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Toleration in a pluralist society: The search for a respect conception of toleration

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1 Introduction

‘The Amsterdam Gay Pride is one of the jewels of our city. It is *the* celebration of tolerance and shows what we in Amsterdam stand for: diversity, openness, and hospitality’ (De Couturekant, 2014). This is how the mayor of Amsterdam, Eberhard van der Laan, promoted the annual canal parade.¹ But if this is how tolerance is celebrated, does that mean that a public display of gay culture stereotypes is the true meaning of tolerance? Or is it the tolerance and benevolence of those who tolerate that is celebrated? This public appeal to tolerance does not stand on its own, it is part of a wider trend of tolerance talk. Tolerance is an ambiguous concept, but it always seems to have a positive ring to it. Is that what tolerance is, a benign attitude or practice?

Toleration had its inception in times of the Christian Reformation, when the monolithic medieval church broke down into a plurality of religious communities (Grell and Scribner, 2000). After a long period of time without religious diversity, people faced a plurality of conflicting interpretations of the ecclesial writings. In *A letter concerning toleration* (1689; 2010), the British philosopher John Locke introduced the idea of religious toleration by means of the separation of state and church. His main goal was freedom of conscience; the state would no longer be able to enforce certain beliefs as the truth. It is also claimed that toleration goes back further, that a similar principle was already embraced in Medieval Latin and non-Western traditions (Nederman, 2011). This may very well be true, but it is the religious toleration of the Reformation that heralded our

¹ My own translation. The original Dutch quote: ‘De Amsterdamse Gay Pride is één van de parels die onze hoofdstad kent. Het is hét feest van de tolerantie en laat zien waar Amsterdam voor staat: divers, veelkleurig, open en gastvrij’ (De Couturekrant, 2014).

conception of toleration today; the separation of state and church, and freedom of religion (conscience) are still important pillars of contemporary liberalism.

But toleration is not associated merely with freedom of conscience. Around the same time as Locke, Baruch de Spinoza endorsed a theory of toleration that promoted what he called freedom of philosophy (Isreal, 1999, p. 16). In Spinoza toleration was not focused on protection against the state, but rather on the protection of people from religious dogma, so that they could enjoy the freedom of thought, speech, and expression. Two centuries later, John Stuart Mill formulated a comprehensive theory of toleration in his book *On Liberty* (1859/2002). For him, toleration should not just concern freedom from state coercion, but also freedom from societal coercion. He claimed that no one could impose on others a claim to the truth, for we cannot know for certain that our views are true. Every person should have the liberty to develop his or her own views. But because freedom of opinion may lead to conflict between incompatible views, he introduced *the harm principle*: ‘the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others’ (Mill, 2002, p. 8). By introducing this principle, he defined a limit to toleration that is still very much relevant in society today.

The limits to toleration mark the distinction between what is tolerable and what is not. The recent developments of Islamic fundamentalism have revived the discussion on the limits of toleration. Offensive cartoons of the prophet Muhammed have led to various acts of retribution, such as the Charlie Hebdo attacks in January 2015. But not only have events like these revived the discussion on the limits of toleration, they have also led to a renewed invocation of toleration. For example, after the Charlie Hebdo attacks ‘German Chancellor Angela Merkel and President Joachim Gauck [...] attended a Berlin vigil organised by Muslim groups to promote tolerance and

religious freedom in the country' (BBC, 2015). Toleration is everywhere, we read about it in newspapers, it is promoted on television, our children are taught to be tolerant in school, and politicians seem to love using it in their rhetoric. But the fact that we are continuously *asked* to be tolerant, to show forbearance of what we disapprove, seems to imply that something is seriously awry in contemporary society. Today, the request to be tolerant of Muslims seems to be most prominent due to the success of Islamic State. This leads some to stress the importance of toleration in these times, while others, such as David Cameron, have recently cast their doubts on the passive role of toleration.

For too long, we have been a passively tolerant society, saying to our citizens: as long as you obey the law, we will leave you alone. It's often meant we have stood neutral between different values. And that's helped foster a narrative of extremism and grievance (The Guardian, 2015).

Historically, toleration in the West was predominantly concerned with a pluralism of values, beliefs, and opinions rooted in the Judeo-Christian tradition. Over time toleration became passively accepted as part of the liberal discourse, it was no longer at the center of attention. But toleration 'surged back into use in the late twentieth century as multiculturalism became a central problematic of liberal citizenship' (Brown, 2008, p. 2). The largest part of the twentieth century was marked by the ideological conflict with fascism and communism, but after the cold war, a politics of ideology was replaced by a politics of identity. In this period, multiculturalism was a prominent topic in political theoretical discussion (Kymlicka, 1995; Taylor and Gutmann, 1994; Young, 1990). One of the ideas was that cultural minorities should be supported through (temporary) minority rights. But, according to Brian Barry, the assignment of special legal status over a neutral status of citizenship undermines the liberal idea of equal treatment (2001, p. 11). Even prominent political figures like Angela Merkel and David Cameron have publicly claimed multiculturalism

to have failed. Nonetheless, we still live in a pluralist society that encompasses a wide range of (incompatible) particular values, beliefs, and practices. In such a society toleration may at least offer some solace in the form of stability.

But toleration is not merely a positive passive solution to irreconcilable pluralism, over the past decades it seems to have transformed from a passive principle into an active political virtue, one that is publicly called for in order to foster mutual respect and solidarity (Brown, 2008, p. 16). Wendy Brown points out that this talk of toleration has over the recent years (partly) replaced a discourse of justice (ibid, p. 16). Her analysis of the active invocation of toleration in contemporary society highlights a dark side of toleration that is often paid little attention to. She claims that a discourse of toleration depoliticizes social, cultural, and political problems through obscuring their patterns of emergence and escaping the formulation of actual solutions (ibid, p. 1-24). Think of the descendants of labor migrants in Western Europe in the sixties and seventies, who suffer from social inequality and discrimination today. In 2010, second and third generation immigrants in the Netherlands still had higher rates of unemployment and earned lower wages than non-immigrants of the same age (Heijne, 2010). This is partly caused by discrimination, but could also be related to immigrants having a smaller (closed) social network in comparison to non-immigrants. Furthermore, people of Turkish or Moroccan descent are suspected of criminal behavior respectively three to four times more often than non-immigrants (Van der Vliet *et al*, 2012, p. 175), which explains the prejudice that sees non-Western immigrants as susceptible to criminal activity in general – e.g. Geert Wilders publicly relates criminal behavior to Moroccans on a regular basis (Volkskrant, 2014). The fact that many non-Western immigrants are Muslim, as opposed to Christian, Jewish, or atheistic does not help either in times of Islamic extremism. These “immigrants” – but also homosexuals, for example – can be considered to be in a subordinated and

marginalized position, but instead of solving these problems – i.e. asking *how* they came to be marginalized – we are asked to be tolerant towards them.

Additionally, Brown argues that the toleration discourse casts these problems as rooted in cultural, ethnic, natural, and religious difference from the norm – often defined as the white Christian heterosexual male (2008, p. 44-45). The invocation of toleration thus emphasizes the fact that those who are tolerated are excluded with respect to their difference from the norm, thereby reproducing the stigma of them being different (ibid, p. 44-47). So a criminal act by an immigrant is seen as the result of his cultural background, the thing that most clearly sets him apart from the norm. We are then asked to tolerate this culture, which only renews the emphasis on his difference vis-à-vis the norm. Brown basically discusses a conception of toleration that upholds a liberal status quo through depoliticization of injustice and stigmatization of minorities. In this toleration discourse, toleration is available only to civilized liberal people and is always directed at those who are not civilized; the toleration discourse expresses a moral superiority of liberalism (ibid, p. 150-155). Historically, toleration may then have been considered to be something good in that it provided an answer to the problem of irreconcilable pluralism, but in this conception toleration, or at least, the public invocation of toleration, is considered to be a problem itself. This means that there is a tension between this particular conception and the notion of toleration as inherently good and virtuous, or in other words, toleration might have a dark or sinister side to it.

Brown's assessment of the toleration discourse manages to draw attention to the fact that toleration is always based on – even necessitated by – an initial disapproval of difference. Toleration is an ambiguous concept, which means that it can be interpreted and used in many different ways; there is one *definition* of toleration but there are many different *conceptions* (Forst, 2013, p. 17). A definition presents components that are always part of toleration, while a

conception concerns a specific form or interpretation of this definition. In this study I will work with a definition of toleration as described by Rainer Forst:

Toleration concerns a limited acceptance of convictions, attitudes, or practices to which we object on the basis of practical or moral reasons (2013, p. 17-21).²

Important here is to understand that toleration can never mean appreciation or support of difference because that would imply the absence of disapproval, and toleration *always* contains objections. This means that toleration is needed permanently, that is, it does not offer an actual solution to irreconcilable difference.

