

# The Simplicity of Toleration

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## Abstract:

Toleration is one of the core elements of a liberal polity, and yet it has come to be seen as puzzling, paradoxical and difficult. The aim of the present paper is to dispel three puzzles surrounding toleration. First, I will challenge the notion that it is difficult to see why tolerance should be a virtue given that it involves putting up with what one deems wrong. Second, I defuse the worry that the ideal of toleration is not fully realizable as toleration must necessarily be limited. Third, I take issue with the assumption that ‘true’ tolerance requires meta-tolerance, that is, that the issue of toleration must itself be approached in a ‘tolerant’ way.

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## 1. Introduction

It is generally agreed that toleration is one of the foundational pillars of liberal society. And yet, toleration has come to be thought of as a difficult (Scanlon 2003), paradoxical (Forst 2013, pp. 17-26), elusive (Heyd 1996) or conceptually impossible virtue (Williams 1996).<sup>1</sup> The present paper seeks to dispel three puzzles that allegedly beset the idea of toleration.<sup>2</sup>

One paradox concerns the value of toleration. Given that toleration requires that we do not interfere with ways of life that we deem ethically wrong, it is difficult to understand why toleration should be a virtue. If we are sufficiently confident that a given lifestyle is ethically objectionable and if we are in a position to suppress it, what could possibly be laudable about tolerating it?<sup>3</sup>

Another paradox concerns the limits of toleration. It is sometimes claimed that there is no such thing as true tolerance because tolerance must necessarily be limited. The idea of toleration is therefore intrinsically self-defeating.

A third problem relates to exactly how we go about justifying toleration and its proper boundaries. It has been assumed by many that for there to be true tolerance, the justification of tolerance must itself be ‘tolerant’. That is, it must not rest on any controversial premises that are peculiar to a reasonably contested philosophical or religious worldview. If no such neutral theory of tolerance is available, true tolerance again proves to be a chimera.

In what follows, I will address each of these three worries in turn and show them to be unfounded. I will argue that the moral value of toleration is readily intelligible and that the notion that there might be no such thing as true tolerance rests on false presuppositions. While I hope to demonstrate that toleration is less paradoxical or difficult than it has been made to appear, I am loath to deny that the topic still gives rise to intricate philosophical questions that the present paper does not answer. In particular, I will have rather little to say about exactly where the boundaries of toleration ought to be drawn, which is no doubt one of the core questions about toleration.<sup>4</sup>

## **2. The moral value of tolerance**

According to a widely shared view, the concept of toleration involves an acceptance component and an objection component.<sup>5</sup> Toleration implies acceptance in that it is essentially about putting up with the tolerated belief or practice.<sup>6</sup> And it implies objection in that you cannot tolerate a belief or practice that you do not disapprove of. If you refrain from interfering with a practice that you are indifferent about or that you approve of, this non-interference would simply not qualify as toleration. As a matter of conceptual necessity, you cannot tolerate what you do not consider wrong.

This combination of acceptance and objection gives rise to the first of the three puzzles discussed in this paper: If the to-be-tolerated practice is deemed objectionable, how could toleration possibly be something virtuous or laudable? Why should it be virtuous to put up with what one deems wrong? Here are some typical statements of this worry:

The paradox is this: normally we count toleration as a virtue in individuals and a duty in societies. However, where toleration is based on moral disapproval, it implies that the thing tolerated is wrong and ought not to exist. The question which then arises is why, given the claim to objectivity incorporated in the strong sense of toleration, it should be thought good to tolerate. (Mendus 1989, pp. 18-19)

Toleration is the practice of deliberately allowing or permitting a thing of which one disapproves. [...] But if your disapproval is reasonably grounded, why should you go against it at all? Why should you tolerate? Why, in other words, is toleration a virtue or a duty? (Raphael 1988, p. 139)

If we are asking people to be tolerant, we are asking [...] [them] to lose something, their desire to suppress or drive out the rival belief; but they will also keep something, their commitment to their own beliefs, which is what gave them that desire in the first place. There is a tension here between one's own commitments, and the acceptance that other people may have other, perhaps quite distasteful commitments: the tension that is typical of toleration, and which makes it so difficult. (Williams 1996, pp. 19-20)

[I]f the reasons for objection as well as those for acceptance are identified as moral, the paradox is exacerbated into the question of *how it can be morally right or even obligatory to tolerate what is morally wrong or bad*. (Forst 2013, p. 21, original emphasis)

As the last quote indicates, the challenge is not simply that of providing just *any* kind of reason for not interfering with practices or worldviews that one disapproves of. It goes without saying that people often have prudential reasons to put up with behavior that they find ethically objectionable or to agree on a tolerant *modus vivendi*.<sup>7</sup> Rather, the challenge consists in providing a *moral* reason to put up with what one disapproves of. We are interested in toleration as a principled moral attitude. And the notion that it is morally right to tolerate what is objectionable is apt to strike one as puzzling.<sup>8</sup>

Although the virtue of toleration has thus come to be viewed as 'paradoxical' or 'difficult' by toleration theorists, this has not reduced their endorsement of toleration as a valuable liberal virtue. Providing a compelling vindication of toleration is considered challenging, but it is generally assumed that this challenge can be met. The literature contains a plethora of different, often whole-hearted, defenses of the idea of toleration. Therefore, arguing that toleration is valuable or morally obligatory is, of course, in accord with the philosophical mainstream. However, by advancing a rather simple and straightforward defense of toleration, I purport to challenge certain widely held philosophical misconceptions regarding the difficulty of toleration. The difficulty of making sense of the value of toleration has, to my mind, been overstated. There is nothing in the least paradoxical or puzzling about the idea that tolerating what one ethically disapproves of is laudable and morally required.

