to the more insidious forms of the “hereditary principle” that underwrote modern imperialism, racism, nativism, and anti-Semitism. (OV 110-111) She was, undoubtedly, mindful of the extensive genealogical research used to determine the purity of racial origins in Nazi Germany.⁵

But inquiries into a family’s or a regime’s origins can just as likely serve “to destroy as to enhance claims to social supremacy.” Hobbes, Kant and Burke all recognized, and warned against, the “rebellious possibilities” of genealogies revealing the fratricides and other sordid acts that lie hidden in supposedly noble origins. (SG 132) Obedience to authority depends on the reverence for ancestors, which, Shklar notes, is always vulnerable to the critical assaults. Indeed, a “subversive genealogy” is most effective in world in which authority is rooted in the pride in noble ancestors, as Hesiod understood. Its method of assault is not so much a history of what the ancestors were really like, as much as it is an alternative myth of origin that explains contemporary injustices by exposing ancient violence and cruelty.

Since Hesiod, origin myths have been “a typical form of questioning and condemning the established order, divine or human, ethical and political.” (SG 133) Such myths are the work of “the politically disaffected imagination” and a vehicle for those critics, like Rousseau and Nietzsche, to express “their unlimited contempt for their world.” Hesiod’s origin myth was motivated by dissatisfaction with the “injustice and suffering that marked his own life led him to reflect upon the origins of the power that rule over mankind, just as cosmic violence in turn recalls the ills of daily life. His is a song of universal dissatisfaction.” Hesiod’s counter-myth to Homer placed the genesis of the political order of the gods not in ancestral piety but in generational strife. (SG 134) Zeus’ unquestioned supremacy is based on “acts of violence and on outrages,” though he is shrewd enough to avoid retribution by imposing and enforcing his own order and justice. Hesiod’s genealogy of the Olympians, according to Shklar, “accounts

⁵ Ehrenreich, Eric. *The Nazi Ancestral Proof: Genealogy, Racial Science, and the Final Solution*. 2007. Indiana University Press.

admirably for the obvious – that we live in a world of pervasive suffering, moral and physical... Hesiod, looked for justice and did not find it among the rulers of men and gods.” (SG 136)

Hesiod’s myth offers an intellectual mode of coping with suffering. It elucidates the fate that is beyond both human responsibility and moral or political remedy. Shklar sees the “Adamic myth” in stark contrast, as a wholly anthropological explanation of human suffering. “A human ancestor, a being just like us, originates evil. There is a perpetual tension, therefore, between the complete perfection of God and the radical wickedness of man. In the Christian tradition, this tension crystallized in the notion of original sin.” (SG 140) The Biblical God cannot be judged, only obeyed. Hesiod’s myth, in contrast, expressed a subtle act of “overt obedience and covert rejection” – it recognized but refused to glorify the cruelty and injustices that establish a civil order. It is an act of intellectual defiance that at least affords dignity to human suffering.

The subversive genealogies of the modern age launched an attack on the Christian version of the Adamic myth. Machiavelli’s dismissed Christianity from political life in order to recover the *virtu* of ancient founders, despite their obvious cruelty: “Going to the foundations to expose the fratricide at the origin of even the greatest of republics was, for Machiavelli, a revolutionary enterprise ... It was meant explicitly to encourage conspirators and aspiring princes to forget any remaining scruples and to act as others, like Romulus, had in the past.... The myth of foundations ... has revolution, and the repetition of the creative blood bath as its object.” (SG 140). But without the Adamic myth, the old perplexities arose again. Men were not inherently tainted with sin; but, then, what explains their uniformly miserable historical existence? “The question of the origins of universal human suffering, and the need to affix blame anew, became tormenting again.” (SG 141)

Rousseau traced the genealogy of the human vices to inequality, which was also the essence of evil. His *Discourse on the Origins of Inequality* is “a new creation myth and one that follows the Hesiodic pattern very closely.” Like Hesiod, Rousseau spoke for oppressed peasants. “Determined to expose the evils of actual society, Rousseau proceeded to look for its origins and to show that inequality was the ancestor of all other human vices.” His new creation myth sought to describe natural man before the emergence of a competitive psychology. Like Hesiod’s man of gold, Rousseau’s original man is a strong, healthy, suffered nothing, and is “a total stranger to virtue and vice.” (SG 144) Nature is not the real villain for Rousseau – society is – even if it is the accidents of nature that eventually necessitates the creation of a social order that

rewards unequal talents and generates inequalities of wealth and property. As Shklar explains, “The rich, in order to escape the Hobbesian state of nature, which the division of labor and property create, impose a fraudulent contract upon the poor. The poor are tricked into accepting an order which protects the property of the rich and which seems to offer the dispossessed an escape from arbitrariness. The origins of law and government have now, at last, been revealed. At their foundations are fraud and force. Not fratricide, but the manipulation of the dull and weak by the strong, secures thrones.”⁶ (SG 146) For Shklar, Rousseau’s modern version of the Hesiodic origin myth expresses “a specific sort of pessimism... It is the myth that expresses the outrage of those who know all the evils of the world and recognize their necessity. It permits defiance and rejection, without arousing the slightest hope or impulse to action.” (SG 146) Rousseau did not believe a return to nature was possible, and he called for an acceptance of a humanly contrived justice that would at least mitigate the worst evils. But this human justice violates the natural equality and dignity, creating the competition for social rewards and distinctions, and weakening the natural sympathy for the suffering of others. Ultimately, all of humankind are pitiable victims of an inescapable condition. (SG 146)⁷

Pity was for Nietzsche anathema. His *Genealogy of Morals* attacks Rousseau for his “pseudo-Christian, democratic degeneracy” along with indicting the whole European culture (and the historical-critical age he lived in) for expunging tragic pessimism and myth. Nietzsche condemned the biblical-priestly type, rejecting the Adamic story of origins in favor of a Promethean one, which “recognizes the painful and irrevocable contradiction between man and god in a way that confers dignity on sacrilege, and justifies human evil, while Adam’s fall expresses a feebleness, a sense of evil as mere weakness and disgrace.” (SG 147) Like Rousseau, Nietzsche shared a contempt for history. “He wrote *The Genealogy of Morals*, not a history of values, and he wrote it with the same daring and abusive intent that inspired Hesiod and Rousseau. Even if the evils he exposed were not generally the same one, he was at one with them in suspecting that the origins of justice were marked by hidden irregularities.” (SG 147)

⁶ “Subversive Genealogies.” In *Political Thought and Political Thinkers*. Edited by Stanley Hoffmann and George Kateb, 132-160. Chicago: University of Chicago Press. 1998. (Hereafter cited as SG)

⁷ Shklar sees Rousseau as a tragic philosopher. *The Social Contract*, in her view, does not provide a political remedy for this condition; neither revolution nor participatory democracy can heal the breach between the principles of justice (egalitarian, democratic, populist) and the world as it is. “The tragedy is that we can imagine a world better than the one we can make. We are therefore in a position to judge actuality, but not to improve it.” Shklar, “Reading the *Social Contract*” in *Political Thought and Political Thinkers*, edited by Stanley Hoffmann and George Kateb, (Chicago: University of Chicago Press. 1998), 274.

