

Putting Public Cruelty First: Judith Shklar for the Contemporary World

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ABSTRACT This article argues that Judith N. Shklar's political theory offers a powerful form of public philosophy for diagnosing contemporary injustice. It reconstructs her decision to “put cruelty first,” arguing that, under an institutionalized asymmetry between the weak and the powerful, this vice takes on the specific political form of public cruelty. From this perspective, Shklar's “liberalism of fear” is read as a project to limit public cruelty and the atmospheres of fear it generates. The article applies Shklar's theory as a diagnostic lens to interpret instances of institutionalized violence, focusing on the enforcement of immigration laws in the United States under the Trump administration and on ongoing wars and mass atrocities. Finally, it develops Shklar's notion of passive injustice and her moral and psychological attention to victims' perspectives to argue for a renewed civic duty: to reject complicity, extend outrage beyond state borders, and hold political theory accountable to those who suffer.

KEYWORDS Judith Shklar; public cruelty; liberalism of fear; passive injustice

RESUMO Este artigo defende que a teoria política de Judith N. Shklar oferece uma poderosa forma de filosofia pública para diagnosticar a injustiça contemporânea. Reconstrói a sua decisão de “colocar a crueldade em primeiro lugar”, argumentando que, sob uma assimetria institucionalizada entre os fracos e os poderosos, este vício assume a forma política específica da crueldade pública. Nesta perspectiva, o “liberalismo do medo” de Shklar é lido como um projecto para limitar a crueldade pública e as atmosferas de medo que ela gera. O artigo aplica a teoria de Shklar como lente de diagnóstico para interpretar casos de violência institucionalizada, com foco na aplicação das leis de imigração nos Estados Unidos sob a administração Trump e nas guerras e atrocidades em massa em curso. Por fim, desenvolve a noção de injustiça passiva de Shklar e a sua atenção moral e psicológica às perspectivas das vítimas para defender um renovado dever cívico: rejeitar a cumplicidade, estender a indignação para além das fronteiras estaduais e responsabilizar a teoria política perante aqueles que sofrem.

PALAVRAS-CHAVE Judith Shklar; crueldade pública; liberalismo do medo; injustiça passiva

1 “Network for the Advancement of Social and Political Studies”

1. Introduction

This essay aims to demonstrate why Judith Nisse Shklar's political theory deserves renewed attention today, particularly in the context of considering political philosophy as a form of public philosophy. To address this issue, I will focus primarily on two of her key concepts: public cruelty and passive injustice, which I propose to understand as a problem and a minimal response, respectively, within a broader diagnostic framework. To do this, the analysis will be divided into four main phases of argumentation. It will open with a more reconstructive and classical section on Shklar's thought, focusing primarily on her *Ordinary Vices* (1984). This passage will be fundamental for introducing her decision to condemn cruelty above all else, a choice that will be explored in greater depth in the second section. The article first reconstructs cruelty as the vice Shklar places above all others and then examines the conditions under which that vice assumes a specifically public and political form: the arbitrary and pervasive exercise of cruelty by the government and its agencies against those in a position of weakness. In the same section, we will test the applicability of this diagnosis in the 21st century, using ICE's actions under the second Trump administration as an example. At this point, the problem will have been clearly highlighted, and the dichotomy between the weak and the powerful, which also constitutes democratic regimes, will have been stressed. Now, all that remains is to put ourselves in the victims' shoes, underlining the importance for Shklar of the contamination of moral psychology within political theory. Starting from this, the concept of passive injustice will be introduced, proposing it as a first glimmer of light in unjust systems. This reflection will emphasize also how Shklar's political theory is a liberalism for the margins of society, in which the voices sought to be highlighted are those typically found in borderline spaces characterized by injustices and exclusion.

But Shklar's emphasis on marginality is not merely conceptual; it is rooted in her personal biography. As a Jewish refugee, her political thinking was shaped by an acute awareness of how institutional power, when unchecked, produces systemic cruelty and moral indifference. Her own words — “I was not categorized as a woman to a very large extent. I was categorized as that refugee.” (Shklar, 1988, II, p.10) reveal a lifelong sensitivity to the conditions of marginalization. In fact, Judith Nisse Shklar was born in Riga, Latvia, in 1928. At the age of eleven, after

the mysterious death by gas poisoning of her older sister Miriam,² she fled Nazism with her family and emigrated to North America. Canada marked the beginning of her long subsequent career, during which she earned her degree at McGill University, writing a thesis on Rousseau and Machiavelli (see Shklar, 1950). After that, thanks also to the encouragement of Frederick Watkins, she started her doctoral studies in the Department of Government at Harvard University in 1951. Shklar remained at Harvard until her sudden death in 1992. Despite nearly four decades at one of the world's foremost academic institutions and a substantial intellectual output, Shklar's name is far less known than those of her friends and colleagues, such as John Rawls and Stanley Hoffmann.³ However, her work represents a radical reorientation of liberal thought, offering a critical analysis of fear, cruelty, and political exclusion. As Samantha Ashenden and Andreas Hess point out,

Shklar's approach to political theory as a body of work addressing the intractable problems of human social and political life, and her emphasis on diagnosing those problems rather than seeking utopian solutions—in short, her political skepticism—is a way of tackling the cynicism of the present in favor of a more robust approach to limiting injustice and addressing cruelty. (2019, p.3)