The key to understanding the value of toleration is, I think, to attend closely to the acceptance component. Of the two components of toleration, the objection component has

received relatively more scholarly attention<sup>9</sup>, while characterizations of the acceptance component tend to be rather casual. In particular, characterizations of exactly what kind of acceptance is needed for there to be tolerance are often – though not always<sup>10</sup> – somewhat imprecise. Peter Nicholson, for instance, writes that the ‘tolerator has the power to try *to suppress* or *prevent* (or at least *to oppose* or *hinder*) what is tolerated’ but that he ‘does not exercise his power, thereby *allowing* the deviation *to continue*.’ And: ‘toleration is the virtue of refraining from exercising one’s power *to interfere* with others’ opinion or action’ (1985, pp. 160, 162). According to Catherine McKinnon, the tolerator ‘refrains on principled grounds from acting on her disposition to *oppress* or *interfere* with another person or group’ (2006, p. 28). For D. D. Raphael, ‘[t]o tolerate is to *allow* or *endure* something of which one disapproves.’ (1988, p. 141) John Gray notes that ‘[w]hen we tolerate a practice, a belief or a character trait, we *let something be* that we judge to be undesirable, false or at least inferior; our toleration expresses the conviction that, despite its badness, the object of toleration should *be left alone*.’ (1995, p. 28, all emphases added) And Rainer Forst mostly operates with a circular definition of the acceptance component, according to which acceptance means that one *tolerates* the practice that one objects to.<sup>11</sup>

While Forst’s definition is uninformative, the former characterizations of ‘acceptance’ are somewhat imprecise and, most importantly, over-inclusive. They fail to acknowledge that not all ways of interfering or not putting up with are intolerant in the strict sense of the term. There are many ways in which one may aim at changing people’s views or behaviors without failing to *tolerate* them. Clearly, persuading others of one’s own view through rational criticism and argumentation is not intolerant.<sup>12</sup> And there is nothing intolerant about, say, religious missionary work provided (and this is a key proviso) the missionaries respect certain standards of human decency.<sup>13</sup>

The crucial question therefore is exactly what kind of acceptance is the minimum requirement for tolerance. I submit that toleration means that one interferes with other people’s ways of life only through means of interference that exhibit a certain degree of civility, human decency and benevolence. Put the other way around, people’s beliefs and practices are not tolerated if they are interfered with through particularly vile or ruthless means of interference.<sup>14</sup>

Paradigm cases of intolerant ways of interfering with disapproved-of worldviews include for instance physical coercion (which includes state coercion), hate campaigns and public demonization. Clearly, people whose worldviews are being combated by such means can rightly complain that they are not being tolerated or that there is at least a significant lack of toleration. By contrast, more lenient ways of interfering with disapproved-of practices do not necessarily

qualify as intolerant in the strict sense of the term. I concede that the concept of toleration is to some extent fuzzy, making it impossible to classify each and every instance of interference as a clear-cut case of either tolerance or intolerance. I do not purport to be able to offer any such clear-cut delineation. But I do take it that it would be conceptually wrong to call behavior intolerant that significantly falls short of exhibiting the sort of viciousness of the above given paradigmatic examples of intolerant interference.<sup>15</sup>

To illustrate, it does not strike me as intolerant if (as happened recently<sup>16</sup>) the devoutly Christian owners of a pizzeria, when pressed by a journalist, state that they would refuse to cater a gay wedding, while professing that they would happily serve gay couples in their restaurant. Their behavior may be objectionable on other grounds. It may or may not be discriminatory, closeminded, bigoted, informed by false assumptions about what the teachings of Christ require, and many other things. But it would be quite a stretch to say that their refusal to cater gay marriages goes to show that they do not *tolerate* homosexual lifestyle or gay marriage in particular. They are merely refusing to get involved with the disapproved-of practice rather than actively disrupting it, and the service they are denying – party catering – is a non-vital one that can easily be obtained from a different provider. By contrast, it does strike me as intolerant to call upon people to burn down the pizza place or to incite a public smear campaign that forces the owners of the pizzeria to (temporarily) close their business. And it would certainly be intolerant to legally force them to cater gay weddings against the dictates of their conscience.

Two implications of the just sketched characterization of the acceptance component are worth emphasizing. First, it is important to notice that there is a difference between discrimination and intolerance and that not all forms of discrimination amount to intolerance. As just seen, refusal to cater gay weddings may well be discriminatory (if one caters heterosexual weddings), but it is not in itself intolerant. By the same token, if a state privileges one religion over others, this does not necessarily imply that these other religions are not being tolerated. This depends on the nature and severity of the discrimination. Second, the fact that a given negative attitude does not qualify as ‘intolerant’ does not mean that this attitude might not be objectionable on other grounds. By exempting certain forms of interference or disapprobation from the charge of intolerance, we do not thereby condone this behavior or forgo the right to criticize it. We may still criticize it, for instance, as ignorant, rude, stubborn, discriminatory, dogmatic, arrogant, narrow-minded, disrespectful, bigoted, mean or stupid.

