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Thoughts on War: The Other Pillar of Judith Shklar's Global Political Theory

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Abstract

The article reconstructs Shklar's thoughts on war. It argues that these thoughts constitute a crucial pillar of her political theory. Of particular significance is the interpretation of her book *Legalism*, where Shklar criticised efforts to streamline the complex issue of the causes of war into a simple theory of power and aggression, and her work on Montesquieu, which ultimately allowed her to link thoughts on war and extraordinary cruelty to her interest in cruelty as an ordinary vice. In this way, the article answers the question about the relationship between Shklar's explicit cosmopolitanism and her negative political theory. It demonstrates that her thoughts on war were politically cosmopolitan, while allowing her to eschew the type of global ethics that underwrites just war theorising, she was critical of. The article makes a case for considering Shklar's work as a contribution to Global Political Theory, calling for the latter to look beyond the just war tradition to pursue its interests in both theoretical prescription and political reality. This because Shklar's thoughts on war successfully combined empirical analysis of world affairs with normative dismissal of human actions that place others in situations of existential fear.

Keywords

Causes of war – just war theory – Montesquieu – International Political Theory – cosmopolitanism – International Relations

It used to be the mark of liberalism that it was cosmopolitan and that an insult to the life and liberty of a member of any race or group in any part of the world was of genuine concern.

Too great part of past and present political experience is neglected when we ignore the annual reports of Amnesty International and of contemporary warfare.¹

Introduction

Recent interpretations of Judith Shklar as an international political theorist are incomplete. Current scholarship has correctly identified Shklar's strong cosmopolitan outlook and used her work to support international human rights,² norms against genocide³ and, with

reservations, humanitarian intervention.⁴ However, seen from the perspective of Shklar's signature negative approach to political theorising,⁵ her cosmopolitan outlook may appear as a puzzling outlier within her wider work. A noted sceptic⁶ and, for some, a theorist of dystopia,⁷ Shklar is hardly the obvious candidate to lend support to positive cosmopolitan ideas and conventional, positive liberal international policies. This raises an important question that has yet to be asked by scholars: What is the relationship between Shklar's cosmopolitan interests and her negative political theory?

In response to this question, the article presents the argument that Shklar's cosmopolitan outlook and her political theory of 'putting cruelty first' are both grounded in the same world political analysis. Reconstructing her position from a much wider range of sources than has hitherto been done by scholars of Shklar's international thought, I demonstrate how her interest in world politics rested on another pillar alongside her cosmopolitan outlook. I term this strand of her work as 'thoughts on war'. It concerns chiefly Shklar's views on the causes of war (informed by her work on Montesquieu) and the ethics of war (manifested in her disagreement with Michael Walzer). Crucially, I argue that Shklar's thoughts on war preceded and facilitated her negative political theory, not the other way round. By demonstrating this connection, the article also offers a novel take on the relationship between International Political Theory (IPT) and International Relations (IR) theory.⁸ IPT and IR have become separated in the present-day academia and specialists in one field rarely contribute to the other.⁹ Because Shklar was not a specialist in either, and was thus unhindered by disciplinary traditions and boundaries, she succeeded in transcending the gap between the two.

By showing that the relationship between IPT and IR theory is tighter and more interdependent than most current scholarship recognises, the article contributes to and strengthens the recent move in IPT towards Global Political Theory. Broadly speaking, Global Political Theory (GPT) combines the interest in the real world problems within political theory with the more traditionally established interest in normative theorising. In his introduction to a special issue of the *Journal of International Political Theory*, which produced some of the key statements of this promising new direction, Jonathan Floyd attached GPT to three recent 'growth areas' in Political Theory: '(1) 'Global justice', (2) 'just war' and (3) the non-identical twins of realism/moralism and ideal/non-ideal theory'.¹⁰ All three are connected by questions about the status of theoretical prescription and political reality. Shklar's work does not neatly fit into any of the three areas, yet it speaks to each. She cannot be seen as a precursor of global justice theorising, though several authors have turned to her when advancing arguments under the umbrella of global justice.¹¹ However, she harboured interest in phenomena identical or close to those underlying Floyd's three areas. This is especially apparent when it comes to Shklar's association with the realism/moralism debate, which has by now been firmly established.¹²

Shklar's thoughts on war provide the strongest connection between her work and the contemporary research done under the umbrella of Global Political Theory. This may appear counter-intuitive, because, thus far, Shklar's name has been largely missing from the recent revival of just war theorising. And she certainly did not seek to contribute to theories of just war. On the contrary, she argued that linking the idea of justice to war was absurd. But her critical thoughts on just war theorising, in the light of her wider thoughts on war disclosed, as demonstrated in this article, the importance of examining war as separate from politics, not as its continuation. Shklar also saw war as part of the global human condition, its causes being multiple and only some of which can – and ought to – be prevented by the means of politics.

Her thoughts on war as well as her political theory of the liberalism of fear combined empirical analysis of history and world affairs with normative dismissal of human actions that place others in situations of fear for their life and livelihood, irrespective of whether this happens in a single country or around the world.

This article reconstructs Shklar's thoughts on war from her multiple books and other texts, because she never wrote about war in a consolidated manner. This arduous task draws on an interpretative methodology that is largely adopted from Shklar herself, seeking to understand her authorial intent in the context of each and every text. However, her ideas are interpreted with current scholarship in mind, which is, again, in line with Shklar's own interpretative theory. As the topic sits at the intersection of Political Theory and IR theory, I break down the disciplinary barriers and draw on scholarship from both fields. The article is divided into three sections. The first one reconstructs Shklar's thoughts on war, drawing on her texts written between the 1950s and the 1980s. Of particular significance is the book *Legalism*, where Shklar wrote most extensively on the problems of streamlining the complex issue of the causes of war into a simple theory of individual power and aggression. In this section I also demonstrate how Shklar's turn to Montesquieu provided her thoughts on war with a new direction and ultimately helped her to link them to what would become her signature concept of 'putting cruelty first'. Section two reconstructs and explains Shklar's critical position on the just war theory. It illuminates how her reluctance to attach a political value (justice) to war was an expression of her effort to understand war as an enduring element of global life, while she refused to normalise its presence. Finally, section three builds upon Shklar's work on Montesquieu and presents her original political theory, the liberalism of fear, as a response to her thoughts on war. The section examines the liberalism of fear as a cosmopolitan political theory and makes a case for recognising it as a contribution to Global Political Theory.