Shklar's most influential interpretations have emphasized her political skepticism, her anti-utopian liberalism, and her sensitivity to marginality, fear, and vulnerability. Drawing on these readings, this article argues more specifically that public cruelty should be considered a diagnostic category for interpreting contemporary institutional violence. In this sense, the article aims to rebalance scholarship on Shklar, orienting it toward the question of cruelty as a phenomenon structured at the public and political levels. Recent scholarship has also challenged the tendency to interpret fear liberalism as merely minimalist or conservative. Edward Hall, for example, argues that it is best understood as a

2 Miriam's death is described as mysterious, even though it is certain that the cause was gas poisoning. This is because it has never been clear whether the gas leak was an accident, something Miriam herself wanted, or the result of sabotage of the pipes by members of a German community. In any case, this event was the decisive factor in the Shklar family's decision to flee Latvia. (See Walzer, J. B., 1988).

3 Rawls and Hoffmann also contributed to the writing of the commemorative booklet for the memorial held upon Shklar's death. The booklet is contained in Shklar's Archive at Harvard. However, thanks to a copy of the work, temporarily made available to me by Giunia Gatta and to a section quoted by Andreas Hess in his book *The Political Theory of Judith N. Shklar: Exile from Exile*, 2014, pp. 196-201, I was able to report this information.

perspective that orients political judgment toward concrete forms of cruelty, intimidation, and vulnerability, especially from the perspective of the weak and defenseless (Hall, 2023).

2. Putting Cruelty First

One of the most distinctive aspects of Shklar's political theory is her proposal to put cruelty first, developed primarily in her essay "*Putting Cruelty First*" (1982) and her monograph *Ordinary Vices* (1984). The reflection on cruelty stems from Shklar's decision to examine the primary vices of human beings, including cruelty, hypocrisy, snobbery, betrayal, and misanthropy. She adds the adjective *ordinary* to these negative aspects, as they are nothing more than "(...) the sort of conduct we all expect, nothing spectacular or unusual by human beings." (Shklar, 1984, p.1). Although so different from each other, these ordinary vices share an essential feature in common: they manifest in both private and public spheres, bringing consequences in both of these arenas. Nevertheless, why devote ample space to the discussion and analysis of these peculiar characteristics? These behaviors are part of human nature; they are in some way unavoidable, and therefore, we must come to terms with their existence, even in the public sphere. The solution, for Shklar, is to aspire to "(...) a government for men as they are, not as they might be." (*supra*, p. 235). Therefore, her reflection is guided by the primary desire to identify a type of politics that allows human beings to live together, despite their peculiar and inalienable characteristics, and to emphasize the importance of a political theory based on the fundamental nature of human beings, rather than on the ideal one. Her reflection on negative human characteristics is a glimpse of her political realism, characterized by *radical skepticism* (Gatta, 2018), which leads Shklar to question those systems marked by a strong illusion in progress and human nature, and which permeates her entire theoretical apparatus (see Shklar, 1959; 1965).

However, as has already been anticipated, there is one of these vices⁴ that should be condemned above all others: the vice of cruelty. Shklar defines cruelty as "(...) the deliberate infliction of physical, and secondarily emotional, pain upon a weaker person or group by stronger

4 For the sake of consistency, the other vices encountered in the pages of *Ordinary Vices* will not be discussed in this article.

ones in order to achieve some end, tangible or intangible, of the latter.” (Shklar, 1989, p.11). Shklar believes that many philosophers have set aside this vice in their theories, leaving it instead “(...) to dramatists and historians” (Shklar, 1984, p. 7). There are, however, two main exceptions. The philosophers Montaigne and Montesquieu,⁵ “(...) who hated cruelty most of all” (Shklar, 1982, p. 18), took the risk of treating it in depth and, at the same time, condemned it. Montaigne is, moreover, considered the reason for and protagonist of this book: he is the one who inspired Shklar to choose not to preach about virtues, but rather to reflect on faults. Leaving aside for now the view of cruelty held by the two French philosophers, let us focus here on Shklar's: what does it mean to put cruelty first and, above all, what are the political reasons behind this choice?

To put cruelty first is to recognize it as the only negative character trait that cannot be granted any margin of benevolence. This is not to justify the other vices mentioned in *Ordinary Vices*, but to admit the impossibility of ethically perfect public and private behavior. Shklar abandons the obsessive idea that “(...) certainty and agreement as goals worthy of free people (...)” (Shklar, 1984, p. 249), contradicting the illusion that human nature can achieve an unrealistic ideal. Recognizing this also means allowing political theory to set limits, so that these vices do not permeate social and political institutions to the point of degenerating and undermining individual freedom. On the contrary, cruelty is the only character trait that one cannot and must not learn to live with, as well as representing the point where the degeneration of all other *ordinary vices* converges.