To resume, I suggest that toleration implies refraining from particularly vile and ruthless ways of interfering with practices or worldviews that one disapproves of. This is what

‘acceptance’ comes down to. The fact that not all types of interference qualify as intolerant, although noted by some (see Cohen 2004, pp. 74-75, 85-87, 2018, p. 34, Mercer 1999, pp. 321-322), has to my mind not been taken sufficiently seriously. While it is of course primarily a conceptual claim, it is not difficult to see that it has substantive normative implications. As we have seen above, it has struck many as puzzling ‘how it can be morally right or even obligatory to tolerate what is morally wrong or bad.’ However, in view of exactly what kind of acceptance toleration involves, the moral value of tolerance is readily intelligible. One might reasonably wonder why it should be morally right or even obligatory to *put up with* or *refrain from interfering with* ways of life one considers ethically objectionable. It is no surprise that toleration appears puzzling and difficult to justify if one mentally brackets the nature of the means of interference in this way. By contrast, the question why it should be morally obligatory to refrain from using particularly vicious and ruthless means of interfering with ways of life deemed objectionable, why one should not use physical force to suppress them, why one should not demonize them, and so forth, is a rather strange question to ask. While the fact that a given way of life is ethically objectionable may provide one with a pro tanto reason to interfere with it, there are of course moral limits as to *how* one may interfere with it. For the goodness of opposing an ethically objectionable way of life is sometimes outweighed by the badness of *how* this is done, and there is nothing puzzling about *that*. Not to tolerate a practice or worldview is to intervene with it in a particularly cruel and ruthless manner. Toleration is morally obligatory, that is, simply because there is something evidently cruel and inhumane about the means of interference that are characteristic of intolerance. Asking why one should not persecute, oppress, coerce or demonize people who follow a way of life one deems objectionable is simply to ask one question too many.<sup>17</sup>

All this is not to deny that there are other reasons to endorse the idea of tolerance. One and the same thing may be valuable for many different reasons, and it would therefore be oddly dogmatic to look out for *the one* reason why toleration is desirable and morally obligatory. The moral goodness of tolerance is arguably massively overdetermined, and the above considerations by no means exhaust what there is to say in favor of toleration (see Raz 1988, p. 155). But it would, to my mind, be wrong to think that solving the above mentioned ‘paradox’ of toleration in a principled way *necessarily requires* particularly subtle philosophical argumentation. It may well be that toleration is a precondition for romantic self-expression (Mill 2003) or autonomous living (Raz 1988), that it prevents alienation from society (Scanlon 2003) or that it is necessary for the proper exercise of human reason (Kukathas 1997), to name but a few ways in which

philosophers have tried to make sense of toleration. I am not denying the merits of these arguments. But the vindication of toleration does not depend on the success of any such more sophisticated line of reasoning. The goodness of toleration is not a philosophically precarious hypothesis but deeply entrenched at the very center of our web of evaluative beliefs. This assumption also informs John Rawls' treatment of the issue in *A Theory of Justice*:

There are questions which we feel sure must be answered in a certain way. For example, we are confident that religious intolerance and racial discrimination are unjust. We think that we have examined these things with care and have reached what we believe is an impartial judgment not likely to be distorted by an excessive attention to our own interests. These convictions are provisional fixed points which we presume any conception of justice must fit. But we have much less assurance as to what is the correct distribution of wealth and authority. Here we may be looking for a way to remove our doubts. We can check an interpretation of the initial situation, then, by the capacity of its principles to accommodate our firmest convictions and to provide guidance where guidance is needed (Rawls 1999, pp. 17-18).

And later, he reaffirms that '[t]he question of equal liberty of conscience is settled. It is one of the fixed points of our considered judgments of justice.' (Rawls 1999, p. 181) That is, Rawls takes the principle of tolerance as granted rather than as a precarious hypothesis in need of further justification. To be sure, Rawls provides a more subtle argument for liberal toleration by arguing that the principle of toleration would be endorsed by the denizens of the original position. But the conviction that intolerance is unjust is prior to this argument in that it determines the structure of the original position. The latter must be structured in such a way that it accommodates our firm belief in the principle of toleration. If the denizens of the original position would not rationally endorse a principle of liberal toleration, we would not have to abandon our belief in the principle of tolerance but rather redesign the original position. Rawls' treatment of the belief in the principle of tolerance as a fixed point strikes me as perfectly sensible and legitimate.

I grant that the just outlined simple justification of toleration leaves many questions open. In particular, I have said little about the limits of tolerance. While the above remarks provide an idea of why it is (usually) morally imperative to tolerate views and practices one disapproves of, there is no denying that there are occasions when we must adopt an intolerant attitude. And I have made no attempts to specify when this is the case. But the above remarks do not purport to amount to a complete theory of toleration. I have only explored one principal rationale for tolerance, while a complete theory of toleration, and of its limits, would have to

take into account a host of different considerations for and against tolerating what one considers wrong. Still, the above reflections should suffice to dispel the impression that there is something intrinsically paradoxical or puzzling about the idea that toleration is virtuous. We can quickly come to appreciate the moral importance of toleration when we attend carefully to the acceptance component.

Before I wrap up this section, I wish to briefly mention a second reason why paying attention to the acceptance component is crucial and, in particular, why we should not too readily classify less aggressive ways of interfering as 'intolerant'. One might be inclined to regard this as a purely terminological issue. In the end, everyone is free to define or redefine toleration in whatever way he or she sees fit.<sup>18</sup> However, it should be kept in mind that the concept of toleration is not just a philosophical term of art. It occupies a particular role in the discursive field of liberal democracies and it possesses a strong positive valence. Tolerance is generally considered a pivotal civic virtue that is required of any citizen of a liberal polity. The charge of intolerance is therefore a very serious and damaging one, and it will not immediately lose this negative meaning when intolerance is stipulated to encompass milder forms of non-acceptance, too. By the same token, one could of course define racism so as to include even the mildest forms of national or ethnic in-group favoritism. It would then be terminologically accurate to denounce people who exhibit such mild forms of in-group favoritism as racists. However, while accurate in theory, this would certainly be too harsh and inappropriately stigmatizing. To be sure, accusations of racism are arguably worse than accusations of intolerance. But the mechanism is the same. If the owners of the pizza place are pilloried as 'intolerant', they would rightly perceive this censure as very harsh and unfair. Indeed, it is rather likely to estrange them from the idea of liberal toleration. They will feel that there is no place for them in liberal society. Thus, a too narrow interpretation of the concept of toleration, according to which even milder forms of non-acceptance are denounced as intolerant, is itself exclusionary and illiberal. It leaves little room for people who are existentially committed to a particular theory of the good life and deeply passionate about the wrongness of competing ones.<sup>19</sup>

