

Who Needs a Theory of Justice? Judith Shklar and the Politics of Injustice

ROBIN DOUGLASS *King's College London, United Kingdom*


Much recent political theory aims to move beyond the dominant approach to theorizing justice by foregrounding cases of injustice. Judith Shklar's *The Faces of Injustice* is regularly invoked in this context, yet the full force of her challenge to the “normal model of justice” and its implications for understanding injustice have not been fully appreciated. This article reconstructs and defends Shklar's approach to theorizing injustice. It evaluates the differences between John Rawls's account of the sense of justice and Shklar's notion of the sense of injustice, showing why the latter should be theorized in relation to plural, competing, and ever-changing expectations, rather than in relation to ideal principles of justice. It illustrates how we can evaluate political responses to injustice without recourse to such principles and maintains that doing so is a strength of any democratic theory that is committed to giving injustice its due.

Do we need principles of justice to theorize injustice? In her 1990 book, *The Faces of Injustice*, Judith Shklar sets out a powerful challenge to philosophers who take “it for granted that injustice is simply the absence of justice, and that once we know what is just, we will know all we need to know.” To give injustice its due, she instead argues, we must treat it as an independent phenomenon and not merely as the absence of justice. Shklar claims that the “normal model of justice” is at least as old as Aristotle (FI, 15–7),¹ yet its prominence was especially great at a time when so much Anglophone political philosophy was conducted in the shadow of John Rawls's *A Theory of Justice* (1971), which memorably opens by declaring that justice “is the first virtue of social institutions, as truth is of systems of thought.” (TJ, §1, 3) An ideal theory of justice, according to Rawls, provides “the only basis for the systematic grasp” of the problems of injustice we encounter in everyday life (TJ, §2, 8).²

The complaint that the dominant (Rawlsian) approach to political philosophy is inadequate for addressing

questions of injustice is increasingly voiced today, especially by those who focus on the greatest evils afflicting societies. Critics claim that Rawls's work “leaves injustice virtually untheorized” (Cudd 2006, viii), or that ideal theorists more generally “agree that principles of justice should be determined without consideration of actual injustice.” (Goodhart 2018, 25; see also Mills 2005) “How could so much be written about social justice and so little about injustice?” asks another (Bufacchi 2012, 1), for surely we “need a *theory of injustice* more than a theory of justice.” (Medina 2013, 12) Those who contest the Rawlsian approach often appeal to *The Faces of Injustice* (e.g., Sen 2010, vii–viii; Bufacchi 2012, 2; Levy 2016, 327–8; Barnett 2017, 242–6; Goodhart 2018, 27–9), and Shklar's insights have been extended to debates on epistemic injustice (Fricker 2007, vi–vii, 39–40; Medina 2013, 12–3), structural injustice (Young 2011, 32–4; Sankaran 2021, 460–3), transitional justice (Mihai 2016, especially 57–62), restorative justice (Pemberton and Aarten 2017; Pemberton 2019, especially 16–9), and even climate justice (Francis 2022).

Shklar's challenge to the dominant mode of theorizing justice can be formulated in weaker or stronger terms. On the weaker version, we miss much of what is distinctive and important about injustice if we understand it solely as the opposite of justice. Studying injustice as an independent phenomenon is thus an important *addition* to the normal way of thinking about justice. This is Shklar's official position: she claims that her aim is not to dispute “the worth of the various theories of justice” advanced by other philosophers (FI, 16). Yet her challenge sometimes appears stronger (Murphy 1991, 440–3; Yack 1991, 1346–7). On the stronger version, it is unclear whether we need ideal principles of justice at all, and, if we do, their scope is considerably reduced. This point bears emphasizing given that much nonideal theory holds that “charges of injustice presuppose ideals of justice,” and that

Robin Douglass , Professor of Political Theory, Department of Political Economy, King's College London, United Kingdom, robin.douglass@kcl.ac.uk.

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¹ I use the following abbreviations for frequently cited works: FI = *The Faces of Injustice* (Shklar 1990); TJ = *A Theory of Justice* (Rawls [1971] 1999). Citations to TJ are given by section and page numbers.

² Shklar mentions Rawls only once in *The Faces of Injustice* (FI, 79). A helpful link between her views on Rawls (and subsequent political philosophy) and injustice can be found in an earlier essay (Shklar 1986). For more general discussion of the distinctions between Rawls's and Shklar's approaches to political theory/philosophy, see Yack (2017). On the long shadow of Rawls's work, see Forrester (2019).

principles of justice are required to identify the social changes that should be pursued in response to injustice (Shelby 2016, 12–3).³ The stronger version of Shklar's challenge calls these assumptions into question.

But is Shklar's challenge persuasive? Some early reviewers of *The Faces of Injustice* were unimpressed, retorting that her "sweeping criticism of the mainstream philosophical tradition ... remains unclear and unconvincing" (Nussbaum 1990, 32); that her account of the shortcomings of traditional theories is "simply false" and that she "even draws crucially upon ideas central to the theoretical tradition she is supposed to be attacking" (Murphy 1991, 439); or that it is unclear whether Shklar "has legitimate grounds for complaining that philosophers have paid too little attention to the sense of injustice" (Kraut 1992, 394–5). Even recent and more sympathetic commentators have claimed that Shklar "nevertheless ends up needing a self-made external normative standard to assess the claims of victims" (Heins 2019, 190), or that "a theory of justice remains crucial for classifying situations or actions as just or unjust" (Kaufmann 2020, 592–3).

The aim of this article is to reconstruct and defend both Shklar's challenge to the normal model of justice and her alternative approach to understanding the puzzles that injustice raises for democratic theory. *The Faces of Injustice* is a suggestive yet elusive text.⁴ As one critic put it, not entirely unfairly, "Shklar's ruminations and observations are heterogeneous and loosely connected, and she makes no attempt to construct and fully defend a sharply defined philosophical thesis" (Kraut 1992, 393). In what follows, I present Shklar's challenge to the normal model more systematically and draw out its implications more explicitly than she herself did, in part to correct certain misunderstandings of her position and to respond to some of the most pressing criticisms it faces. Although Shklar did not engage directly with Rawls, I hope to show that we can better understand the distinctiveness of her position through more detailed comparison with Rawls's ideas and by addressing

objections that could be (and sometimes subsequently were) raised by those who insist that we need principles of justice to theorize injustice.

I argue that Shklar's challenge to the normal model of justice is more persuasive than her critics suggest and that her alternative approach to theorizing injustice raises considerations that should be taken seriously by those who are dissatisfied with the Rawlsian approach to questions of (in)justice. This involves focusing, first and foremost, on the sense of injustice, the omission of which is central to Shklar's account of the normal model's shortcomings. Above all, she declares, "political theory cannot turn away from the sense of injustice that is an integral part of our social and personal experiences ... and that plays an essential part in democratic theory and practice" (FI, 50). As we shall see, the best way to approach Shklar's democratic theory is by thinking through the political implications of giving (the sense of) injustice its due.

This article proceeds by setting out Shklar's criticisms of the normal model in greater detail, before comparing her notion of the sense of injustice with Rawls's idea of the sense of justice. The crucial difference, I argue, is that where Rawls theorizes the sense of justice in relation to ideal principles, Shklar theorizes the sense of injustice in relation to plural, competing, and ever-changing social expectations, which cannot be adequately specified by any principles of justice. I defend Shklar's position that our sense of injustice should be understood in relation to these expectations and maintain that her analysis of injustice does not—and need not—rely upon external normative standards (such as ideal principles of justice) for adjudicating between rival claims of injustice. I then consider what is involved, for Shklar, in addressing injustice as a political (rather than as an ethical) problem in democratic theory. Against those who contend that a democratic account of injustice must be committed to transformational and emancipatory political struggle (e.g., Goodhart 2018, 105), I suggest that one of the strengths of Shklar's democratic approach is that it is neither as radical as some commentators hope nor as conservative as others fear. I conclude with some reflections on how Shklar understands the audience and purpose of her political theory, indicating how this bears upon the question of whether we need ideal principles of justice.