The tension that exists between the idea of toleration as good and toleration as harmful is caused by the fact that toleration always implies objection and acceptance at the same time. Both objection and acceptance are motivated by moral reasons, which is seemingly problematic when these reasons come from the same moral framework. This is called the *paradox of moral toleration* (Forst, 2013, p. 21). I argue that the liberal discourse of toleration suffers from this paradox because its reasons for objection and acceptance stem from the same liberal ethic (see, § 3.4). In this ethic, some beliefs, attitudes, and practices are seen as objectionable, but at the same time its own positioning as a civilized and tolerant ethic leads to acceptance instead of rejection. This still leaves enough things that cannot be accepted because they are deemed too barbaric, for example, clitorrectomy in some Islamic traditions. But there is, so to speak, a gray area of beliefs, attitudes, and practices, which is (seemingly) at odds with liberalism, but is nonetheless tolerated. According to Brown, toleration then works as a depoliticizing supplement to liberalism in that it ‘manages the demands of marginal groups in ways that incorporate them without disturbing the hegemony

² Paraphrase of the definition by Rainer Forst.

of the norms that marginalize them' (2008, p. 36). This is a *permissive* form of toleration in that minorities are tolerated from within a particular liberal doctrine (Forst, 2013, p. 27). This doctrine is itself organized by a set of religious and cultural norms – rooted in the Christian tradition - and as such it comes with particular views concerning ethnicity, race, sexuality, and gender (Brown, 2008, p. 205). As a result, minorities are permitted, but will never become full members unless they assimilate, meaning that they will be thus kept on the margins of society. But Brown points out, 'this fall from grace does not strip tolerance of all value in reducing violence or in developing certain habits of civic cohabitation' (2008, p. 10).

Toleration should thus not be rejected, instead what is needed is reevaluation of toleration in light of its sinister qualities, to think of a conception that does not suffer from harmful side-effects. Brown herself does not engage with the formulation of a solution, and as such leaves open room for further research. At the same time, other research on or relating to toleration is either descriptive of its definition (Heyd, 1996; Horton, 1996), concerned with its limits (Harel, 1996; Kukathas, 2003; Kymlicka, 1995), related to empirical regimes (Walzer, 1997), or trying to define it as recognition (Galeotti, 2002). A reevaluation of toleration in light of the toleration discourse thus offers a contribution to the political-philosophical discussion on toleration. To be specific, this study seeks reflect on toleration in order to establish a conception that does *not* lead to depoliticization and reproduction of stigma. In other words, the central question of this thesis is:

How do we formulate a conception of toleration that does not lead to depoliticization and the reproduction of stigma?

The answer to this question lies, I believe, in finding a conception that does not suffer from the paradox of moral toleration. In such a conception, the reasons for objection and the reasons for acceptance should be motivated from different moral registers, or to be more specific, the reasons

for acceptance should be shared by all, independent from our particular reasons that shape our objections. This is called a *respect* conception of toleration in that ‘the tolerating parties respect one another as autonomous persons or as equally entitled members of a political community constituted under the rule of law’ (Forst, 2013, p. 29). In order for these parties to respect one another, they need to share in a common moral ground, allowing for toleration to be mutual instead of paternalistic. Hence, what we are looking for is a respect conception of toleration, but there are two things to consider in doing so. First, such a conception never stands on its own, it is always part of a wider political theory. Second, this means that there can be various (conflicting) political theories that support or even use a respect conception of toleration. In this thesis there is no room to assess all possible theories, for this list is probably not exhaustive. Therefore this study limits itself to a reflection on two theories that support a respect conception of toleration.

The first alternative theory that will be assessed is political liberalism by John Rawls, who is a prominent proponent of liberalism (1996). This choice is supported by the fact that it presents a *liberal* theory that builds around the idea of an overlapping consensus on a shared public conception of justice. Because political liberalism is meant as a freestanding theory – i.e. it is not grounded in a comprehensive doctrine – its shared conception of justice can provide the basis for a respect conception of toleration. Brown connects the harmful implications of the toleration discourse to liberalism, therefore it is interesting to look at a liberal theory that may support a respect conception. It even seems to me that mutual toleration is not only supported in political liberalism, but that it is an implication of this theory. Let me explain why. Rawls recognizes that philosophical, moral, and religious doctrines cannot be reconciled, and as such they cannot form a workable basis for a political conception of justice (1985, p. 230). He argues that the principle of toleration is the only alternative to coercive use of state power, which means that he accepts that a

pluralism of comprehensive doctrines inevitably leads to objections (otherwise toleration would not be necessary). His contention is that a political conception of justice has to proceed from an idea of citizenship as a form of fair cooperation, which strongly builds on reciprocity (1996, p. 15-16). For him it is important that this conception of justice, which he defines as respect for one another as free and equal persons, is secured through its institutionalization in the basic structure of society:³

The initial focus, then, of a political conception of justice is the framework of basic institutions and the principles, standards, and precepts that apply to it, as well as how those norms are to be expressed in the character and attitudes of the members of society who realize its ideals (Rawls, 1996, p. 11-12).

Hence toleration is not itself institutionalized, but the political conception of justice, which over time causes people to take up a tolerant attitude on the basis of mutual respect. In other words, the reasons for acceptance are ingrained in the basic structure of society, and over time people will come to reflect these reasons in their attitude and character.

The question is, however, whether this political conception of justice can truly be free from the influence of comprehensive doctrines. If this is not the case, then political liberalism cannot support a respect conception of toleration. For this reason, the second alternative theory discussed in this thesis will be agonistic pluralism by Chantal Mouffe (2000). She takes a stance against political liberalism by claiming that it attempts to transcend political struggle, which is another way of saying that it leads to depoliticization (ibid, p. 29-30). If this is true, then political liberalism

³ Rawls defines the basic structure as ‘a society’s main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next’ (1996, p. 11).

does not offer a solution to the problems caused by the liberal toleration discourse, it could even be argued that it is then harmful itself. Additionally, her own theory proceeds from the idea that there is an inherent dimension of antagonism involved in human relations (ibid, p. 101). This antagonism must not be suppressed, but should instead be articulated (ventilated) through democratic opposition to prevent it from turning into conflict between enemies. This means that the only consensus that can exist is a temporary conflictual consensus, which ‘exists [only] as a temporary result of a provisional hegemony, as a stabilization of power, and [...] always entails some form of exclusion’ (ibid, p. 104). Agonistic pluralism does thus not only stand in contrast with political liberalism, its focus on democratic political struggle also allows it to challenge the hegemony of the toleration discourse.

On top of that, to prevent political opposition from turning into conflict, Mouffe introduces a form of toleration that strongly resembles a respect conception. The idea is that agonistic toleration ‘does not entail condoning ideas that we oppose or being indifferent to standpoints that we disagree with, but treating those who defend them as legitimate opponents’ (Mouffe, 2000, p. 102). This is to say that in agonistic toleration we openly object against the ideas and standpoints of our opponents, but that we respect one another nonetheless. This mutual respect is possible because all parties share in their concern for the ethico-political principles, even though they disagree on their interpretation – this is the acceptance component (ibid, p. 102). The interesting part is that these principles are the same as in political liberalism, namely, liberty and equality, meaning that the reasons for acceptance in both theories are both grounded in a concern for these principles. Only, the difference is that for Mouffe these principles cannot be formulated independently from comprehensive doctrines. In this difference resides an ontological tension that is important in the reflection between the agonistic and liberal conceptions of toleration. The fact

that both political liberalism and agonistic pluralism seem to support a respect conception of toleration, meaning that they both offer an alternative to the toleration discourse, and considering the fact that they represent a very different, even contrasting, foundation for toleration, makes these theories the right candidates for reflecting on a desirable respect conception of toleration.

This thesis is structured in the following way. First, chapter two presents a general overview of toleration, meaning that a general definition and different types of conceptions of toleration will be addressed shortly. It concludes with a historical account of toleration in Locke, Spinoza, and Mill. In chapter three the central problem of this thesis, namely, the harmful effects of the toleration discourse, will be outlined and reflected on. Chapter four and five present the alternative theories and how they support or contain a respect conception of toleration. Finally, in chapter six will be reflected on the tension between the liberal and agonistic respect conception of toleration in light of the central research question. It will be argued that agonistic toleration does not hold because of an internal inconsistency in the theory, namely, that a shared public concern is not possible within a theory that claims the necessity of antagonism. This leads to a defense of a liberal respect conception of toleration, although it will be stressed that the institutionalization of public deliberation plays an important role in building reciprocal trust, which, I argue, is needed for a state of toleration to last over a longer period of time.

2

An overview of toleration

The first step to be taken in a reevaluation of toleration, is to understand what toleration means, where it comes from and how it has evolved over time. First, a general definition of the features of toleration will be shown (§ 2.1), after which four different conceptions of toleration will be discussed (§ 2.2). When a general overview of toleration has been established, we will turn to an overview of the theories of three philosopher that have played an important role in the inception and further development of toleration as a political concept. First, I will address the inception of toleration as a concept in the seventeenth century by John Locke (§ 2.3) and Baruch de Spinoza (§ 2.4). By no means am I saying that toleration did not exist before that time, but it is in that time that the modern interpretation of what we know toleration to be today was born. Initially, as will be outlined below, toleration was coined in the context of religious diversity during the reformation, and as such, its aim was to achieve a fair amount of harmony in turbulent times. Second, I will discuss how toleration came to be known as a liberal concept in the writings of John Stuart Mill (§ 2.5). Placing his work two centuries after Locke and Spinoza, toleration is conceived in a broader sense, now also providing protection against society in context of more than only religious diversity.

2.1 A definition of toleration.

When discussing toleration, some authors make the distinction between toleration and tolerance, such as Michael Walzer (1997, p. xi), who sees the first as a practice and the latter as an attitude.

Toleration is also often coined as a principle, as, for example, by John Locke (2010) for who toleration serves to protect against state coercion through separation of church and state. As will become clear in chapter three, Wendy Brown (2008) chooses for the word tolerance because she wants to draw attention to a recent phenomenon, namely, toleration as a political discourse. Using toleration and tolerance may thus be rather confusing, hence why it is important in this thesis to proceed from a clear working definition of toleration. This thesis is concerned with the formulation of a *conception* of toleration, not with toleration as a practice or attitude in specific. A conception of toleration encompasses the relevant principles, attitudes, and practices, which is why toleration and tolerance may be used interchangeable here. For clarity, I will attempt to stick to toleration as much as possible, but quotes may still contain the word tolerance.