Genealogy traces the remote ancestry of the moral outlook of present Europe to the priest-led slave revolt. The victory of the resentful but crafty class of priests over the noble, but simple-minded masters ends the heroic ages of man. “The noble hero may be healthy and spontaneous, rather than ill and reactive, but he is not clever.... Culture cannot be the creation of these lovely heroic animals, and it is culture that permanently organizes the masses.” The heroes are solely a pre-history, serving “the same purpose as the happy ages of Hesiod and as Rousseau’s original man. They exist sole to be destroyed, and so to show that the evil of the end is present at the beginning.” (SG 148). Part II of *Genealogy* drops the personifications of noble and priest to reveal deeply-rooted contradictions in the human psyche. Memory is an illness and torment. As Shklar describes it, memory “is part of the will to power that drives men, not from without, but from within. That does not make it any less compelling. The will to control the future, to understand and dominate the world, the will to society, all prohibit forgetfulness ... He must make himself into a promise-making, accountable, predictable social being and all this requires the creation of memory, a profoundly painful, self-denying process. It is cruelty self-inflicted.” (SG 149)

As Shklar writes, “The psychic origin of justice according to Nietzsche’s genealogy is cruelty... Justice is nothing but licensed cruelty.” Nietzsche saw justice as the work of powerful individuals who have the right to make promises with their equals because they have the power to keep them. They are strong enough to pay back their debts. Failure to do so, however, permitted creditors to exact even the cruelest of punishments. “The exchange of cruelties is the justice appropriate to noble equals.” But what is now called justices for Nietzsche is really a different type of cruelty born out of the anger of those who can’t fight back. Slave resentment leads to the institution of law and the rationalization of punishment. “Law creates the idea of punishment as deserved, as something the guilty ought to suffer.” With the triumph of the Christian God and the ascetic priest, guilt becomes self-inflicted, but at the same time “renders pain not merely intelligible, but valid. Suffering is now approved by the sufferer. The Adamic myth that destroys the animal in man offers him considerable intellectual compensation. He has guilt now. The priest in each of us, our bad conscience, has given us a consistent morality. Fraudulence was not what upset Nietzsche as he looked into this scheme. It was the self-destructiveness of cruelty turned inward that seemed so outrageous. For the immense intellectual

advance of bringing cause and effect to bear upon the experience of suffering, the myth of pain as the consequence of sin, is a systematic repression of vitality.” (SG 150)

In Shklar’s view, Nietzsche may have rejected Rousseau’s democratic pity, but his genealogy is similarly not a prescription to political action. There is no return to the heroic past. (SG 150-1) Greek culture had once made cruelty and the suffering it involves intelligible and visible in tragic spectacle, which had the benefit of producing aesthetic delight. But Nietzsche’s genealogy, in Shklar’s view, does not open a path back to the Greeks but rather to a deeper expression of the ascetic ideal. “With that Nietzsche recognized the paradox of his own efforts. For his genealogy is also a pursuit of truth. Just as Rousseau acknowledge his own degeneracy, Nietzsche knew himself to be in the grip of an intellectuality he derided. Both saw the inescapability of inheritance whose origins they had so mercilessly exposed. There is a profound self-hatred in this creation myth and in the subversive intent that it fulfills. To be a member of the race of iron is a doom from which no amount of understanding can deliver one. Truth is here no consolation. Adamic guilt is not the only form of self-humiliation.” (SG 151)

What value, then, do subversive genealogies hold for Shklar? Unlike history, genealogy “deals with the past that is wholly present in the offspring. That is why the prehistory of justice, its primordial cruelty, is not just a thing of the past, but something `which is present in all ages and may always reappear.” (Shklar quotes Nietzsche, SG 149-150) Rousseau and Nietzsche provided genealogical accounts dealing with “the ever-present, indestructible actualities” embedded in perpetual psychological conflicts. (SG 152) The torment of these psychic battles drives their genealogical accounts, which proved to be “the most powerful of all methods of polemical abuse” because they destroy the prestige of origins. (SG 153) But genealogy is not just a form of intellectual warfare; it is also “an evocative reconstruction of an abiding state of mind which arises out of the sense of the terrible distance between what we work for in history [politics] and what we always get.” For Shklar, genealogies expose a psychological reality that compels us “to accept a picture of social man as a permanently displaced person.” (SG 154) If the subversive genealogies of Rousseau and Nietzsche teach anything, it is the tragic gap between the human cry for justice in the face of suffering and the “ever-present and indestructible actualities” (i.e., the presence of the “ordinary vices”) that prevent us from achieving it. But in exposing the cruelty inherent in the origins of justice, does genealogy

condemn us to moral paralysis and political passivity? This political question is one Shklar takes up in *Ordinary Vices*.

II. Putting Cruelty First and the Problem of Justice

Shklar doesn't refer to *Ordinary Vices* as a genealogy but there are good reasons for doing so. First, like all genealogies, she is interested in the question of origins – not just liberalism's, which “was born out of the cruelties of the religious civil wars” of early modernity (OV 50), but liberalism's most persistent and troublesome competitors, Machiavellian realism and Nietzschean misanthropy. Shklar does not offer a philosophical account of liberalism as emerging in an ahistorical state of nature. Instead, she places liberalism's origins in the historical crisis that was prompted by the Reformation and the discovery of the New World, both of which exposed the cruelty beneath the surface of Christian morality. This crisis marked “a great moral turning point” that produced, among other things, modern liberalism as a distinct kind of politics that prioritizes the prevention of cruelty. Shklar's interlocutors – Montaigne, Montesquieu, Machiavelli, and Nietzsche – were major voices in “a long but steady moral transformation” that unmasked the hypocrisy and cruelty of religion-based morality. Moreover, they all shared a deeper moral affinity. When Montaigne “put cruelty first” he was driven by the same will to truth that Nietzsche discovered “within the dynamics of Christianity.” As Shklar puts it, “Nietzsche argued very persuasively that Christian morality had always been a threat to faith. The demand for truth gnawed away at revealed religion until it ceased to be credible. That part of Christian morality that demands unconditional charity was bound sooner or later to do something similar to faith, and above all to an institutionalized religion. For it was the latter that seemed to express itself in fanaticism, violence, and the most devastating cruelties.” (OV 239-240) Montaigne may have retained a provisional belief in God, but his skepticism reflects “the truth of an ex-Christian mental universe.” (OV 240) Like Nietzsche, his writings produced a “transvaluation of values” that put him beyond good and evil, at least as understood by the religious and political conventions of his day. For Shklar, liberalism's origins cannot be understood apart from the deep moral crisis of a post-Christian world.

Second, *Ordinary Vices* aims “to join past to present thinking about governing and being governed,” although it is meant neither as a philosophical nor historical investigation into political ethics. Unlike history which tries as accurately as possible to explain the origins of

moral attitudes and fix their exact historical contexts, Shklar uses history only to illuminate the “paradoxes and puzzles” (OV 44) that perplex “us” in the present. “To refer to the political past, because it appears to be both like and unlike the present in ways that make us see ourselves anew, is to use, not to write history.” (OV 227-8) Her genealogy does not yield a singular or linear narrative from the past to the present, but rather appears as a compressed present consisting of many layers of moral values, which remain in place even after the “tangible conditions of life” that produced them fall away. These moral values “do not die at all; they just accumulate one on top of the other.” (OV 4)⁸ Again, Shklar’s genealogy shows the extent to which “ours is a culture of many subcultures, of layer upon layer of ancient religious and class rituals, ethnic inheritances of sensibility and manners, and ideological residues whose original purpose has by now been utterly forgotten.” (OV 4) This is a genealogy for liberals who recognize and tolerate the plurality of potentially hostile groups and conflicting traditions as a social actuality. It reflects a liberalism that is nothing like a solid, continuous tradition, but a fragile, broken and messy “tradition of traditions” that draws from “a fund of historical and literary memories.” (OV 227)