Putting cruelty first also means undertaking a fundamental *moral shift*, breaking entirely with the tradition of revealed religions: “To hate cruelty with utmost intensity is perfectly compatible with biblical religiosity, but to put it first does place one utterly outside the sphere of revealed religion.” (Shklar, 1982, p. 17). This break stems primarily from what can be called “religious skepticism,” or the questioning of religious beliefs and practices considered certain: in this specific case, Shklar is distancing herself from the ethical and moral thinking on which religions such as Christianity are based. To better understand the split between the two paradigms, that of the liberalism of fear and that of revealed religions, we must start above all from the meaning of the term

5 Shklar, 1987.

sin as understood by the latter: “(...) transgressions of a divine rule and offenses against God.” (Shklar, 1984, p. 8). It follows that the severity of a sin is judged to be directly proportional to the seriousness of the offense against one's God. However, Shklar expressly states that when cruelty is deemed to be the supreme evil, “(...) it is judged so in and of itself, and not because it signifies a denial of God or any other higher norm.” (supra). By this, she means that the deliberate infliction of physical and psychological pain on a living being is not condemnable based on the idea that the latter is simply the work of a supreme creator, to whom offense would thus be caused, but rather as a cause of suffering to the victim itself, as a solely earthly creature. If we look at the fifth of the Ten Commandments, “*Thou shalt not kill*”, the fundamental motivation is the belief in the sanctity of life, not as an inalienable right, but as something given by God, the only one who can claim the power to end it. Killing will, if anything, be condemned as an act of cruelty towards an innocent person only secondarily: first and foremost, it is stigmatized because it is an offense against God. Therefore, cruelty is treated and condemned by Shklar without appealing to “(...) any order other than that of actuality.” (supra, p. 9), avoiding recourse to the religious sphere or any other external system in the construction of her hierarchy of vices. Putting cruelty first “(...) two figures and one place: victimizers and victims here and now.” (supra, p. 241).

However, the most important step remains to be explored: understanding the profound reason behind this choice. To do so, we must look to Shklar's liberal spirit, whose primary goal is to “(...) secure the political conditions that are necessary for the exercise of personal freedom” (Shklar, 1989, p.3). Individual freedom is, therefore, the value to be defended at all costs in Shklar's ideal political theory, and it has always been inhibited by two factors: fear and favoritism. It is precisely the feeling of fear that explains why cruelty should be condemned loudly, as this psychological reaction is caused precisely by the arbitrary exercise of this vice.

3. Public Cruelty and the Dichotomies between the Weak and the Powerful

In the essay *Liberalism of Fear* (1989), Shklar makes it clearer why her political agenda prioritizes the fight against cruelty: as we have just

said, this vice generates fear, and fear is what limits personal freedom more than anything else, a value that Shklar, being a liberal, considered to be necessarily inalienable. Thus, cruelty generates a pervasive atmosphere of fear that significantly undermines the exercise of individual freedom. But why does Shklar give so much importance to fear as to consider it the main reason why personal freedom cannot be exercised? The fundamental point is that she recognizes its universal status. She believes that fear is a physical and mental reaction that unites not only all human beings but is also common to non-human animals: this feeling is so shared, pervasive, and essential that Shklar states, “(...) to be alive is to be afraid.” (Shklar, 1989, p. 11). Furthermore, when she speaks of fear in the political sphere, Shklar does not mean only the one can feel for oneself: “(...) we fear a society of fearful people” (supra), one is frightened both for one's fellow citizens and by them, because fear is also what makes them cruel in turn (see Shklar, 1984, p. 23). Hence, her most famous theory of the *Liberalism of Fear*. This liberalism, as Bernard Yack points out, contrasts with the more popular *liberalism of rights*, which Shklar considered secondary. “For her, individual rights represent a means of diminishing public cruelty and the fear it inspires rather than the primary end of liberal politics.” and the true goal of liberal theory, rather than a total and absolute understanding of human rights, was “(...) the development of defenses against the ever-changing threat of public cruelty.” (Yack, 1996, p.3).

At this point, however, a conceptual distinction becomes necessary. What interests us most here is to understand that this vice, which must be condemned above all else, not only represents a personal disposition but also a public disposition, as we can clearly see from Yack's words quoted above. In Shklar's terminology, cruelty refers to the deliberate infliction of physical, and secondarily emotional, pain by the strong on the weak (Shklar, 1984; Shklar, 1998). However, *public cruelty* is a specifically political form of this vice. It is not intended to replace the moral category of cruelty, but rather to identify the conditions in which this vice is perpetrated, enabled, or normalized through public and political power. Not every act of cruelty is therefore public cruelty, the latter seems to manifest itself where at least four elements converge: first, a structural asymmetry between the strong and the weak; second, the mediation of institutions, laws, or public authorities; third, arbitrariness, excess, or unnecessary infliction of suffering; and fourth, the production of fear as a generalized political condition. In this sense, public

cruelty is not simply a private vice applied on a large scale, but something politically organized, supported institutionally, and facilitated by inequalities within public power, which manifests itself and is exercised in an arbitrary, pervasive, unauthorized, and completely unnecessary manner (see Shklar, 1989, p.11). To be clear, an example of public cruelty that also appears quietly in Shklar's essay is the abuse of power by the police, a public institution whose primary task is to ensure security, but which sometimes degenerates into its opposite.