In this study I will use a definition of toleration by Rainer Forst (2013, p. 18-26), which roughly boils down to the definition presented in the introduction: *Toleration concerns a limited acceptance of convictions, attitudes, or practices to which we object on the basis of practical or moral reasons*. Here I will outline this definition, which he divides into three distinctive components, a bit more elaborately. The first component is the *objection component*, which pertains to our disapproval of certain beliefs, attitudes, or practices. If this component is absent, we would not be talking about toleration, but about indifference to difference. The way toleration is invoked today makes it seem like difference is cultural or natural, but in truth it could apply to anything – e.g. someone’s annoying personality. But such small annoyances are not that problematic for society at large. It is often when two or more views of certain particular conceptions of the good are deeply at odds with each other that fundamental problems arise.

The second component is called the *acceptance component*, which concerns reasons for not acting upon our objections (Forst, 2013, p. 20). As will become clear later, these reasons can

be practical or moral in nature. Together, the objection and acceptance component are weighed against each other and depending on their respective weight the result is either toleration or rejection. Important here is that the reasons for acceptance do not ‘cancel out the negative reasons but are set against them in such a way that [...] the objection nevertheless retains its force (Forst, 2013, p. 20-21). Hence toleration does not remove the initial objection, which means that, unless the objection is removed, toleration has to be permanent.

The third component is the *rejection component*, which draws the limits to toleration (Forst, 2013, p. 23-24). This component discerns how far toleration should go, that is, at which point the tolerable becomes intolerable. Forst points out that the limits to toleration are often already embedded in the acceptance component because the reasons for acceptance are moral reasons. For example, whenever is at stake whether treatment of women as inferior in religious communities should be tolerated, a liberal who places high value on moral autonomy will draw the limits on the availability of individual choice. As long as it is a personal choice, meaning that a woman can leave that community, it will fall within the limits of toleration. Of course in reality it is not that simple, but it shows how the rejection and acceptance component are related. Chendran Kukathas (2003) probably devised the least limited form of toleration. Like many liberal philosophers, he makes use of the exit-option argument, but his formulation is almost a perfect rendition of *negative liberty* (Berlin, 1969), providing almost full autonomy to associations, hence this is the reason why he models it as an archipelago. The downside of group-based autonomy is that it puts a limit on internal autonomy, associations may formally offer an exit-option, but the state has no influence over internal oppression that can prevent people from exiting. This is why Will Kymlicka places the limits of toleration at the integrity of individual autonomy, so that there is ‘*freedom within the minority group, and equality between the minority and majority groups*’ (1995, p. 152). Having

discussed the central features of toleration, we will now turn to four different conceptions of toleration.

2.2 *Four conceptions of toleration.*

Rainer Forst distinguishes between four different conceptions of toleration (2013, p. 26-32). The first one is *the permission conception*, which concerns a relationship between ‘an authority or a majority and a minority (or several minorities) which does not subscribe to the dominant system of values’ (Forst, 2013, p. 27). The minority is then allowed to live in society for as long as no public claims of recognition are made. The idea is that in a relation of permission, the majority is in a position to choose for toleration; they can just as well coerce the minority into conformation (assimilation). Minorities are tolerated for either pragmatic reasons or for moral reasons (or both), but these moral reasons are always grounded in those values that the majority ascribes to. As will become clear later in this thesis, this also allows for a depiction of the majority as tolerant and civilized as opposed to those who are tolerated (see, § 3.4 and §6.1). This form of toleration is thus necessarily one-sided and can thus be seen as a form of incorporation.

The second conception is *the coexistence conception* (Forst, 2013, p. 28). In essence, this conception is not much different from the permission conception. What is different, is the relation between the involved groups, that is, they are relatively equal in strength. All groups prefer peaceful coexistence over needless conflict, hence toleration in this conception is based on pragmatism. Because this form of toleration is a form of mutual compromise, it is a horizontal rather than vertical conception. This is then mainly what sets it apart from the permission conception, which a vertical conception of toleration. Even though Forst claims that toleration in

the coexistence conception is based on pragmatic reason, it seems to me that it is not unthinkable for persons to accept the other groups for moral reasons as well. But unlike the pragmatic reasons, these reasons are then not shared in society.

The third conception, *the respect conception*, is grounded in a morally based mutual respect between all groups or individuals in society (Forst, 2013, p. 29-31). All individuals or groups respect one another as free and equal citizens of a political community, even though they may have very different and incompatible conceptions of the good.

Although their ethical convictions about the good and worthwhile life and their cultural practices differ profoundly and are in important respects incompatible, they recognise one another [...] as ethically autonomous authors of their own lives *or* as moral and legal equals in the sense that, in their view, the basic structure of political and social life common to all, which concerns the basic questions of the ascription of rights and the allocation of social resources, should be governed by norms which can be accepted by all citizens alike without privileging any single ‘ethical community’ (Forst, 2013, p. 29-30).

Just like the coexistence conception, toleration in the respect conception is horizontal, but not because all persons or parties involved share in pragmatic reasons, rather, because all involved share in a common morality allowing for mutual respect as citizens. An important feature of a horizontal conception of toleration is that is based on reciprocity and trust. It seems to me that this form of toleration will prove to be most fair to all people in society, but it requires people sharing in a public morality while they also have a particular morality as private citizens. It is not easy to establish such a bond in a deeply pluralist society, but that does not mean we should not try to. To conclude this discussion, Forst makes an important distinction between respect and toleration: ‘the person of the other is *respected*; her convictions and actions are tolerated’ (2013, p. 30)

The last conception is the *esteem conception*, in which particular convictions and actions are mutually recognized, that is, not only do we respect the other as an autonomous citizen, we also esteem their particularities (Forst, 2013, p. 31-32). The problem with this conception, however, is that when these particularities are esteemed, the objection component seems to have been replaced by some sort of positive appreciation. For example, UNESCO defines toleration as ‘respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human’ (1995), which also contains this positive appreciation of difference. But if we appreciate difference, we seem to go beyond merely accepting it, which begs the question whether the esteem conception can still be seen as a form of toleration. Forst considers the same problem and argues that it can only hold as long as the objection is not fully replaced; for example, when not all aspects of a particular view are valued positively (2013, p. 32). Nevertheless, it seems like the esteem conception is not really about toleration, for it involves an open stance towards difference, where it would only be able to be called toleration when someone is not *fully* recognized yet. No doubt, an open attitude of recognition is a valuable asset to social cohesion, but it rather belongs to the discussion on *recognition*, not to toleration (Honneth and Ganahl, 2012; Fraser and Honneth, 2001; Taylor and Gutmann, 1994). Now that a general overview of toleration has been discussed, we will now turn to three traditional theories that concern toleration.

2.3 *John Locke – Salvation of the soul.*

One of the most well-known works on toleration is probably *A Letter Concerning Toleration* (2010) by John Locke (1632-1704). As it was written during the reformation, this work must be understood against the backdrop of a schism within Christianity. No longer was the Roman

Catholic Church the sole and central religious pillar in Europe. Instead, under the influence of Protestant reformers such as Calvin and Luther, a diverse religious composition was created, undermining the absolute authority of the pope. In his work, Locke addressed this religious diversity by setting forth his view on ‘the mutual Toleration of Christians in their different Professions of Religion’ (2010, p. 7). He was primarily concerned with the state persecution of divergent religious beliefs, which he believed to be irreconcilable with the principles of love underlying Christianity – he ascribed a certain hypocrisy to the act of religious persecution when seen in the light of the gospel of Jesus Christ (Locke, 2010, p. 8-11).

His plea for toleration was not based on pragmatic grounds, nor on freedom of thought, instead, it was first and foremost concerned with the salvation of the soul (Locke, 2010, p. 9). No doubt, it is true that toleration offered relief from injury and some freedom of thought, but he saw toleration as protecting the right to freedom of religion. According to him, belief, unlike matters of state, belongs to the *inward*, which means that belief and thus the salvation of the soul is a matter of individual judgment. As such, he saw the salvation of the soul as a personal matter, one that cannot be affected by anyone other than oneself (Locke, 2010, p. 13). Jonathan Israel underlines the religious motivation behind Locke’s plea for toleration, in that it was ‘[...] primarily concerned with freedom of worship, or religious practice, as an extension of freedom of conscience, rather than with freedom of thought, speech and of the press’ (1999, p. 9). Thus, according to Locke, toleration should function as a facilitation of freedom to choose one’s own path to salvation in the afterlife.

Locke establishes his plea for tolerance on the basis of three arguments, of which the consequence is a separation of state and church (2010, p. 13-15). *First*, the magistrate has not been given the authority, not by God, nor by men, to administer the care of souls. He states that such

authority is never granted to a specific person in the name of God. Nor can that person gain this authority by the consent of the people, for a person cannot give out of hands that which belongs to the *inward* – i.e. it concerns belief, which is something of the mind. Only we can truly understand our own beliefs, we cannot delegate this to a higher authority. *Second*, following from the first argument, the state only has access to force, not to ‘persuasion of the mind’, and can therefore not dictate individual beliefs (Locke, 2010, p. 13). The main idea underlying this argument is that the state does not have the tools to conduct the care of souls, it only has the tools to uphold civil interests, namely, life, liberty, and estate:

The Commonwealth seems to me to be a Society of Men constituted only for the procuring, preserving, and advancing of their own Civil Interests. Civil Interests I call Life, Liberty, Health, and Indolency of Body; and the Possession of outward things, such as Money, Lands, Houses, Furniture, and the like. (Locke, 2010, p. 12)

So, it is not just that the state does not have the authority to administer the care of souls, it is also not its function – the state is not made for taking care of souls. *Third*, according to Locke, even if the magistrate would manage to persuade people into believing in a single religion, it would still not foster the salvation of souls, for many, if not most, magistrates adhere to false religions (2010, p. 14). This would mean that salvation of the soul depends on one’s place of birth. If one is to be born into a society that believes in the one true religion, one will be sure of salvation. But, if one is to be born anywhere else, one’s soul will be damned. These arguments reflect the main idea behind the separation of state and church that can still be found in contemporary conceptions of the secular state.

