JUDITH N. SHKLAR'S LECTURES ON POLITICAL OBLIGATION: A BRIEF INTELLECTUAL HISTORY

Andreas Hess and Samantha Ashenden

Abstract: Teaching at Harvard's Department of Government for more than forty years the political theorist Judith N. Shklar (1928-1992) was a Socratic figure who influenced a considerable number of social scientists and humanities scholars who today hold key positions, and not just in higher education, in the US and abroad. Shklar took issue with those who were looking for intellectual gurus or who wanted their academic teacher to function as a substitute parent and she was equally critical of those who wanted to walk the corridors of power (like her fellow students from early Harvard days, Brzezinski and Kissinger). She insisted instead that it was crucial to prepare students for the real world by showing that political ideas could really make a difference. Particularly in her essays and lectures Shklar discussed the complex relationship between political ideas and political practice. In this paper we will present and discuss some of her arguments by drawing on a course on political obligation and moral reasoning, the last course she taught before her untimely death in 1992.

Keywords: *Judith N. Shklar, Harvard Department of Government, political theory, political obligation, moral reasoning*

The Context

The subject of this paper are Judith Shklar's Harvard lectures on political obligation, which were delivered in the Spring of 1992, just before her untimely death in September of that same year.[1] In the university's official 1991/92 *Courses of Instruction* 'Moral Reasoning. Political Obligation' was listed as a core course within a broader Moral Reasoning bracket, aimed mainly at undergraduate humanities and social science students. Apart from their Socratic teaching style, which shows a gifted teacher thinking on her feet, what is so remarkable about these late lectures is that they represent an intellectual turning point in Shklar's own political theory and intellectual development. However, in order fully to appreciate this late turn in the development of her political thinking and how the lectures on political obligation fit into it, one first has to understand how Shklar saw her own role as a teacher and what she had to say about the relationship between teaching, research and writing.

[1] We are currently preparing these lectures for publication with Yale University Press. This paper is an early draft that emerged from the joint editorial work. It is not our last word on the matter and we would therefore ask readers not to circulate or reproduce this text without permission.

For Shklar, political theory was ‘the elucidation of common experience’ (Shklar *Legalism* 1964: 28). Teaching political theory involved a number of requirements, one of which was to show love and passion for the subject; another was the aim not to bore students with classic texts but to discover the intellectual surplus that can be gained from studying them: “For the teacher there has to be some enduring intellectual incentive, for the student, something more genuine than mild entertainment. To teach this literature as if it were a precious gift that one gives to every new generation of students, one must really want to read it over and over oneself, because each reading reveals new possibilities, new perceptions and new ideas.” (“Why Teach Political Theory?”, typed manuscript, 15pp, HUGP118, Box 20, p4).

In this context questions of political obligation are at the heart of political theory. They deal with power, authority, right, collective decisions, rule over oneself and others. When is one bound by collective decisions? On what basis rests this obligation? What are its limits? In other words, looking at the grounds given for political obligation by any political theorist provides the key to the core of the argument. Thus, political obligation offers a prospect from which to look at the core of some of the most significant and enduring problems of politics, and it provides the opportunity to investigate these problems in an open-textured and comparative manner.

Shklar insisted that in such a context turning the classics into a repetitive exercise and therefore into a banality wouldn’t do the argument any justice. Against dry top-down lecturing Shklar stressed that it was crucial for students “to encounter, in an intense way, the intellectually wholly other, and to discover how superior the utterly remote can be” (p2). To that end it was important to convey to students “the conviction that a complete person must be able to think intelligently about government and that the only way to rise above banality is to learn to think one’s way through the works of the great writers on the subject and to learn to argue with them. To see how political ideas fit into the republic of letters generally, into the political system within which they took place and to finally see what is dead and alive within this accumulated wealth of psychological and social speculation is to be intellectually transformed, and to have something completely and immediately relevant to think about at any time of the day“ (p5).

As to prioritizing so-called research and one's own work over teaching Shklar maintains that such a distinction strikes her as odd: "Teaching students is as much one's 'own work' as anything can be, and research is something that natural scientists do. Very little if anything that a political theorist does can be described as an addition to factual knowledge about the world, experimentation or as discovery. It is therefore silly for us to talk about a conflict between the demands of research and teaching" (p5). Shklar finds it more helpful to distinguish between two types of teaching, that which is face-to-face, and that pursued through writing: "Both are psychologically necessary for a full scholarly life, because they make different demands upon the teacher. To address an indeterminate and anonymous audience of readers is very different from talking to visible students… Still one is teaching political theory because in one way or another, one writes to instruct one's readers. The greatest difference in writing rather than talking is that one can concentrate entirely on getting it right, without worrying about a specific audience" (p6). Writing becomes then in the end "an act of self-clarification and self education", independent of whether it "be a matter of placing texts in an historical context, a conceptual analysis, an explication of a text, or an argument about a set of ancient issues in the light of current experience". Shklar concludes: "The question thus cannot be, 'to teach or to write', but how to engage in two ways of teaching simultaneously or alternatively" (ibid).