Look also how Shklar states that the *liberalism of fear* “(...) regards abuses of public powers in all regimes with equal trepidation.” (supra, p. 9). The use of the term ‘all’ is not accidental (supra, p.11) but emphasizes that the arbitrary exercise of cruelty is not confined to coercive governments. Even democratic governments are not exempt from criticism for abuses of power and the exercise of fear, making Shklarian liberalism a useful diagnostic lens for analyzing non-totalitarian political institutions.⁶ The choice to condemn public cruelty above all else is not only to recognize that this vice is indeed a problem in the public and political sphere, but above all, it represents Shklar's awareness that at the heart of society there is a strong dichotomy between the weak and the powerful. In fact, what distinguishes public cruelty and makes it possible is precisely its roots in power asymmetries. This division is particularly evident in Shklar's own words, when she states: “(...) for this liberalism—meaning the liberalism of fear—the basic units of political life are not discursive and reflective persons, nor friends and enemies, nor patriotic soldier-citizens, nor energetic litigants, but the weak and the powerful.” (Shklar, 1989, p. 9). As Edward Hall recently pointed out, this distinction is not a mere rhetorical expression, but the central political orientation of the liberalism of fear: Shklar invites us to look at politics from the perspective of the weak and the powerful, because public institutions are always vulnerable to abuses of coercive power, intimidation, and fear (Hall, 2023).

6 The analysis of the concept of public cruelty is further developed, not only in terms of the fact that it does not only concern non-totalitarian governments, but also how it can actually affect ordinary citizens themselves. Hall's analysis of public cruelty, particularly in his discussion of hate speech, extends Shklar's focus beyond state-perpetrated abuses. He clarifies that while state power is the primary source of public cruelty, the *liberalism of fear* is not indifferent to “(...) non-governmental power complexes and the havoc that they can and do cause.” (Hall, 2025, 7, p. 2). Hall argues that phenomena like hate speech, even when not directly enacted by state agents, can constitute public cruelty by generating fear, inflicting emotional pain, and constraining the freedom of vulnerable groups, thereby compromising their ability to make effective life decisions (supra, pp. 10-12). This broader understanding underscores that public cruelty can emanate from both public and private agents, necessitating a vigilant stance against all sources of avoidable fear.

This weak/powerful dichotomy is what leads also Giunia Gatta to define Shklar's liberalism as *agonistic*, that is, a liberalism that presents the notions of cruelty and fear as real, subjective experiences, emphasizing the voices of victims and not considering these notions “(...) essentialized substitutes for natural law, aiming at closing the political agon, but rather grounds for provocation and for the opening of the agon.” (Gatta, 2018, p. 212). This agonistic liberalism is characterized by giving voice to victims, to those on the losing side, and by welcoming their claims as a challenge to the status quo and a driver of progressive change (see *supra*, p. 237). The liberalism of fear does not merely recognize the hierarchies of power within societies, but, starting from this, “(...) takes as its ultimate point of reference the fate of the powerless who are always in danger of falling into the grips of power.” (Royer, 2020, p. 67): the weak are not only recognized but also defended. This is also one of the reasons why Gatta herself believes that Shklar's liberalism is suited to the 21st century; a thesis that this essay intends to share. Shklar's theoretical and political approach leaves room and voice for “(...) those on the losing side of this process of globalization of capital (the workers and unemployed within wealthy liberal democracies), and the victims of resistance to the movement of people (migrants and refugees).” (Gatta, 2018, p. 268).

When it comes to migration and public cruelty in the 21st century, the Trump administration is a prime example of the importance of Shklarian theory.⁷ It is emblematic to observe the developments of the US federal agency Immigration and Customs Enforcement (ICE) under the current president. NBC reports that under Trump, the number of arrests by the agency has doubled, and the number of people in detention is the highest ever (Wu et al., 2025). The justifications used by the Trump administration for the agency's increased activity always revolve around the word “*crime*”, presenting a narrative that portrays them as defenders of public order and security against the threats underlying immigration. The *New Releases and Statements* section of the ICE website reports all the latest news recounting the victories of this body and the government that runs it. As mentioned above, the word “criminal” appears in almost all the news items and is often accompanied by the

7 For a contemporary application of Shklar's liberalism of fear to the analysis of authoritarian tendencies and the 'politics of cruelty' in the Trump administration, including 'deliberate state-sponsored cruelty' in the separation of children at the US-Mexico border, see also Kivisto, 2019, pp. 191-200.

adjective “*alien*”⁸. This demonizing rhetoric is justified in the name of the fear that these people have spread in the surrounding communities and, above all, in the name of *public safety*: ICE’s main mission is “Mission: Protect America through criminal investigations and enforcing immigration laws to preserve national security and *public safety*” (U.S. Immigration and Customs Enforcement Unit, 2025). Or again, from a White House statement on January 20, 2025, “Many of these aliens unlawfully within the United States present significant threats to national security and *public safety*, committing vile and heinous acts against innocent Americans.” (The White House Unit, 2025). The official websites of the current administration provide an endless series of examples in which this justification is explicit. These official justifications are analytically significant because behind the excuse of maintaining *public safety* lies the arbitrary exercise of *public cruelty*: they construct migrants as threatening subjects and help normalize coercive practices that would otherwise appear excessive.