1. Thoughts on War

Shklar mainly self-identified as political theorist, though she also referred to herself as a historian of political ideas in the first few decades of her career. Political theorists working in the post-Second World War North American academia were chiefly concerned with ideas pertaining to a single political unit, consigning themselves predominantly to domestic politics. As Charles Beitz wrote in 1979, '[i]n the modern history of political theory ... international relations appears largely as a marginal affair'.¹³ Political Theory studied and further developed ideas produced by an array of mostly Western political thinkers from the Ancient Greece up to their own time. As a historian of ideas, Shklar reiterated this practice and focused on a good number of those thinkers, especially from the seventeenth century onwards. She did not seek to portray those she studied as theorists of international politics. More recent scholars have succeeded in finding insights into international relations in the texts of Hobbes, Rousseau or Hegel.¹⁴ Not so Shklar. Her interpretative creed was purposely self-limiting: 'When one decides to concentrate on the work of a specific writer, one must often exclude the most interesting considerations, so as not to stray away from one's main character'.¹⁵ Past political theorists' intellectual horizons were more often than not limited by the boundaries of a single political community, even if contemporary scholarship has demonstrated that classical political thinkers, directly or indirectly, did contribute to debates about international relations.¹⁶

Shklar's close reading of texts disclosed interest in what we could call the social embeddedness of ideas. This approach went beyond the position that ideas are born

exclusively out of other ideas and impact people as ‘disembodied forces’ – Shklar directly criticised such approach as ‘intellectual determinism’.¹⁷ As a result, she was partly ready to go beyond the authorial intent, not least for the sake of identifying the limits of the author in question. Yet, as she did not attempt to justify or systematically address her interpretative approach, we cannot be certain there was a unifying position from which she approached all texts. We can only infer that she preferred dialectical thinking. She criticised Karl Mannheim for thinking ‘that ideas were immediate emanatory of social interests, without recognizing, as Engels had noticed, that ideas in their turn structure experience and there is an interplay between various levels of social experience rather than a simple line of cause and effect’.¹⁸ What then serves as a guide to reconstructing her thought, is the frequency with which she identified a social phenomenon as relevant to interpretation. And here, it must be noted, that she often used references to war, especially a major war such as the First and Second World Wars, as a catalyst for thinking.

With this in mind, I wish to propose that Shklar’s first two books, *After Utopia* and *Legalism*, should be viewed as directly addressing the question what happens to the realm of ideas in response to a major war. While exploring a much wider ‘decline’ in the faith in political ideas, in *After Utopia: The Decline of Political Faith* (1957) Shklar emphasised that the two world wars – the second one frequently paired with totalitarianism – channelled political thought deeper into the abyss of doubt about the relevance of ideas to political life. The romanticism of the ‘unhappy consciousness’, which included the likes of Heidegger, Jaspers, Camus or Arendt, was ‘clearly a reflection on the decades of war and totalitarianism in Western Europe’.¹⁹ Its philosophical alternative, Christian fatalism, saw war as ‘the upshot of the unnatural social order that denies man’s spiritual nature’ and the war provided a ‘catastrophic revelation of a secularized Europe’.²⁰ Finally, socialism was ‘left without a philosophy ... when totalitarianism and war proved its “scientific” claims to be utterly false’.²¹ Like so often in her work, Shklar examined the issue from multiple angles. Moreover, when castigating the social theologians for criticizing modern wars, she reminded us that ‘there never was a time of peace, even in “natural” Middle Ages’ which they celebrated.²² Her next book, *Legalism: An Essay on Law, Morals and Politics* (1964), however, clarified that it would be wrong to associate her with the idea that war is an ongoing, as-if naturally occurring, social phenomenon. She criticised legalism, a social ethos that holds rule-following above everything else, for insinuating that political bargaining was ‘hardly to be distinguished from uncontrolled physical violence’, that politics was ‘perpetual war’.²³ The challenge, she argued, lied elsewhere: How to prevent future wars with the help of ideas? And was it at all warranted to place one’s hope in ideas?

Shklar’s interpretative determination to stay truthful to the author’s intent – especially when it comes to the ‘great’ ones – is most palpable in her book on Rousseau, *Men and Citizens* (1969). Readers cannot be certain what she thought about war in the passage on Rousseau’s thoughts on war. Shklar stressed Rousseau’s disagreement with Abbé de Saint Pierre as well as with Hugo Grotius. Rousseau criticised St Pierre’s idea of a ‘law binding sovereign states’²⁴ and denounced Grotius’ laws of war and rights of conquest as ‘lies that enslaved’.²⁵ Rousseau, in Shklar’s interpretation, conceived of international anarchy as a state of war, where peace occurred only when strong states recognised self-moderation as advantageous. Conflicts were bound to arise out of ambitions of few men inclined to wage wars. Therefore Shklar paid particular attention to Rousseau’s criticism of despotic states, not to his so-called stag hunt parable that IR scholars, following a leading IR theorist of her time, Kenneth Waltz, discuss more frequently.²⁶ Nevertheless, Shklar’s Rousseau did closely resemble the Rousseau of Waltz as having ‘solv[ed] the problem of domestic order only at the cost of

creating an insuperable international state of war'.²⁷ 'History', as Shklar's book on Rousseau concluded, 'is the story of mankind's inability to achieve either peace or justice.'²⁸

The criticism of the Nuremberg and Tokyo Trials in *Legalism* disclosed a more nuanced position on the causes of war. It also gave reasons to believe that a great deal of the above mentioned scepticism about the possibility of achieving peace was Shklar's own, rather than just her interpretative conclusion concerning Rousseau. Shklar criticised the lawyers involved in the war trials for having sought to identify which actions of the accused Germans and Japanese caused the war, so that they could hold them legally responsible for it. In Shklar's eyes, it was a mistake to attribute the onset of wars to the actions of a few identifiable criminals. She argued that '[n]o simple formula can take care of the origins of all wars'.²⁹ This point would not satisfy theorists of international relations, such as Waltz, seeking to produce parsimonious theories of the causes of war. However, it highlights Shklar's book's overall argument³⁰ that an ideology can prevent us from seeing socially complex phenomena as political, wrought with inner tensions, and presenting them instead as purposeful and clear-cut. Adopting this position problematized the question of judging the individual responsibility for war. As Shklar wrote, 'it is impossible to judge every war in terms of criminal aggression and legitimate self-defense'.³¹ Causes of war are diverse and complex, and explaining them also depends on one's meaning of causality. Historical and legal notions of causality are 'entirely different and incompatible'.³² Typically for Shklar's earlier work, her piercing, bold analysis and critique were not accompanied by equally satisfactory positive alternatives. Nevertheless, she did succeed in channelling her argument away from the discussion about the causes of war. Given the nature of contemporary (20th century) warfare, she argued, it was impossible to causally 'distinguishing crimes against humanity from crimes against peace'; what differentiates the two was 'not a matter of causes but of consequences'.³³ Shklar thus reinforced her pursuit of the idea that causes of wars are diverse, as are individual wars.