Third, like Nietzsche’s, Shklar’s genealogy is written as a series of provisional essays on the moral psychology of the vices, which may “escape rationalizing so completely that only stories can catch their meanings.” (OV 6) This reflects a debt to Montaigne that both share. The essayistic style is not meant to prove anything or argue a philosophical case, but rather “to force us to acknowledge what we already know imperfectly.” (OV 229) This is a task that is likely to make us “politically disoriented and deeply confused” because it defamiliarizes us with the political and moral commonplaces we take for granted. Unlike many contemporary liberal theorists who build complex arguments to sure up the rational foundations and moral consensus of liberal principles, Shklar is concerned with precisely the opposite: her work tries “to make us’ even more aware of our incompatibles and their consequences.” (OV 227) For this task, storytelling is central. “The great intellectual advantage of telling stories is that it does not rationalize the irrationality of actual experience and of history. Indecision, incoherence, and inconsistency are not ironed out or put between brackets. All our conflicts are preserved in their inconclusiveness.” Stories simply render experience more intelligible by dramatizing them in a

⁸ This geological formulation is reminiscent of Foucault’s understanding of the present as “an unstable assemblage of faults, fissures, and heterogeneous layers that threaten the fragile inheritor from within and from underneath.” Quoted in Wendy Brown, *Politics Out of History*, p. 103.

scene or character. “They don’t tell us how to think, but what to think about – and make us `see things as they are.” (OV 230) Shklar aims only to shed light on our common moral dilemmas, for which she provides neither a definitive solution nor a program for action. She insists that her work is really “a ramble through a moral minefield, not a march toward a destination.” (OV 6)

Cruelty may have been a concern for moralists and humanitarians in the past, but putting it *first*, as Montaigne and his disciple Montesquieu consistently did, is to take a dangerous step. “To hate cruelty more than any other evil involves a radical rejection of both religious and political conventions. It dooms one to a life of skepticism, indecision, disgust, and often misanthropy.” (OV 8) Why is this the case? First, making cruelty the unconditional *summum malum* is to “step outside the divinely ruled moral universe.” (OV 1) Willfully inflicting physical pain on a weaker creature in order to cause anguish and fear is a wrong done against another sentient creature, not a transgression against God. Unlike sin, cruelty is an inexcusable wrong that “closes off any appeal to any order other than that of actuality.” (OV 9) There is no transcendent moral good, no divine justice or grace, which can justify, excuse or exonerate an act of cruelty. From this perspective, the Adamic myth is rejected as morally dubious: it encourages cruelty by making man, created in God’s image, the lord and master of plants and animals. This is why Montaigne saw nature as the victim, not the cause, of humanity’s mindless destructiveness. Cruelty, in other words, was not the response to natural struggle for existence, but the result of the “general imbecility” of human conduct. (OV 13) In this respect, the religiously faithful were not fundamentally different in their capacity and willingness for cruelty than an aggressive Machiavellian prince.

For Montaigne, the failure of Christian morality was manifestly evident not only in the human cruelty toward nature and in the brutality of the religious wars, but also in Spain’s conquest of the New World. Overt professions of religiosity no longer mattered, since they betrayed not just hypocrisy but a kind of self-righteous zealotry that dehumanized the native inhabitants. As Shklar puts it, “When [the Spaniards] encountered a population with habits and an appearance unlike their own, they found it easy to say that God could not have put souls into such ugly bodies, that clearly those creatures lacked the higher rational qualities. Once the Spaniards had begun their cruelties, it became especially important to say that `it is impossible to suppose these creatures to be men, because allowing them to be men a suspicion might arise that we were not Christians.” Christian piety thus concealed the “triumph of Machiavellianism by

those who claimed to be its chief opponents.” (OV 12) Montaigne recognized that encounters with difference, whether religious, cultural, or racial, often sparked the most spectacular public brutalities. (OV 26) While he accepted cultural variety, he saw it as the work of human contrivance, not a natural endowment.⁹ There are no naturally inferior peoples, and it is only their cultural arrogance that led Europeans to claim their own superiority. (OV 27)

Machiavelli also unmasked the hypocrisy on Christian religion, but condemned it not for its destructiveness of nature, but rather for its failure to cultivate the *virtu* needed to master it. Princes must rule through the efficient use of cruelty in order to acquire and maintain the power needed to underwrite a stable and enduring political order. According to Shklar, Montaigne doubted Machiavelli’s claim that political necessity justifies cruelty. Not that responding to danger is unimportant, but Machiavelli justified a “utopianism of efficiency” that only invites endless rounds of cruelty that makes any kind of justice impossible. (FI 73) The costs of the “economy of violence” was much too high. “For Montaigne did not decry that there was much that was unavoidable in politics, but he would not call it right and he wanted no part of it.” (OV 166) He chose to preserve his own personal integrity and perhaps even shame villains into decency but, in Shklar’s view, his conscientious dissent against Machiavellianism was hardly the basis for political change. “It is the conservatism of universal disgust, if it is conservatism at all. For in what sense can one be said to support an existing order of affairs if one cannot think of anything to say on its except that it is there? It is an act of perfect dissociation, but not necessarily a retreat from the public world.” (OV 32) Shklar ultimately finds Montaigne’s politics to be incoherent. After years of religious strife, his “mind was a miniature civil war, mirroring the perpetual confusion of the world. But his jumble of political perceptions reflected not intellectual failure, but a refusal to accept either the comforts of political passivity or of Machiavelli’s platitudes.” (OV 34)

Montaigne’s political incoherence is related, in Shklar’s view, to his effort to recast the terms used to describe political subjects from friends and enemies, citizens and strangers, to the strong and the weak, violators and their victims. (LF 9) He tried to revalue valor by severing it from the glory of conquest. The Spanish conquest of the New World was really an act of

⁹ For Shklar, Montaigne’s naturalistic thinking did not yield any systematic moral laws (natural law), but only “nature’s original simplicity” (OV 27) manifest the desire for repose, security, health, and peace. He saw efforts to impose human laws as simultaneously a violation of nature’s simplicity while claiming that particular cultural hierarchies were based on “natural” hierarchies. (OV 26-27)

cowardice, while the Indians' "invincible courage was a dignified refusal to placate their conquerors, and not just a desire to triumph." (OV 15) He downgraded the military virtues of courage, comradeship, and nobility, since wars are mostly won by duplicity and sheer luck. The victims can at least rise to a true fortitude by bravely enduring defeat. "Valor as a defiant refusal to live as a slave or a victim may be a recipe for isolation and potential suicide. It is also the pride that saves without attacking." (OV 16-17) But romanticizing the defeated, in Shklar's view, meant looking to the victims for moral assurance. The cruel fate of victims may have nourished Montaigne's pity and outrage, but the moral status of victimhood is ambiguous. If victimhood is something that just happens to potentially anyone of us, can it really serve as the basis for moral or political virtue? And who are the real victims, Shklar asks? "Are the tormentors who may once have suffered some injustice or deprivation also victims? Are only those whom they torment victims? Are we all victims of our circumstances? Can we all be divided into victim and victimizers at any moment? And may we not all change parts in an eternal drama of mutual cruelty?" These questions wrap us up in endless questions about responsibility. They induce a kind of vertigo that may very well lead to misanthropic despondency. Still, the difficulties determining moral character of the most immediate victims should not perversely lead to blaming them for their own suffering. "In the end, it is not the victims but the torturers and persecutors who are guilty." (OV 18) Putting cruelty first should not focus on the character of the victim or the tormentor at all, but on nature of the most immediate action itself. Given the right circumstances, victims and violators change places with the "consequence of promoting an endless exchange of cruelties between alternating tormentors and victims." (OV 19) This historical spectacle can result in a grim misanthropy: "We are all victims and victimizers in that we perceive one another as objects of observation; we all look upon one another as things." (OV 20)