The lectures on Political Obligation are practical demonstrations of Shklar's teaching philosophy and provide a rare insight into her own workshop, particularly her intense and meticulous teaching preparation. However, to regard the lectures on Political Obligation solely as fascinating teaching material, which they are, would mean to under-appreciate what we have before us. We maintain that they also represent an important turn in Shklar's own way of thinking of how obligation and loyalty (and in this context, exile) are conjoined. In other words, the Political Obligation material shows that her love for teaching political theory had actually mingled with her passion for curiosity and discovering new angles and perspectives – so much that some of the material gathered for teaching purposes this time served as a source for more.

The Missing Hinge

Even before her two last books, *The Faces of Injustice* and *American Citizenship*, were published (in 1990 and in 1991 respectively) Judith Shklar had started thinking about her next project, which would discuss some of the issues she had only touched upon in passing in these two studies. Rejecting notions of American exceptionalism, *The Faces of Injustice* and *American Citizenship* had, together with other essays related to American intellectual history (1998 and 1998a), been attempts to understand and explain some of the peculiarities of how American democracy was conceived. American democracy developed, so Shklar argued, in contrast to European liberal democratic models based on what Isaiah Berlin termed 'negative liberty'.

Shklar insisted that democracy in America was not based on some imaginary struggle for recognition between master and slave as Hegel had so famously suggested, nor on throwing off a pre-existing sedimented authority, but on a real struggle for positive liberty and rights, as the fight for emancipation from slavery clearly demonstrated (here and in the following 1998a, 127-145). She argued that the fight for a meaningful American democracy did not resemble at all those conceptualisations that Berlin had denounced as being totalitarian in aspiration, if not in actually existing communist practice. Shklar criticised Berlin for having thrown out the baby with the bath water and for having been mistaken in dismissing all notions of positive liberty just because of actually existing socialism and its overdrawn positive claims.

To be sure, Shklar's own liberalism of fear, as outlined in the essay of the same title (see Shklar [1989]/1998, 3-20), had never been based on entirely negative conceptualisation and argument. Yes, cruelty and the fear of it needed to be avoided at all costs. That had led her to ranking other vices as being of secondary importance. However, such an evaluation and ranking just stated the obvious, namely that vices such as hypocrisy, betrayal, misanthropy and so on were multifaceted and simply not on a par with cruelty and fear. Shklar's argumentation in *Faces of Injustice* followed a similar line of reasoning. While she appeared to be reluctant to adopt any systematic grand theory of justice, such as the one suggested by her friend and close colleague John Rawls, or to promote a way forward based on rights and legal proceedings, as pursued for example by Ronald Dworkin, she argued that the question of what could realistically be demanded from citizens in a democracy could still be answered by

relying on positive notions of liberty and rights, yet without pursuing a systematic and all-encompassing approach or anything resembling a grand theory or design.

American Citizenship resumed where *The Faces of Injustice* had ended. As Shklar argued in her chapter on 'Voting', belonging to a political community as expressed in the right to take part in elections and be able to vote, and the right to have an independent income, to provide for oneself and one's dependents, and to have some social standing, as explained in the second chapter 'Earning', were essential to a functioning modern democracy. What was still missing though, and which wasn't explained or discussed either in *Faces of Injustice* or in *American Citizenship*, was the question of what could be realistically expected from citizens in liberal democracies in terms of obligation and loyalty.

Trying to answer these questions Shklar became increasingly interested in the theme of exile, mainly because the exile's precarious position helped to throw into relief some of the core problems of political obligation: When exactly is the point reached that forces somebody into exile; and can the point of 'exit' be clearly demarcated or spelled out? In terms of obligation and duties, what are the differences between a dictatorship and a democracy? How much obedience and loyalty can be demanded in a functioning democracy, or in fact, from any political community? How do a democratic state and personal conscience relate to each other? Does a community have priority over personal concerns and doubts?