### **3. The limitation of toleration**

While the first paradox concerned the moral value of tolerance, the second paradox concerns the limitation of tolerance. Toleration, it is often claimed, cannot be unlimited. Some doctrines and ways of life must, necessarily, not be tolerated. But if toleration implies its contrary, that is, if it implies intolerance, the very idea of toleration seems inherently flawed. 'True' tolerance



appears to be an elusive chimera, and we must become error theorists about tolerance (see Forst 2003, p. 23, 2013, p. 72). This worry is also a recurring theme in popular debates about toleration. Whenever an advocate of toleration admits that there must be limits to toleration, there is always someone who smugly exclaims 'See, you're yourself intolerant!'.

But why should we think in the first place that toleration necessarily involves its contrary, that is, that some doctrines or ways of lives must not be tolerated? Some have argued that universal toleration is self-contradictory. Rainer Forst asserts that 'wanting to tolerate 'everything' is contradictory, for in that case one would have to tolerate a practice and at the same time also tolerate its not being tolerated.' (2013, p. 23) And Nicholson writes that the 'suggestion that one ought to tolerate the destruction of toleration is, quite simply, self-contradictory.' (Nicholson 1985, see also Horton 1994, p. 16) I find it difficult, however, to detect any logical or conceptual contradiction in universal toleration. It would certainly be contradictory to tolerate and not to tolerate one and the same practice, but simply tolerating *everything* – while certainly misguided and unwise – is not contradictory. Similarly, there would not be anything intrinsically contradictory about, say, universal indifference, even if this involves being indifferent about something and at the same time being indifferent about others not being indifferent about it.

More plausibly, the reason why the scope of toleration must be limited is a pragmatic one. Universal toleration is pragmatically self-defeating, for it would imply that one does not stop those social and political forces that seek to subvert toleration. A regime of universal tolerance would dig its own grave. As Karl Popper observes,

[u]nlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them. (Popper 1945, p. 265, see Forst 2013, pp. 23-24, Horton, 1994, pp. 14-16)

That is, the second allegedly paradoxical aspect about toleration is that toleration can only persist if efforts to counteract the principle of toleration are not tolerated. This gives rise to the worry that there is no such thing as true tolerance, that the ideal of tolerance cannot possibly be fully realized. Even the most ardent advocates of the idea of toleration are at bottom intolerant as they are forced, by pragmatic considerations, to be intolerant towards at least some political forces. The critic who presses this objection assumes that true tolerance has to be unlimited in its scope, and then observes that tolerance cannot be unlimited as this would lead to

the subversion of tolerance at the hands of the enemies of tolerance. It follows that there can be no such thing as true tolerance.

What this critic fails to acknowledge is that refusing to extend one's tolerance to every social and political movement, however malicious or illiberal this movement may be, need not necessarily make one any less tolerant. It is not necessarily true that the ideal of tolerance is only imperfectly realized when some people are denied the privilege of toleration. This is because the ideal of tolerance does not require, for its full realization, that one tolerate *all* doctrines and ways of life but only that one tolerate those doctrines or ways of life that *deserve* to be tolerated or that are *worthy* of toleration.

It is of course tempting to think that refusal to tolerate a given practice makes one less tolerant. But this is a fallacy that arises from an ambiguity in the concept of toleration and its cognates. We must distinguish between a merely technical concept of toleration and toleration as a moral ideal or virtue. To tolerate in the technical sense of the term is, roughly, to abstain from interfering in particularly drastic ways with disapproved-of worldviews or practices. Correspondingly, 'intolerance' in its technical sense refers to instances of particularly drastic forms of interference. When, in section 2, we discussed what kind of acceptance is conceptually necessary for toleration and why toleration is usually a good thing, we were focusing on tolerance (and intolerance) in this technical sense. By contrast, tolerance in the normative sense – that is, tolerance as a virtue or moral ideal – implies something about the scope of toleration. We praise a person as tolerant in the normative sense not simply if she puts up with as many views and lifestyles as possible but if she exhibits the *correct* or *appropriate* degree of toleration. And we criticize someone as intolerant in the normative sense only if this person fails to tolerate something that is worthy of toleration. We would not call someone intolerant in this normative sense if she does not put up with, say, militant racism, because militant racism ought not to be tolerated to begin with. Although she does not tolerate it in the technical sense, this does not bespeak a lack of tolerance in the normative sense.<sup>20</sup>

The moral ideal of tolerance, that is, requires toleration of what is *worthy* of toleration. Just as the full realization of such virtues as generosity and courage does not require complete self-denial and suicidal self-sacrifice, respectively, so the full realization of the ideal of tolerance does not require that one tolerate *everything*. In particular, it does not require tolerating practices and worldviews that are not worthy of toleration because they seek to subvert the ideal of tolerance.<sup>21</sup> The second alleged paradox of toleration thus arises when the technical and the normative sense of toleration are conflated. To be sure, when we publicly extol the virtue of

tolerance, we are typically urging people to *extend* the scope of toleration. But this does not mean that the ideal of tolerance requires universal toleration for it to be fully realized. What the above reasoning goes to show, then, is that restricting the scope of toleration does not necessarily imply that the ideal of toleration is compromised. One can refuse to extend toleration to social or political movements that counteract the ideal of tolerance without thereby in the least compromising this ideal of tolerance. Therefore, the tolerance that characterizes a society in which minimally decent ways of lives are tolerated while intolerant and malicious doctrines are suppressed need not be deficient in any way. There is nothing inherently contradictory, paradoxical or self-defeating about the fact that a stable regime of tolerance might require that certain illiberal social movements be suppressed.