INJUSTICE BEYOND THE NORMAL MODEL

How does Shklar understand the "normal model" of justice? In its simplest form, the normal model seeks to identify the rules that should govern society. The most primary rules—the subject matter of distributive or primary justice—"set out the status and entitlements of the members of the polity." These are regarded as just insofar as they "correspond to the most basic ethical beliefs of the society." Even in complex modern societies characterized by a plurality of different ethical outlooks, proponents of the normal model nonetheless search for "some solid ground on which distributive

³ Shklar does not use the ideal/nonideal terminology, and my point here is simply that her criticisms extend to what usually falls under the nonideal approach to theorizing (in)justice. There is now a vast literature on different approaches to nonideal theorizing; for helpful entry points, see Stemplowska and Swift (2012) and Valentini (2012).

⁴ For the purposes of this article, I treat *The Faces of Injustice* as a standalone work, much as Shklar presented it, while remaining largely agnostic about how it relates to her wider thought. Many scholars read it as complementing (or an extension of) her more famous commitment to the liberalism of fear. Most recently, see Gatta (2018, especially 36–9, 127–34), Fives (2020, especially 63–6), Kaufmann (2020, 589–93), and Hall (2023, 1072–3). For studies highlighting tensions and differences between the liberalism of fear and Shklar's work on injustice, see Whiteside (1999, 516–22) and Douglass (2023). Even within specialist scholarship, *The Faces of Injustice* has received little sustained attention in its own right. The most notable exceptions are two articles by Bernard Yack (1991; 1999). I follow Yack (1999, 1106) in seeking to tease out the "considerably larger and more important theoretical implications" that Shklar did not draw out explicitly. While there are some overlaps between my arguments and Yack's, I focus more on the sense of injustice and its implications for understanding injustice as a problem for democratic theory.

justice can ultimately rest.”⁵ In addition to these primary rules, the normal model recognizes that there must be laws and institutions designed to enforce the rules and settle disputes, which should be managed by officials who are impartial and seek to uphold the legal order. Injustice, in turn, is conceptualized in opposition to this idea of justice and amounts to little more than the conclusion “that it is unjust to break the rules of normal justice.” Although proponents of the normal model acknowledge that injustice is unlikely to ever go away, “normal justice is taken implicitly to be adequate to the task of controlling it in practice and understanding it in theory” (FI, 17–9).

Shklar paints the normal model of justice in broad strokes. She claims that it has “been accepted by Aristotelians and Hobbesians, Kantians and utilitarians, liberals and conservatives, and most theologians as well” (FI, 18). Her criticisms are mainly set out against this generic account of the normal model, rather than being directed at specific philosophers. When first introducing her argument, she claims that in clinging to “the groundless belief that we can know and draw a stable and rigid distinction between the unjust and the unfortunate,” the normal model “inclines us to ignore passive injustice, the victim’s sense of injustice, and ultimately the full, complex, and enduring character of injustice as a social phenomenon” (FI, 8–9). She offers a similar list of omissions at the beginning of chapter 1, observing that we miss a great deal by focusing on justice alone: “The sense of injustice, the difficulties of identifying the victims of injustice, and the many ways in which we all learn to live with each other’s injustices tend to be ignored, as is the relation of private injustice to the public order” (FI, 15). The normal model of justice, she later adds, struggles to address the “irreducibly subjective component” of victimhood and thus fails to get to grips with either the character of injustice or the experience of the victims (FI, 37, 49–50). Shklar argues that we need “a less rule-bound phenomenology” to explore the complexities of injustice (FI, 28), and much of her analysis seeks to identify the aspects of our experience of injustice that the normal model occludes.

Before assessing Shklar’s remarks on the limitations of the normal model, it is worth highlighting what she does *not* argue here. Her rationale for focusing on injustice does not rest on the claim that it is easier to agree on cases of injustice than on principles of justice. Some theorists who foreground injustice do advance this claim, maintaining that we can identify severe injustices, such as slavery, without reaching any consensus on ideal principles of justice (e.g., Sen 2010, 21; Wolff 2015, 215–21). *The Faces of Injustice* is sometimes invoked in precisely this context (e.g., Spinner-Halev

2012, 181; Goodhart 2018, 92, 105; Phillips 2021, 106). Given that Shklar ([1989] 1998, 11) elsewhere argues that the liberalism of fear appeals to the *summum malum* of cruelty and the fear it inspires, we might expect *The Faces of Injustice* to start from consensus on the evil of injustice. Yet this is not Shklar’s approach. On the contrary, one of her main aims is to expose the many difficulties involved in both identifying the victims of injustice and distinguishing between misfortune and injustice (FI, especially 2, 4–5, 8–9, 14, 54–5, 126). Even if everyone agrees when it comes to identifying severe injustices, much of her analysis operates in the realm where no consensus on injustice is to be found. In this respect, *The Faces of Injustice* should be read as a challenge to—rather than as an inspiration for—theorists who examine cases of injustice on the grounds that doing so allows for a level of agreement that cannot be attained regarding ideal principles of justice.

Are Shklar’s claims about the normal model’s omissions fair? Comparison with Rawls’s theory of justice is instructive here, not least because critics have countered that her objections miss the mark once we consider the psychological and educational elements in Rawls’s account of the sense of justice (Nussbaum 1990, 33), or that there is no reason why his theory cannot incorporate Shklar’s points about injustice and the victim’s perspective (Murphy 1991, 438–9). That this is not the case is well illustrated by considering the differences between Rawls’s idea of the sense of justice and Shklar’s notion of the sense of injustice.

RAWLS AND SHKLAR ON THE SENSE OF (IN)JUSTICE

In *A Theory of Justice*, Rawls claims that a conception of justice will be “seriously defective if the principles of moral psychology are such that it fails to engender in human beings a requisite desire to act upon it” (TJ, §69, 398). In a well-ordered society, citizens would be motivated to uphold the principles of justice by their sense of justice, which is based on the moral sentiment of reciprocity that leads us to regard one another as moral equals (TJ, §75, 433). Rawls says little about how people experience *injustice*, but he does discuss resentment and indignation, claiming that, as moral emotions, they “presuppose an explanation by reference to an acceptance of the principles of right and justice.” Conceptualizing resentment and indignation in relation to principles of justice allows them to be distinguished from anger and annoyance, which are not moral emotions. Someone who lacks any sense of justice might feel angry or annoyed when they do not get what they want, but resentment and indignation are experienced only when we are not treated in accordance with principles of right or justice (TJ, §74, 427). The appropriateness of any moral sentiment, Rawls argues, is “determined by the principles that would be consented to in the original position” (TJ, §74, 429). For Rawls, then, resentment and indignation should be regarded as appropriate sentiments only in response to injustices understood as departures from the principles of justice

⁵ Shklar’s ([1964] 1986, 114) earlier work casts doubt on ever finding such solid ground in modern societies, where there are “always several competing systems of rules.” See also Shklar’s (1986, 23) observation that there “is something in the very logic of distributive justice that directs one to presuppose a uniformity of ethos. Justice as a social virtue depends on the existence of stable rules, in both its distributive and its rectifying phases.”

that he defends.⁶ Although he does not refer explicitly to a sense of injustice, the broader point we can distill from his remarks on resentment and indignation is that principles of justice are required to identify when a sense of injustice is appropriate.

Rawls discusses the sense of justice in relation to the stability of a well-ordered society regulated by a public conception of justice. He appeals to the sense of justice to answer the question of how a society based on his two principles of justice could be sustained over time. He does not focus on the subjective experience of injustice or the political problems to which it gives rise. On Shklar's account, however, we need to ask different questions to give injustice its due. She stresses that injustice is a widespread "personal and political experience" in all real-world societies, even those with well-functioning legal systems (FI, 19). To understand this experience, we must attend to "the sense of injustice," which she outlines as follows:

First and foremost it is the special kind of anger we feel when we are denied promised benefits and when we do not get what we believe to be our due. It is the betrayal that we experience when others disappoint expectations that they have created in us. And it has always been with us (FI, 83).