In raising these questions one cannot rule out some personal motivations on Shklar's part. Having been an exile, and seeing herself as a marginal figure despite occupying the rank of distinguished professor at Harvard, she had always been sceptical about moral masquerading and other forms of political pretentiousness. She despised heroes and followers, be they Che Guevara copycats, conservative and liberal free marketeers or narcissistic pop star academics. For Shklar, who had been so lucky to escape the totalitarian threat, such role-playing was not what was required in difficult times and in the attempt to combat cruelty and fear. Her argument was about something more serious. What was needed apart from functioning institutions was a political psychology that would provid moral antennae for citizens and that liberal democracies could rely upon. Actually, Shklar's entire work could be understood as a search for such a modern political psychology, ranging from her trilogy on Rousseau,

Hegel and Montesquieu (Shklar 1969, 1976 and 1987 respectively) to her phenomenological descriptions and discussions of some of these psychological features and dilemmas in her later work such as *Ordinary Vices* (1984) and the already mentioned *The Faces of Injustice*. Old republican virtues, so she argued, belonged to the past and could not be simply resuscitated; at the same time modern liberal democracy simply could not do without some reliable psychological 'software' on the part of its citizens. (For a fuller discussion of some of these themes and topics see Hess 2014).

We will never know exactly what kind of book Shklar had in mind, which would have been, by all accounts, benefitted greatly from her time as a visiting professorship in Cambridge. We can only speculate how the finer distinctions of her argument would have shaped up had her efforts found expression in a book-length manuscript and argument.What we have instead, between an early talk on the subject entitled "Conscience and Liberty" given in June of 1990 in Berkeley (HUGFP118, box 21), in which she first publically announced her intention to address the topic of political obligation more thoroughly, and her last essay "Obligation, Loyalty and Exile" (dated June 1992, HUGFG118, box 10, now published in the posthumous essay collection *Political Thought and Political Thinkers*), are her Harvard lectures on Political Obligation .

Content and Structure of the Lectures

Judith Shklar's course on Political Obligation was a new core course at Harvard in 1992-92; it was taught as part of the Moral Reasoning courses that had been on offer since the academic year 1979/80. Together these Moral Reasoning courses must be seen as a cross- and multidisciplinary attempt to discuss moral dilemmas and choices from various viewpoints and academic disciplines, ranging from theology and philosophy to politics, economics and education. In Harvard's 1991/2 *Courses of Instruction* the purpose of this group of courses is described as follows: "The common aim of courses in Moral Reasoning is to discuss significant and recurrent questions of choice and value that arise in human experience. They seek to acquaint students with the important traditions of thought that have informed such choices in the past and to enlarge the student's awareness of how people have understood the nature of the

virtuous life. The courses are intended to show that it is possible to reflect reasonably about such matters as justice, obligation, citizenship, loyalty, courage, and personal responsibility" (HUC8500.16, Box No 10). The names of lecturers who have offered Moral Reasoning courses at Harvard over the years read virtually like a Who's Who of the social sciences and humanities. Amongst others we find here Stanley Cavell, Harvey Cox, Ronald Dworkin, Stanley Hoffmann, Stephen Holmes, Harvey Mansfield, Martha Nussbaum, Michael Sandel, Amartya Sen, Michael Walzer – and Judith Shklar.

By the time she came to the Moral Reasoning course Shklar had already spent more than four decades at Harvard's Department of Government; thus, she came very late to this course. A look into the official *Courses of Instruction* from previous academic years tells us that she taught her course on Political Obligation only once (and she may have continued teaching the course had she not died in September 1992). As to why Shklar suggested the course on Political Obligation to her Harvard colleagues for this particular academic year we can only speculate. What is obvious though is that it enabled her to tackle a range of linked topics that are central to political theory from a distinctive perspective; and, as mentioned earlier, the topic coincided partly with a change in her own preoccupation and epistemological interests. Teaching the course allowed her to take her fair share of the teaching load, but in doing so also teach something new and exciting, something that would also allow her to address contemporary problems yet without forgetting that such problems had a long pre-history.[2]

At a talk she gave in Berkeley almost two years prior to actually teaching the course at Harvard, Shklar had already hinted at the possibility of offering such a course: "I promised I would not too long from now give a course on Political Obligation for what we call the Core". As she elaborated in the Berkeley talk, she was curious about an "unexpected discovery". What had driven her was a gap: "The usual reasons for bringing up the obligation to obey or to disobey is a conflict between loyalties… I ran

[2] Over many years Shklar taught a joint core course on political ideologies together with Stanley Hoffmann, and for 1991/2 she was listed as offering courses on "Topics in the History of Political Thought" (Government 2020), which covered European political thought from Locke to Kant, and "Political Concepts", Government 2030), in which basic terms of political discourse were read and discussed. The university's 1991-2 *Courses of Instruction* also listed "Readings in Ancient and Medieval Political Theory" (Government 2026) to be given in the academic year 1992-93 (HUC8500.16, Box No 12).