#### **4. Tolerance and meta-tolerance**

It may be retorted by some that there is another, more intricate paradox looming, which the above reasoning does not properly deal with. The problem is not only, seemingly paradoxically, that toleration requires that the scope of toleration be limited. There is also the problem that the way in which toleration in general and its limits in particular are justified threatens to be intolerant itself. According to this challenge (as Forst formulates it),

there simply is no such thing as toleration if it always implies a drawing of the limits against the intolerant and intolerable; since every such drawing of a limit is itself a more or less intolerant, arbitrary act, and since there is no higher level of morality to draw such limits, toleration ends as soon it begins: as soon as it is defined by an arbitrary boundary between ‘us’ and the ‘intolerant’ and ‘intolerable.’  
(2001, p. 195, see also 2004, p. 313, 2013, p. 24)

For there to be true tolerance, tolerance and its limits would have to be justified in a neutral, non-partisan way: ‘One must be willing and able to argue for basic norms with reasons that are not grounded in ‘higher’ truths or in conceptions of the good which can reasonably be rejected by others with a different ethical or cultural identity.’ (Forst 2004, p. 317).

Similarly, Habermas writes that

each act of toleration must circumscribe a characteristic of what we must accept and thus simultaneously draw a line for what cannot be tolerated. [...] And as long as this line is drawn in an authoritarian manner, that is, unilaterally, the stigma of arbitrary exclusion remains inscribed in all toleration. Only with a *universally convincing* delineation of the borderline – which requires that all those involved *reciprocally* take the perspective of the others – can toleration blunt the thorn of

intolerance. Everyone who might be affected by the future practice must voluntarily agree on the conditions under which they wish to exercise mutual toleration. For toleration to extricate itself from the suspicion that it is intolerant, the rules of tolerant behavior must be rationally acceptable for both, indeed, for all sides. (2003, p. 5, see also 2004, pp. 6-7)

That is, there is no genuine tolerance without meta-tolerance. To avoid skepticism about tolerance, it must be possible to justify liberal toleration and its boundaries in a way that is not itself controversial, partisan or sectarian, and this has struck many as a daunting task. There are two ways of responding to this problem. One possible response is to accept the challenge and to show that such a neutral approach to toleration is viable. This is the strategy that toleration theorists in the Kantian tradition have pursued, including the above-quoted Forst and Habermas.<sup>22</sup> They reject the skeptical conclusion that all ways of justifying toleration and of drawing the boundaries of toleration are ultimately 'arbitrary' or 'sectarian' and thus bound to entail intolerance. The other way of avoiding skepticism about toleration is to challenge the framing of the problem by denying that true tolerance actually requires that the theory of tolerance be itself tolerant.

In the remainder of this paper, I will mainly explore the second strategy. Before I do so, however, I will briefly dwell on the first question, without purporting to offer a conclusive discussion of the issue. Toleration theorists are divided over the prospects of providing such a neutral theory of toleration. While Kantians think of themselves as proponents of precisely such a neutral account of toleration, others are more skeptical about the prospects of neutral toleration. Bernard Williams, for instance, takes it that the requirement of meta-tolerance renders toleration virtually impossible or at least extremely difficult:

I doubt whether we can find an argument of principle that satisfies the purest and strongest aims of the value of liberal toleration, in the sense that it does not rely on skepticism or on the contingencies of power, and also could in principle explain to rational people whose deepest convictions were not in favor of individual autonomy and related values that they should think a state better that let their values decay in preference to enforcing them. If toleration as a practice is to be defended in terms of its being a value, then it will have to appeal to substantive opinions about the good (Williams 1996, p. 25).

And Stanley Fish thinks that all attempts to provide a neutral account of toleration by appealing to some alleged 'common ground' or uncontroversial notion of 'the reasonable' can be debunked as cover-ups of brute acts of intolerance. He contends that 'there can be no

justification apart from the act of power performed by those who determine the boundaries and that therefore any regime of tolerance will be founded by an intolerant gesture of exclusion.’ (Fish 1997, p. 2261). He dismisses the ideal of liberal toleration as internally incoherent.

Whether we should side with the optimists or the pessimists on this matter depends, I think, on exactly how the requirement of meta-tolerance is to be understood. If the requirement states that the account of tolerance and its proper limits must not rest on any controversial or reasonably disputable values or truths at all (whether they relate to questions of the good life or not), I find it difficult to disagree with Fish that no such theory of toleration is possible. By contrast, if the requirement rules out only appeals to controversial conceptions of the good life, the prospects of meeting this requirement appear less bleak. The above outlined simple justification of toleration, for one, does not seem to rely on any particular assumptions about the good life. Once we appreciate that toleration is morally called for because there is something abhorrent about the means of interference that are characteristic of intolerance, it seems possible to make sense of the ideal of toleration without resorting to a controversial theory of human flourishing. Intolerance is wrong because of its sheer and obvious nastiness *period*. While this reasoning is of course premised on value judgments concerning the cruelty of certain forms of interference, it does not rest on a full-blown doctrine of human flourishing comparable to Mill’s ideal of individuality or Kant’s ideal of autonomy. Interestingly, Bernard Williams acknowledges this completely neutral rationale for toleration pointing out the ‘misery and cruelty and manifest stupidity involved in intolerance’, but he does so only *en passant* (1996, p. 25). It is surprising that considerations along these lines are rarely given much weight, even though they yield a compelling, intuitive and, it seems, perfectly neutral vindication of liberal toleration.<sup>23</sup> Indeed, in light of the manifest misery, cruelty and stupidity involved in intolerance, it is puzzling why it is widely assumed that appreciating the value of toleration presupposes commitment to a liberal conception of human flourishing of the Millian or Kantian sort.