Shklar associates the sense of injustice with resentment (and occasionally indignation), among other negative sentiments (FI, 1, 14, 21, 49, 71, 90, 95, 109, 120). Our sense of injustice is aroused when we believe that we have been either deliberately or avoidably wronged (FI, 90). Shklar's discussion of the sense of injustice captures the strength and immediacy of this feeling, from which it could be inferred that injustice has some sort of phenomenological or epistemic primacy over justice: we experience a sense of injustice without being conscious of any specific principles of justice that have been violated.⁷ As she points out, "most of us have said, 'this is unfair' or 'this is unjust' more often than 'this is just'" (FI, 16, also 88).

The main difference between Shklar's analysis of injustice and the normal model of justice, however, is not the primacy of our sense of injustice, but rather that the standards against which it arises are not—and cannot—be adequately specified by principles of justice. In appealing to expectations of what we are due, Shklar's conception of the sense of injustice might seem to presuppose some idea of justice. For Shklar, though,

a pluralistic society is characterized by ethical and political disputes about what we are due, and we should not expect to agree on any overarching rules demarcating the relevant social expectations (see also Shklar [1964] 1986, 115–7). Although she theorizes the sense of injustice in terms of certain expectations not being met, the expectations in question are based on the many and sometimes conflicting social norms that do in fact exist about what we are due. Our sense of injustice arises when these expectations are disappointed, irrespective of whether the expectations conform to either existing laws or the normative standards supplied by any particular principles of justice.⁸ Existing laws are one source of expectations. Ideal principles of justice could be another, if enough people really do endorse them,⁹ but there will always be other expectations that cannot be so easily captured by any single system of rules.

While the sense of injustice has always been with us, the precise events or circumstances that activate it will vary depending on the expectations and standards that apply in the relevant social context. Technological developments, for example, create new expectations about the ability of public agencies to prevent and respond to natural disasters, and, in such cases, the victims may feel a deep sense of injustice when the agencies responsible fail to act in ways that could have mitigated the impact of the disaster (FI, 64). Our sense of injustice is not only directed toward public bodies and is often provoked by broken promises or personal betrayals that no one thinks should fall under the purview of any government or legal system (FI, 94). It is a common experience in both the private and public spheres.

The main reason the normal model of justice cannot adequately specify the standards against which our sense of injustice arises is that in any (especially liberal) society, those standards will be plural, unstable, and often in conflict with one another. Whether someone considers themselves a victim of injustice will depend on the social expectations against which they judge their experiences. Shklar gives the example of Orthodox Jewish women in the US who do not consider their subservience to men unjust (FI, 115). The broader point is that social norms diverge between various religious, cultural, or other groups within society, which leads to different and frequently competing expectations of what someone is due. In addition, changing social circumstances and ideological beliefs create new expectations that challenge without (immediately) rendering prevailing ones

⁶ On this way of conceptualizing injustice, consider TJ §11, 54: "Injustice, then, is simply inequalities that are not to the benefit of all." See also TJ §39, 216: "Existing institutions are to be judged in the light of this conception [of justice] and held to be unjust to the extent that they depart from it without sufficient reason."

⁷ Yack (1999, 1109–12) discusses the primacy thesis in more detail, although his analysis relies more on Wolgast (1987, 125–46) and he acknowledges that Shklar does not endorse it explicitly. Levy (2016, 327–8) draws on Shklar when challenging the view that ideal principles of justice have epistemic priority in our moral learning. In discussions that engage with Shklar in greater detail, Heinze (2017, 364) and Kaufmann (2020, 592) both argue that injustice can take hermeneutical priority over justice. Allen (2001, 350) makes a similar point in relation to negative theories of morality in general.

⁸ See also Yack (1999, 1113), who observes that Shklar implicitly seems "to draw a distinction between justice and the social expectations that she connects to our complaints about injustice."

⁹ The only time Shklar mentions Rawls in *The Faces of Injustice* is to note that the American public does not share his notion of justice, much as it does not endorse the contrary view of F. A. Hayek that market "outcomes are morally entirely random" (FI, 79). Shklar draws on evidence indicating that many Americans at the time largely accepted the existing patterns of economic standing and inequality, which suggests that they did not regard all departures from the difference principle as unjust (FI, 110–1). In another example, however, Shklar allows that someone's sense of injustice might arise because they endorse an ideology of individual property rights that aligns with Robert Nozick's theory (FI, 123).

obsolete. It is impossible to formalize all these expectations, which is one reason why “there are many victims of injustice who fall entirely outside the reach of public rules” (FI, 36–7).

A defender of the normal model of justice might grant that, in practice, our sense of injustice can arise when any of these expectations are disappointed, but respond that, following Rawls, what matters is the normative question of when the sense of injustice is the *appropriate* response. We need principles of justice, so this response goes, to determine which expectations are legitimate and, in turn, which violations of those expectations should be considered unjust (Kraut 1992, 394–5). Shklar acknowledges that those who perceive themselves to be victims of injustice are not always correct (more on which below), but, for the most part, she thinks that it is a mistake to focus too much on the question of whether someone’s sense of injustice is appropriate (see also Barnett 2017, 244). This follows from taking seriously the fact that we live in societies characterized by plural, competing, and ever-changing social expectations. Those who invoke legal and ethical rules to claim that someone’s expectations are groundless typically assume “a stability of perspectives that is just not there” (FI, 7).

In this respect, the challenge of pluralism runs a lot deeper for Shklar than it does for Rawls. This is true even when we take his later work into consideration. In responding to “the fact of pluralism,” Rawls (1987, 8) seeks to forge an overlapping consensus on a political conception of justice, which involves identifying “fundamental intuitive ideas regarded as latent in the public political culture.” Skeptical that any such widely accepted values can be identified,¹⁰ Shklar instead proposes that we shift our focus and ask different questions. The main problem that injustice generates for political theory is not that of stipulating normative principles to adjudicate the legitimacy of claims of injustice, but, rather, that of seeking to understand both the political problems generated by (subjective) experiences of injustice and the difficulties involved in responding to them.

To appreciate the scale of these difficulties, Shklar underscores the psychological asymmetry between justice and injustice (FI, 101, also 103–4; see also Yack 1999, 1112–8; Pemberton and Aarten 2017, 320–2). Consider again Rawls’s account of the sense of justice, which implicitly presents a symmetry between our sense of justice and the sentiments of resentment and indignation that constitute the appropriate responses to injustice. As moral sentiments, for Rawls, resentment and indignation buttress our sense of justice and can

help to uphold a well-ordered society. If we focus on the special kind of anger that Shklar detects behind our sense of injustice, however, then it soon becomes apparent that the demand for justice is not always the flipside of our sense of injustice. A victim’s sense of injustice will sometimes be more fully assuaged by revenge than by procedures of legal and compensatory justice. When the wrong experienced by the victim is deeply personal, the impartial, proportionate, and rule-bound procedures of legal justice will do little to quell their sense of injustice. Revenge, by contrast, can equalize the wrong by repaying the perpetrator in kind (FI, especially 12, 84, 93–4).

Shklar maintains that it is far preferable for injustices to be addressed by impartial legal procedures than by revenge, which often leads to cycles of violence, but once we appreciate the psychological asymmetry between injustice and justice, then we can better understand that these procedures will, at most, only ever constitute a partial solution to the problem of injustice (see also Rosenblum 2002, 81–3). When justice is upheld, the victim’s desire for retribution might be tamed, but it will be neither satisfied nor eliminated (FI, 94). This problem only comes into sight, however, by focusing on the political problems generated by experiences of injustice, rather than on whether someone’s claim of injustice is appropriate.

Recall that Shklar’s challenge to existing theories of justice can be interpreted in weaker or stronger terms. According to the weaker version, it is important to examine injustice as an independent phenomenon *in addition* to addressing the questions the normal model asks. Perhaps Rawls’s theory is better equipped to evaluate when someone’s sense of injustice is appropriate, and Shklar’s to assess the best political response to injustice. One could accept the weaker version of the challenge and maintain that it is important to ask both questions. Yet some of the considerations raised in this section support the stronger version of the challenge, according to which it is unclear whether theorizing ideal principles of justice is a worthwhile enterprise at all. Shklar is deeply skeptical of attempts to formalize expectations of what we are due into a single (legal or ethical) system, a concern that can easily be extended to the entire Rawlsian project of theorizing principles to which parties could hypothetically agree under a suitably characterized position of choice. I discuss the implications of the stronger version of the challenge further below, but it is worth first attending to the criticism that Shklar does not, in fact, distance herself from other theories of justice as much as she implies—or that, if she does, this has unwelcome implications that we should be reluctant to endorse.