However, there are limitations to the toleration set forth by Locke, that is, not everyone falls within the reach of toleration. This already becomes clear in the first paragraph of his work,

when he speaks of mutual toleration between Christians (Locke, 2010, p. 7), by which he seems to automatically exclude people who do not fall in that category. According to Israel, Locke claimed that for a religious group to be tolerated, they had to be an ‘organized, publicly acknowledged and constituted form of worship for which immunity can be claimed, Protestant dissenters in the first instance but potentially at least also Catholics, Jews and Muslims’ (1999, p. 10). This means that people who do not belong to a recognized religion do not fall under the principle of toleration as endorsed by Locke. Next to that, because atheism implies the absence of belief, atheist do not fall within any recognized category of worship, and as such toleration does not apply to them (Israel, 1999, p. 10). The reason for these limitations originates in Locke’s argumentation for toleration, that is, his argumentation is teleological because it is based on the Christian salvation of the soul. He does not mean to bring about a stable society, nor does he see toleration as good in itself, it is only right because it serves the salvation of souls – he justifies toleration from within the divine doctrine of Christianity. As will become clear in later chapters, the rootedness of toleration in a comprehensive doctrine – in this case Christianity – may represent an asymmetry in status between the agents and receivers of toleration.

2.4 *Baruch de Spinoza – Philosophical and Religious Freedom.*

A view on toleration that is *not* rooted in religion was given by the Dutch philosopher Baruch de Spinoza (1632-1677). He was born in the same year as Locke, and as such his work was influenced by the same political context. But, despite the fact that his most famous works were published before *A Letter concerning Toleration*, it can be said that Spinoza was ahead of his time when compared to Locke. This is the case because, more than just being non-religious, Spinoza’s account was based on a critical assessment of religion and the conventional depiction of God. His critical

stance towards the medieval Christian and Jewish worldview on philosophy and science has to be understood in the context of his break with his Jewish background. He was born into a Portuguese-Jewish community in Amsterdam, of which he remained part until his excommunication in 1656. His metaphysical views that developed after that have to be understood in relation to the development of the mathematical science of nature at that time (Allison, 1987, p. 1; 25).

To understand his critical position towards the medieval view of religion, we first have to discuss the distinction he makes between *divine law* and *ceremonial law*. What Spinoza means by *divine law* is a set of moral rules that are derived through reason, and which is divine because it expresses our love of God (Allison, 1987, p. 216). Important here is the way in which Spinoza conceptualizes God differently than conventional religions do, namely, not as a psychological person concerned with the conduct of humans, but rather as a manifestation of nature and harmony. There is however disagreement on whether Spinoza means to identify God with nature – both being one and the same – or whether God should only be seen as *part* of nature (Nadler, 2013). Despite this being an interesting discussion, in this research it is not necessary to discuss it any further. Here it suffices to say that, according Spinoza, God is not prior to nature; he does not see God as a creator. The divine law is not particular and based on fear or hope of an afterlife, but is instead universal and eternal:

The chief precept is simply to love God as the highest good, and not out of fear or in expectation of some further reward. Since this precept is universal and is, in fact, deduced from human nature, it is more properly described as an eternal truth than a command. (Allison, 1987, p. 216).

The divine law should be seen as the expression of a universal philosophical religion, one that contains a moral code, but that is not bound by divine commands contained in scripture or preaching.

The ceremonial law, on the contrary, concerns actions ‘which are called good or bad only by virtue of their institution – that is, the fact that they have been commanded by God’ (Allison, 1987, p. 216). The list of examples of religious ceremonies is probably not exhaustive, but all ceremonies are derived from codes of conduct, such as those found in the Bible. These actions *are* particular and regulate obedience through fear and hope for afterlife. Spinoza considers ceremonial law as morally indifferent, that is, he denies truth to any religious doctrine or faith: ‘Their only purpose is to instill good conduct, charity and obedience’ (Israel, 1999, p. 15). Hence he sees ceremonial law as separate from divine law, but nevertheless as potentially beneficial. However, he is wary of subservience to ceremony when ceremonial law and authority coincide, this he calls *superstition* – ‘subservience to ecclesiastical authority and theological notions’ (Israel, 1999, p. 13). Or in other words, when religious leaders claim political authority, the focus will be on ceremonial law, subsequently leading to subjection to ecclesiastical rules and estrangement from the eternal truth (God) reflected in divine law. For his time and even today, Spinoza’s conceptualization of God and divine law are exceptionally critical of the conventional portrayal of monotheistic deities, hence this is why he published his work anonymously.

Similar to Locke’s theory of toleration, Spinoza endorses freedom of religion and worship. But, where Locke bases his theory on freedom of religion, Spinoza advocates freedom of thought, speech, and expression. This follows from his argument that religious doctrines are not fit to search for the truth:

Truth then can only be sought and grasped individually and philosophically and can never be expressed in the form of theological doctrines. In this way, and without any alternative being possible, freedom of thought, speech and expression, and not freedom of conscience and religious practice, according to Spinoza’s philosophy, forms the true core of toleration. (Israel, 1999, p. 16)

Spinoza's theory thus focuses on philosophical freedom over religious freedom. This means that Spinoza is not endorsing a separation of state and church to promote religious freedom, but instead, he advocates a weakening of the clergy, subsequently leading to more philosophical freedom. For him religious worship - that is, ceremonial law - is subordinate to the philosophical freedom to develop one's views. Spinoza's theory of toleration is thus, similar to Locke's theory, one that concerns a relationship between the state and the individual, but for Spinoza, the state should secure (philosophical) freedom:

[...] the state can pursue no safer course than to regard piety and religion as consisting solely in the exercise of charity and just dealing, and that the right of the sovereign, both in religious and secular spheres, should be restricted to men's actions, with everyone being allowed to think what he will and to say what he thinks. (De Spinoza, 2002, p. 572)

Spinoza would probably argue that the separation of state and church would mean the transfer of ecclesiastical authority from the state to the clergy. Hence this is why he argues for a "state religion", 'which, as in Rousseau, is not a form of Christianity but an idealized philosophical religion' (Israel, 1999, p. 12). Retaining religion, albeit in a different form, under the authority of a secular state, allows room for individual choice of doctrine or faith, while preventing a strong clergy from polarizing society on the basis of adherence to ceremonial law. A strong clergy would put limitations on philosophical freedom, slowing down the search for knowledge and truth.

Arguably, it can be said that Spinoza's theory of toleration has a deontological element to it, in that he places morality prior to the good, unlike Locke who places the good before the right – salvation prior to freedom of religion. However, when compared to the theory of Rawls, which will be discussed in chapter four, Spinoza's theory still has a rather strong sense of determinism to it, which is rooted in his notion of the philosophical search for knowledge and truth - the

acknowledgement that there are things beyond our current knowledge. The need for philosophical freedom to form one's own opinions and views seems to imply a forward progression. This is wholly different from a theory that is based on contingency, in which morality is based on a specific situation that arises under influence of various contingent variables. Steven Nadler (2013) sees the role of progression in science and arts in Spinoza's theory as a foreshadowing of the utilitarianism embedded in the work by John Stuart Mill. All in all, Spinoza's theory of toleration is a defense of freedom of thought, speech, and expression, one in which the focus is not on separation of state and church, but instead on the weakening of the authority of organized religion, as such, his theory is still relevant today.

2.5 *John Stuart Mill – the maximization of well-being and happiness.*

Two ages after Spinoza wrote his theory of toleration, John Stuart Mill (1806-1873) published *On Liberty* (1859/2002), which contained a defense of liberty that in some ways reflects the writings by Locke and Spinoza. But Mill did not write a specific theory of toleration, he rather wrote a comprehensive liberal theory in which toleration does play an important role. Toleration in Mill departs from Locke and Spinoza in two respects. First, where the accounts of both Locke and Spinoza were aimed at achieving some degree of reconciliation or harmony in times of religious diversity, albeit in different ways, Mill's theory is no longer solely restricted to religious diversity, but addresses diversity on all subjects - i.a. practical, moral, theological, and taste, (2002, p. 10). Put differently, Mill's theory also addresses social, cultural, and political diversity. Second, one of the central points in Mill's theory is that liberty and toleration are not only necessitated as protection against the state, but also against *society* (Mill, 2002, p. 4), while Locke and Spinoza were predominantly concerned with the former. The fight against state oppression lead to the

emergence of popular sovereignty through democracy, according to Mill, this newfound power of the people gave way for oppression by the prevailing opinion in society (2002, p. 4). Hence, we need toleration not only to protect us from the state but also from society:

Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them (Mill, 2002, p. 4).

Mill puts a limit on the legitimate interference of popular opinion with individual independence. For him, the integrity of this limitation is as important as protecting that opinion against political oppression. Toleration in Mill is needed to protect individual liberty and is grounded in the idea that no person or group holds the truth or single right way of living (Forst, 2012).

According to Mill (2002), the fallibility of what people believe to be the truth, the silencing of divergent opinions and views is often based on the assumption that one's own opinion is infallible. However, he claims that this is a false assumption, for we cannot be certain of infallibility when so many opinions held before our time have been judged fallible.