While many scholars of international relations have agreed with Waltz – both on the point that we need a parsimonious theory of the origins of war and on the point that the most important factor accounting for war and peace is the nature of the international environment³⁴ – the issue is hardly straightforward. As another IR theorist, Jack Levy, cautioned, '[t]here is no consensus as to what the causes of war are ... or even whether it is possible to generalize about anything as complex and contextually dependent as war'.³⁵ A key insight in this regard came from Hidemi Suganami, who has been one of Waltz's sharpest critics. Suganami argued that we need to isolate three questions, if we are interested in the causes of war. Waltz and his followers failed to do so. First, we need to 'ask for the necessary conditions of war'; second, we need to ask 'about correlates of war' – that is 'under what sorts of circumstances have wars occurred more frequently'; and, thirdly, we need to ask 'How did this particular war come about?'.³⁶ An IR theorist, Suganami is best characterised as an analytical philosopher of war and the study of war. His meticulousness when analysing the causes of war is exceptional. In this sense, he is temperamentally the exact opposite of Shklar, who rarely had the patience to explore a phenomenon of interest in an analytically systematic manner. She considered that kind of forensic analysis as taking away attention from the important inquiry into the moral psychology of the studied phenomena, even if she relied heavily on the work of those who did engage in such mode of inquiry.³⁷ Nevertheless, Shklar's scattered, unsystematic ideas on the causes of war fit in conspicuously well with Suganami's analytical requirements. This was the case in *Legalism*, where she argued that the discussion on the causes of the Second World War as a particular war must be separated from the discussion on the causes of war in general, and was further confirmed in her subsequent writings on war.

In the book *Montesquieu* (1987), Shklar highlighted a number of points the eighteenth century Frenchman made about the causes of war. Her interpretation of his oeuvre emphasised those aspects of war and its study that fit well with Suganami's conclusions. Montesquieu did not believe in the inevitability of war. As Shklar pointed out, in his *Considerations on the Causes of the Greatness of the Romans and their Decline*, Montesquieu criticised the ancient Romans for their 'endemic bellicosity' (58), 'willingness, indeed eagerness, ... to go to war' (57), 'politics of fear' (69), 'disheartening military ethos' (65), devastation in order to 'achieve their universal state' (65), as well as their 'ferocity' as 'part of an ethos in which public purposes blotted out every personal purpose' (62). Shklar stressed that Montesquieu sought to build 'an empirical science' for which history provided the building material (68). Montesquieu 'did not believe in inevitability'; his 'constant resort to counterfactuals to explain the outcomes of political decisions makes that quite clear' (56). History was not only to 'explain how the laws of society ... had acquired their ... character, but also to show ... the entire social and physical situation of which a law was a dynamic part' (68). Characterising them as dynamic, Shklar meant that for Montesquieu laws could be improved or replaced, if need be. Montesquieu's life work, *The Spirit of the Laws*, examined laws from precisely this perspective.

Montesquieu, a proto-political scientist in Shklar's view, identified several causes for the Romans' abominable international behaviour, which could be traced to their attitudes to war and conquest. He tied causality both to 'intentional human designs' and to 'the deep circumstances which condition all the rules of a society' (69). He singled out the leaders and 'offices of government' as more blameworthy and prone to corruption and myopia due to their possession of power (64). Montesquieu also traced corruption and love of luxury to the Romans' positive attitude to cross-border 'plunder', which made some of them excessively rich (59). Roman efforts to normalise relations with the conquered regions by incorporating them into the empire did not bring about positive results. '[E]xtending Roman citizenship to all the Italian allies in order to meet the manpower needs of the extended empire' proved impotent, as such large population 'could not be self-governing in the old civic manner'; instead, 'soldiers in the outlying districts took on local customs that estranged them from the metropolis' (60). Political regime and the centre's values did not match the size and complex regional histories of the empire. Finally, the potential for fundamental cultural change by adopting Christianity remained fallow, as it did 'not make the later Romans less cruel'; '[t]hey remained "cruel men in a cruel state"' (61). Montesquieu applied his critical framework across time, to contemporary Spaniards with their cruel conquest of the New World (65, 83). Despite considering the Spanish imperialism worse than the Roman, he expressed hope that 'treaties and the law of nations could not now be disregarded with the impunity of the Roman Senate' (66).

Remarkably, Shklar did not highlight one aspect of Montesquieu's thoughts on war, even if it aligned well with her overall reading of his arguments about the causes of war. Montesquieu claimed wars did not originate in human nature, in individual lust for power. They were produced by society, by the fact of social life unfolding over time, under certain material conditions, with specific values and ideas in place. In the same way as domestically the executive, legislature and judiciary had to be separated and moderated via institutionally and culturally provided checks and balances, so the social propensity to war could only be moderated, never eradicated. Raymond Aron brought this dimension of Montesquieu's thoughts on war to the attention of the 20th century audience³⁸ and incorporated it into his own thinking about the origins of war. There are good reasons to believe Shklar was familiar

with Aron's interpretation of Montesquieu, at the very least via her friend and lifelong colleague Stanley Hoffmann, who worked closely with Aron.