SOCIAL EXPECTATIONS AND THE VALIDITY OF THE SENSE OF INJUSTICE

One way that Shklar’s approach to understanding injustice departs from many theories of justice concerns the questions it asks. It urges us to focus on how best to respond to experiences of injustice rather than on

¹⁰ After having read an early version of “The Idea of an Overlapping Consensus,” Shklar wrote to Rawls in 1986 that once an appeal is made to the latent values of an actual political society, the “burden of historical proof then becomes very heavy. You cannot evade the demand for demonstrably accurate historical evidence to show that these are indeed the latent values. How latent? How widely shared? How deeply held and by whom at what times?” (quoted in Bajohr 2019, 166). For further discussion, see Forrester (2012, 259–64), who also highlights the respects in which Shklar was more sympathetic to Rawls’s work.

whether someone's sense of injustice is valid. But can we really treat these questions independently, addressing the former while remaining agnostic about the latter? Shklar regularly discusses the *victim's* sense of injustice, yet this might seem question-begging without criteria specifying when someone should or should not be considered a victim. From the earliest critics of *The Faces of Injustice* down to some of Shklar's more recent commentators, the worry recurs that her theory is ill-equipped to determine which complaints of injustice are valid or legitimate and that doing so involves resorting to external normative standards—ideal principles of justice, even—that go beyond the subjective claims of (supposed) victims (Keohane 1991, 454; Murphy 1991, 435–6; Kraut 1992, 394; Mendus 1992, 342; Levy 2000, 36; Heins 2019, 190; Kaufmann 2020, 592–3; Francis 2022, 19). In this section, I argue that Shklar's claims about evaluating a victim's sense of injustice do not undermine her critique of the normal model of justice, before addressing some worries that arise from this approach to theorizing injustice.

At points in *The Faces of Injustice*, Shklar maintains that there is no stable perspective from which the validity or legitimacy of victims' claims can be assessed. She poses the (rhetorical) question of who “exactly is to decide what does and what does not constitute a valid expectation?” to highlight that no legal or ethical rules can satisfactorily determine the boundaries of injustice (FI, 7–8, also 37, 90). Yet Shklar also insists that to “take the victims' views seriously, does not, however, mean that they are always right when they perceive injustice” (FI, 3). In what cases (and on what grounds), then, could we claim that a victim's perception of injustice is wrong?

Shklar argues that we are especially likely to cast blame mistakenly in cases where the suffering is so severe or tragic that it is psychologically more comforting to hold someone responsible than to accept the randomness and meaninglessness of sheer misfortune. This sometimes leads us to blame ourselves and feel guilty when there was nothing we could have done (FI, 3–4, 29, 54, 59, 60), or to look for scapegoats and endorse conspiracy theories, even though this involves attributing an implausible level of fault to the party that is blamed (FI, 4, 58, 60–2, 81). In discussing these cases, Shklar's main aim is to alert us to the cognitive biases that cloud our judgment. She focuses less on evaluating the complainant's expectations—which could require an appeal to external normative standards—and more on exposing the ways in which we are liable to misjudge whether those expectations have in fact been disappointed and (if so) the role that certain parties played in disappointing them.

Conversely, Shklar sometimes affirms the validity of the sense of injustice. Consider cases of passive injustice, where (for example) government agencies fail to act in ways that could have prevented a natural disaster or mitigated its impact. In a constitutional democracy, this falls short of the expectations that citizens have of public authorities, which are “supposed to be responsive and accountable ... Given their expectations of current technology and belief in political equality, these citizens would and should vent their outrage.” When

Shklar observes that the victims' sense of injustice in such cases is “right in itself,” then, she is appealing to the existing expectations and beliefs of a democratic society (FI, 3, also 56),¹¹ rather than to any external normative standards.

Shklar regularly explains injustice in terms of disappointed expectations (FI, 3–5, 7–8, 10, 37, 41, 55, 64, 66, 82, 83, 89–90, 93, 101, 108, 120–1). Insofar as the plausibility of any complaint of injustice depends upon identifying the social expectation that has been disappointed, this might seem to push (my interpretation of) Shklar in a communitarian direction.¹² This would be an unwelcome and unexpected implication. She maintains that the historical record of communal politics is deeply oppressive, with (for example) appeals to “the entire cultural and social fabric” having been invoked to justify slavery in the antebellum South (FI, 116; see also Shklar [1991] 1998, 103). The only references to contemporary communitarian theorists in *The Faces of Injustice* are far from positive. Shklar cites Charles Taylor's work as evidence that Aristotle's version of the normal model of justice “remains alive and well” (FI, 129n5), and notes that she disagrees with Michael Walzer's *Spheres of Justice* “on almost every point” (FI, 138n39).

One reason Shklar's account of expectations does not lead in a communitarian direction is that she denies that the *dominant* expectations in society (or in any smaller community) are the only ones that matter.¹³ In 1930s America, the view that Black citizens should have the same rights as white citizens “would have appeared as an unfounded expectation” to many, yet Shklar uses this example to illustrate why it is crucial to take the victim's expectations seriously even when they do not match the prevailing legal or ethical rules (FI, 7–8). There will always remain a considerable gap between a society's established norms and the disappointed expectations of its individual members,¹⁴ with political struggle and ideological change often required before the latter's sense of injustice is widely recognized as valid. It was only in very recent history that the feminist movement in the US succeeded in challenging entrenched ideas of what women had a right to expect, but the sense of injustice felt by women “has been around for centuries and centuries” (FI, 107–8). As these examples illustrate, Shklar's position should not be mistaken for forms of “self-congratulatory pluralism” that ignore individual suffering while celebrating “passive submission to tradition and convention” (FI, 111).

¹¹ More generally, passive injustice is “a strictly civic notion,” for Shklar, as it relates to the specific expectations that citizens have of one another in a constitutional democracy, which are far greater than in other regimes (FI, 41, also 6, 131n36).

¹² I thank an anonymous reviewer for raising this objection.

¹³ On Shklar's opposition to communitarianism, which permeates many of her writings, see also Misra (2016, especially 81, 83, 86–9).

¹⁴ The only way this gap could be overcome is through a transformative education that socializes citizens to “feel no distance between their private and public lives,” which is not an option that members of any liberal society could countenance (FI, 122, also 45, 107).

The worry might remain, however, that Shklar's account is *overly exclusive*: in focusing on the victim's sense of injustice, she excludes cases where some people should regard their situation as unjust but do not do so.¹⁵ Members of oppressed groups, for instance, might have been socialized to internalize the inferior status they are accorded and thus feel no sense of injustice when they are treated unequally (Mihai 2016, 71). As we have seen, Shklar allows that some victims will blame themselves and thereby "evade the conscious status of victimhood." Many people "hate to think of themselves as victims," and most of us "would rather reorder reality than admit that we are the helpless objects of injustice" (FI, 38–9).

This worry is at least partly allayed by Shklar's recognition that our sense of injustice can arise on behalf of others, even if we have not suffered the injustice ourselves and the party in question does not consider themselves wronged. It is not always the victims who clamor most strongly for change (FI, 39; see also Shklar 1986, 26). She is also adamant that many members of oppressed groups do recognize the injustices they face. There is ample evidence that Black people in the US found slavery and Jim Crow laws deeply unjust. Even when they did not oppose the laws openly, their compliance is most plausibly explained by "fear and deprivation and the lessons they teach, not false consciousness" (FI, 116–7). Shklar stresses that the absence of active opposition to injustices should not be mistaken for acquiescence (see also Shklar [1989] 1998, 16–7). One of the reasons many victims remain silent when they feel they have suffered an injustice is that they do not expect to receive any support (FI, 112). Unless there are opportunities for the most deprived members of society to dissent, exit, and protest without fear of reprisal, then we should assume that they resent their situation. To return to an earlier example, Shklar's confidence that Orthodox Jewish women in the US do not consider their subordination to men unjust rests on them having "every opportunity to change their minds and leave their religious community if they wish to do so" (FI, 115).