(...) it is as evident in itself as any amount of argument can make it, that ages are no more infallible than individuals; every age having held many opinions which subsequent ages deemed not only false but absurd; and it is as certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present (Mill, 2002, p. 15).

Hence, in Mill's view, it is wrong to silence others on the assumption that their opinions are false when our own opinions are likely to be false as well. To prevent a withdrawal into relativism, Mill argues that man must attempt to form 'the truest opinions they can' and 'there is no such thing as

absolute certainty' he continues, but 'we may, and must, assume our opinion to be true for the guidance of our own conduct' (ibid, p. 16).

But Mill argues that our truths are not necessarily completely false, they can be 'part of the truth; sometimes a greater, sometimes a smaller part, but exaggerated, distorted, and disjointed' (2002, p. 38). Interaction and discussion between different truths lead to progress through replacement of one partial truth for another. For Mill, it is of absolute importance that persons can defend their truths in discussion, for if one accepts a truth without understanding its grounds, and thus being unable to defend it, it is likely to be 'held as a dead dogma, not a living truth' (2002, p. 29). This is particularly the case with comprehensive doctrines that have dominated unchallenged over a period of time. The medieval dominance of the Christian church shows how subservience to a dead dogma practically halted all progress for multiple centuries. This is the exact same reason why Spinoza was so determined on reducing the power of the clergy, thereby providing philosophical freedom to formulate an opinion. Self-development of the individual is a, if not *the*, central feature of Mill's theory on liberty, and has to be understood in relation to the fallibility of our knowledge and opinions (2002, p. 63-65). Rooted in his utilitarian background, he sees utility as the answer to all ethical consideration, a utility that searches to maximize individual well-being and happiness through development (ibid, p. 9).

His claim that our truths are at most partly true, lead him to formulate *the harm principle*: 'the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others' (2002, p. 8). The harm principle is an argument for toleration in that it claims non-interference on the basis of the fallibility of our own truths. At the same time it also discerns the limits of toleration, namely, one is free to live the way he wants, have beliefs and opinions so far as it does not harm others. Society and the state may see

reason to discuss someone's opinions or life choices, but may never force or compel someone to change it under threat of persecution and penalties. This would limit individual liberty, which in turn limits the pursuit of well-being and happiness; coercion is a limitation to utility, which Mill considers to be the 'ultimate appeal on all ethical questions' (2002, p. 9).

Additionally, the suggestion that our truths can be partly true means that in a utilitarian view all truths contribute to (social) progress (Forst, 2012), which leads our truths to change over time, being more 'adapted to the needs of the time' (Mill, 2002, p. 38). The same goes for eccentric life styles in that they can foster the process of progress and adaptation (Forst, 2012). Better adaptation to the circumstances of a particular time allows for people to enjoy a more happy life than one in which a dead dogma prevails. Mill may then not explicitly address toleration, but it is a necessary condition for the protection of individual liberty which enables people to live a happy life. The harm principle and the valuing of (partly) false truths and eccentric life styles are liberal moral arguments for toleration grounded in the utilitarian tradition, and they serve to protect individuals from coercion by state and society in order for them to be able to live a good and happy life.

Individual liberty is still one of the most important values in contemporary liberal society, which shows in the popularity of toleration in public and political discourse. It seems to be more important than ever that we respect individual autonomy so that we can all enjoy the life we want. This is why toleration seems to have such a positive and virtuous ring to it, because it allows us to live a life free from oppressive dogmas. But as Rawls (1985, p. 225) points out, a utilitarian theory (like Mill's liberalism) is itself related to a particular conception of the good, that is, it is a conception of the good life defined in terms of utility; it is not the only conception that claims to value well-being and happiness. The belief that true happiness is available only to those of free-

will leads to the belief that people can and have to be liberated from dogma for their own good. There is something paternalistic in this idea in that it expresses a sense of moral superiority over those who are not deemed capable of self-reflection. When toleration is understood in relation to such a morality, it may actually not be as good and virtuous as we believe it be, it may show a side of toleration that is not payed much attention to (Brown, 2008). The following chapter will address this side of toleration.

3

Toleration as a discourse

So far an overview has been given of (liberal) toleration from its early inception to its role in Mill's liberal theory. As already pointed out in the introduction, after the end of the Cold War, talk about toleration has seen a revival, especially in the context of multicultural society. Even though toleration is often presented as good and virtuous, Wendy Brown (2008) claims otherwise. This chapter presents an outline and reflection of her argument, which provides a warning of the possibility of toleration leading to depoliticization and reproduction of stigma. This warning serves as a premise from which we can proceed towards the formulation of a more desirable conception of toleration. The first section addresses the role of toleration, not only as an attitude or practice, but as a political discourse (§ 3.1). In the second section this toleration discourse is presented as a form of depoliticization, meaning that it obscures the origins of and substitutes solutions to injustice (§ 3.2). The third section will cover how the toleration discourse regulates and reproduces stigmatized identities (§ 3.3). The last section covers a reflection, in which the liberal toleration discourse will be associated with the permission conception of toleration (§ 3.4). It will be argued that a respect conception of toleration is more desirable because it is less likely to lead to depoliticization and stigma.

3.1 A political discourse.

In her book *Regulating Aversion* (2008), Wendy Brown presents an analysis of the effects of toleration talk in contemporary society. Her aim is to outline the 'social and political work of

tolerance discourse by comprehending how this discourse constructs and positions liberal and nonliberal subjects, cultures, and regimes' (Brown, 2008, p. 4). As can be seen in this quote, Brown uses the word tolerance instead of toleration. She does this to distinguish contemporary tolerance from toleration in times of the reformation. Furthermore, she makes a distinction between tolerance as a personal ethic and tolerance as a political discourse (Brown, 2008, p. 13). Toleration as a personal ethic is closest to what we know tolerance to mean in general. This ethic pertains the willingness to endure that which we dislike or disagree with. It may concern something simple, like your neighbor's tacky Christmas decorations, a peer's poor choice of clothing, or the moral superiority of a Jehovah witness. We may see these things as annoying or even provocative, but we nonetheless choose to show restraint in the face of them. Brown points out that if everyone would ascribe to toleration as a personal ethic, the world would most likely be a better place (2008, p. 13). Or in other words, she is not opposed to this form of toleration, which is why it is not the subject of her study.

What Brown is concerned with, is the discourse of toleration, which concerns 'the call for tolerance, the invocation of tolerance, and the attempt to instantiate tolerance' (2008, p. 14). In other words, she is concerned with the public attempts to instill the idea of toleration in people. Toleration has become a prominently used word in public discourse in Western multicultural societies that face Third-world immigration. Everywhere in the Western world, throughout all layers of society, tolerance is deeply embedded in our water supply: 'schools teach tolerance, the state preaches tolerance, religious and secular civic organizations promulgate tolerance' (2008, p. 2). According to her, the discourse of toleration is a discourse of depoliticization concerning the production and management of identity, but which is sugarcoated by the presentation of toleration as a benign virtue (Brown, 2008, p. 14). She sees the toleration discourse as belonging to a "buried

order of politics” in that it reproduces the status quo. Her arguments have to be understood in relation to a Foucauldian conception of power as a form of regulation (2008, p. 41-42). Let me give an example of the toleration discourse. In 2012, Sire, a Dutch civic organization that draws attention to social problems, launched a commercial that promoted toleration (2013). It shows a protagonist who visits multiple stereotypical cultural events related to various immigrant cultures in the Netherlands. In this commercial we are asked to be open to other cultures and traditions. The purpose of this commercial is to invoke a sense of *verdraagzaamheid* (toleration) to fight a growing sense of fear and anxiety in society (Valkenberg, 2012). Apart from the fact that Sire fails to define toleration properly – toleration does not concern an open attitude towards difference – this seems to be exactly the kind of invocation of toleration that Brown describes in her definition of toleration discourse.

3.2 *A discourse of depoliticization.*

Brown starts her book by describing the discourse of toleration as a form of depoliticization (2008, p. 13-24). By depoliticization she means the removal of matters of injustice, such as inequality, subordination, marginalization, and social conflict from the political sphere. These matters of injustice are not subject to political discussion, nor are they countered by political action. Instead, toleration is invoked through multiple channels of the public discourse. The result is that the invocation of toleration construes these problems as both personal – injustice caused by personal prejudice – and as rooted in religious, cultural, or natural identity – prejudice is aimed at group identities (Brown, 2008, p. 15). Consider the widespread discrimination against homosexuals. Clearly the equality principle is violated here, that is, it concerns a matter of injustice. Through

television commercials, political speeches, education, and so on, we [citizens] are publicly asked to be tolerant towards homosexuals, to refrain from acting on our prejudice. This places the responsibility of toleration with private citizens, while at the same time depicting the homosexual in an essentialist way – as if homosexual identity is rooted in a fixed essence. According to Brown, toleration discourse ...

[...] reduces conflict to an inherent friction among identities and makes religious, ethnic, and cultural difference itself an inherent site of conflict, one that calls for and is attenuated by the practice of tolerance (2008, p. 15).

She claims that toleration is not the cause of essentialism in contemporary society, but that it takes part in reproducing it. Toleration discourse conceals the historical emergence of and the powers that maintain these essentialized identities by presenting them as a natural or cultural fact (Brown, 2008, p. 15). Such identities did of course not appear out of thin air. That would be like imagining a person who comes into this world as a fully developed adult. Like persons, identities emerge and change over time. This emergence and change can only be understood in relation to the division of power in society, that is, identities are defined in reference to the norm – the tolerating subjects (Brown, 2008, p. 15).