through the history of the argument and was flabbergasted by just how rarely conscience actually appears". She continued that she was particularly interested in the way America was distinct from other countries: "One place and time when it does come into its [the conscience's] own is in pre-Civil War America in the course of the struggle to abolish slavery… I inevitably had to think of liberty, since that was what was at stake for the abolitionists, which means inevitably for us yet another look at Isaiah Berlin's Two Concepts. The conclusion I came to was that the distinction he draws between the two types of liberty has little relevance to that part of our history and to our most typical way of thinking about liberty, that is 'rights'…" A few lines later Shklar concludes: "mostly it turns out to be less a matter of conscience than of divided loyalties, which is important if we want to separate our conscience from other grounds of moral or political action on the parts of groups or individuals" (HUGFP118, Box 21; all quotes pp1-2 of the manuscript; for the full text of the Berkeley lecture, see the forthcoming publication of Shklar's lectures *On Political Obligation* (eds. Samantha Ashenden and Andreas Hess), Yale University Press, forthcoming 2016). Retrospectively, the rest of the Berkeley lecture sounded very much like a prospectus for the course on Political Obligation which she would come to teach two years later.

An idea and rough outline of the course, which hinted at the range of topics and thinkers to be covered, was given in the official *Courses of Instruction*. There we read: "Why should we obey or disobey the government? Most people ask these questions when they are faced with incompatible loyalties, but some raise them when law and private conscience are in conflict. To consider how these confrontations have been perceived since antiquity, the course considers both philosophical and literary texts, including works by Sophocles, Plato, St. Augustine, Shakespeare, Hobbes, Locke, Rousseau, Hume Thoreau, and T. H. Green, as well as recent U.S. cases involving conscientious objectors and current debates about obligations to constitutional governments" (HUC8500. 16, Box No 12, Courses of Instruction 1991-92, p33).

This short description gave a hint to students of what to expect from the course. Furthermore, what is evident from the fully-written out lecture texts is that Shklar actually discussed lessons from the past that might instil a much deeper reflection and thus contribute to a better self-awareness of present problems. Shklar selected

examples of moral choices in different historical settings and contexts, ranging from personal interaction and the duties of friendship in smaller political communities such as the Greek city states, to the rise of organised religion and the changes this implied for individuals in terms of obedience and obligation, to the emergence of modern states and modern political ideologies and the new definitions and pressures that those brought with them.

To spell out the dilemmas that individuals had to confront in different political communities and at different times and to discuss a whole range of individual responses was an enormous didactic task. It is therefore not by chance that Shklar opens her lectures with a modern example of moral decision-making under the Nazi dictatorship (Weizsäcker vs Bonhöffer). She then takes a big leap back to classic Greece to reflect on moral dilemmas as they presented themselves and were discussed then. The lectures which followed deal with the rise of organised religion and the moral decision-making and dilemmas it involves (Judaism, Christianity, Protestantism, state religions), modern contract theory and enlightenment philosophy and the tension it creates between obedience and loyalty (Hobbes to Hume). This leads her, finally, to the question of moral choices that arise in the age of ideologies and with the rise of the modern 'positive state' and democracy. Shklar's lectures close with reflections on the bonds of exile, exile being the precarious condition in which citizens are forced to make sense and justify to themselves what loyalty means under modern conditions.

As two former students of Shklar have pointed out, the lectures have a number of arcs that linked different time periods with each other through a thematic bond.[3] As the lectures show, Shklar remained attuned to the different historical, social, political, cultural and religious contexts of specific arguments and examples. For example, the classics and early modern thinkers were confronted with different challenges and dilemmas and thought differently about obedience and loyalty when compared to the moderns. And yet there remained some common concerns and questions, which linked the different parts of this course to one another: What can be demanded from

[3] We are most grateful to Joseph Reisert, Shklar's former Head Teaching Fellow (now Professor of American Constitutional Law at Colby College) and Michael Mosher (now Political Science Professor and Head of Department at the University of Tulsa) who independently from each other have drawn our attention to this feature of Shklar's lectures (personal communciation).

any citizen and, in turn, from a political community? How does an individual citizen have to decide in the face of cruelty, fear and other adverse conditions, and in order to avoid the worst? What distinguishes modern conditions from classic ones? Was not modern democracy invented to replace traditional forms of obedience and the stark moral choices involved and to make space for choices within a democratic polity, bound by voluntary political loyalty and obligation?