Shklar's engagement with Montesquieu marked the beginning of a new stage in her own thinking. Her earlier works gave expression to despair about the state of political theory (*After Utopia*, 'Introduction' to *Political Theory and Ideology*), to her modest interpretative method dedicated to close reading of texts (*Men and Citizens*), and to critique (*After Utopia*, *Legalism*). In the 1980s there appeared a strengthened quest for positive formulations of alternate ideas, which literature sometimes refers to as an element of 'hope' in her work.³⁹ Shklar's interpretation of Montesquieu's ideas on war helps to make sense of this turn. This development, it must be noted, did not oust Shklar's trademark scepticism. According to Shklar, Montesquieu identified domestic and international, direct and inadvertent reasons for the Roman bellicosity, only to conclude that the most critical element to address for the sake of peace was the internal organisation of a state, its government, laws and political culture. Therefore, following Montesquieu's intellectual journey gave Shklar a new purchase in theorising the principles of politics, first and foremost conceptualised as domestic politics. In *Montesquieu* she observed:

While the devastations of despotism and fear haunt [*The Spirit of the Laws*] even more than *The Persian Letters*, we are presented with plausible political alternatives. And though he reworked a lot of the material assembled in *Romans*, we hear far more about the vigorous republic than about the decadent empire. ... Montesquieu had been radicalized, possibly by his visit to England, and even by his young friends from the *Encyclopédie*. Unlike most people, he undeniably came to be more convinced of the possibility of positive political action as he grew older. He never lost his scepticism, and was as comfortable with his doubts as ever, but his notes indicate that he also became both socially and intellectually more self-confident in his last years.⁴⁰

One cannot dispel a sense that while writing this passage Shklar was reflecting on her own maturing as a political theorist. Like for Montesquieu, so for Shklar thoughts on war were a stepping stone to producing a political theory that satisfied their multidirectional questions about social life, including its ugly sides. The thoughts on war also firmly focused both thinkers on what in their eyes mattered the most for politics – minimizing chances of misuse of power, curbing cruelty and human suffering.

Thoughts on war were for Shklar closely connected to theorising domestic politics. The type of thinking practiced among some theorists of international relations, who imagine international affairs as a set of billiard balls, each ball moving in relation to other balls,⁴¹ was completely foreign to her. Her ideas resonated more with what has become known as the democratic peace theory in International Relations, underpinned by the idea that democracies do not wage wars with other democracies.⁴² However, she would never go as far as saying this observation generates a social theory of democratic peace, let alone a social scientific law, precisely because of the scepticism about any government and any power, which so permeated her work. Shklar was not a theorist of war, nor did she aspire to be one. However, Shklar's thoughts on war advanced those strands of her thinking which connected the focus on the negative in the form of cruelty and fear with her quest for a radical political theory – radical in the Montesquieuan sense that political thought can have positive impact on people's lives.

2. The Ethics of War

Shklar's thinking about war oscillated between addressing individual military conflicts in history and the causes of war in general, without giving up on either inquiry. Indicating that each war must be understood individually, she nevertheless suggested that an understanding of one war can help us comprehend wars in general. But this knowledge could not lead to a social scientific theory of the causes of war – as was fallaciously attempted during the Nuremberg and Tokyo war trials.⁴³ Indeed, Shklar's critique on this point was decisive and gave rise to a larger argument that narrowing down a multi-causal phenomenon to a single cause can only be an instance of an unwelcome ideology. One such example, the ideology of legalism, renders wars illegal and reduces them to discrete acts rather than consequences of multiple actions, many of which, as Shklar emphasised, might be deemed positive if judged in isolation. When legalism permeated the war trials, it produced false expectations and wrong outcomes because of the way it treated the question of the origins of war.

Mono-causal accounts of the causes of wars were wrong not only on the explanatory level, but, for Shklar, they were also flawed normatively. Sadly, she only sketched out this idea when discussing the ills of legalism, but an argument can be teased out of her comments. She wrote:

In any case, it is impossible to judge every war in terms of criminal aggression and legitimate self-defense. These notions presuppose a legal system which defines both crime and the occasions and form that self-defense might take. Even self-defense is, within a legal system, not just mere self-help at the discretion of the individual who feels threatened, but something defined, qualified, and limited by law. In the absence of such legal definition the idea of self-defense as rendering war legitimate has only the effect of making the “defensive” belligerent feel that he is morally entitled to use any military means whatever to win his just cause. The psychological consequences of legalism may well be an intransigence fed by self-righteousness.⁴⁴

While expressed in the language of a person ('he', 'self-righteousness'), Shklar was referring here to the effects of legalism on political communities and states. Under the pretext of acting righteously and waging a war in self-defence, communities and states might purse offensive wars. History is littered with wars waged on such spurious grounds, even by the most powerful states. The 2003 Iraq war was justified precisely in these terms as the U.S. President George W. Bush claimed he was defending the United States and the world from Iraq's illegal possession of the weapons of mass destruction.

If thoughts on war had an auxiliary – yet indispensable – role in the development of Shklar's political theory, her normative thinking about war was of a similar character. However, again, the catalyst of Montesquieu helped Shklar clarify what she considered relevant for her own political theorising and proved of crucial importance. Her close engagement with Montesquieu's work⁴⁵ helped to produce the monograph *Ordinary Vices* (1984).⁴⁶ There, Shklar explored what she termed ordinary vices such as cruelty, hypocrisy, snobbery, betrayal and misanthropy – often 'so commonplace that they are not worth discussing' in political theory⁴⁷ – in order to argue that cruelty should be considered the worst of the political vices. Montesquieu was for her a guide in exploring how 'putting cruelty first' reorients our moral psychology of public life. Cruelty is often sustained, even aided, by hypocrisy, as Montesquieu explored in his *Persian Letters*.⁴⁸ Yet – unlike Montesquieu – Shklar resolutely argued that it is cruelty not hypocrisy that needs to be considered the worst evil. She explored this claim on the example of war – that 'very commonplace ... but extreme' situation.⁴⁹

Shklar's examination of war and cruelty represented her most comprehensive contribution to the discussion of the ethics of war. The ethics of war is nowadays a key topic in International Political Theory (IPT). Shklar died before academic institutionalisation of IPT as we know it now. However, IPT's seminal works, such as Beitz's *Political Theory and International Relations* (1979) and Michael Walzer's *Just and Unjust Wars* (1977), were published during her lifetime and she knew them well. After all, hers was one of a dozen or so names in the Acknowledgments to *Just and Unjust Wars*. Along John Rawls, Shklar considered her old friend Walzer 'the most important, the most original, and the most intelligent political theorist in America'.⁵⁰ Yet, she deeply disagreed with him. Her disapproval of Walzer's argument concerning the ethics of war, which gave a new life to the just war doctrine, was unique and for the present inquiry highly instructive. She channelled the discussion away from exploring the criteria of just or unjust war, what has been the standard response – critical or affirmatory – to Walzer's thoughts on war. Instead, Shklar explored what discussing justice or injustice of war does to our moral psychology and how any party to this discussion can eventually sanction cruelty.