In any case, however, I submit that the notion that we need a neutral account of toleration is mistaken. Or at least, the reason why the need for such a neutral account of toleration may arise has been misunderstood. Those who have endorsed the requirement of meta-tolerance hold that for there to be true tolerance, it is necessary that tolerance and its limits be justified in a neutral fashion. Tolerance that is justified in an intolerant – ‘partisan’ – way is not really tolerance, or so the reasoning goes. But this reasoning cannot be correct. A theory of toleration is a theory about which worldviews and practices ought to be tolerated and which ought not be tolerated. It is a theory about which moral facts concerning toleration obtain. Neutral theories of toleration

on the one hand and partisan theories of toleration on the other differ in what they say about *why* certain worldviews and practices ought to be tolerated and others not. Theories of the former type provide explanations that do not invoke controversial truths or values (however this requirement is spelled out), whereas theories of the latter type are predicated precisely on such disputed assumptions.

Now, assume that some given partisan theory of toleration is actually correct. It provides the correct account of why toleration is morally valuable as well as of the proper scope of toleration. And assume that this conception of toleration is implemented in a given society and also publicly appealed to in justification of this regime of toleration. Assuming that this is the case, how could the tolerance we find in this society possibly fall short of being the realization of the ideal of tolerance in its ‘purest and strongest’ way? It is trivially true that *if* this partisan theory of toleration is correct and correctly implemented, the ideal of toleration is fully realized in this society. The same applies to the concept of justice. Assume for the sake of argument that the Catholic social doctrine provides the correct account of what justice is. Although this doctrine is undoubtedly partisan, it is trivially true that if this conception of justice were to be implemented in a society, this society would be just. While modelling a society according to such thoroughly partisan standards may have other drawbacks, it is difficult to see on what grounds one may possibly object to it as ‘unjust’.

To be sure, to those who reject this partisan justification of toleration and how it draws the boundaries of toleration, the society that is modelled according to this partisan theory of toleration may appear at best imperfectly tolerant. In particular those people whose worldviews or practices are not tolerated in this society and who consider the justifications offered unintelligibly partisan will feel that this society is being egregiously intolerant. But, *ex hypothesi*, these people are mistaken. They are simply wrong about what the moral ideal of toleration actually requires. The mere fact that the regime of toleration implemented in this society *appears* to them unjust or deficient does not mean that it actually *is* unjust or deficient. It may well be true that a partisan account of toleration cannot ‘extricate itself from the suspicion that it is intolerant’, as Habermas puts it, but these are, precisely, only suspicions. What matters is whether these suspicions are justified or not.

To dismiss a particular way of justifying toleration and drawing its boundaries as itself ‘intolerant’ is to commit a category mistake. The property ‘tolerant’ may be predicated of social arrangements of inclusion and exclusion. And a theory of toleration, which justifies and specifies the scope of toleration, may be sound or unsound, correct or incorrect, true or false. But it cannot

itself be ‘tolerant’ or ‘intolerant’. For a theory of toleration does not itself ‘tolerate’ or fail to ‘tolerate’ anything. It can only fail to correctly identify the grounds for, and proper boundaries of, toleration. Whether a society instantiates the ideal of tolerance depends simply on whether it tolerates those practices that, as a matter of fact, ought to be tolerated, or not.

Why, then, might one be tempted to think that true tolerance requires that tolerance and its limits be justified in a non-partisan, ‘tolerant’, fashion in the first place? As the above quotations illustrate, it is typically felt that there is something arbitrary about deciding about the proper extent of toleration in a unilateral and partisan fashion. The limits of toleration are drawn in an arbitrary manner when drawn by appeal to non-neutral considerations, the reasoning goes. But to contrast ‘arbitrary’ with ‘non-partisan’ in this way is to create a false dichotomy. The fact that some account of toleration is grounded in a particular comprehensive worldview does not render it arbitrary. Such a conception of toleration may well *appear* arbitrary, opaque or unintelligible to someone who is not familiar with or disagrees with the worldview that it emanates from. But if it is actually sound, why should it be dismissed as arbitrary? In a very natural sense of ‘arbitrary’, *no* sound philosophical theory is arbitrary. For instance, it is difficult to see why Mill’s idea that toleration fosters originality and individuality should be dismissed as ‘arbitrary’ on the grounds that it is predicated on a controversial conception of human flourishing. It may well be wrong and it may also be unacceptable to those who subscribe to competing conceptions of the good life. But it is not *per se* arbitrary.

All this is not to deny that efforts to provide neutral justifications of tolerance may be worthwhile. But the reason why they may be worthwhile is not that the neutrality of justification is necessary for there to be genuine tolerance. It is not the case that genuine tolerance requires meta-tolerance. Rather, the reasons why we should sometimes seek to offer neutral justifications are primarily of a pragmatic nature. I can think of two such reasons:

First, toleration theorists do not (and should not, for that matter) merely engage in the purely epistemic project of figuring out the truth about toleration. They often also seek to contribute to the realization of the ideal of toleration. Given such pragmatic concerns, it is clear why neutral justifications may sometimes be preferable. If an argument for toleration rests on notoriously controversial premises (concerning the good life or other), it is just unlikely to make many converts, even if these premises should be true. By contrast, if one argues from premises that are uncontroversial or that can reasonably be expected to be widely shared, one has a realistic chance of convincing one’s audience.