In her lectures on political obligation Shklar does not engage at length with contemporary thinkers or paradigms, mainly because the course had a different purpose – to introduce undergraduate students to some of the classic texts of moral reasoning – and because Shklar was keen on sticking to her own rules and objectives when it came to teaching. However, occasionally Shklar's position as a defender of a new liberalism without illusions showed through: her examples and particularly the last lectures make clear that she was not entirely happy with what some of her contemporaries had to offer. To advocate a return to classic republicanism would not be feasible; the rise of modern individualism had simply crowded out any common vision of what the central virtues should be. At the same time an Isaiah Berlin-type liberalism, based on negative liberty, does not do justice to modern democratic experiences and struggles for positive liberty and recognition (particularly the American case seemed to have been instructive here). Equally, rights-based approaches such as the one suggested by Ronald Dworkin, seemed deficient since they would never be able to spell out comprehensively what political obligation in a democracy entails without running into the danger of being prescriptive. Last but not least, communitarian proposals like that of her colleague and friend Michael Walzer were too community-oriented, so much actually that their advocates simply could not imagine situations in which it was of primary importance to support the individual citizen and his conscience against a community, even if it were the most perfect community in the world. There was, after all, something worthwhile learning and rescueing from older deliberations on moral reasoning, from Antigone, Socrates to Thoreau and other abolitionists. With the rise of modern democracies classic traditional conceptualizations of obedience have to a large extent been replaced by notions of obligation and loyalty. Shklar also discusses the conditions of exile and legitimate dissent and the tensions that arise when competing understandings and claims of loyalty clash with each other.

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

Instead of a Conclusion: Shklar's Sense of Irony

This short paper, more a kind of editorial report, is not the place to discuss all the points that Shklar made in her lectures. For that interested readers will have to wait for our edition of Shklar's lectures for which this paper functions mainly as a teaser and 'appetizer'.

So instead of entering into a wider debate of the implications of Shklar's argumentation let us close here with an observation that refers not just to a mere *apercu*. Shklar had a very fine sense of irony, something that was not always appreciated or fully understood by students, tutors and even colleagues. Two essay questions that were part of the assessment preparation and linked to the course on political obligation show in a nutshell Shklar's Socratic wit and her readiness and capacity to call into question even the most serious and respected of thinkers. Furthermore, the two examples show more or less openly where her theoretical sympathies lay: "Henry David Thoreau has risen from the grave to challenge Michael Walzer to a debate on the topic, 'Resolved: There can be nor morally serious civil disobedience without an expressed commitment to other individuals.' Walzer will speak first, followed by Thoreau, and then Walzer is entitled to a brief rebuttal. John

Rawls has agreed to be the adjudicator. Present this debate and then write Rawls' critique". This question was followed by another that referred to an even more challenging imagined constellation: "Henry David Thoreau, Wendell Phillips, and Peter Singer were having a dinner in hell one night, and the question arose as to whether each had registered to vote in the November 1992 presidential elections. Construct a hypothetical conversation in which each writer justifies his decision and responds to the arguments of the other two."

APPENDIX

Table I: *Judith Shklar's Lectures on Political Obligation*

Lecture 1: Introduction: Bonhöffer and Weizsäcker

Lecture 2: Antigone

Lecture 3: Crito

Lecture 4: Friendship

Lecture 5: New Testament and Martin Luther

Lecture 6: Divided Loyalties Lecture 7: Honor and Richard II

Lecture 8: Tyranny

Lecture 9: Thomas Hobbes

Lecture 10: John Locke

Lecture 11: David Hume

Lecture 12: Jean-Jacques Rousseau

Lecture 13: Kant and Regicide Lecture 14: Hegel and Ideology

Lecture 15: T. H. Green Lecture 16: Obedience

Lecture 17: Military Obedience

Lecture 18: Loyalty and Betrayal

Lecture 19: Civil Disobedience I: Nineteenth Century Lecture 20: Civil Disobedience II: Twentieth Century

Lecture 21: Conscientious Objection

Lecture 22: Consent and Obligation

Lecture 23: The Bonds of Exile (Not given to students but mentioned to teaching fellows as a possible alternative for the last lecture.)

Bibliography

The Harvard Archives store the papers of Judith N. Shklar (3.5 cubic feet in ten containers). They contain some of Shklar's correspondence, her lecture notes and teaching material, speeches, drafts of published and unpublished papers, and other important material. They contain in HUGFP 118.8 Correspondence and other records, 1971–83 (2 boxes); in HUGFP 118.40 Speeches and other papers (1 box); and in HUGFP 118.62 Lecture notes and course materials (7 boxes). All the material that stems from the Shklar papers and that we draw upon in this paper, such as unpublished notes, drafts, and lecture notes does not appear separately in the bibliography but is instead acknowledged in the text.

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