Shklar was critical of Walzer's understanding of war as occupying a place 'at the end of a continuum that has the harmonious consensual community at its other extreme', because this view implied that war 'remain[ed] a normal, rule-governed collective activity'.⁵¹ If one put cruelty first, as she invited us to do, one would 'see war as beyond the rules of good and evil, just and unjust'.⁵² This position was different from that of the so-called realists, such as Thucydides and Hobbes, whom Walzer discussed in the opening chapter of his seminal book. According to him, realists argued that the categories of humanity and inhumanity do not apply once people are at war.⁵³ And like Shklar, they used the concept of necessity to identify what is the prime agent in our moral and political considerations as related to war. In Walzer's view, realists used references to necessity as a form of moral discourse. For Shklar, however, no such option existed. War, she wrote, 'falls into the realm of pure necessity, where the impulse of self-preservation extinguishes the very possibility of justice. ... War, in this view, is not an extreme moral situation; it is wholly devoid of any moral compensation save personal courage'.⁵⁴ Consequently, in the moral vacuum of war and the concomitant state of fear, 'every enemy can easily be made to look the aggressor'.⁵⁵ Walzer found the very idea of a moral vacuum dangerous, precisely because it took away the restraint just war theorising sought to impose on reality. Shklar, in turn, did not think it was possible to adjudicate between the just war position and the cruelty as the worst evil position on war. The two positions are mutually inaccessible and irreconcilable. Each has good reasons to view the other as highly hypocritical. 'In fact,' as Shklar maintained, 'the contempt for hypocrisy is the only common ground that remains, and that is what renders these accusations so effective.'⁵⁶

'To put hypocrisy first', Shklar worried, 'entangles us finally in too much cruelty.'⁵⁷ If, as she advocated, cruelty is put above hypocrisy as the worst political evil, the inquiry into the ethics of war loses a great deal of its leverage. The question of *jus ad bellum* is redirected to an inquiry about the moral psychology and sociology of the very discourse of the morality of war. As she was well aware, Shklar's argument against Walzer was similar to Immanuel Kant's critique of the philosophers of the just war tradition. Kant chastised them for providing just war counsel to rulers and, instead, advocated giving advice that would lead to perpetual peace.⁵⁸ Walzer's theory of just war was not 'erroneous' per se.⁵⁹ There was sound internal logic to it. It was, however, sociologically and psychologically untenable in the sense that its consequences were likely, sometimes perhaps inadvertently, to produce otherwise avoidable suffering from cruelty and fear. Putting cruelty first meant for Shklar inquiring into

the potential impact of war on one's enemies as well as one's own moral psychology. From this argument followed the imperative to seek ways of avoiding this violent, deadly and morally crippling activity in the first place. More than the Walzerian realist position, her stance resembled a pacifist position, from which Walzer also sought to distance himself. The connection between the realist and pacifist sceptics was the doubt about the possibility and appropriateness of attaching the idea of justice to war. Shklar shared that doubt.

Shklar's comments on war in *Legalism* and in *Montesquieu*, however, dispelled the possibility of classifying her as a pacifist. Her critique of post-Second World War efforts to distinguish war from mass exterminations disclosed that her doubts about *jus in bello* were not grounded in pacifism. She wrote:

It is not possible to believe that wars are inevitable social processes, natural and beyond individual control, while genocide ... is an unavoidable, unnatural policy for which individuals are fully responsible. The difference must be found simply in the history of our deferring attitudes to war and to other forms of organized political violence. It is not a matter of logic at all, but of habitual social sentiments which have grown upon us and which determine our judgment. ... War has for most of history been regarded as a normal part of social life.⁶⁰

Following the logic of the argument that war has been regarded a natural part of social life, she argued that it was impossible to distinguish between aggressive and defensive wars. The difference rested on who was asking – one's aggressive war was someone else's defensive war. Shklar also showed how much the efforts to differentiate the two were dependent on cultural proximity. Prosecutors at Nuremberg found it far easier than those at Tokyo to portray the respective defeated state and its representatives as having waged an aggressive war. The distinction also collapses, because in wars deemed defensive no display of aggression changes the verdict about their character. In the Second World War the Allies committed atrocities against civilians, like some of the bombings of German cities and the dropping of nuclear bombs on Nagasaki and Hiroshima, and these events posed some challenge to the victors' cases against aggression during the post-war trials but were then dismissed.⁶¹

Shklar did not seek to philosophically distinguish between defensive and offensive wars, and only reluctantly accepted the popular view that war was just a 'part of social life'.⁶²

Theorising *jus in bello* suffered in her eyes from similar problems as *jus ad bellum*: there is no space for justice in war. Shklar's criticism of the Allies' efforts to prosecute the German and the Japanese leaders for the crime of aggressive war was unsparing. Yet, she adamantly insisted upon differentiating crimes against humanity from wartime aggression – and berated the war trials for not having done this consistently enough. The crimes against humanity, not wartime aggression, distinguished Nazi Germany from other participants in the war.⁶³ She disagreed with the view that crimes against humanity could be narrowed down to 'individual crimes within organised society' and blamed upon particular individuals who performed them, thus making it easier to hold them criminally responsible.⁶⁴ Instead, Shklar emphasised the importance of understanding the history of organised atrocities such as wartime exterminations and genocide, tracing them to national ideologies, social movements and collective actions – that is to Nazism, which preceded the war. While this stance made it hard to pinpoint the relationship between 'the causes of and responsibilities for these acts', Shklar insisted that such a painstaking analysis had to be done.⁶⁵

Examining crimes against humanity and possible responses to them brought Shklar to the familiar territory of political theory and moral psychology of victims and victimisers. What

she termed moral psychology represented in Shklar's political theory an amalgamation of empirical observation of the world with our habitual, if not always acknowledged, psychological responses to it, as channelled through our ascriptions of values and other moral messages. In her later works, where moral psychology played a crucial role in advancing her arguments, she usually explored moral psychology through the works of art, such as Giotto's paintings of the vices and virtues in the Scrovegni Chapel⁶⁶ or Nadine Gordimer's novel *Burger's Daughter*.⁶⁷ The crimes against humanity were instances of utmost cruelty. She saluted the trials' quest to expose the full extent of Nazi bestiality. At the same time, she worried that subjecting individual high-profile Nazis to trials, determining their responsibility and punishing them as individuals, did not address the real problem. For Shklar, the main problem was not whom to punish for the past, but how to positively influence the future. She believed that much wider parts of the German population – 'those who were actively engaged in such organizations as the concentration camps and who occupied dominating positions' – should have been 'purge[d]' from public life.⁶⁸ Her references to post-war reconstruction remind us of the remaining key element of just war theorising, *jus post bellum*. Once again, Shklar's thinking about what others would subsume under this concept was unconventional. She emphasised the pre-war origins of wartime atrocities, their ordinary beginnings and mass sanctioning, more than the nature of the acts themselves.