If one worry about Shklar's account of injustice (as I have presented it) is that it is overly exclusive, another is that it is *overly inclusive*: it cannot distinguish real victims from those who unjustifiably regard themselves as such. As one critic protests, "if someone's expectations for the future are based on unjust social arrangements, it is not clear that their disappointment supports a charge of unjust treatment" (Kraut 1992, 394). Even if Shklar did not intend her theory to have "potentially inegalitarian implications," the problem remains that her "pluralistic victimology is at least as serviceable to the privileged who defend their positions as it is to the marginalized who challenge them" (Whiteside 1999, 521).

One response to this line of objection is to emphasize the importance Shklar places on power differentials. At

one point, she explains that while our impulse to blame the government for injustices might often be irrational, it makes sense as a general disposition because injustice is, "properly speaking, a social offense of the powerful, and we should make sure that they have not wronged us" (FI, 65). Shklar likewise claims that it is the inequalities between the powerful and the weak that "create the field in which the betrayal of hope and the sense of injustice flourish" (FI, 84–5). These passages call to mind the emphasis that Shklar ([1989] 1998, 9) elsewhere places on public cruelty, and especially her claim that, for the liberalism of fear, "the basic units of political life are ... the weak and the powerful." There are thus some grounds for contending that her notion of victimhood "is not simply subjective" and can be (more) objectively measured by considering "people's relative positions in the power hierarchy, social, cultural, economic, and political, clear to the least discerning eye" (Misra 2016, 92). While there is something to this response (as we shall see in the next section), Shklar is unwilling to claim that the sense of injustice experienced by the relatively privileged when their social expectations are disappointed is invalid or illegitimate.

Consider her example of changes to inheritance laws. Suppose someone planned their life around the expectation that they would inherit considerable wealth when their parents died, borrowing money that they intended to repay with their inheritance. If the law is then changed to outlaw inheritances or to tax them much more heavily, the person may well feel a deep sense of injustice that their expectations have been disappointed. Shklar insists that "it would simply be untrue to say that ... they have not been treated unjustly" (FI, 122–3). Indeed, she declares that no one is in a position to judge someone else's social expectations:

In determining the validity of one's sense of injustice, one is one's own judge. ... Who can tell us that we have no right to feel injured when we think that we have been treated unfairly? We live under rules and laws not of our making or in our interest (FI, 123).

Beyond the fact that the person in question does not make the laws to which they are subject, their position in the power hierarchy appears to be irrelevant in this example. Those who subscribe to liberal-egalitarian principles of distributive justice, or who believe strongly in equality of opportunity, will likely respond that the person's expectations for the future are based on unjust social arrangements. But Shklar refrains from evaluating the legitimacy of someone's expectations in this way. We must plan our lives based on the social arrangements that really do exist, and our sense of injustice is aroused when those arrangements change in ways that disappoint expectations that others have created in us. Every new law, social change, or alteration of public rules "is unjust to someone." "To redress one injustice is to create another," and such changes will inevitably give rise to "a sense of injustice among those whose law-created expectations have been blown away" (FI, 120–1).

In response to these claims, a defender of the Rawlsian approach to theorizing justice might (again) grant

¹⁵ This worry and the overly inclusive objection considered below are both raised by Kaufmann (2020, 591).

that this is an accurate description of how, in practice, some people do feel when new laws and social changes disappoint existing expectations, but maintain that, if all social changes will be experienced as unjust by some people, then we need external normative standards (such as principles of justice) to determine whose complaints are stronger and should be prioritized. On the weaker version of Shklar's challenge, we could concede this and reply that her observations on the sense of injustice nonetheless serve as a salutary reminder of how those disadvantaged by social changes are likely to react, even when the changes are all-things-considered justified. On the stronger version of her challenge, though, it is unclear that, once we understand the problem in these terms, the role of the political theorist is to work out principles of justice that can adjudicate between competing complaints of injustice. As we shall see next, we may be better placed to theorize the *politics* of injustice—and to understand the ways in which democracy can mitigate the sense of injustice—without recourse to any such principles.

DEMOCRACY AND THE POLITICS OF INJUSTICE

What sort of problem is injustice? One way of thinking about it is as an ethical problem. If not the first virtue of social institutions, justice is one of the most important moral values that should guide our reflections on politics. Injustice negates (or is a departure from) justice and is therefore a problem. Understood this way, there is a strong case for maintaining that we require principles of justice to evaluate cases of injustice: we can only identify the nature and scale of injustices with reference to some prior idea of justice. As should now be evident, this is not Shklar's approach to theorizing injustice. She instead starts from our experiences of injustice and explores the political problems to which they give rise. The sense of injustice that we all experience should be understood in reference to the plural, competing, and ever-changing expectations that exist within any society, which cannot be formalized into determinate principles of justice. As this sense of injustice is a deep and inescapable feature of all social life, there is a political imperative to find ways of living together that can mitigate it as effectively as possible without (at the extreme) descending into cycles of violent revenge. To understand the problem of injustice in this way is to treat it as a political problem, first and foremost, rather than as an ethical one.¹⁶

¹⁶ This contrast echoes the language of recent debates between political realists and moralists. It is worth noting, however, that Shklar (1984, 242–3) elsewhere criticizes the divide between personal and political morality endorsed by theorists of “dirty hands,” following Machiavelli, which is one way that the realist/moralist distinction is sometimes cashed out (for further discussion, see Tillyris 2019). More relevant presently is the difference Shklar draws between political theory and (formal) ethics: the former is better placed to investigate the political significance of injustice, whereas the latter is more abstract and only offers “accounts of what we ought to be and

Although impartial legal procedures exist “to domesticate, tame, and control all forms of vengeance in the interest of social peace and fairness” (FI, 12, also 94), Shklar maintains that they will often fail to assuage the victims' sense of injustice. In some cases, legal justice is not enough for the victims; in other cases, the victims' complaints will fall outside the scope of the law. As we have seen, Shklar denies that there is any stable legal or ethical perspective from which the legitimacy of victims' disappointed expectations can be evaluated. It is in precisely this context, however, that “democratic attitudes and institutions” provide the best political response to the sense of injustice, even if it is a deeply imperfect one (FI, 90–1, also 85).

Constitutional democracies generate certain expectations (which is not to say that these expectations are the only ones that count). Once it has been declared that we are “created equal,” everyone's claims are supposed to matter.¹⁷ When this expectation is denied and we are not treated with at least “a minimum of human dignity,” then a “democratic sense of injustice asserts itself” (FI, 86). Shklar is not appealing to some external normative standard of human dignity here but merely to the expectations that do exist within democratic societies. To respond to this specifically democratic sense of injustice, she claims that the working assumption of democratic theory should be “that normal human beings can tell when they have been affronted.” Given the inequalities of political power that exist in all societies, democratic processes should “credit the voice of the victim rather than that of society's official agents.” Attending carefully to the complaints of victims in this way is necessary to encourage citizens to assert “their sense of personal dignity” and protest the injustices they perceive (FI, 90). The priority Shklar gives to the victim's sense of injustice, then, is best understood in this democratic context: as a *matter of democratic principle*, the victim's voice must be heard (FI, especially 35, 84–6, 90, 105, 126).

Shklar's account of constitutional democracy does not supply external normative standards against which the validity of competing expectations and complaints of injustice can be evaluated.¹⁸ But it does highlight the

do” (FI, 16). More generally on Shklar's relation to political realism, see Sabl (2011), Forrester (2012), Sleat (2013, 91–4, 101–6), Stullerova (2014, 35–7), Jubb (2019, 366–8), and Kaufmann (2020).