Shklar is leery of revolutionary politics that romanticizes victimhood precisely because it quickly justifies new occasions for cruelty. She sees this possibility evident in the modern myth of the slave revolt. Jean-Paul Sartre understood that slaves have little choice but to accept the image and role imposed upon them by their tormentors. But the slaves may still assert their dignity by overcoming the master by revolt or suicide. "The victim as hero represents the possibility of universal human freedom, even in chains." (OV 19) Unlike Montaigne, however, Sartre believed in a transforming future in which the oppressed class mounts a war to end all

classes. But such a project to end the endless exchange of cruelties in history must itself summon violence and cruelty. “The victim can learn to respect himself only through violence if he is not to remain an individual overdetermined by another, as the Jew is by the anti-Semite and the slave by the master.” (OV 21) This is a bleak picture, however, for Shklar. “Especially if one knows that the road to liberation is endless and littered with cruelties that are self-perpetuating, this is a grim sort of hope.” (OV 20) Revolutionaries too often revert to Machiavellian belief in cruelty’s efficacy. They may not justify their actions in terms of mastering Fortuna, as Machiavelli did, but their liberation ideologies serve the same purpose of justifying violent collective public action and providing “an excuse for every kind of political cruelty now.” (OV 21) Liberation ideologies put political oppression first, instead of cruelty, in the hierarchy of vices, but they do so by unambiguously differentiating the oppressors and the oppressed. Shklar finds this too easy an excuse for cruelty. One might appeal to history over ideology to determine the real victims, but this won’t tell us “how to think about victimhood,” let alone how to act on their behalf. In the end, she follows Montaigne by insisting that we focus on the “immediately suffering, abused being as the primary victim,” but even this will leave us in a “state of indecision and doubt.” (22-23) The political response to victimhood remains ambiguous. “Victimhood may have become an inescapable category of political thought, but it remains an intractable notion.” (OV 17)

A more positive political response could be found, according to Shklar, among the 18th and 19th century reformers who promoted an “active and positive humanitarianism” that was “fueled by an increasing revulsion against cruelty.” (OV 35) These reformers were moved by the “power of pity” at the suffering of slaves and the treatment of prisoners. While Shklar defends humanitarian reforms, such as those proposed by Bentham, as having had a real effect in reducing the brutality of everyday life in England and the U.S, they nonetheless reflected an overly-optimistic assessment of the effectiveness of legislation and the benevolence of the reformers. Pauper management alleviated the most severe physical pain, but it did so by imposing a humiliating moral dependency on those it sought to help. Reducing *physical* cruelty of slaves, the criminals and the poor may have been the goal, but *moral* cruelty was often the result: “the deliberate and persistent humiliation, so that the victim can eventually trust neither himself nor anyone else.” (OV 37) Both Montaigne and Montesquieu, according to Shklar, took care not to indulge in such moral humiliations, but it was left to the 19th century writers,

especially Hawthorne and Nietzsche, who exposed “the anguish of a morally cruel private conscience.” (OV 38)

Nietzsche, of course, rejected “the morality of pity” that emerged with modern democracy as a form of slave morality, which reflected the instincts of a declining life, the weariness of “the will turning *against* life.”¹⁰ According to Shklar, cruelty was for Nietzsche “an obsessive and unmanageable preoccupation.” (OV 40) He saw physical cruelty as a kind of moral immaturity that humans might outgrow, and he feared the chauvinistic violence of nationalistic politics. But he detested moral cruelty far more than physical brutality. “Pity and hypocrisy seemed to him veritable plagues, the disease of a decadent and putrid culture.” (OV 40) Secularized Christianity had blocked the physical discharge of cruelty in action and turned it inward against the self. “Such a psyche was made to suffer cruelly from sin, guilt and bad conscience. Toward others one felt only pity, because thanks to a humiliating religion everyone could identify instantly with suffering and victimhood.” (OV 40) Cruelty turned inward was, of course, not a cure, just a displacement that concealed itself with hypocrisy and weakened the stronger and healthier instincts to action. “Moral cruelty, the priestly weapon, and pity, the ideology of the weak, had reduced even the most noble spirits to impotence ...” By turning cruelty inward, “we also transform physical cruelty into the moral tormenting of other people.” (OV 41) What results is a politics infused with moral self-righteousness, what Nietzsche referred to as the politics of *ressentiment*, that seeks to turn all action into forms of punishment.

Nietzsche saw liberal justice as the political expression of the morality of pity. In his *Genealogy*, he celebrated aristocratic justice as a personal virtue among the strong, based on their capacity to pay back their debts and keep their promises. Punishment against those who failed to keep their promises was exacted as a kind of direct and immediate retaliation, which Nietzsche believed always involved some degree of “joy in cruelty.” (GM II, 7) Justice was the contrivance of a ruling class which imposed a legal order reflective of its own values. “Wherever justice is practiced one sees a stronger power seeking a means of putting an end to the senseless raging of resentment among the weaker powers that stand under it...” For Nietzsche, the confidence of the ruling class in its own values at least made possible a legal order that trains the eye to “an ever more *impersonal* evaluation of the deed” that restrain the “revenge that is fastened

¹⁰ Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, New York: Random House, 1967, Preface, 5. (Hereafter cited as GM)

exclusively to the viewpoint of the person injured.” Justice thus involved the capacity to judge with an “exalted, clear objectivity ... even under the assault of personal injury.” The justice of the liberal state is, in contrast, the victory of the reactive types and their sense of injustice, the “viewpoint of the person injured” who confuses justice with envy, revenge, and resentment. It seeks not just to punish the deed, but also the doer by making him or her guilty. (GM II, 11)

For Shklar, however, it was the torments of the bad conscience that eventually led Nietzsche to resort to a Machiavellian solution. “The horror of cruelty turned against oneself seemed to him so overwhelming and he hated it so cruelly that he finally looked to physical violence for relief. In this he was not unlike Machiavelli. Both saw the religion of meekness as a vast engine of such cultural dishonesty and humiliation that only an outburst of pagan energy could suffice to obliterate its effects.” (OV 39) Politics was less a matter of imposing even limited forms of justice and more about action as “an affirmation of joy through cruelty.” (OV 42) Shklar cites Arendt’s observation that Nietzsche’s intellectual heirs “elevated cruelty to a major virtue because it contradicted society’s humanitarianism and liberal hypocrisy.”¹¹

By putting cruelty first, Shklar makes clear that all the justifications for political acts of cruelty – Christian charity, Machiavellian necessity, liberation ideologies of class warfare and revolution, the transforming violence of the wretched of the earth, are all suspect.¹² How is justice possible for the victims, especially if both revolution and humanitarian reforms open the door to new forms of cruelty? Isn’t cruelty itself an injustice that demands justice? Shklar notes that the “sense of injustice” is among the “cluster of responses” to cruelty, alongside pity, horror, contempt for the cowardly brutalizing of helpless victims. (OV 24-25) But even Montaigne exhibited little trust in justice, and Montesquieu’s constitutionalism focused more on the self-regulation of power that restrains governments than guarantees for justice. Moreover, Shklar believed that a system of laws is itself a political act, not necessarily a violent and cruel one in the Machiavellian or Nietzschean sense, but an imposition nonetheless. It reflects an ideology

¹¹ Hannah Arendt, *Origins of Totalitarianism*, quoted by Shklar, OV 42.