Shklar's interest in war only partially overlapped with questions addressed by the just war tradition as epitomised by Walzer's work. Most importantly, she refused to take war out of the wider course of history. For her, doing so would obfuscate the moral psychology of war, which could only be understood in a wider context. At the same time, she criticised the just war tradition for extending the rules of law and morality into war and for normalising it as a rule-governed collective activity.⁶⁹ Such a move dangerously narrowed down the legal and moral categories to only how they appeared to one of the warring parties. She wanted to address a fuller picture, one that included the perpetrators of wartime cruelties as well as their victims. Her horizon was clearly global. But she was acutely aware that the majority of rules, laws, moral norms and intuitions were culturally or nationally bound. For the communitarian Walzer this was not a problem, for Shklar it was.

3. From Montesquieu to Global Political Theory

Researching Montesquieu's work in the 1980s encouraged Shklar to clarify her thoughts on the causes and ethics of war. It also helped her in formulating the key ideas of her signature political theory, that of 'the liberalism of fear'. The liberalism of fear was Shklar's equivalent of Montesquieu's 'spirit of the laws' in terms of tone, intellectual self-confidence and self-understanding as political theorist. Shklar thought *The Spirit of the Laws* was an expression of 'what can be done to avert public disaster and to diminish the political cruelties that mar our lives'.⁷⁰ She portrayed this 'masterpiece' as both a lifework and a work that directly resulted from Montesquieu's earlier interest in the causes of war and political decline and in the causes of personal moral decline. Similarly, Shklar's liberalism of fear developed out of her earlier interests, including her thoughts on war. Seeing herself as an heir to Montesquieu (and to Montaigne before him), in *Ordinary Vices* Shklar examined the moral psychology of 'putting cruelty first' in which her liberalism of fear was grounded. Montesquieu's 'nightmare world' that the Spanish conquistadors created in the New World provided her with the 'ultimate example of public cruelty'.⁷¹ His examination of less extreme cruelties gave Shklar an opportunity to carve out her own ideas on the dangers of the moral psychology of unhindered cruelty. The figure of Uzbek, the intelligent but cruel tyrant in Montesquieu's book *The Persian Letters*, allowed Shklar to depict the limits of personal

character in political institutions. The liberalism of fear is a theory of political institutions and core (negative) values. Because it partly grew out of a life-long, if unsystematic and idiosyncratic, interest in the causes and consequences of war, it is a theory for both domestic political settings and for the global one.

Shklar scholars tend to emphasise the role her wartime exile played in the development of her political theory's focus on vices and fear.⁷² At the most extreme end of this view, she is found to have reduced all her thinking about politics to the danger of Nazism and the evil of Hitler.⁷³ Whether the personal experience of fleeing home as an eleven-year-old and wandering the world during wartime did leave an exceptionally strong impression in Shklar's intellectual development is inconsequential for the present study. As I have shown, the experience certainly did not diminish the power of her thoughts on war, even if it aligned her with the position that Nazism was not a one-time exception peculiar to the German nation, but a possibility that can always reoccur. She scrutinised this conviction by studying the history of ideas and channelled it into a political theory that went far beyond the dangers of extreme socio-political movements like Nazism. In fact, her turn from the *extraordinary* evil of war to cruelty as an *ordinary* political vice exemplified this controlled, conscious process. Again, Montesquieu's work played a crucial role in this development.

With the exception of rare heroes or saints, good intentions are not enough to protect us from the morally and psychologically corrosive effects of cruelty.⁷⁴ Shklar used the figure of Uzbek in Montesquieu's *Persian Letters* to illustrate the moral decline of someone who was keen to become a champion of the Enlightenment, toleration and pluralism, yet headed a household (a seraglio) where cruelty was the norm.⁷⁵ Uzbek's engagement in, initially minor, cruelties turned him into a tyrant who eventually enjoyed inflicting fear on his multiple wives and slaves. 'Uzbek', she concluded, 'is the perfect enlightened despot, whose violence breaks out as soon as his omnipotence is challenged'.⁷⁶ Uzbek epitomised a moral psychology that led Montesquieu to a political argument about rulers and regimes, about separation of powers and mistrust of personal qualities in politics. Shklar's own political theory went further than that. We must protect ourselves from the moral decline cruelty brings about by agreeing to limit ourselves through particular political institutions and practices. This was a self-oriented, non-altruistic argument in favour of the liberalism of fear.

If humankind's propensity to war can never be eradicated, the same applies to the human propensity to cruelty. Moderation of one's propensity to cruelty, propensity that increases when one is in the position of power over others like Uzbek, cannot be reliably achieved through personal – or even collective – decision to wilfully moderate oneself. Instead, moderation requires specific interventions into the setup of political institutions, into political procedures and social habits, and constant investment into educating people about the lives of others. Hoffmann's claim that '[t]he kinds of safeguards, habits, procedures, and citizen education Judith Shklar envisaged for liberation from fear within nations would also reduce fear in relations among them'⁷⁷ appears to be more than accurate in summarising the dual nature of Shklar's political theory. Further implications can be identified. Her admission that political liberalism is more costly than most liberals want to admit, is mirrored in the view that peace is more costly than most of us would like to admit, and certainly much less predictable than, for instance, the advocates of the democratic peace theory seem to believe. Her belief that governments can only be moderated and public cruelty cannot be fully eradicated, finds parallel in the notion that power relations can never be eliminated and the propensity to war can never be eradicated, but can be moderated and minimised by the means of institutional and cultural checks and balances. My reconstruction of the development of

Shklar's thoughts on war shows that she explored these two dimensions in the reverse order: she first examined the possibilities to limit war as a locus of extraordinary cruelty, before formulating the political theory of the liberalism of fear to limit ordinary cruelties, typically understood as intended primarily for the realm of domestic politics.