¹⁷ As Shklar explores in greater detail in *American Citizenship*, this is especially relevant to questions of racial and sexual subordination in the US, where the promise of equal citizenship was long denied to women and Black people. Shklar (1991, 99) describes her approach in that book as a form of social criticism that seeks to “reveal the unfulfilled promises of traditional ideologies,” and her case for a right to work is grounded in the importance of earning to the ideology of American citizenship. For further analysis of how Shklar's arguments in *American Citizenship* appeal to disappointed expectations, see Gatta (2022, 677–9).

¹⁸ Some scholars look elsewhere for Shklar's account of these external normative standards, reading *The Faces of Injustice* in light of her account of the liberalism of fear and its commitment to taking cruelty as the greatest evil (Kaufmann 2020, 591–3; see also Fives 2020, 16–7, 64–5). While this is a plausible way of joining the dots between Shklar's different works, it is worth noting that she does not appeal to the idea of putting cruelty first (or the liberalism of fear more

ways in which democratic attitudes and institutions can respond to the sense of injustice most effectively, which has some implications for how we evaluate existing democratic practices. Shklar argues that Rousseau's notion of "continuous consent" retains a crucial role in modern constitutional democracies (FI, 122). The opportunity to participate in procedures of voting, judging, and legislating allows citizens to raise their grievances and make their case for social change or redress (FI, 124). Although some will always experience political and legal changes as unjust, the democratic promise is that we can come to regard these as "a process of mutual accommodation ... in which no one wins or loses all the time" (FI, 121).

Constitutional democracy can only mitigate the sense of injustice to the extent that citizens are able to raise their grievances with the hope of instigating some form of change. For this reason, considerable inequalities of wealth and status undermine the ability of democracies to respond to injustice, especially when less powerful members of society are denied access to courts, legal services, and police protection. Shklar argues that attempts to equalize social power are thus important, even if many policies aimed toward this end are "so paternalistic as to arouse a sense of injustice" and thus prove counterproductive. This is typically the case with plans for reeducating the citizenry, or proposals that treat the poor as having little understanding of their own welfare (FI, 118–9). Nonetheless, Shklar's analysis identifies inequalities of power as one of the chief obstacles to addressing injustice, on the grounds that such inequalities limit citizens' opportunities for dissent and protest.¹⁹

Shklar does not set out her democratic vision in great detail and my aim here is not to defend her claim that it is the best political response to the sense of injustice.²⁰ Two points are worth highlighting, however, in relation to her more general approach to theorizing (responses to) the problem of injustice. First, her case for constitutional democracy does not involve an appeal to any (ideal) principles of justice. The best thing that can be said for any democracy, on her account, is that there are sufficient opportunities for consent and dissent that social change becomes a process in which all citizens win some and lose some. This can reduce but never overcome the sense of injustice of those whose expectations are disappointed in the process. Second, and relatedly, this is a *political* response in the sense that changes to public laws and policies are not justified on the grounds that they approximate some normative standards that everyone does or should endorse, but instead because they emerge from procedures that "grasp the inevitability of incompatible political values" and find ways to trade them off (FI, 121). Whatever laws

and policies emerge from these procedures are best understood as compromises between the many competing values that exist in a society, rather than as authoritative statements of which values are ethically right or wrong (see also Yack 1991, 1345).²¹

Shklar's account of how constitutional democracy responds to the sense of injustice could strike some as being what Rawls (1989, 250) calls "political in the wrong way," that is, "in the sense of merely specifying a workable compromise between known and existing interests." Another way of voicing this worry is that it is too conservative, since it concedes too much to existing social expectations and the power relations they reflect. In his own work on injustice, for example, Michael Goodhart (2018, 105) takes Shklar to represent a form of liberal realism that is "inherently conservative and ideologically distortional while disguising its normativity." Liberal realists like Shklar, he contends, fail to offer "a conception of normativity that avoids moralism while enabling transformational critique and guiding emancipatory political struggle." Others, however, regard Shklar's approach to theorizing injustice as revealing "how radical her vision of government was" (Benhabib 1996, 61), or as having "radical, even revolutionary" implications for combatting injustice (Fives 2020, 140). I do not think Shklar's position should be straightforwardly characterized as either conservative or radical (see also Misra 2016, 91), but in identifying both its radical and conservative elements, we can appreciate some of the most distinctive features—and arguably strengths—of her approach.²²

The most radical implication of Shklar's analysis is one that she does not spell out explicitly. Constitutional democracy will mitigate the sense of injustice felt by those whose expectations are disappointed only to the extent that all citizens win in some cases and lose in others. When measured against this bar, however, many (if not all) real-world democracies fall considerably short, and far more opportunities for meaningful dissent and consent would be required for the democratic promise of mutual accommodation to be realized. As those who most often lose out are the least politically empowered members of society, one implication is that their complaints of injustice must take priority over those of the more powerful.²³

generally) in the *The Faces of Injustice*. For further discussion, see Douglass (2023, 802–4).

¹⁹ These considerations could thus bolster the "negative egalitarianism" that Shklar (1984, 28–9) defends elsewhere, which is based on "fear of the consequences of inequality."

²⁰ For discussion of other responses to injustice, which are broadly in line with Shklar's approach, see Rosenblum (2002).

²¹ More bluntly still, see Williams (2005, 13), who claims that a political decision "does not in itself announce that the other party was morally wrong or, indeed, wrong at all. What it immediately announces is that *they have lost*."

²² I focus only on the radical and/or conservative implications of *The Faces of Injustice*. There is a more general debate about how well these terms characterize Shklar's wider political theory. For the radical case, see most fully Gatta (2018). For a survey and rebuttal of those who criticize the liberalism of fear for being conservative, see Hall (2023).

²³ Elsewhere Shklar (1986, 20) suggests that, as social change will always be experienced by some "as injury and deprivation," those who are "most able to bear social alteration" should do so. Stylized examples such as the one that follows aside, however, there is no reason to assume that identifying the most salient power dynamics in any particular case will be straightforward. The question of relative power will usually remain contested.

Consider the example of an old patriarch, suggested by Misra (2016, 92), who complains that he is the victim of social and legal changes that have resulted in him losing power over the women in his household. For Misra, Shklar's approach helps us to see "that he did not personally create the unjust system—and it did breed expectations and habits that are painful to change," but, given his position in the power hierarchy, we must nonetheless respond that "he benefited from an unjust system, and all things must come to an end." There is much I agree with in Misra's analysis of this example, although Shklar would presumably allow the patriarch to reply that in "determining the validity of one's sense of injustice, one is one's own judge." Who are we to tell him that he has no right to feel injured, or that the system he values is deeply unjust, when he believes that he has been treated unfairly (FI, 123)? What matters from the perspective of mutual accommodation is not that we deny he should feel any sense of injustice in this case, but simply that, given the power dynamics at play, it is his turn to lose.

Some might regard this response as too weak: it concedes too much to patriarchal expectations. If we are to take injustice seriously as a political problem, however, then we cannot discount the social expectations that really do exist. The same applies to existing laws and the expectations they generate. As Shklar ([1964] 1986, 10; also 1966, 57) points out elsewhere, "law is itself a conservatizing ideal and institution" that serves "to promote the security of established expectations." Any theory that values the rule of law will, to this (limited) extent, be conservative. To those, like Goodhart, who complain that this approach to injustice does not enable transformational critique or guide emancipatory political struggle, Shklar offers the reminder that the drastic and sudden changes associated with transformative politics invariably generate considerable grievances and are one of the many sources of injustice. It is a virtue of constitutional democracies, on her account, that legislative and social change takes place at a pace that allows individuals to adjust their plans to the new conditions, even if this always involves steering an uneasy path between more radical calls for social change and the conservative demand to preserve existing practices and norms (FI, 120).