The methods used by ICE in the name of *Make America SAFE Again* are mainly violent: pepper balls, tear gas, smoke grenades, and bodily violence. Nevertheless, the most serious conditions are found in the actual detention of irregular immigrants. The Alligator Alcatraz is a detention center for people arrested by ICE, inaugurated on July 3, 2025, and still active, despite the illusion of its possible shutdown spreading between August and September 2025. The conditions inside the facility are well known and familiar to other immigrant detention facilities, as reported by Amnesty International: inhumane conditions, lack of medical care, barriers to legal help, and, above all, physical and psychological harm (Fisher, 2025). For example, ABC News reports the testimony of Raffael Collado, a detainee at Alligator Alcatraz, given to his fiancée Sonia Bichara. Bichara recounts how Collado spends “(...) nearly every moment of his day locked in a chain-link cage inside a large white tent, which frequently floods when it rains.” (Charalambous, Romero, 2025). In addition, Collado was denied his antidepressant medication, which was only given to him after he unsuccessfully tried to commit suicide. The Guardian reports another testimony from a former inmate whose name is anonymous for fear of retaliation for his statement. This time, the setting is the Northwest Ice Processing Center in Tacoma, where

8 One of many examples to choose from: “ICE arrests violent criminal alien who shouted ‘Allahu Akbar,’ grabbed officer’s service weapon in failed attempt to prevent apprehension” (U.S. Immigration and Customs Enforcement Unit, 2025 November 18)

artificial light remained on 24/7, the windows were blacked out, and the current time and date were unknown. The deprivation of natural light and perpetual illumination, even at night, destroys “circadian rhythms and the critical aspects of physiology they regulate digestion, immunity, sleep, and more” (Peeples, 2025), thus representing psychological and physical harm simultaneously.

These are just pieces of a much larger puzzle than what Shklar would have called *public cruelty*. Taken together, these elements point to much more than a sporadic abuse. Rather, they reveal a pattern of harm effectively mediated by institutions and directed against a structurally weaker population, characterized by degrading treatment and supported by a rhetoric that transforms fear into a tool of governance. Therefore, the systematic violence, in this case, cannot be interpreted as simply the rigid enforcement of immigration laws, but rather a form of *public cruelty*: severe physical and psychological harm inflicted through public institutions on those in a structurally weaker position, and further justified by a politics of fear. The Trump administration exercises its power over those who do not have it, not only marginalizing these individuals, but also proceeding to exile them from society, arbitrarily and pervasively inflicting physical and psychological violence (see Offidani-Bertrand, 2023). Furthermore, the case of the United States illustrates another insight of the philosopher, namely that even democracies are not free from the criticism and denunciations that the liberalism of fear carries out, but are capable of staining themselves with abuses of public power that confirm Shklar’s warning that fear can be reproduced within democratic settings as well.

The latter is just one example among many that could be problematized in terms of *public cruelty*, bringing to light how it is a vice that we must still place at the top of our political agendas today: we must take seriously the exercise of cruelty by governments towards the public sphere, starting with recognizing the dichotomy between the weak and the powerful that still strongly characterizes our contemporary societies in the 21st century.

4. We must put ourselves in the victims' shoes: Injustice and Moral Psychology

As mentioned in the conclusion of the preceding paragraph, the aggressive enforcement campaign of the Trump administration easily reminds us that the societies in which we live today are far from fair, even in democratic regimes. They seem to follow this strong dichotomy between those who can exercise cruelty and those who suffer it more as a rule than as something to be fought against. Therefore, once we have clarified what constitutes public cruelty, we understand that merely highlighting the problem is insufficient; something more is needed. Shklar herself takes this further step: we must put ourselves in the victims' shoes.

What does this mean? It means seeking to dignify the feelings and personal perceptions of victims of cruelty and systemic injustice, as well as those of the oppressed and the weak. This means that, sometimes, we must even fight against what Shklar defines as the normal model of justice, an approach that Aristotle "(...) did not invent but certainly codified and forever imprinted upon all our minds." (Shklar, 1990, p. 17). Shklar identifies in these models the reduction of injustice to a simple violation of one of the norms that reflect what is right for the society that adopts them; an approach that immediately appears somewhat problematic, as it does not seem suitable for illuminating all the dark aspects of injustice.

For Shklar, however, one of the tasks of political theory is not to read injustice simply as a tangible deprivation, but also to consider its effects on the psyche (supra, p. 49). It is not only unfair to deprive people of their rights, but also to "(...) make them feel the fury and resentment of being humiliated." (Shklar, 1990, p. 49). This focus on humiliation and moral harm reflects Shklar's broader project of building a political theory grounded in moral psychology. This approach was undoubtedly influenced by her extensive studies of Rousseau, whom she sees more as a *historian of the human heart* (Shklar, 1969, p. VII) than as a philosopher in the strict sense. She devoted herself to Rousseau from her master's thesis onwards, eventually producing a monograph entitled *Men and Citizens: A Study of Rousseau's Social Theory* (1969). The use of moral psychology, however, had a substantial impact on Shklar's entire theoretical framework, starting with the aforementioned reflection on human characters in *Ordinary Vices*, so much so that James Brown and