That Shklar never relinquished her globally oriented moral vision is evidenced in some of her most influential texts from the period just before her premature death in 1992, including 'The Liberalism of Fear'. 'We say "never again",' she wrote there, 'but somewhere someone is being tortured right now, and acute fear has again become the most common form of social control. To this the horror of modern warfare must be added as a reminder. The liberalism of fear is a response to these undeniable actualities, and it therefore concentrates on damage control.'⁷⁸ This and similar comments which seamlessly navigate her focus from co-citizens to all people back to fellow nationals have led some contemporary scholars to portray Shklar as a theorist of cosmopolitanism.⁷⁹ Unlike conventional accounts of cosmopolitanism, Shklar's was not primarily motivated by a moral commitment to global egalitarianism. Some such commitment was most likely present; it just was not directly developed into a cosmopolitan political theory. However, as I have demonstrated here, Shklar's global horizon as political theorist was crucially informed by her thoughts on war, and through them by a proto-social scientific theory of global politics and war. Arguing earlier that Shklar's cosmopolitanism 'emphasize[d] global commitments out of reasons that were strategic and precautionary as much as they are moral', I qualified it 'chastened'.⁸⁰ In the light of the present discussion it is right to ask whether the term *cosmopolitanism* should be applied to Shklar at all. Writing before cosmopolitanism became fashionable in globally-oriented political theorising, she was not partial to the term. She did, however, unequivocally appropriate the attribute 'cosmopolitan' for her liberalism of fear.⁸¹

In his contribution to the special issue on Global Political Theory, Matt Sleat argued that cosmopolitanism 'seems to be naturally inclined towards being moralistic in giving priority to morality over politics through taking moral values to represent proper ends and limits of political action'.⁸² According to him, 'at the initial stage of deciding the grounds, scope and content of [its] principles', cosmopolitanism is concerned exclusively with moral questions.⁸³ It is hard to recognise any such moralism in Shklar's avowedly cosmopolitan political theory. If Shklar's cosmopolitan liberalism of fear stemmed from – among others – her thoughts on war, as argued here, it is an example of what Sleat sought to theorise as the very opposite to cosmopolitanism. His alternative started by delimiting the realm of politics from that of morality, emphasising the legitimacy of politics as 'a form of governing through authoritative order' rather than as 'a form of governing-force alone – through which we can only expect others to obey out of fear of violence and coercion'.⁸⁴ Shklar delimited politics in a similar manner, differentiating it from war, as a more extreme situation of fear and the use of force. While accepting the existence of military conflict as a social fact, she sought to utilise the means of political theory to minimise their occurrences. This explains why she was interested in multiple causes of war and the possibilities of counteracting some of them through better domestic and global politics. It is also the reason why she was so resolutely against using the same moral categories (especially that of justice) in war as in politics. If *cosmopolitanism* cannot begin with a pragmatic, political initial stage, like Shklar's thoughts on war, it might indeed not be applicable to Shklar's cosmopolitan political theory.

Characterising Shklar's political theory as 'global political theory' has multiple benefits. First, it emphasises her interest in international politics in a sense that captures more than just interactions between states. Second, it links her work to contemporary efforts by Sleat, Floyd

and others to articulate how theoretical prescription could be tied to political realities of world politics. My reconstruction of Shklar's thoughts on war together with her political theory of 'putting cruelty first' represent a promising example of how this can be done. Seeing Shklar's liberalism of fear as an instance of global political theorising rooted in thoughts on war allows us to understand the value of her contribution to IR theory. Because she approached the topic of war as a political theorist grounded in the history of ideas, she was not constrained by the shackles of various IR debates of her day. The key IR debate of her time concerned the nature of inquiry, which eventually separated scientific inquiry, understood chiefly as positivist social science, from normative considerations.⁸⁵ Studying the causes of war became predominantly an issue for the social-scientific IR, while ethics of war came to be studied within the realm of Political Philosophy, Political Theory and, later, as part of International Political Theory. Engagement with real-life global political issues – such as the post-war reconstruction Shklar studied in *Legalism* – exposed the crucial political and intellectual limits of separating the study of the causes of war from ethical considerations of war conduct. From the perspective of politics, as Shklar insisted, it did not matter if the Nazi leaders were rightly accused and punished. Politics, as a means of organising collective life – in states and around the world – would have been better served by '[a]wakening the Germans to their past as a means of influencing their future political conduct'.⁸⁶ This principle can be extended to other situations in world politics. To illustrate, international human rights could also be supported because the world's future is better for everyone if human rights of everyone, including dissidents in our large trade partner states, are protected.

Conclusion

The reconstruction of Shklar's thoughts on war presented in this article breaks new ground in her work, a ground which is of significance to the history of ideas and beyond. In the history of ideas, the article reveals the other pillar of Shklar's political theory and a key source of its global orientation. Her interest in the causes of war and its ethics served a dual purpose. First, it helped Shklar re-direct her thinking from extraordinary situations of fear for one's life to 'ordinary vices' like cruelty, thus creating space for politics. 'Putting war first', a stance Shklar never took, would produce pacifism and very little politics. However, 'putting cruelty first' can encompass situations of extreme cruelties alongside the more common, ordinary ones and channel political responses to them. This was then reflected in her efforts to present a political theory with transformative potential that prescribes politics of preventing or minimizing situations where cruelty might arise as well as politics of rectifying cruelties that have already occurred and persist. Second, recognizing Shklar's thoughts on war as a pillar for this kind of political theorising also demonstrates that the space she was carving out for politics did not stop at the boundaries of a single political community. Like the wars that inspired her ideas the most – the Second World War, Roman military expansion and the Spanish conquest of the New World – her political horizon was global.

Beyond the history of ideas, reconstructing Shklar's thoughts on war allows us to make a better sense of her contribution to breaking down the separation between International Relations and International Political Theory. The argument presented in this article strengthens those strands within IPT that seek to examine the relationship between political reality and theoretical prescription under the umbrella of Global Political Theory. While political realities of war have been typically studied by International Relations, and the ethics of war has been the subject of International Political Theory, Shklar's thoughts on war expose how interlocked explanation and judgment are in extreme situations like war and that they must be studied in conjunction.