Second, if decisions about inclusion and exclusion are made on the basis of a controversial comprehensive doctrine, this will be a continuing source of conflict. Those who reject this comprehensive doctrine, even if tolerated and otherwise treated as full citizens, are bound to feel estranged from the state and to disagree with many policy decisions based on assumptions that are peculiar to this comprehensive doctrine. Putting aside one's comprehensive worldview and resorting to more widely, if not unanimously, shared values when discussing issues related to toleration may be a way of avoiding or mitigating such conflicts. It is a way of promoting social peace through compromise. Rather than to attempt to impose what one takes to be the correct view about toleration, one strikes a compromise with all others who are willing to bracket their more controversial ideological beliefs in an effort to secure social peace. Even this neutral method of deciding about inclusion and exclusion will not eliminate all conflict. It will be opposed by all those who are not willing to bracket their comprehensive doctrine when deciding about the boundaries of toleration and of course by those whose views and practices end up not being tolerated by this neutral regime of toleration. And dismissing these people as 'unreasonable' will do nothing to appease them. Still, if a sufficiently large part of society is willing to agree to such a compromise, this may significantly reduce social tensions. Note, though, that this is again a purely pragmatic reason for favoring a neutral approach to the issue of toleration. It does not show that there is something intrinsically intolerant or incoherent about approaches to toleration that are steeped in controversial comprehensive doctrines. On the contrary, if anything, bracketing all kinds of pertinent considerations regarding toleration because they are too controversial will impede the full realization of the ideal of toleration. After all, these bracketed considerations may contain important insights about what should be tolerated and why. If these considerations are put aside when the limits of toleration are decided, the limits of toleration are probably not drawn where they should be drawn. But one might nonetheless feel that securing social peace is ultimately more important and therefore agree to bracketing these considerations.<sup>24</sup>

So while there may be reasons to resort to neutral justifications of toleration, these are purely pragmatic reasons. They do not imply that there is something intolerant or incoherent about non-neutral approaches to toleration. They do not raise the bar for what qualifies as tolerance in its 'purest and strongest' sense. Also, the above pragmatic considerations are not specific to the issue of toleration. The need to argue from premises that resonate with one's audience's convictions as well as the need to strike compromises in order to avoid conflict arise in



many other political contexts too. The issue of toleration is not special in this respect and thus not more difficult or intricate than many other political issues.

Before I conclude, I wish to address a possible objection to the above reasoning. One might take issue with how I have tried to disentangle external pragmatic considerations from what is essential to toleration, arguing that it is the very point and purpose of tolerance to domesticate conflict. That is, one might object that pragmatic considerations are not external to the issue but go to the very heart of the idea of toleration. According to this objection, the above reasoning fails to acknowledge that toleration has a specific purpose or function, namely that of mitigating or resolving social conflict. And for toleration to fulfill this function, it is necessary that one take a neutral approach to toleration. For any non-neutral approach to the issue will merely perpetuate social conflict. Therefore, non-neutral accounts of toleration do not just lack certain pragmatic virtues but they are internally incoherent after all, as they fail to fulfil the function that is essential to toleration. Although it is customary to conceive of toleration as a solution to the problem of pluralism, this way of construing the issue strikes me as misguided. The notion that toleration plays a particular function, that it is a response to a specific problem, is confused. Toleration is not just a means to a predefined end, as talk of ‘problem’ and ‘solution’ suggests, but a moral end in itself. The primary reason why we ought to tolerate worldviews that we deem false is not that tolerating them serves some ulterior purpose such as the promotion of social peace or stability. Rather, the reason is quite simply that it would be morally objectionable in itself to oppress these worldviews. By the same token, it would be strange to think of justice in functional terms. The reason why we ought to promote justice is not that justice is a solution to some problem but simply because justice is intrinsically morally desirable. Therefore, to object to a non-neutral account of toleration as internally incoherent because it is not a helpful response to disagreement is confused. While there may be pragmatic reasons to take a neutral approach to toleration, just as there may be pragmatic reasons to offer neutral accounts of justice, there is nothing incoherent *per se* about a theory or regime of toleration that is steeped in a controversial comprehensive doctrine and therefore unlikely to resolve social conflicts.

Admittedly, to say that toleration is a simple matter would be a gross exaggeration. But I hope to have shown that toleration is simpler and less puzzling than it has been taken to be. First, it is not at all difficult to see why it is morally laudable to tolerate what one disapproves of. Indeed, the simple justification of toleration outlined above is not even premised on controversial assumptions about human flourishing. Second, there is little reason to assume that the ideal of toleration is more difficult to achieve than any other political ideal. Neither must

tolerance be unlimited nor must regimes of toleration be entirely neutral for there to be tolerance in its ‘purest and strongest’ sense. While of course *any* political or moral ideal is difficult to achieve in practice, there are no principled obstacles to realizing the ideal of liberal toleration. The threat of skepticism about tolerance can be averted.