Because the object of toleration has changed from belief to identity, toleration is necessitated as a *supplement* to liberal equality (Brown, 2008, p. 34-38). Toleration no longer solely concerns the relation between the state and belief, but also the relation between the state and culture, sexuality, and ethnicity. The liberal state portrays itself as formal and neutral. Religious toleration is in line with the liberal principle of individual freedom of conscience. She sees it as more consistent with liberalism than toleration of cultural or natural identity because belief is seen

as an individual choice. But she argues that when tolerance concerns identities that diverge from the norm, tolerance and liberal equality do not coincide like in the case of belief.

When objects of tolerance are persons of certain attributes viewed as inherent, or of certain public social identities considered intractably different from the mainstream, tolerance takes shape as a complex *supplement* to liberal equality [...] completing what presents itself as complete but is not (Brown, 2008, p. 36).

The logic behind this is pretty straight forward. Liberal equality is a concept based on inclusion and sameness. Toleration, on the other hand, is based on difference from the mainstream or norm. As such, tolerance is fit to deal with the differences that liberal equality cannot. It compensates for the shortcomings of liberal equality. This means that tolerance, in Brown's words, 'manages the demands of marginal groups in ways that incorporate them without disturbing the hegemony of the norms that marginalize them' (2008, p. 36). If all matters concerning particularity and difference are thus addressed by toleration, not by liberal equality, it can be said that toleration (discourse) replaces a discourse of justice on these matters (Philosophy Bites, 2008). In a philosophy podcast, she gives an example in which a discourse of justice is replaced by one of toleration. In the 2008 United States election, Senator McCain said that he was not for gay marriage, but that he was for tolerance. In other words, he says that he is not for marriage equality, but only for tolerance (Philosophy Bites, 2008).

Brown also points out that the toleration discourse is not the only form of depoliticization in contemporary liberal society, she points to four other interrelated forms (2008, p. 17-20). First, the independency of culture, belief, and the social from power and political life is a depoliticizing force of formal "liberalism". Secondly, and strongly related to liberalism, "individualism" has a depoliticizing effect. A growing importance of the narrative of personal success or failure, of

heroes and villains, which is especially present in the United States, replaces the political analysis and study of power. Thirdly, the omnipresence of the “market rationality” in society depoliticizes on basis of the notion of the rational consumer. These forms are not exclusive, instead, they tend to overlap, and they ‘make nearly everything seem a matter of individual agency or will, on the one hand, or fortune or contingency on the other’ (Brown, 2008, p. 18). The fourth and last form of depoliticization she discusses is the “culturalization of politics” (2008, p. 19-20). This is based on the idea that every culture has a tangible essence. An essence that is seen as existing prior to politics – i.e. culture is seen as independent from politics – and which is thus used to explain political problems. It means that terms like “Arab American” and “Muslim” are used interchangeably in political discourse - i.e. they all appear to have the same meaning. One of the main promoters of this logic is Samuel Huntington (1996) with his book *The Clash of Civilizations?* In this book Huntington argues that the ideology of the Cold War period has been replaced by culture. These forms of depoliticization are so common to us that we seem to take them for granted and tolerance is nestled among them. This is how it ‘masks its own operation as a discourse of power and a technology of governmentality’ (2008, p. 19).

3.3 *Subordination and regulation.*

According to Brown, the tolerance discourse not only obscures the historical patterns of emergence of injustice and the shortcomings of liberalism, it also reproduces the power asymmetries in society. This argument is based on the notion of subject production and regulation as described by Michel Foucault (Brown, 2008, p. 38-47). She claims that the tolerance discourse abets in the production and regulation of what she calls *marked identities*. These identities are not seen as fluid or changeable, instead, they are rigid and essentialist in nature. Particular practices and attributes

(e.g. appearance) are seen as belonging to a certain identity, but not as the result of free will and self-deliberation. Subjects of tolerance are essentially reduced to these practices and attributes, it is what marks them. This reduction is in turn associated with particular belief system and consciousness, and these are seen as issuing from a person's culture, ethnicity, or sexuality. Hence the attributes, practices, consciousness, and beliefs thus signify in what way the subject of tolerance is different from the norm.

Tolerated individuals will always be those who deviate from the norm, never those who uphold it, but they will also be further articulated as (deviant) individuals through the very discourse of tolerance. (Brown, 2008, p. 44).

Because tolerance is necessitated by difference, the invocation of tolerance will articulate the difference that necessitated it in the first place. For example, the homosexual subject is based on fixed attributes, practices, beliefs, and consciousness that deviate from the norm. By promoting tolerance for homosexuals through, for example, participation of politicians in the Amsterdam Canal Parade, exactly that what makes them different is articulated. There are many things in which they are not different, but the tolerance discourse emphasizes their homosexuality.

It is not so much tolerance towards the individual, nor tolerance towards groups, that is called for. Instead, tolerance is aimed at, what Wendy Brown calls, individual marked subjects who carry a group identity (2008, p. 45). Simply put, tolerance is aimed at an individual image that represents an essentialist group identity, or more specifically, an *ascriptive identity*. In case of homosexuality, the subject that we are asked to tolerate is *the homosexual*, and in case of Islamic culture, the subject is *the Muslim*. Now, there is of course no single description or definition that captures all individuals who identify themselves as a Muslim or a homosexual. But the mere fact

that tolerance is invoked implicitly recreates this image, and thus reiterates the difference that caused the need for it in the first place.

In essence, Brown argues that the tolerance discourse affects identity in two ways (2008, p. 45). First, it tends to essentialize race, ethnicity, and sexuality as being cultural, that is, these identities are seen as producing certain practices and beliefs. Blackness becomes the inner source of certain behavior and appearance. Tolerance focuses on exactly those practices, appearances, or beliefs often found in a certain group that evoke sentiments of disliking and aversion. The repeated call for tolerance reifies these facets and connect it to the overarching group identity. As such, behavior displayed by some individuals who belong to a certain group, turns into behavior belonging to a subject that is the product of rooted group culture. This is how we can say that someone who is homosexual is not really that gay (Brown, 2008, p. 42). His practices, appearance, and beliefs do not match our expectance based on what we believe homosexuality to imply. Second, by invoking tolerance, we ascribe a certain religiosity to the practices and beliefs of tolerated subjects, which reaffirms the position of the tolerating body as being neutral or secular (Brown, 2008, p. 45). *They* are the product of some natural or cultural inner-self, while *we* are the product of our own moral autonomy.

Brown discusses how the logic of culturalization is embedded in liberalism's self-representation of transcending culture (2008, p. 20-24). Culturalization reduces the non-liberal to cultural, while at the same time disassociating its institutions and principles from culture through individualization. The logic behind this is that the liberal principles are "universal", and as such they are not subject to culture. The cultural, on the other hand, is seen as something local. Similar to religion, culture is tolerated in liberal society as something personal. The individuating effect of liberalism on religion and culture can be seen as a form of "liberation". But, according to Wendy

Brown, liberalism is *not* above culture, it is itself cultural (2008, p. 23). In her view, the depoliticizing effects of liberalism are rather a form of incorporation into a liberal hegemony. This means that tolerance is also cultural, because the invocation of tolerance always reaffirms the division between those who tolerate and those who are tolerated, the tolerant and the intolerant (Brown, 2008, p. 150). It is cultural because tolerance is deemed available only to liberal people or cultures, on both the national and international level. And in contemporary liberal democracy this implies a division between those who have culture and those whom culture has, between civility and barbarianism (Brown, 2008, p. 151).

All otherness is deposited in that which is tolerated, thereby reinscribing the marginalization of the already marginal by reifying and opposing their difference to the normal, the secular, or the neutral. (Brown, 2008, p. 45)

In her view, the (re)production of culturalized subjects aids in maintaining the status quo in society, and it does so by continuously reaffirming the tolerated as different from the neutral norm.

All in all, Wendy Brown does not want her critical assessment of tolerance to lead us to reject tolerance outright. Nor does she want us to replace it with some other concept (2008, p. 205). Instead, she argues for a positive approach that channels the awareness of the consequences of tolerance discourse into what she calls counter discourses. By this she means political articulations that strengthen the awareness of inequality and subordination where tolerance talk has depoliticized these. To oppose it, historical analysis of the emergence of these problems have to be highlighted, uncovering the power relations that are constitutive of them. She argues that we should not advocate the downfall of tolerance, but instead we should use this knowledge to voice another view, one that brings these problems back on the political agenda: ‘Such work constitutes a modest contribution to the larger project of alleviating human suffering [...] and fostering the

political justice for which the twenty-first century howls' (Brown, 2008, p. 205). The theory of agonistic pluralism by Chantal Mouffe seems fitting to facilitate this, and will be addressed as an alternative in chapter five. But before we get to that, it is important to reflect on the role of the toleration discourse within liberalism.

3.4 *A neoliberal permission conception.*

Clearly, in the eyes of Brown, it is liberalism that is to blame for the tolerance discourse. Liberalism is apparently incapable of incorporating difference because it is based on sameness. But what does she exactly mean by liberalism? She claims that liberalism is a protean cultural form, by which she means that while it may take many forms (protean), it is always 'impure, hybridized, and fused to values' (Brown, 2008, p. 23). She thus acknowledges that liberalism may concern a family of different theories, but that these are all necessarily cultural themselves. This is why she discusses liberalism in such a general fashion, because in her view all liberalisms are subject to a cultural bias. Moreover, she relates her theoretical argument to cases and examples of predominantly contemporary American liberalism. She discusses the Simon Wiesenthal Center (museum of tolerance) located in Los Angeles, and when discussing the culturalization of civilizational discourse, she cites proponents of neo-liberalism such as George W. Bush (Brown, 2008, p. 107-148; 179). Her emphasis is on the idea that tolerance is a mark of liberal civility, creating the distinction between liberal tolerance and illiberal intolerance. This depiction of liberalism allows her to connect it to imperialism, regulation, and subordination. But I feel that such a simplified portrayal of liberalism does no justice to the principle of toleration. It is not my intention to deny the presence or even dominance of an imperialistic form of liberalism. That would be ridiculous. Arguably, such a form of liberalism could be considered to have itself a certain religiosity to it. As

will become clear in the next chapter, Rawls (1985; 1996) would say that this form of liberalism is imperialistic because it is based on a particular conception of the good, a conception in which individual moral autonomy, as opposed to cultural subservience, is seen as the ultimate good. And because moral autonomy is valued as much as it is, it has a certain divinity to it. This is why people are considered to be either autonomous or cultural, civilized or primitive, which leads to the idea that cultural people can be liberated.