Shklar was not an expert on war. Notable further considerations addressed by scholars of war are missing in her writings. However, her thoughts on war make an important contribution by linking war to politics while insisting that the two be conceptually strictly separated. Her position stands in a direct contrast to much of the existing thinking on war, which is dominated by the Clausewitzian view that war is the extension of politics by other means. Shklar's challenge is especially valuable nowadays, when so many wars are intra-state and hybrid, involve civilians, display gross power disparities, make use of new technologies and very often include hostilities between one-time co-nationals and neighbours. Civil war was not a major topic in Shklar's thoughts on war and appears only in a few intermittent comments. Nevertheless, her thoughts on war and the broader global position of which they formed an important part show what is at stake in any war and why thinking about war beyond the confines of just war theory must become part of Global Political Theory.

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¹ Shklar, "Liberalism of Fear," 17.

² Stullerova, "Rethinking Human Rights."

³ Spencer, "Putting Cruelty First."

⁴ Stullerova, "Cruelty and International Relations."

⁵ Allen, "The Place of Negative Morality."

⁶ Misra, "Doubt and Commitment."

⁷ Rengger, "Realism Tamed or Liberalism Betrayed."

⁸ IPT is understood as the application of political theory (traditionally concerned with the domestic political setting) to global political problems and international politics. International Relations (IR) theory is narrowed down to the inquiry about world politics developed out of interest in the causes of war. Not everyone agrees with these definitions, but many do.

⁹ A rare example, and one using Shklar's work, is Jan Ruzicka's critique of the humanitarian initiative to ban nuclear weapons. Ruzicka, "The Next Great Hope."

¹⁰ Floyd, "Should Global Political Theory," 93.

¹¹ Heins, "Realizing Honneth;" Bohman, "Domination;" Royer, "International Criminal Justice."

¹² Williams, "Realism and Moralism;" Forrester, "Judith Shklar;" Stullerova, "Knowledge of Suffering."

¹³ Beitz, *Political Theory*, 3.

¹⁴ Williams, *The Realist Tradition*; Boucher, *Political Theories*.

¹⁵ Shklar, *Men and Citizens*, 216.

¹⁶ Boucher, *Political Theories*.

¹⁷ Shklar, "Introduction," 17.

¹⁸ *Ibid.*, 10.

¹⁹ Shklar, *After Utopia*, 114.

²⁰ *Ibid.*, 210.

²¹ *Ibid.*, 220.

²² *Ibid.*, 210.

²³ Shklar, *Legalism*, 1, 122, 123.

²⁴ Shklar, *Men and Citizens*, 207.

²⁵ *Ibid.*.

²⁶ Waltz, *Man, State and War*.

²⁷ Williams, *The Realist Tradition*, 65.

²⁸ Shklar, *Men and Citizens*, 213.

²⁹ Shklar, *Legalism*, 178.

³⁰ *Ibid.*, x.

³¹ *Ibid.*, 178.

³² *Ibid.*, 194.

³³ *Ibid.*, 199.

³⁴ Van Evera, *Causes of War*; Levy, "Causes of War."

³⁵ Levy, "Causes of War," 140.

³⁶ Suganami, *On the Causes*, 6.

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- ³⁷ For instance, she expressed debt to Joel Feinberg who analysed the concept of cruelty, she was working with, in an analytical manner. Shklar, *Faces of Injustice*, 128, fn. 5
- ³⁸ Aron, *Main Currents*, 56-7.
- ³⁹ Stullerova, "Knowledge of Suffering."
- ⁴⁰ Shklar, *Montesquieu*, 68.
- ⁴¹ Wolfers, "Discord and Collaboration," 82.
- ⁴² Russett, *Grasping the Democratic Peace*.
- ⁴³ Shklar, *Legalism*, 194.
- ⁴⁴ *Ibid.*, 178.
- ⁴⁵ Together with Montaigne. See also, Yack, "Shklar's Montaigne."
- ⁴⁶ Published three years before *Montesquieu*.
- ⁴⁷ Shklar, *Ordinary Vices*, 1.
- ⁴⁸ *Ibid.*, 12.
- ⁴⁹ *Ibid.*, 78.
- ⁵⁰ Shklar, "Michael Walzer."
- ⁵¹ Shklar, *Ordinary Vices*, 80.
- ⁵² *Ibid.*
- ⁵³ Walzer, *Just and Unjust Wars*, "Chapter 1: Against 'Realism'."
- ⁵⁴ Shklar, *Ordinary Vices*, 80.
- ⁵⁵ *Ibid.*
- ⁵⁶ *Ibid.*, 81.
- ⁵⁷ *Ibid.*, 86.
- ⁵⁸ Williams, *Kant and the End*.
- ⁵⁹ Shklar, *Ordinary Vices*, 80.
- ⁶⁰ Shklar, *Legalism*, 191.
- ⁶¹ *Ibid.*, 162.
- ⁶² *Ibid.*, 191.
- ⁶³ The Soviet Union being an exception. Shklar, *Legalism*, 164
- ⁶⁴ Shklar, *Legalism*, 192.
- ⁶⁵ *Ibid.*
- ⁶⁶ Shklar, *Faces of Injustice*, 49.
- ⁶⁷ Shklar, *Ordinary Vices*, 22.
- ⁶⁸ Shklar, *Legalism*, 193.
- ⁶⁹ Shklar, *Ordinary Vices*, 80.
- ⁷⁰ Shklar, *Montesquieu*, 68.
- ⁷¹ Shklar, *Ordinary Vices*, 12.
- ⁷² Hess, *The Political Theory*; Gatta, *Rethinking Liberalism*.
- ⁷³ Lilla, "Very Much a Fox," 9.
- ⁷⁴ See Stullerova, "Knowledge of Suffering."
- ⁷⁵ Shklar, *Ordinary Vices*, 213-4.
- ⁷⁶ *Ibid.*, 216.
- ⁷⁷ Hoffmann, *Chaos and Violence*, 40.
- ⁷⁸ Shklar, "Liberalism of Fear," 9.
- ⁷⁹ Stullerova, "Knowledge of Suffering," Royer, "International Criminal Justice."
- ⁸⁰ Stullerova, "Rethinking Human Rights," 2013, 689.
- ⁸¹ Shklar, "Liberalism of Fear," 11.
- ⁸² Sleat, "Value of Global Justice," 175.
- ⁸³ *Ibid.*, 174.
- ⁸⁴ *Ibid.*, 178, 176.
- ⁸⁵ Farr, "Remembering the Revolution."
- ⁸⁶ Shklar, *Legalism*, 193.