¹² Shklar does seem to share Montaigne’s “psychological skepticism” that “doubts that we could ever know enough about each other to devise rules for each other but also suspects that our efforts to do so may do us a lot of harm... Our subjective, personal experiences are too various and incommunicable to be fit into general rules of conduct and the attempts to impose them tends to back. Far from reducing out cruelties, rules simply redirect and formalize our ferocity.” *The Faces of Injustice*, 26. Not only does Shklar believe that Montaigne’s skepticism is confirmed by contemporary social psychology (FI 27), it has also revealed the enormous realm of injustices frequently ignored by more “wholesome and upbeat” theories of justice that rely on more optimistic assessments of both human rationality and moral competence (FI19). *Ordinary Vices* is written instead with a heightened awareness of “our world of incoherence and mutual moral incomprehension and hostility.” (OV 247)

(“legalism”) that is always skewed toward particular interests and rational justifications. Justice, in this regard, is a system of rule that distinguish right from wrong, gives each their due rewards and punishments according to a particular hierarchy of values, and it reflects the social hierarchies present in a society. But the liberal model of justice is itself one ideology among rival competitors.¹³ Moreover, because she is leery of converting victimhood into political virtue, she shares Nietzsche’s concern with a politics of *ressentiment*, even as she rejects his gestures toward a more heroic politics as juvenile.

Still, with its procedural guarantees, independent judiciary, commitment to the rule of law, the liberal model of justice for Shklar the best available means for tempering the resentments, as she would subsequently make clear in *The Faces of Injustice*.¹⁴ In that book, she reverses Nietzsche’s claim by arguing that the liberal-democratic state, not an aristocratic order, is better suited to deal with the destructive workings of resentment and revenge, and it does so precisely by providing an outlet to the “viewpoints of the person injured.” Shklar argues, “At least democracy does not silence the voice of the aggrieved and accepts expressions of felt injustice as a mandate for change, while most other regimes resort to repression.” (FI 85) A liberal system of civil justice is nonetheless an imperfect solution to the sense of injustice, and the resentments that the administrative state is bound to produce. Nor does it give the emotional satisfaction provided by more personal forms of retaliation, revenge, vendettas, and the like. The impersonality of liberal justice cannot mobilize the political passions that more personalized form of politics. (FI 100) She had no doubt that given the inherent but unavoidable weaknesses of liberal justice, that “the shadows of Nietzsche” will hang over it among those of his followers who believe “that nothing can replace direct revenge for those who are strong enough to enjoy its risks.” (FI 100-101) This kind of romantic nostalgia seem out of place in the legal-rational state, but it is nonetheless endemic given the inherent limitations of liberal justice. The impersonality with which liberal justice is administered, even in the best of cases, simply does not have the immediate affective appeal as revenge. The procedural justice of the constitutional state “cannot compete with tradition, nationalism, and xenophobia in stimulating our political loyalties. Like revenge, but unlike public justice, these also give immediate pleasure.” (FI 101) That’s why the

¹³ See *Legalism: Law, Morals, and Political Trials*. Cambridge, Mass. and London: Harvard University Press, 1964, 1986.

¹⁴ *The Faces of Injustice*. New Haven: Yale University Press. (Hereafter cited as FI)

constitutional state needs to be open to the sense of grievance and injustice, and challenged by the voice of democratic protests and citizens who play a more active part in public life. Liberal justice, Shklar makes clear, does not transcend politics; at its best, it provides the institutional openings and procedural guarantees to promote an agonistic politics among the aggrieved who try to validate their sense of injustice. But the sense that justice has been served will always depend on the political organization and skills of those who seek it: “In reality, the valid sense of justice belongs to those who can prevail.” (FI 107)

There is no denying that that outrage by acts of brutality have become a “powerful part of the liberal consciousness.” Cruelty elevates the sense of injustices among the victimized and those sympathetic to them. But this does not necessarily issue in clear political prescriptions that render justice. (OV 43) Even worse, Shklar worries that failure to provide justice only breeds a kind of complacency that pays lip service to putting cruelty first while ignoring its own complicity. “We have learned to shrug at massacres, especially among peoples whom we cruelly disdain as our racial or cultural inferiors, but we still react to those that occur in our own cultural orbit. Like the religious wars of early modern Europe, they reveal not only our capacity for cruelty, but also an infinity of illusion and hypocrisy.” (OV 43) Given this capacity for self-deceptions, Montaigne’s “sense of the futility of public action” may be a sensible response. (OV 43) Putting cruelty first made him, in Shklar’s words, “a radical spirit of denial” and “revealed an acute sense of his moral distance from his own or from any historical society.” (OV 42) The modern rejection of the Adamic myth of origins appears to have led back to Hesiod’s myth of primal injustices that humans are incapable of setting straight. Montaigne faced this possibility fully. “It makes political action difficult beyond endurance, may cloud our judgment, and may reduce us to a debilitating misanthropy and even to resort to moral cruelty.” (43) For Shklar, the task for liberals is not only “putting cruelty first,” but warding off the debilitating misanthropy that this moral imperative produces.

III. Liberalism and Misanthropy, or the Politics of Lesser Evils

Putting cruelty first only appears to yield a “skeptical politics” that questions the ability of any system of laws to cultivate the ethical and political virtues of citizens, or to establish a model of justice that could adequately address the injustices that befall its citizens. Montaigne could only offer an individual ethical code based on personal honor and integrity against a pervasive

Machiavellian politics. In this respect, he was “surely tolerant and humanitarian but ... no liberal,” even though he helped establish the moral climate from which “the political liberalism of fear” arose. (LF 5)¹⁵ For Shklar, the path to liberalism was paved by Montaigne’s disciple, Montesquieu. Though he had an equally grim view of humans as political creatures, Montesquieu had more faith in public justice and freedom as a means to limiting the worst propensities toward cruelty. Montesquieu laid the basis for liberal constitutionalism by articulating the institutional and legal procedures for a system of justice that puts cruelty first. But Montesquieu and his American heirs like Madison were only able to do so by taming the misanthropic rage that arises when one dwells on human vices. “A government was to be designed so as to avoid its own worst vices, cruelty and injustice; and it was set up by and for people who could do no better than to indulge in lesser vices in order to avoid worse one.... The very idea of the modern legal state was meant to prove that misanthropy need not express itself in personal despair or political violence.” (OV 197)

Misanthropy is nothing new, and Shklar discusses a number of literary and dramatic representations of individual misanthropes: the self-hating misanthrope like Shakespeare’s Timon; the satirical misanthrope who likes himself and may even enjoy the spectacle of human imbecility and evil; and finally, the self-righteous misanthrope who hates his contemporaries because he measures it against “some inner vision of a transformed humanity.” (OV 194) Because the misanthrope is driven by a bitterness at the “huge distance between what we are and what we could conceivably be,” they have proved to be a valuable source of social-psychological knowledge. “To hate mankind often impels one to reveal much that would otherwise remain hidden. And while the passionate and active misanthrope is indeed a political menace, the purely intellectual and distrustful misanthrope is as likely as not to force us to acknowledge what we know about ourselves and each other.” (OV 194-5) Indeed, it is the misanthrope who compels us to face “man as he really is.” While such knowledge could “initiate slaughter,” it could also serve as “the basis of political decency, legal restraint, and the effort to create limited government that would attenuate the effects of the cruelty of those who rule.” (193) Misanthropy thus presents a political paradox. The task is to discern the differences between salutary liberal misanthropy and the more violent and nihilistic version.