This is exactly the reason *why* John Rawls endorses what he calls a *political* form of liberalism, that is, a neutral or impartial theory that prevents the use of state power in enforcing one particular conception of the good (1985, p. 230). He did not believe that building a pluralist society around a particular conception of the good would prove stable and workable. As will become clear in the next chapter, for him, political arrangements should not be based on a search for some ultimate truth. Or like Popper put it, on theories that claim to ‘have discovered laws of history which enable them to prophesy the course of historical events’ (1947, p. 3). Marxism is one of the most renowned theories based on such a *holistic* narrative. More relevant here is the holistic narrative put forth by Fukuyama in his book *The End of History and the Last Man* (1992). Obviously inspired by liberalism outliving the global threat of communism, he claimed that, despite future contingencies, global liberalism will be the eventual endpoint of social human development. This is exactly the liberal narrative that Brown describes in her book. The spreading of such a narrative through public discourse may naturally lead to a self-fulfilling prophecy, but if this were to happen, then imperialism would definitely be a better description than liberalization.

So the toleration discourse is clearly inspired by traditional liberal theory and can as such be considered liberal, but it is not representative of liberalism in general. Because Brown places it in the context of contemporary liberalism, especially in how it relates to other forms of

depoliticization and particular political figures, it can be considered to be a form of neoliberalism. This is why, henceforth, I will refer to this form of toleration as a neoliberal conception of toleration.

This conception seems to resemble the permission conception of toleration that Forst describes (see § 2.1). It is clearly a vertical form of toleration because it reflects the superior moral position of liberalism in a distinction between tolerant and intolerant, civilized and primitive. Or in other words, neoliberal toleration is one-sided because it is only available to liberal persons, which upholds the distinction between the majority and minority – automatically stigmatizing the minority as different and non-liberal. The toleration discourse seems to be virtuous and harmful at the same time because it suffers from the *paradox of moral toleration*:

[...] if 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).

Indeed, how can we tolerate on the basis of the same moral reasons that led us to formulate objections in the first place? According to Forst, this is only possible when we ascribe to a certain relativism of our convictions that does not fundamentally challenge them, but for this we need to make a distinction between *ethical* (particular) and public *moral* (public) reasons (2013, p. 22-23). The reasons for objection are then grounded in a particular ethic – e.g. religion – while the reasons for acceptance are grounded in a public higher level morality, that is, a morality based on generality and reciprocity that transcends our particular convictions (Forst, 2013, p. 497). In other words, this paradox can be overcome when our reasons for objection and acceptance are motivated from different moral frameworks. But in the neoliberal conception of toleration this is not the case, which is why the reasons for acceptance carry the

same moral superiority that is found in the reasons for objection. This superiority is expressed in the idea that people can be “liberated” from culture, which is nothing other than assimilation into the liberal majority, and the toleration discourse then serves as a supplement to manage those that cannot be “liberated”.

If our goal is to discern a conception of toleration that is not susceptible to depoliticization and stigma, we should look for a conception that contains a shared public morality – that is, a conception in line with the archetype respect conception (see § 2.1). Because a permissive form of toleration is always grounded in one particular ethic – of the majority – it may be used to conceal the injustice done to (depoliticization) and reiterate the inferior position of minorities (stigma), which is why it is to be considered less desirable than a respect conception. The theory of political liberalism by John Rawls (1985; 1996) is supposed to offer a shared public morality, which means that toleration can be motivated from an impartial position; political liberalism seems to support the possibility of a respect conception *prima facie*. The separation between *ethical* and *moral* convictions lies at heart of this theory, albeit in different words, which even allows for the possibility of people being liberal as public citizen, while being non liberal as a private person (Slijper, 1999, p. 8). The next chapter will assess political liberalism in relation to toleration, taking in account the importance of the availability of a shared public morality.

4

Liberal toleration

If anything has become clear in the previous chapters, it is that liberal toleration does not always mean one and the same thing. The theories of toleration by Spinoza, Locke, and Mill may all be called liberal, but for different reasons. Similarly, both Kymlicka (1995) and Kukathas (2003) endorse a liberal theory that contains toleration, but the limits are formulated differently (see, § 2.1). However, for the purpose of this study, it is important to select one account that represents liberal toleration. As already discussed in the introduction, I have chosen for the account of political liberalism by John Rawls (1921-2002). He is no doubt one of the, if not *the*, most influential proponent of liberalism. Next to that, his political liberalism is unique when compared to other liberal theories in that he claims it to be a freestanding theory, which mean that it should support a horizontal respect conception of toleration. Therefore this chapter will present a general outline of Rawls' theory of political liberalism and how this is connected to toleration. Political liberalism is built around three core ideas, namely, (1) neutrality, (2) stability, and (3) deliberation. In § 4.1 the argument for the neutrality of justice as fairness is outlined. Here is explained that Rawls argues his theory is political and not metaphysical. Then in § 4.2 is outlined how Rawls means to achieve stability through an overlapping consensus. Finally, in § 4.3 his idea of deliberation in the domain of public reason will be assessed. These three concepts are all complementary and related to the principle of toleration in their own way.

4.1 *A political conception of justice.*

Toleration in Rawls is built around the idea of a society in which a multiplicity of reasonable comprehensive doctrines can coexist. In *A Theory of Justice*⁴ (1971) he developed a political theory based on a moral conception of justice as fairness. This conception, however, did not manage to incorporate the irreconcilable moral claims of comprehensive doctrines present in contemporary society. In the subsequent years he published multiple papers in response to ATJ (Rawls, 1980; 1985; 1987), resulting in the publication of *Political Liberalism*⁵ in 1993 (revision in 1996). In the introduction of PL he formulates his main research question around reasonable pluralism: ‘How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?’ (Rawls, 1996, p. 36). The theory developed in PL is different from ATJ in one major respect. In PL, Rawls describes the conception of justice as fairness not as moral one, but as a *political* conception of justice.

Justice as fairness in PL is not a conception based on a moral doctrine, that is, it is not a general moral conception that can be applied to a wide range of cases (Rawls, 1985, p. 225). He gives utilitarianism as an example of a doctrine in which the principle of utility can be applied to a wide range of cases. But in a similar fashion, justice as fairness in ATJ can also be considered as a moral theory in that justice is seen as intrinsically good. Rawls argues that philosophy as the search for an independent moral truth cannot be the basis of a political conception of justice, for principles grounded in such a truth are not reconcilable with comprehensive pluralism (Rawls, 1985, p. 230). The logic here is that a morally grounded conception of justice is not compatible with value pluralism because this would lead to an opposition between multiple truths. This is why

⁴ Henceforth ATJ

⁵ Henceforth PL

Rawls seeks to establish a conception of justice that is not grounded in a comprehensive morality, but one that is political – i.e. free from claims about the truth:

[...] the aim of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons (Rawls, 1985, p. 230).

Justice as fairness should thus be seen as a freestanding conception of justice in that it is not grounded in any religious, philosophical or moral doctrine, and as such does not make any claims to represent moral truth. In order to formulate a political conception, the principle of toleration is to be applied to religious, philosophical, and moral doctrines (Rawls, 1985, p. 230-231). But toleration here works in both directions in that it not only serves to protect the neutrality of the political conception of justice, but also protects the pluralist values in society from oppression through the use of political power.

But because a political conception of justice cannot be grounded in a moral doctrine, it requires another motivation that can justify its content. Rawls does this by building his theory around the idea of *fair cooperation* (1996, p. 15-16). Central to the idea of fair cooperation is his conception of human nature. According to him, each person has two moral powers, namely, a political morality based on justice and a non-political morality based on his conception of the good (Rawls, 1996, p. 19). He names these moralities respectively the reasonable and the rational. The rational concerns a person's pursuit of particular interests, often guided by his conception of the good. So, for a devout Christian, any activity or interest related to his spirituality belongs to the rational. Toleration here serves to protect the freedom to form, revise, and pursue these interests, but at the same time it also serves to keep these interests from the formulation of particular moral

principles in the public domain. The reasonable, on the other hand, is the locus of a political conception of justice.

Persons are reasonable [...] when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so (1996, p. 49).

In a system of fair cooperation, people are seen as reasonable when they are willing to participate on the basis of reciprocity. He stresses that reciprocity is somewhere in between altruism (guided by the general good) and rational advantage (guided by personal interest) (Rawls, 1996, p. 50).

Furthermore, his conception of justice is called *fair* because it is not exclusively based on reciprocity (Rawls, 1996, p. 15-17). Fair cooperation also has to offer some sort of rational advantage, so that participation gives the opportunity to advance our particular interests. It is important for Rawls to understand that the reasonable and the rational are independent of each other (1996, p. 50). He does not see the reasonable as derived from the rational, for that would mean that entering fair cooperation is necessarily justified by rational interests. Instead he sees both moral powers as distinct, and moreover, as prior to any conception of the good. Here he practically makes the distinction between the public and private citizen. Where the public citizen is one driven by reciprocity, the private citizen is driven by particular conceptions of the good. According to Rawls, the reasonable and the rational should be seen as complementary concepts:

As complementary ideas, neither the reasonable nor the rational can stand without the other. Merely reasonable agents would have no ends of their own they wanted to advance by fair cooperation; merely rational agents lack a sense of justice and fail to recognize the independent validity of the claims of others (1996, p. 52).