Thomas Osborne see this work as “(...) offering a historical political sociology of moral psychology. It presents motives and accompanying attitudes to (im)moral action as specific to evolving forms of sociopolitical organization.” (Brown, Osborne, 2019, p. 119). The choice to place cruelty at the forefront also stems from this intertwining of cruelty and politics. As mentioned above, this vice generates feelings of fear. For Shklar, this reaction is “(...) universal as it is physiological” (Shklar, 1989, p.11): therefore, in addition to being physical, it is also mental, emphasizing once again how politics also impacts the psychic sphere. Katrina Forrester observes how Shklar's study of individuals, with its conclusion of their fragility and ambivalence, established “(...) limits on the possibilities for political (...)” (Forrester, 2019, p. 136). Forrester emphasizes how, for Shklar, feelings are not insignificant in the face of ideals, principles, and political rules.

Therefore, this methodological choice is also particularly central in *The Faces of Injustice*, which combines reflection on political and social theory issues with moral psychology: Shklar insists that iniquity cannot be theorized without listening to how it feels. However, returning to her critique of standard models of justice, the philosopher does not deny Aristotle's use of moral psychology, but considers it to be flawed: “All the inadequacies of the moral psychology of the Aristotelian normal model of justice are probably due to the demands of fairness.” (Shklar, 1990, p. 31). According to Shklar, Aristotle believed that the unjust agent was guided solely by the vice of greed: he grabs everything he can, always wants more, and shows no regard for fairness. Nevertheless, this identification of a single motive is not valid; “In unjust politics greed is joined by ideology, fanaticism, prejudice, xenophobia, and sexism” (supra, p. 30), and reducing everything to a single vice risks making most unjust policies invisible and incomprehensible. However, Aristotle's moral psychology is not merely superficial but is limited to the analysis of the person who commits the injustice. The unjust are those who gain visibility in this process, while the real victims remain invisible (supra, p. 32).

In this volume, therefore, attention to the psychic sphere and moral psychology becomes one of the most relevant and effective processes for giving voice to the oppressed. As Benhabib observes, Shklar “(...) reasoned about political and psychological phenomena not from the angle of what was visible at the center of public life but from the standpoint of the margins, from the standpoint of those who did not have a voice easily representable at the center.” (Benhabib, 1994, p. 480). Victims

must be listened to, their experiences of humiliation and resentment taken seriously:

Whatever decisions we do make will, however, be unjust unless we take the victim's view into full account and give her voice its full weight. Nothing less is not only unfair, it is also politically dangerous. (Shklar, 1990, p. 126).

We cannot accept a justice system that reduces injustice solely to a violation of a rule. Only in a system that truly listens to victims can we design institutions capable of reducing the fear generated by public cruelty and injustice, paving the way for fairer policies that are vigilant against symbolic violence and truly respectful of human dignity in the contemporary democratic context and in everyday practice. This emphasis on the victim's perspective is also a pillar of Shklar's *realist ontology*, which, as Stullerova explains, "(...) is a way of looking at politics by ascribing ontological preference to situations in which subjects (may) suffer from cruelty." (Stullerova, 2014, p. 3). It is through this lens that Shklar, while acknowledging the contestability of fundamental conceptualizations, provides a solid basis for political action in response to suffering.

However, we must not make the grave mistake of blaming victims and idealizing them. Being a victim is not a quality attributable to a person, but simply something that can happen to anyone; it remains a complex concept to use, even though it is a fundamental category of political thought. It is also challenging to identify and determine who the victim is, even leading to a vicious circle in which the victim changes sides and becomes the perpetrator and vice versa: can a tormentor also be subjected to injustice, making them a victim? Alternatively, perhaps, as Shklar asks, "Are we all victims of our circumstances?" (Shklar, 1984, p. 17). Suppose it is not yet clear how we should reflect on this. In that case, it is clear how we should not, namely by blaming them: Shklar takes up Bruno Bettelheim's reflection on this point, for whom blame is nothing more than an insult to them, it would be like talking about them as mute beasts (Bettelheim, 1980, pp. 84-104); at the same time, she does not want to absolve them of all responsibility, as this would lead to considering them as non-human beings, devoid of will, because as long as they were alive they had the same possibility of making mistakes, of committing errors, denying this would be "(...) as well call them sheep." (Shklar, 1984, p. 18).

This does not mean that Shklar does not side with the victims, but as Andreas Hess observes, the real problem lies in interpreting the defeated as heroic losers (Hess, 2014, p. 102). Idealizing political victims is also very dangerous, because they are often no better than their executioners, and may just be waiting for the moment when they will reverse their roles. However, if cruelty is put first, this matters little: no one deserves torture or subjection to this vice. What can be done is to decide who the victim is in each case, bearing in mind that anyone can be a victim and can be both roles at the same time. If this is not the case, “(...) we will unwittingly aid the torturers of tomorrow by overrating the victims of today.” (Shklar, 1984, p. 19).