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### Notes

- <sup>1</sup> I will use the terms ‘toleration’ and ‘tolerance’ interchangeably.
- <sup>2</sup> For insightful discussions of the paradoxes of toleration, refer to Forst (2013, pp. 17-26) and Horton (1994). Three other challenges for toleration have been taken up by Peter Balint (2017).
- <sup>3</sup> I am following the custom of using the term ‘ethical’ to refer specifically to questions of the good life (see e.g. Forst 2013, p. 459).
- <sup>4</sup> The present paper expands upon ideas previously presented in Königs (2016).
- <sup>5</sup> See e.g. Cohen (2004, 2018, pp. 33-38), Forst (2013, pp. 18-23), King (1976, pp. 21-72), Königs (2013), McKinnon (2006, pp. 18-34) and Nicholson (1985). See also Michael Kühler’s instructive discussion of conceptual questions on this issue.
- <sup>6</sup> I am assuming that the object of toleration are practices, ways of life, beliefs, doctrines etc. rather than persons. On this, see Galeotti (2001, p. 277) and Königs (2013).
- <sup>7</sup> The *modus vivendi*-style approach has been championed by John Horton (2011a, 2011b, 2019).
- <sup>8</sup> Note that I am here discussing the *normative* puzzle why one ought to put up with what one considers objectionable. A related worry, which I do not address in this paper, is that this combination of acceptance and objection might be *conceptually* impossible. On this, see e.g. Lohmar (2010) and Königs (2013).
- <sup>9</sup> In particular, it has been extensively discussed whether the objection has to be ethical in nature or whether mere dislike is sufficient, too. See e.g. Horton (1996), McKinnon (2006, ch. 2), Mendus (1989, pp. 9-18), Nicholson (1985, pp. 160-161), Raphael (1988), Warnock (1987). See also Kühler’s discussion in this issue of whether a value-neutral liberal state can ‘object’ to practices or ways of life.

- <sup>10</sup> For discussions of this aspect of the acceptance component, see Cohen (2004, pp. 74-75, 85-87, 2018, pp. 10-11), King (1976, pp. 51-54), Leiter (2013, p. 109), Mercer (1999, pp. 321-322), Nehushtan (2007, pp. 232-233, 248), Raz (1988, pp. 162-163). See also Horton's brief remarks on this issue (1996, p. 28, 2011a, p. 290).
- <sup>11</sup> To be more precise, Forst defines acceptance as there being *reasons* to tolerate (see e.g. Forst 2001, p. 194, 2003, p. 72, 2004, p. 315, 2013, pp. 20-21). This is inaccurate (although probably only a slip) in that the mere presence of reasons for acceptance is of course insufficient for tolerance. Tolerance requires that one actually *act* upon these reasons. However, see also his remarks on different sorts of non-interference (Forst 2013, p. 18).
- <sup>12</sup> See Cohen (2004, p. 74, 2014, p. 49, 2018, p. 34).
- <sup>13</sup> There is of course no denying that proselytization efforts have often been cruel and coercive, and thus failed to respect the basic standards of human decency.
- <sup>14</sup> I am here disagreeing with Joseph Raz and Yossi Nehushtan, who think that even such mild forms of interference as condemnation, avoiding someone's presence, making someone feel uncomfortable or reacting in unwelcome ways are intolerant (Nehushtan 2007, pp. 232-233, 248, Raz 1988, pp. 162-163).
- <sup>15</sup> An anonymous referee raised the question whether the acceptance component might also involve an attitudinal dimension that requires holding a minimally respectful attitude towards the person whose practices we are disapproving of. Would it be tolerance if we did not interfere with this person's practices while harboring and maybe openly displaying a deep contempt for this person? In agreement with much of the literature, I am inclined to say that 'acceptance' is about refraining from certain actions rather than about holding attitudes. But these two aspects cannot be entirely disentangled. You are unlikely to see a moral reason to refrain from interfering with another person's life choices unless you have moral respect for this person in some very basic sense. Also, *openly displaying* contempt is not a purely attitudinal thing and may quickly turn into demonization, which, to my mind, is a clear case of intolerance.
- <sup>16</sup> The example is inspired by the case of 'Memories Pizza', a small-town pizza place in Indiana, whose owners' refusal to cater gay marriages sparked nation-wide outrage (see e.g. <http://edition.cnn.com/2015/04/02/living/indiana-religious-freedom-pizza-feat/>). A very similar case involving a baker who refused to make a wedding cake for a gay couple was recently decided by the US Supreme Court (Masterpiece Cakeshop, Ltd. v. the Colorado Civil Rights Commission).
- <sup>17</sup> The observation that toleration is essentially about the relationship between ends and means was already made by King (1976, ch. 1).
- <sup>18</sup> For one example of a deliberate re-definition of toleration, see Galeotti (2002).
- <sup>19</sup> For a thoughtful discussion of similar issues, refer to Horton (2011a).
- <sup>20</sup> See also Galeotti's instructive discussion of the difference between intolerance and non-tolerance in this issue and King's remarks on the normative sense of 'intolerance' (1976, p. 74). Some of these issues are also addressed by Nicholson (1985), but Nicholson rejects the distinction between a descriptive and a moral concept of toleration.
- <sup>21</sup> A very similar point is made by Jansen (2006, pp. 26-27). Horton, too, thinks that the paradox disappears once we acknowledge that we should 'reject the implausible claim that tolerance requires us to be tolerant of everything' (1994, p. 16). Note that in natural language, the verb 'to tolerate' is nearly always used in the technical

sense. The adjective ‘tolerant’ is at least sometimes used in the technical sense. One might for instance say that one should not be tolerant of militant racism, by which one would mean that one ought not to tolerate militant racism. But typically, the adjective is used in the normative sense. When we call people or societies ‘tolerant’ or ‘intolerant’, we mean that they show the appropriate or a less than appropriate degree of toleration, respectively. The nouns ‘toleration’ and ‘tolerance’ are often used interchangeably (as in this paper), but it might be more natural to use the former for technical toleration and the latter for the moral ideal of tolerance.

<sup>22</sup> Other champions of this approach include Bird (1996), Larmore (1987), Nagel (1987) and Rawls (2005).

<sup>23</sup> See Shklar (1989), though.

<sup>24</sup> There are again similarities to John Horton’s take on the issue (2011a, 2011b). Notice, though, that I am not here arguing for toleration on pragmatic grounds but rather highlighting the advantages of a pragmatic approach to deciding about the boundaries of toleration.

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