One of the implications of theorizing injustice in relation to plural, competing, and ever-changing expectations is that it takes seriously both radical and conservative complaints of injustice. Conversely, there is much in Shklar's theory that radicals and conservatives might each dislike. Shklar rejects the attempt, often made by conservatives, to circumscribe the concepts of justice and injustice so narrowly that it leaves little for the government to do—a position she associates with Hume, Smith, and Hayek, in different ways (FI, 117–8). But nor does she think, as some radicals might, that only the marginalized, oppressed, or least powerful members of society can have valid complaints of injustice in response to social change.²⁴

Some will find this reluctance to adjudicate ideological debates dissatisfying; others might see the aspiration to speak across such divisions as a strength. From Shklar's perspective, at least, if the working assumption of democratic theory is that everyone can tell when they have been affronted (FI, 90), then complaints of injustice cannot be dismissed due to the values or ideology informing the social expectations in question. As different sides on any contentious issue are likely to have valid (but conflicting) complaints of injustice, we should resist the temptation to find some idealized vantage point from which we can tell who really has justice on their side.

WHO NEEDS A THEORY OF JUSTICE?

In this article, I have reconstructed and defended Shklar's approach to theorizing injustice, highlighting the ways in which it breaks from and moves beyond theories that formulate principles of justice without attending to the complexities of injustice. Shklar's approach centers on the sense of injustice, the neglect of which she takes to be one of the main shortcomings of the normal model of justice. Comparison with Rawls helps us to appreciate the distinctiveness of this approach. Where Rawls's account of the sense of justice presupposes ideal principles of justice, Shklar theorizes the sense of injustice in relation to plural, competing, and ever-changing social expectations. Rather than seeking to identify external normative standards against which rival claims of injustice can be assessed, Shklar instead explores the ways in which democratic norms and practices can mitigate—without ever overcoming—the political problems generated by the sense of injustice. To give injustice its due, Shklar offers us a theory of democracy, not a theory of justice.

To the degree that my reconstruction and defense of Shklar's arguments has been persuasive, it illustrates that there is a great deal that political theory can say about injustice without recourse to principles of justice in the Rawlsian mold. For some readers, no doubt, this will not be enough: the (Rawlsian) demand for ideal principles of justice to guide us when evaluating real-world injustices will remain. Even if those readers accept the weaker version of Shklar's challenge, they could respond that we need principles of justice to answer other questions that she does not address. Whether or not this is the case depends, at least in part, on what we expect from political theory. I thus conclude by highlighting (without pretending to resolve) some of the deeper questions about the purpose(s) and audience(s) of political theory that bring the distinctiveness of Shklar's approach into sharper focus.²⁵

The search for principles of justice upon which all reasonable people could agree in deeply pluralistic societies will strike some as a hopeless quest. But for those who think that we either do or could have

²⁴ At one point, Shklar takes aim at the flourishing but "tendentious" literature on victimology, mostly authored by radicals, for overlooking middle-class victims (FI, 37).

²⁵ More generally on Shklar's views of the purpose and audience of political theory, see Stullerova (2014, 31–5), Fives (2020, 227–37), Hall (2024, 116–21), and Pickford (2024, 1268–71).

philosophically compelling principles of justice, we can still ask *who needs them* and *for what purpose*. Shklar alerts us to the possibility that one reason we might search for such principles is to satisfy a deep psychological need, rather than to respond to any particular political problem. To adapt a point she makes about the distinction between injustice and misfortune, while we might find it psychologically comforting to believe “that there must be one true account” of justice, in practice we get by well enough “without certain knowledge” (FI, 8). The pursuit of moral certainty in a complex world can even prove dangerous. We would do well to keep in mind Montaigne’s worry that the rule-following ethos associated with the normal model of justice makes us prone to judge and condemn others in ways that often breed cruelty and intolerance (FI, 27–8). Shklar’s approach to theorizing injustice, by contrast, encourages us to be more sympathetic and less judgmental, most notably by urging us to refrain from dismissing others’ complaints of injustice when they appeal to expectations that fall outside those demarcated by existing laws and prevailing norms.

The Faces of Injustice is addressed to a specific audience: (American) citizens of a constitutional democracy, for whom questions about citizenship and its demands are a subject of recurring debate (FI, 6). Shklar does not assume that the role of the political theorist is to supply some overarching framework, or first principles, to help citizens resolve these questions. She stresses that there is “an enormous difference between the ways in which most American citizens and philosophers think about justice and injustice.” The views of most ordinary citizens amount “to only a collection of attitudes, not to a public philosophy.” Shklar examines the tensions and complexities involved in these attitudes, rather than searching (in vain) for some common ground upon which a coherent public philosophy could be constructed. By contrast, in focusing on questions of distributive or primary justice, most philosophers “dwell on *macrojustice*, assuming the role of legislators as their own” (FI, 113). When discussing the liberalism of fear, Bernard Williams (2005, 57) contrasts Shklar’s approach to that of “founding father political philosophy,” such as Rawls’s *A Theory of Justice*, which addresses itself “to the attention of someone who has *power*, who could enact what the writer urges on him.” Perhaps legislators and constitutional framers need ideal principles of justice, but do ordinary citizens in navigating the ethical and political demands of everyday life?

Shklar’s approach to theorizing injustice will not tell us what to do in any given situation. In cases where different parties claim to be victims of injustice, it will not tell us who is right and who is wrong. It may, however, allow us to better understand the underlying dynamics of real-world cases where different parties make rival claims of injustice, thereby beginning “to shorten the distance between theory and practice” (FI, 16). The task of political theory, as Shklar practices it, is to raise puzzles and explore their perplexities, not to solve them (FI, 21, 50). At its best, political theory can elucidate the most salient considerations in a way that may improve its readers’ political judgment, without

aspiring to guide political action directly (see also Horton 2017, 498). Shklar’s approach to theorizing injustice operates in this key. It helps us to recognize both the depth and intractability of injustice, and, insofar as democratic attitudes and practices constitute a valuable political response to injustice, offers us a perspective for evaluating existing democracies and our commitment to them in a different light.

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CONFLICT OF INTEREST

The author declares no ethical issues or conflicts of interest in this research.

ETHICAL STANDARDS

The author affirms this research did not involve human participants.

REFERENCES

- Allen, Jonathan. 2001. “The Place of Negative Morality in Political Theory.” *Political Theory* 29 (3): 337–63.
- Bajohr, Hannes. 2019. “The Sources of Liberal Normativity.” In *Between Utopia and Realism: The Political Thought of Judith N. Shklar*, eds. Samantha Ashenden, and Andreas Hess, 158–78. Philadelphia: University of Pennsylvania Press.
- Barnett, Clive. 2017. *The Priority of Injustice: Locating Democracy in Critical Theory*. Athens: The University of Georgia Press.
- Benhabib, Seyla. 1996. “Judith Shklar’s Dystopic Liberalism.” In *Liberalism without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Shklar*, ed. Bernard Yack, 55–63. Chicago, IL: The University of Chicago Press.
- Bufacchi, Vittorio. 2012. *Social Injustice: Essays in Political Philosophy*. New York: Palgrave Macmillan.
- Cudd, Ann E. 2006. *Analyzing Oppression*. New York: Oxford University Press.
- Douglas, Robin. 2023. “Cruelty, Injustice, and the Liberalism of Fear.” *Political Theory* 51 (5): 790–813.
- Fives, Allyn. 2020. *Judith Shklar and the Liberalism of Fear*. Manchester, UK: Manchester University Press.
- Forrester, Katrina. 2012. “Judith Shklar, Bernard Williams and Political Realism.” *European Journal of Political Theory* 11 (3): 247–72.
- Forrester, Katrina. 2019. *In the Shadow of Justice: Postwar Liberalism and the Remaking of Political Philosophy*. Princeton, NJ: Princeton University Press.
- Francis, Blake. 2022. “Climate Change Injustice.” *Environmental Ethics* 44 (1): 5–24.
- Fricker, Miranda. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. New York: Oxford University Press.
- Gatta, Giunia. 2018. *Rethinking Liberalism for the 21st Century: The Skeptical Radicalism of Judith Shklar*. London: Routledge.