¹⁵ For Shklar, Montaigne’s “principled toleration” is a prerequisite, but not a sufficient condition for liberalism, which requires “an explicit commitment” to institutions that establish the rule of law and defend personal freedom. (LF 5)

Machiavellian misanthropy, according to Shklar, is one of violent forms, but it is driven by a ruthless honesty. Machiavelli “dared to see things as they are and had put before us a model of an ‘honest’ prince, who is not ignorant because he is not self-deceived. Although he lies and cheats and betrays, he does so in full awareness of his acts.” (OV 85) The prince is driven by the single-minded pursuit of glory, which stood as “a metaphor for all the values of his self-made, demythologized, wholly human order.” (OV 206) Glory is the passion that lifts the few above the contemptible human trash; in a disenchanted world, it is “their substitute for eternal bliss.” Such a passion makes it easy to forget the victims who get in their way, but it does have political potential. The prince, of course, knows how and when to use cruelty if he is to become the political creator. And to do it correctly, according to Shklar, requires the charisma that makes cruelty “glamorous” and attracts followers (“just as multitudes adore the murderous ‘leaders’ of today.”) (OV 207) That’s why the Machiavellian leader is so attractive to the dramatists such as Marlowe, whose Tamburlaine the Great embodies political charisma. Tamburlaine is the “terror of the world” who displays himself “warm in blood, in death, in cruelty.”¹⁶ His candor overcomes Christian hypocrisy. 16th and 17th century drama commonly portrayed this type of ruler who is free from self-deception: “He lies and cheats honestly – that is, consciously, knowing exactly what he is doing.” But the Machiavellian prince, Shklar states, is an ideal type that responded to the inadequacies of actual princes, who inevitably cloak their cruelty in lies and other illusions. (OV 210) The Machiavellians who appeared on the Tudor stage were meant as satiric unmaskings of such princely hypocrisies. “The plays in which they act out their violent projects were surely meant to shock, but not to demoralize the audiences for whom they were written.” (OV 210) Shklar suggests that Tudor drama maintained an ironic distance between the misanthropes represented on stage and actual life; it was meant as a public warning about princely power.

Liberal misanthropy appeared as a reaction to such charismatic Machiavellian politics. The treachery and cruelty encouraged by Machiavellianism served to heighten the anxiety of all those who were subject to arbitrary and unpredictable personal power. One could submit to these mischiefs with a calm and self-reflective contempt, like Montaigne, or use the “diffuse distrust of humanity” as “the basis of constitutional government” as Montesquieu and Madison did. Like Machiavelli, they distrusted virtue and sought to separate politics and morality. But

¹⁶ Marlowe, quoted in Shklar, *Ordinary Vices*, 208.

they also feared the cruelty of the personal politics of princely *virtu* and sought to fence it in with the institutional separation of powers and legal procedures. Montesquieu's political science called for a highly depersonalized politics: "Only a system of liberty in which power is dispersed among intermediary groups could support an impersonal legal system to protect each citizen by limiting the opportunities for violence. No great demands are made on anyone's virtues or intelligence. Instead of living with their fibers frozen with fear, men will engage in benign and inglorious commercial activities." (OV 216) To be sure, liberal theory relied on an "enormous underlying misanthropy," a dispassionate and diffuse contempt that is directed toward the hatred of "one vice – cruelty – particularly public cruelty." (OV 217) The liberal misanthropes sought "public cures" for cruelty, which they ranked first among the vices. This ranking was absolutely vital for liberalism, according to Shklar: "For unless one does grade the vices as they did and react to them accordingly in a measured manner, one must indeed end up with an unlimited hatred, with all its Timonic private melancholy and Machiavellian projects for public violence." (OV 217) Tolerance of the lesser vices is thus a corollary to putting cruelty first and underwrites the calm deliberation that was expected of public officials. "The impersonality of the legal state was long accepted as the proof of its rationality. It created an island of reason in the sea of irrationality. That absolved the 'system' from vice and virtue. Civilized political life, it was generally agreed, was possible only if the legal order was protected from the vagaries of personal preferences and attitudes. And that order was expected to encompass all public activities eventually." (OV 219-220) Shklar calls the invention of the liberal constitutional state "misanthropy's finest hour," for it puts distrust to work on behalf of a political system that shields against aggression and cruelty. For Shklar, the 18th century constitutionalists were realists who avoided cynicism; they approached the vices with a satirical turn of mind: "This is the misanthropy that laughs and exerts itself to avoid tears, bitterness, and an anguish that may drive us to the politics of destruction." (OV 197)

But Shklar concedes that the impersonal nature of the legal-rational state had limits, which were made clear almost immediately after the founding of the first liberal constitutional state in the U.S. The system itself relied on forms of democratic consent for its legitimacy, and elections reintroduced the personalized politics of trust and distrust, loyalty and betrayal. "Every candidate presents his character to an electorate that must be persuaded not only by arguments, but even more by emotional preferences. In spite of the early engineers of equilibrated

institutions and factions, the liberal order was not a self-regulating `systeme.' Democratic politics are not impersonal.” (OV 220) The liberalism of fear, in other words, could not exclude the qualities of leadership that could “satisfy the affective demands of the electorate.” (220) “Personal political authority is based on something close to love which is unstable and incalculable, and it has made the liberal state far less procedural and far less predictable than its first designers had hoped.” (220-221) The system, in fact, depended far less on legalistic-rationalistic rules and abstract principles as its Enlightenment founders had hoped. Indeed, the “liberal outcome” of the system was more the result of combination of an agonistic pluralism, a conditional trust between citizens and their leaders, and political culture that Shklar defines as the “democracy of everyday life.” Moreover, liberal procedural justice was bound to take more seriously the felt sense of injustices among citizens, especially those generated by social inequalities; in fact, it is more likely to increase the sensitivity of democratic citizenry to such injustices. And as Shklar makes clear elsewhere, one of the most distinguishing aspects of liberal democratic state is that it takes seriously the individual grievances. (FI 84-85).

Liberal democracy is thus for Shklar a fragile achievement, one that requires much more than a set of political procedures. (OV 248) It requires a public ethos that is directed toward regulation of the vices, not the cultivation of virtues (civic republicanism). She did not think this task was an easy, mindless, or morally stultifying one. Liberalism imposes extraordinary ethical demands that involve ranking the vices and learning to tolerate the lesser evils in order to avoid the worst. Judgment must be exercised when responding to certain private and public vices. Snobbery – “the habit of making inequality hurt” (OV 87) – must be condemned, especially democratic societies that stress equality and inclusion. But, liberals must “endure snobbery as an inescapable by-product not just of inequalities of prestige, but of diversity itself. We all snub and are snubbed as part of the process of our multiplicity of role and groups.” Betrayal is another ambiguous vice that must be tolerated to some extent in pluralistic societies, even though liberalism depends a great deal on a culture of trust, which underwrites individuals’ capacity to make and keep promises, with each other in private and public life, and with their representatives. But given their conflicting loyalties to multiple associations and allegiances to family, ethnic groups, religious sects, some promises and expectations are bound to conflict and be broken. Citizens in a representative democracy must learn to live with “a fine balance between trust and distrust, with the fear of betrayal lurking in just those places where trust is

most hoped for.” (OV 190) Living with conflicting loyalties and often thwarted expectations may lead many beyond disappointment to more destructive politics, and it is precisely here that “the skeptical intelligence must intervene, to restrain despair, to prevent general misanthropy, and above all to stop the destruction of a liberal order that is too determined to avenge itself upon its betrayers.” (OV 191) As for hypocrisy, Shklar notes that it is a widely condemned vice, particularly in democratic culture that prizes transparency and sincerity, especially among its leaders. She argues, however, that given “our mutual incomprehension and hostility,” liberals would do well to abandon “our obsession with openness.” Politics requires public masks that reflect publicly accepted norms and ideological commitments. “The spiritual inner man, his motives, and his deepest impulses are not only no business of public authorities; they ought not to concern his fellow citizens, especially his ideological opponents or even people who do not share his system of associations, background, and loyalties.” (247-8) Hypocrisy is a vice that liberalism may need to tolerate most of all, not simply in the name of protecting personal freedom, but especially if it is to reduce the ideological warfare of opponents who seek “the ‘psychic annihilation’ of their opponents by exposing their hypocrisy.” (66) No political order will ever close the gap between public profession and behavior, between politics and its legitimizing ideals. Because of its commitment to standards of public fairness, tolerance, and equality before the law, liberal states are especially susceptible to the charge of hypocrisy, and there will always be a disparity between what is said and what is done, and this gap will always be exploited by its critics.