5. Passive Injustice in the 21st Century

However, for Shklar, this ability to put oneself in the shoes of others is not only a task relegated to institutions or to various theories of justice, but also to us as citizens who are part of a community: we must try not to be passively unjust. “The passive citizens who turn away from actual and potential victims contribute their share to the sum of iniquity.” (Shklar, 1990, p. 40): it is with this sentence that Shklar introduces the concept of passive injustice. Being unjustly passive facilitates the perpetration of cruelty in the public sphere, and even if only to a small extent, helps to reproduce and strengthen an unjust and unequal system. Furthermore, passive injustice is not an accusation of not going beyond one's duty or of lacking charity, “(...) but of not seeing that citizenship involves more than normal justice demands.” (supra, p. 41). The unjustly passive individual does not care about the injustices and violence that occur around them, forgetting the victims and closing their eyes to the abuse suffered by another citizen:

Passive injustice is a civic failing, not a sin or a crime. It refers to the demands of our political role in a constitutional democracy, not to our duties as men and women in general. Common sense and history tell us, moreover, that reigns of terror do not teach civic virtue, but its opposite. (supra, p. 98).

When something unjust and cruel has been blatantly committed, it is not enough to wait for the government to intervene; citizens have the opportunity, the duty, and the right to act. Moreover, this civic blindness

is not something that just happens, but a conscious choice in constitutional democracies.⁹ The unjustly passive citizen deliberately disregards the victim's feelings in their presence.

Shklar cites the example of unjust passive conduct in her book, describing a shopper who receives the wrong change from the cashier. The cashier ignores the shopper's protests, thus becoming unjustly passive. A third character is added, a woman standing in line next to the shopper, who, seeing what has happened, decides not to say anything. She, too, is unjustly passive (see Shklar, 1990, p. 43). This example shows, in a straightforward way, how the phenomenon of passive injustice can manifest itself in *medias res*. My central thesis is that, in the twenty-first century, Shklar's notion of passive injustice can be cautiously extended transnationally. This is not to say that Shklar herself develops a fully global theory of civic responsibility. On the contrary, as she herself makes clear, passive injustice is a "(...) specifically civic failure" and an obligation of the "citizens of constitutional democracies only" (*supra*, pp. 5–6). More specifically, it refers to "(...) our public roles and their political context—citizenship in a constitutional democracy" (*supra*, pp. 41–42).

However, her theoretical framework still contains important resources for thinking beyond mere immediate co-presence. In this sense, one can be unjustly passive without ever directly confronting the victim of injustice. What matters is not mere physical proximity or one's spatial positioning, but rather the combination of publicly available information, the ability to react, and the decision to remain inactive in the face of avoidable harm. In this regard, Robin Douglass's clarification is particularly helpful: passive injustice should not be traced back to cruelty. Even when passivity facilitates avoidable suffering, it remains a specific form of civic failure, characterized by failure to respond rather than the deliberate infliction of pain (Douglass, 2023). This distinction is important because it allows us to preserve the analytical difference between public cruelty and passive injustice, while recognizing their strong connection: passive injustice can help perpetuate the structures in which public cruelty manifests itself.

9 Shklar emphasizes how this right and possibility lies within the sphere of constitutional democracies, and how, rightly, one cannot expect citizens under despotic governments to react to every type of injustice, as it is often the government itself that prohibits this possibility: "The subjects of terrorist governments, whether modern or traditional, cannot reasonably be expected to behave politically the way citizens of a free republic do." (1990, p. 41)

In the contemporary context, however, the scope for these civic failures has expanded significantly since Shklar wrote *The Faces of Injustice*. In a globalized world, new media provide daily access to credible evidence of suffering far from our physical location, making failure to respond and indifference less easily justified by claims of ignorance. This does not mean that every distant injustice must generate identical obligations or reactions, nor that active citizenship requires constant, maximal intervention. As Douglass and Hall suggest, the demands of active citizenship are always in tension with other liberal goods, including peace, tolerance, and moderation, and what counts as passive injustice depends in part on the expectations associated with citizenship and the forms of action that remain politically and morally viable in a given context (Douglass & Hall, 2026).

However, the fact that an injustice manifests itself beyond the immediate physical space in which we live does not in itself eliminate its political relevance. Where suffering is publicly known, where credible testimonies exist, and where agents are implicated—directly or indirectly—in structures that reproduce avoidable harm, civic nonresponse can acquire a broader transnational significance. In this sense, the extension of passive injustice beyond the state should not be understood as a simple globalization of Shklar's concept, but as a careful reconstruction of its civic logic under new conditions of mediated visibility and structural interdependence. The point, then, is not so much that Shklar's passive injustice automatically transforms into a universal duty towards all suffering across the globe, but that her diagnosis of the failure to respond can shed light on certain transnational forms of political indifference in the contemporary context.