- Gatta, Giunia. 2022. "Liberalism for Dark Times: Judith Shklar Versus Populist Constituencies." *Global Intellectual History* 7 (4): 666–84.
- Goodhart, Michael. 2018. *Injustice: Political Theory for the Real World*. New York: Oxford University Press.
- Hall, Edward. 2023. "Complacent and Conservative? Redeeming the Liberalism of Fear." *The Journal of Politics* 85 (3): 1064–77.
- Hall, Edward. 2024. "Ideological Self-Consciousness: Judith Shklar on Legalism, Liberalism, and the Purposes of Political Theory." *Social Philosophy and Policy* 41 (1): 105–25.
- Heins, Volker M. 2019. "'More Modest and more Political': From the Frankfurt School to the Liberalism of Fear." In *Between Utopia and Realism: The Political Thought of Judith N. Shklar*, eds. Samantha Ashenden and Andreas Hess, 179–97. Philadelphia: University of Pennsylvania Press.
- Heinze, Eric. 2017. "What Is the Opposite of Injustice?" *Ratio Juris* 30 (3): 353–71.
- Horton, John. 2017. "What Might it Mean for Political Theory to be More 'Realistic'?" *Philosophia* 45: 487–501.
- Jubb, Robert. 2019. "On What a Distinctive Political Normativity Is." *Political Studies Review* 17 (4): 360–9.
- Kaufmann, Katharina. 2020. "Conflict in Political Liberalism: Judith Shklar's Liberalism of Fear." *Res Publica* 26 (4): 577–95.
- Keohane, Nannerl O. 1991. "Review: *The Faces of Injustice* by Judith N. Shklar." *Political Theory* 19 (3): 453–6.
- Kraut, Richard. 1992. "Review: *The Faces of Injustice* by Judith N. Shklar." *Ethics* 102 (2): 393–5.
- Levy, Jacob T. 2000. *The Multiculturalism of Fear*. New York: Oxford University Press.
- Levy, Jacob T. 2016. "There Is no Such Thing as Ideal Theory." *Social Philosophy and Policy* 33 (1–2): 312–33.
- Medina, José. 2013. *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and the Social Imagination*. New York: Oxford University Press.
- Mendus, Susan. 1992. "Review: Judith Shklar, *The Faces of Injustice*." *Utilitas* 4 (2): 340–1.
- Mihai, Mihaela. 2016. *Negative Emotions and Transitional Justice*. New York: Columbia University Press.
- Mills, Charles. 2005. "'Ideal Theory' as Ideology." *Hypatia* 20 (3): 165–84.
- Misra, Shefali. 2016. "Doubt and Commitment: Justice and Skepticism in Judith Shklar's Thought." *European Journal of Political Theory* 15 (1): 77–96.
- Murphy, Jeffrie G. 1991. "Injustice and Misfortune." *Law and Philosophy* 10 (4): 433–46.
- Nussbaum, Martha. 1990. "The Misfortune Teller." *The New Republic* 203 (22): 30–5.
- Pemberton, Antony. 2019. "Time for a Rethink: Victims and Restorative Justice." *International Journal of Restorative Justice* 2 (1): 13–33.
- Pemberton, Antony, and Pauline G M Aarten. 2017. "A Radical in Disguise: Judith Shklar's Victimology and Restorative Justice." In *Critical Restorative Justice*, eds. Ivo Aertsen and Brunilda Pali, 315–30. Oxford: Hart.
- Phillips, Anne. 2021. *Unconditional Equals*. Princeton, NJ: Princeton University Press.
- Pickford, Eleanor. 2024. "Judith Shklar on the Problem of Political Motivation." *History of European Ideas* 50 (7): 1261–77.
- Rawls, John. 1987. "The Idea of an Overlapping Consensus." *Oxford Journal of Legal Studies* 7 (1): 1–25.
- Rawls, John. 1989. "The Domain of the Political and Overlapping Consensus." *New York University Law Review* 64 (2): 233–55.
- Rawls, John. [1971] 1999. *A Theory of Justice*, revised edition. Oxford: Oxford University Press.
- Rosenblum, Nancy L. 2002. "Justice and the Experience of Injustice." In Martha Minow, *Breaking the Cycles of Hatred: Memory, Law, and Repair*, ed. Nancy L. Rosenblum, 77–106. Princeton, NJ: Princeton University Press.
- Sabl, Andrew. 2011. "History and Reality: Idealist Pathologies and 'Harvard School' Remedies." In *Political Philosophy Versus History? Contextualism and Real Politics in Contemporary Political Thought*, eds. Jonathan Floyd and Mark Stears, 151–76. New York: Cambridge University Press.
- Sankaran, Kirun. 2021. "Structural Injustice and the Tyranny of Scales." *Journal of Moral Philosophy* 18 (5): 445–72.
- Sen, Amartya. 2010. *The Idea of Justice*. London: Penguin.
- Shelby, Tommie. 2016. *Dark Ghettos: Injustice, Dissent, and Reform*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Shklar, Judith N. 1966. "In Defense of Legalism." *Journal of Legal Education* 19 (1): 51–8.
- Shklar, Judith N. 1984. *Ordinary Vices*. Cambridge, MA: Belknap Press of Harvard University Press.
- Shklar, Judith N. [1964] 1986. *Legalism: Law, Morals, and Political Trials*. Cambridge MA: Harvard University Press.
- Shklar, Judith N. 1986. "Injustice, Injury, and Inequality: An Introduction." In *Justice and Equality Here and Now*, ed. Frank S. Lucash, 13–33. Ithaca, NY: Cornell University Press.
- Shklar, Judith N. 1990. *The Faces of Injustice*. New Haven, CT: Yale University Press.
- Shklar, Judith N. 1991. *American Citizenship: The Quest for Inclusion*. Cambridge, MA: Harvard University Press.
- Shklar, Judith N. [1989] 1998. "The Liberalism of Fear." In Shklar, *Political Thought and Political Thinkers*, ed. Stanley Hoffman, 3–20. Chicago, IL: The University of Chicago Press.
- Shklar, Judith N. [1991] 1998. "Redeeming American Political Theory." In Shklar, *Redeeming American Political Thought*, eds. Stanley Hoffman and Dennis F. Thompson, 91–108. Chicago, IL: The University of Chicago Press.
- Sleat, Matt. 2013. *Liberal Realism: A Realist Theory of Liberal Politics*. Manchester, UK: Manchester University Press.
- Spinner-Halev, Jeff. 2012. *Enduring Injustice*. New York: Cambridge University Press.
- Stemplowska, Zofia, and Adam Swift. 2012. "Ideal and Nonideal Theory." In *The Oxford Handbook of Political Philosophy*, ed. David Estlund, 373–90. New York: Oxford University Press.
- Stullerova, Kamila. 2014. "The Knowledge of Suffering: On Judith Shklar's 'Putting Cruelty First'." *Contemporary Political Theory* 13 (1): 23–45.
- Tillyris, Demetris. 2019. "Political Realism and Dirty Hands: Value Pluralism, Moral Conflict and Public Ethics." *Philosophia* 47 (5): 1579–602.
- Valentini, Laura. 2012. "Ideal vs. Non-ideal Theory: A Conceptual Map." *Philosophy Compass* 7 (9): 654–64.
- Whiteside, Kerry H. 1999. "Justice Uncertain: Judith Shklar on Liberalism, Skepticism, and Equality." *Polity* 39 (3): 501–24.
- Williams, Bernard. 2005. *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, ed. Geoffrey Hawthorn. Princeton, NJ: Princeton University Press.
- Wolff, Jonathan. 2015. "Social Equality and Social Inequality." In *Social Equality: On What it Means to be Equals*, eds. Carina Fourie, Fabian Schuppert, and Ivo Wallimann-Helmer, 209–25. New York: Oxford University Press.
- Wolgast, Elizabeth H. 1987. *The Grammar of Justice*. Ithaca, NY: Cornell University Press.
- Yack, Bernard. 1991. "Review: Injustice and the Victim's Voice." *Michigan Law Review* 89 (6): 1334–49.
- Yack, Bernard. 1999. "Putting Injustice First: An Alternative Approach to Liberal Pluralism." *Social Research* 66 (4): 1103–20.
- Yack, Bernard. 2017. "Political Liberalism: Political, Not Philosophical." *Perspectives on Politics* 15 (1): 116–21.
- Young, Iris Marion. 2011. *Responsibility for Justice*. New York: Oxford University Press.