The hypocrisy that must be tolerated in liberal states, however, opens up a serious weakness between liberal-democratic aspirations and the various instances of injustices, corruption, and deception in actual public life. Machiavellian realists have always tried to expose liberal hypocrisies advocating instead politics of power devoid of illusions. But for Shklar, the fragility of the liberal state was even more seriously tested by an even darker misanthropy that fueled the “emotionally charged leader-and-follower politics” following the First World War. Many Europeans came to doubt whether the liberal state could live up to its claims: “Was the impersonal state not just a cover for either the exploited or exploiting interests? Was it not rotten with hypocrisy? Was it not just a machine that crushed individuality in the interests of commercial enterprise and entrepreneurial vulgarity? Had it not ground every tradition down and had it not enslaved rather than freed those who labored for their daily bread?” (OV 221)

Liberals could not readily provide answers to these assaults, mostly because they resorted to increasingly abstract legalist arguments.¹⁷ Moreover, liberalism's tolerance "opened the gates to all their intellectual enemies" whose misanthropy was not rooted in a loathing for physical cruelty, but in "a loathing for the moral blight of hypocrisy, snobbery, and betrayal" – precisely the kinds of vices liberalism had to make peace with in its battle with cruelty. (OV 221)

The 20th century artists like Antonin Artaud and the early Brecht expressed the desperate misanthropy that reflected the disillusionment with the liberal Enlightenment ideals. (204) Artaud's theatre of cruelty echoed Nietzsche's claim that cruelty and violent destruction underwrite creativity should be celebrated in art. Artaud's aesthetic manifestoes were mirrors of the horrors of WWI. He called for an art that would tear off masks to divulge "our world's lies, aimlessness, meanness and even two-facedness." (quoted 211) This embrace of violent disillusionment through art was also conveyed in Celine's novels and the early Brecht, all of which "brought out a misanthropy not unlike that of the age of Machiavellian religious strife." Shklar's own attitude toward this artistic violence, with its apparent celebration amidst cruelty and carnage, is an understandable expression of widespread disillusionment: "How could one be anything but some sort of misanthrope after that endless incompetent slaughter? Was not the Second World War merely the continuation of the First? Were not Hitler and Stalin, and their armies of perfectly sincere followers, but a part of the convulsions that they had not in any way begun?" (OV 211) The reaction to actual historical cruelties produced "the urge to loathe and destroy," if not in real life, then in art. Shklar notes that nuclear weapons ironically may have tempered the destructive impulses, if only because of the fearful consequences and extent of the destruction. But the urge for aesthetic destruction still exists on a lesser scale: "As we still live among the most ravaging cruelties and multiple betrayals, we, too, have our misanthropic impulses to contend with. Machiavelli is our much-appreciated contemporary, not because he was right about the primacy of war in politics, but because he and his latest readers are quite alike. Both sport a stylish and ironic misanthropy and find a certain satisfaction in the unending spectacle of human depravity." (OV 212)

¹⁷ Shklar discusses the misguided efforts of liberals to ward off realism in international relations by insisting on an uncompromising policy of promoting a universally applicable rule of law. The effect was self-defeating because it divorced the realm of law from politics and inadvertently yielded to the realists view that politics was essentially a species of war. She refers to this aspect of liberal theory as "legalism" and criticizes it for preventing liberalism from "facing up to the realities of contemporary politics... It is liberal theory that needs to free itself from the illusions of 'the rule of law.'" *Legalism*, 142.

For contemporary misanthropy, however, “Nietzsche remains the most significant and active presence... One finds in him not only the misogyny and sexual disgust, but also the utter loathing for the hypocrisy of all the feeble and mean masses of mankind.” (OV 222) But Nietzsche also knew that unrestrained contempt is itself a disease. Perhaps, as Zarathustra teaches, man could only be loved as a bridge between the animal past and the overman, “a future, perfected race of wholly self-created and honest men.” But this vision is in so deep a contempt that, for Shklar, the consequences could only be apocalyptic. “The ‘overman’ may be only an intimation, but cruelty, honesty, and self-expression would be his marks, instead of self-torment, hypocrisy, and a repressed will to power. Cruelty there must be, because it is a part of creativity.” (OV 223) Nietzsche’s misguided gestures toward a great politics inspired a kind of hyper-Machiavellianism among his followers. “For ruling, as Nietzsche thought of it, should be a personal and creative activity, not the impersonal and blandly leveling policy of the modern legal state. A new philosophy and a new ruler must impose standards and discipline on the multitude, as the pursuit of his own individual projects.” While Shklar considers Nietzsche’s thought to be more an expression of cultural despair than a call for political action, it nonetheless set the moral climate for the nihilistic politics that were to come. “His avenging and recreating ‘overman’ is just a name for supramoral physical and psychic health, designed not for policy, but to express and outrage beyond words. Aggressive despair and its honesty are, however, also a part of the will to power, and that is how Nietzsche was posthumously able to play every discordant chord of Europe’s mental keyboard: in the heroic and cruel phase of his misanthropy, he clearly speaks to every terroristic impulse.” (OV 224)

Shklar ends her account of the ordinary vices on a grim picture of our contemporary world. For while she totally rejects the violent immaturity of Nietzsche’s great politics, she acknowledges that his contemptuous view of a lowly, hypocritical humanity has been confirmed by the bloody events of the 20th century. Humanitarian appeals sound hollow in a nihilistic age. But Shklar does not follow Nietzsche’s postmodern followers in criticizing the liberal order. She appeals, instead, to Montaigne’s early modern skepticism, which did not use its misanthropy as an excuse for cruelty, tyranny, lying and treachery. It is his view that Shklar recommends. “For it reminds one that it is not impersonal forces or institutions that commit atrocities: it is always a human being who is cruel and another who is a victim. That is why misanthropy did appeal to Montaigne, but also why he could valiantly ward it off by remembering personal friendship and

the occasional hero of the moral life. Sustained by them, he was able to remain a self-reliant skeptic. Often touched by misanthropy, appalled by his fellow men, he maintained a moral balance.” (OV 225)

IV. Conclusion: Vindicating Liberalism

One may very well ask whether the genealogy that Shklar lays out in *Ordinary Vices* is meant to vindicate liberalism or subvert it. By tracing the origins of liberalism to the cruelties of the religious wars in the 16th century, she undermines the more comforting accounts that ground liberalism in the rationalism of the Enlightenment. Like Nietzsche’s postmodern followers, Shklar undercuts any effort to secure the advance of liberal rights, rule of law, and toleration through progressive historiography or the articulation of incontrovertible moral principles. And like them she subverts every effort to ground liberalism on the basis of a rational consensus, instead looking at the agonistic nature of politics and morality a pluralistic society.