The three-year period from 2022 to 2025 offers us, among many, two examples of why it is necessary not to be unjustly passive. The situation in Ukraine and the genocide¹⁰ of the Palestinian people are just two

10 The article intends to refer to the violence in Palestine as "genocide," since several United Nations bodies and legal analyses have described it as such. This language is used deliberately: the ICJ proceedings in *South Africa v. Israel* remain pending, but the Court has already recognized plausible rights under the Genocide Convention and a real and imminent risk of irreparable prejudice, while UN reports have gone further in characterizing the violence itself (Albanese, 2024; International Court of Justice, 2024a, 2024b, 2024c; UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 2024; United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025). Furthermore, the term genocide applied to the violence suffered by the Palestinian people can also be found widely within academic debate, among which we can especially cite, in addition to the papers further used for the subsequent arguments, Sultany, 2024; Bartov, 2025; and Moses, 2025.

examples of how public cruelty continues to persist today,¹¹ reproducing and reinforcing the dichotomy between the weak and the powerful. In particular, in the second case, the movements of indignation and protest against the arbitrary cruelties committed by Israel started from the bottom up, often in response to a perceived passive injustice on the part of international governments. As highlighted by Acconcia and Perini (2024), the primary motivation for these mobilizations and protests is “(...) widespread opposition to the genocide and ethnic cleansing being suffered by the Palestinian people and criticism of the state of apartheid imposed by Israel in the occupied territories (...)” (Acconcia & Perini, 2024, p.215).¹² The visibility of these atrocities, amplified by new media and real-time accounts, makes the lack of reaction and indifference a conscious choice. The testimonies collected by Acconcia and Perini also emphasize how “The population uses cell phones, and real-time accounts and images of Israeli ferocity appear on social media. The war crimes are there for all to see” (supra, p.219).¹³ This direct exposure to suffering, which makes the conflict a “televised genocide” (supra), reinforces Shklar's moral imperative to put oneself in the shoes of the victim. Furthermore, the Palestinian experience reveals a multiplicity of forms of public cruelty. Avi Shlaim, for example, highlights the term *Scholasticide*, which refers to the deliberate destruction of the education system. This arbitrary cruelty aims to undermine the very foundations of Palestinian society, depriving it of its future and destroying the “hopes and dreams” of an entire generation (Shlaim, 2025, p. 5).

Shklar calls us to a moral and political commitment to creating more just societies, and the grassroots mobilizations for Palestine, often in conflict with institutional indifference, embody precisely this renewed civic duty to extend outrage beyond state borders and to refuse complicity in injustice. We can reclaim our capacity to act, not by submitting

11 There is also a view that Shklar's thinking may rather be a dangerous justification for Zionism. Judith Shklar's concept of cruelty, while prioritizing its prevention, includes a consequentialist exception: cruelty can be justified to prevent greater cruelties (see Shklar, 1989, p. 12). Boulos argues this exception has been used to rationalize Israel's settler-colonial violence against Palestinians. The “terror of history” and fear of a “second Holocaust” among Israelis, Boulos suggests, provides an “infinite license” for actions, effectively supporting Zionism by permitting violence under the guise of preventing a larger catastrophe. This logic, Boulos notes, only breaks down at the “threshold of genocide.” (Boulos, 2025, pp. 12-13).

12 My translation of: “(...) opposizione diffusa al genocidio, alla pulizia etnica subita dal popolo palestinese e critica allo stato di apartheid imposto da Israele nei territori occupati (...)”.

13 My translation of: “La popolazione usa i telefonini e sui social media compaiono racconti e immagini in tempo reale della ferocia israeliana. I crimini di guerra sono lì sotto gli occhi di tutti.”

to the tragedies unfolding before us, but by overthrowing the system of passive injustice. Shklar's thinking not only helps identify a vice that still needs to be combatted in our societies today, public cruelty, but also suggests something more: that we, as communities and as individual citizens, must not turn a blind eye to the abuses and injustices that affect others.

6. Conclusion

Judith Shklar's political theory embodies a compelling model of public philosophy. She does not offer us a blueprint for ideal institutions, but a diagnostic tool for reading violence, complicity, and fear as enduring features of modern politics. Her thought reminds us that philosophy should serve the public, not merely by theorizing justice, but by theorizing from the point of view of a marginalized individual.

In an era in which cruelty has once again become a normalized feature of political rhetoric and action, Shklar's voice invites us to redefine our priorities. Because if we once believed that the atrocities of the twentieth century had marked a definitive threshold in the history of political violence, recent events compel us to think otherwise. The Trump administration's immigration policies illustrate how cruelty can be bureaucratized and rendered invisible through procedural legality. If we read that in Shklar's terms, cruelty here did not occur outside the law but precisely within its bounds, exposing how, also, democratic institutions, when stripped of moral judgment, can become instruments of fear. Likewise, the invasion of Ukraine on February 24, 2022, and the genocide in Palestine have shown how the language of security and sovereignty often masks systematic abuses against civilians, perpetuating cycles of fear and retribution that can be read, in Shklar's terms, as manifestations of public cruelty.

What unites these diverse cases, across continents and political regimes, is their shared logic: the dehumanization of the vulnerable, the legitimization of fear, and the moral disengagement of both leaders and citizens. Shklar's liberalism of fear reminds us that political theory must start from these sites of suffering. Not from utopian aspirations, but from an ethical imperative to unmask cruelty, to resist complicity, and to take the emotional and moral costs of injustice seriously. In this sense, *Putting Cruelty First* is not only a basis for liberalism, but a prin-

ciple that “(...) revisits - again and again - the very fundamentals of politics in response to suffering while attending to those who suffer.” (Stullerova, 2014, p. 5), prompting a continuous reconsideration of the foundations of political consensus. In her words, the first duty of political thought is to reduce cruelty. In ours, that means keeping vigilance where others look away, and refusing to accept indifference as the price of order.

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