In certain respects, Shklar shares a kinship with postmodern democratic theorists who challenge liberal democracy’s “conceits of purity” and expose its complicity with the imperialism, slavery, genocide, class dominance, and disciplinary punishment. Take, for example, Wendy Brown’s discussion of how genealogical investigations inspired by Nietzsche and Foucault could be used to promote a democratic critique of liberal institutions. According to Brown, genealogy calls into question what we think “we commonly know about ourselves – as morally good, enlightened, sexually liberated, politically humane – and what function of power each purported truth serves, what each fiction disguises, displaces, enforces, and mobilizes.”¹⁸ (97) In addition to this subversive intent, genealogy disrupts progressive historiography, upon which liberalism has traditionally staked its hegemonic claims, by exposing the accidental, malicious, faulty, and historically contingent nature of historical development. (101) The effect is, of course, to destabilize our conceptions of knowledge, commonplace morality, and fixed meanings. Brown notes that Foucault’s genealogical studies aim “to take that which appears to be given and provide it not simply a history but one that reveals how contingently it came into being and remains in being, the degree to which it is neither foreordained nor fixed in meaning.” (103) This conception of history is meant to complicate the understanding of how political identities are constructed, as well as undermining the authority resting on claims to privileged

¹⁸ Brown, Wendy, *Politics Out of History*, Princeton: Princeton University Press, 2001.

origins. Genealogy is thus subversive form of inquiry and its measure of success, according to Brown, “is its disruptions of conventional accounts of our identities, values, origins, and futures.” While they are intended to disorient, genealogies do not engage in nihilistic destruction: they aim to “disrupt without destroying, to offer the possibility of resolving into another story.” (128) Genealogy subverts any notion of a destiny and an inevitable future that can be drawn from the laws of history, instead opening the present as a field of contending possibilities, all of which are conditioned by the complex, multiple forces emerging in the past, but none of which prescribes norms or forms of action for the future. (119) The point is not to offer political prescriptions, but to open the present to multiple, particular political projects that reflect the plurality of desires, creativity, opportunities, strategies, temperament, luck and skill. (118) In Brown’s view, genealogical critique opens the possibilities of an agonistic conception of politics that is at odds with liberal institutions, which “contain and constrain life, dominating through excessive control and devitalization of their subjects.” (133) “For Nietzsche, modern political institutions inevitably aim to fix and stabilize; they achieve a kind of static domination - indeed, a domination that is achieved through the containment of change – as well as invest the world with the resentment of justice shaped by envy and a reproach of power. Culture, by contrast, represents the prospect of innovation, aspiration, and creative effort.” (133) By calling into account the institutions of liberal democracies, Brown hopes to unleash the democratic power that has been attenuated by neo-liberal market values anti-liberal populist values. (Wendy Brown, 135)

As much as her own genealogical account of liberalism parallels that of Nietzsche’s contemporary heirs whose genealogical studies take direct aim against liberal pieties, Shklar differs from them in important respects. First, she is a fierce defender of liberal institutions and the constitutional state. While her skepticism subverts high-blown claims to a liberal consensus, her genealogy ultimately aims to vindicate liberalism, rather than subvert.¹⁹ For Shklar, the liberal state (rule of law, separation of powers, procedural guarantees) makes possible the “normal model of justice,” which is to be defended, despite its shortcomings.²⁰ Shklar argues that

¹⁹ On vindicatory genealogies, see Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy*, Chapter 2. Princeton University Press, 2002.

²⁰ “Most injustices occur continuously within the framework of an established polity with an operative system of law, in normal times. Often it is the very people who are supposed to prevent injustice who, in their official capacity, commit the gravest acts of injustice, without much protest from the citizenry.” (FI, 19) Shklar goes on to argue that even well-intentioned liberal citizens may be responsible for “passive injustice” by attributing their suffering to misfortune.

“constitutional democracy does provide the best available political response to the sense of injustice” that is inevitable in a competitive pluralistic society in which inequalities are inevitable. “At least democracy does not silence the voice of the aggrieved and accepts expressions of felt injustice as a mandate for change, while most other regimes resort to repression.” (FI 85) Interestingly, Shklar appears to agree with Nietzsche that the liberal state stimulates the sense of injustice and thus the potential for a politics of resentment. But the best way of minimizing the politics of resentment is by listening the voice of democratic protests, and this requires that citizens play a more active part in public life. Liberal justice, Shklar makes clear, does not transcend politics; at its best, it provides the institutional openings and procedural guarantees to promote an agonistic politics among the aggrieved who try to validate their sense of injustice. But the sense that justice has been served will always depend on the political organization and skills of those who seek it: “In reality, the valid sense of justice belongs to those who can prevail.” (107) (See also 122-123)²¹

The second important distinction between Shklar and Nietzsche’s contemporary heirs regards the sources of identity. The tendency among Nietzsche’s heirs is to locate identity formation in the multiple and cross-cutting identities that arise in pluralistic societies. Given their opposition to universalistic, abstract, rational, modernist identity that defines liberalism, especially in its Lockean and Kantian strains, they are reluctant to designate themselves as liberals. Shklar shows no hesitation and is eager to reclaim the designation “liberal” as a badge of honor and a fighting faith, even though she, too, considers the “probability of widely divergent selves” as a basic assumption of liberal freedom. Her liberalism accepts the fact that “many different ‘selves’ should be free to interact politically.” (LF 17) Locke, Kant and Mill presents versions of the liberal character, but Shklar resists defining any of them as a universal type or making them the aim of any scheme of government sponsored political education. Her liberalism is an insistent political, rather than ethical doctrine, in that its primary purpose is to defend the constitutional state as the necessary political condition for freedom. Yet she acknowledges that the rule of law indirectly promotes ethical virtues and depends on citizen with “a fair share of moral courage, self-reliance, and stubbornness to assert themselves effectively”

²¹ Wendy Brown does acknowledge that the liberal state structures contemporary political struggles, even as democratic movements challenge it: “Permanent resistance to the state that simultaneously constitutes democracy and is one of the chief sources of democracy’s dissolution becomes a means of sustaining democracy. Only through the state are the people constituted as a people; only in resistance to the state do the people remain a people.” *Politics Out of History*, p. 137.

against any sign of government illegality and abuse. (LF 15) Indeed, she insists that liberalism is “more than a set of political procedures;” it also requires “a culture of subcultures, a tradition of traditions, and an ethos of determined multiplicity.” (OV 248) Shklar’s genealogy maps a *via negativa* toward the dispositions of good liberals. The study of the ordinary vices is “a ramble through a moral minefield, not a march toward a destination” (OV 6) and Shklar leaves no doubt that this could only be pursued by those with the ethical character to “endure contradiction, complexity, diversity, and the risks of freedom.” (OV 5) In the end, *Ordinary Virtues* does invoke “good liberals” who are the heirs of the messy, diverse and contentious liberal past. “Given that as liberals we have abandoned certainty and agreement as goals worth of free people, we have no need for simple lists of vices and virtues. On the contrary, it seems to me that liberalism imposes extraordinary ethical difficulties on us: to live with contradictions, unresolvable conflicts, and a balancing of public and private imperatives which are neither opposed to nor at one with each other. The ordinary vices, at the very least, reveal what we have to contend with if we want to be fully aware of what we think we already know.” (OV 249) To Shklar, to be a liberal is strictly a negative designation that describes the continuous deployment of a skeptical intelligence in public life. By laying the psychological dispositions of good liberals, and by determining the political conditions of the present that make personal freedom possible, Shklar deliberately avoids making prescriptions for action. It simply is not the task of genealogy to look to the past to discover laws of history that would guide the future. Indeed, she aims to demolish the utopian aspirations and “ideologies of solidarity” that have too frequently justified political cruelty. But revealing the “consciousness of conflict among ‘us’ as both ineluctable and tolerable, and entirely necessary for any degree of freedom,” she seeks rather to open the political space for more limited political projects. (OV 227)