Hence political liberalism depends on the preservation of comprehensive conceptions of the good, for without it, there would be no incentive to join in a reciprocal system of cooperation. And without reciprocity there would not be a mutual ground from which we can formulate a neutral conception of justice. Again, this shows the importance of toleration, as it allows for the pursuit of particular interests of the good.

This understanding of the person as having common reason prior to any notion of the good is reflected in Rawls' justification of the principles of justice. He uses a hypothetical situation of deliberation, namely, the original position, to come to fair principles of justice under conditions that are equal and free (1996, p. 23). The most important aspect of the original position is that the deliberation between all parties takes place behind a veil of ignorance. Behind this veil the parties are aware of the general conditions of society. This means that they are aware of the value pluralism that exists. However, the veil obscures their particular assumptions in this regard. They do not know what values they adhere to in real life, nor do they know whether they are better or worse off. Rawls obscures the knowledge of our particular assumptions so that, unlike real persons, the parties in the original position do not have 'a liability to envy and spite, a peculiarly high aversion to risk and uncertainty, and a strong will to dominate and exercise power over others' (Rawls and Kelly, 2001, p. 87). The representation in the original position is based on the idea of citizens who are free and equal and who have access to the two moral powers. Hence the parties are a projection of the person *prior* to his nested assumptions in society.

The original position offers Rawls a way to justify justice as fairness as a political conception of justice. Because all parties in the original position are excluded from knowledge of their particular assumptions in life, the result of the deliberation is formulated prior to any

conception of the good. Rawls then formulates two principles of justice that he expects will result from deliberation in the original position (Rawls, 1985, p. 227):

1. Each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all.
2. Social and economic inequalities are to satisfy two conditions: first they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society.

He comments that these two principles together, ‘when first is given priority over the second, regulate the basic institutions which realize these values [basic rights, liberties, opportunities, and equality]’ (Rawls, 1985, p. 228). The first principle ascribes to each person the equal right to basic rights and liberties. When discussing toleration this is the most relevant principle. Moreover, it has priority over the second principle, which is more concerned with social and economic inequality. The freedom to form, revise, and pursue one’s particular interests of the good is grounded in the first principle. This means that toleration is the result of respect for other citizens as free (having rights and liberties) and equal (having the same scheme of rights and liberties as everyone else) persons.

Rawls’ stance on the specificity of his political conception of justice has changed over time. As I pointed out before, his conception of justice in ATJ was presented as *the* single valid outcome, hence this is why it concerned a comprehensive conception at that point. But in his later work, he allows for a class or family of liberal conceptions of justice (1996, p. 164). The reason for this will become clear below, when we discuss the overlapping consensus and public reason. The central message in this section is that the theory of political liberalism departs from Locke and Mill by not grounding the principles that are to guide political association in a comprehensive conception of

liberal autonomy. Instead, the principles of justice in political liberalism are derived from the idea of fair cooperation. Political liberalism does thus not start from the premise of a liberal conception of the good. Rawls' claim is that the parties in the original position will choose for liberal rights and liberties, and not because they are true, but because they offer the most fair outcome to all parties. The principle of toleration is vital in maintaining the neutrality of a political conception of justice. On the one hand, it prevents any particular conception of the good from forming the basic structure and rules of a plural society. On the other, it serves to protect the freedom to form, revise, and pursue one's own conception of the good. Rawls understands the importance of our personal pursuit of the good life, and he recognizes that a system that has no room for it, offers no incentive to participate in fair cooperation.

4.2 *An overlapping consensus.*

In the previous section we discussed the neutrality of the political conception of justice in political liberalism. The second consideration in Rawls is that of the *stability* of justice as fairness (1996, p. 140-144). For Rawls, it is not only important that a political conception is compatible with irreducible value pluralism (i.e. whether it is neutral), but also whether a society based on such a conception will prove stable over time, so that it may persist over generations. He conjectures that a political conception of justice will prove stable when we achieve an *overlapping consensus* on the political principles in the context of *reasonable pluralism*. If such a consensus cannot be achieved, we must admit that '[...] it [justice as fairness] is not a satisfactory political conception of justice and it must be in some way revised' (Rawls, 1996, p. 141).

When reading PL, it becomes clear that reasonable pluralism is a necessary condition in establishing an overlapping consensus. It is important to understand that reasonable pluralism is distinct from (simple) pluralism (Rawls, 1996, p. 164; Wenar, 2012). Simple pluralism is used to describe the fact of value pluralism in a society. It simply points out that there is a plurality of conceptions of the good, but it does not say anything substantively about these particular conceptions. Reasonable pluralism, on the other hand, does say something substantive about the particular conceptions of the good, or more specifically, about the persons who hold these conceptions. Reasonable pluralism is composed of reasonable citizens who affirm both a particular and public view:

The thought is that citizens in a well-ordered society affirm two distinct although closely related views. One of these is the political conception of justice they all affirm. The other is one of the opposing comprehensive (or partially comprehensive) doctrines, religious, philosophical, and moral, found in society. (Rawls and Kelly, 2001, p. 33)

In reasonable pluralism particular and public views are not mutually-exclusive, on the contrary, they should be seen as complementary, just like what was discussed in § 3.1. A reasonable citizen is someone who is willing to participate in a system of fair cooperation, who adheres to the principles of justice, while expecting other to do the same. By participating in such a system he can advance his particular interests of the good, while enabling others to do the same. This means that a reasonable person is someone who shows ‘a certain looseness in’ his comprehensive views, meaning that his views are not *fully* comprehensive (Rawls, 1996, p. 159). This does not mean that someone whose view is fully comprehensive cannot adhere to the political principles, but Rawls would say that he does so for the wrong reasons – i.e. the political principles are then not

recognized from the idea of fair cooperation, which is why such an adherence to the principles of justice is not that stable.

An unreasonable citizen is then not necessarily anti-liberal, but instead, it is someone who is not willing to participate in fair cooperation. The idea of an unreasonable citizen is pretty self-explanatory, for it means that those citizens give priority to rational interest over reciprocity. Consider the absence of a capacity to empathy in a sociopath. This makes a sociopath unable to genuinely participate in a system of fair cooperation. Religious fundamentalism offers another example. Religious fundamentalists give divine priority to their comprehensive views, which makes it impossible for them to cooperate with others who have different conceptions of the good. Hence unreasonable citizens are not unreasonable because of their particular conception of the good itself, but because of the undisputed priority they ascribe to it.

The distinction between our public and private views is important for understanding the logic behind an overlapping consensus. When all citizens affirm the political conception we can speak of a consensus, but not necessarily an overlapping consensus. Rawls points out that there are two stages of consensus: (1) a constitutional consensus in which the principles of justice are accepted 'simply as principles and not as grounded in certain ideas of society and person of a political conception, much less in a shared public conception' (Rawls, 1996, p. 158; 158-164); and (2) an overlapping consensus in which people do share in a public conception of justice and affirm it from within their own comprehensive view (Rawls, 1996, p. 147). In a constitutional consensus the political principles are incorporated in political institutions. This is possible because of reasonable pluralism; all (or most) citizens affirm the political principles, which allows for political institutionalization. But because each person may have different reasons for affirming these principles, it is still a *modus vivendi* that is susceptible to power shifts. A Christian may affirm the

political principles for other reasons than an atheist, if the relative position of Christians would strengthen, the principles of justice may turn into Christian principles of justice (dogma). In other words, a constitutional consensus is not stable enough for a political conception to persist over generations.

In order to secure adequate stability, Rawls comes up with the overlapping consensus. In an overlapping consensus stability is secured through the affirmation of a shared public conception of justice from *within* each respective comprehensive view (Rawls, 1996, p. 147). A public conception of justice is a point of moral convergence between all comprehensive views.

For those who hold well-articulated, highly systematic, comprehensive doctrines, it is from within such a [comprehensive] doctrine (that is, starting from its basic assumptions) that these citizens affirm the political conception of justice. The fundamental concepts, principles, and virtues of the political conception are *theorems*, as it were, of their comprehensive views (Rawls and Kelly, 2001, p. 33, my emphasis).

A public conception of justice is indeed some sort of theorem; it is not grounded in any particular doctrine, but it can be explained from within such doctrines. The main difference with a constitutional consensus is that the principles in an overlapping consensus cover the whole basic structure⁶, not just the political institutions (Rawls, 1996, p. 164). In a constitutional consensus there is no public conception in which all parties share, but just acceptance of the political institutions for various reasons. This public conception is the result of living under the political basic institutions of a constitutional consensus over a longer period of time (Rawls, 1996, p. 142).⁷

⁶ When Rawls discusses the basic structure, he refers to the structure underlying society in its widest and deepest sense. When certain principles cover the basic structure, it is embedded in legislation, the economy, the family, education, and so on (Wenar, 2012).

⁷ The distinction between a constitutional consensus and overlapping consensus makes clear that Rawls believes that our attitudes and character as public citizens can grow over time when the principles of justice are incorporated into

The idea is that we will, due to a deepening and widening presence of the political conception in the basic structure over time, reconcile our comprehensive views with a shared public conception of justice. According to Rawls, this means that we adjust our comprehensive view to fit our public view, not the other way around (1996, p. 160). But he stresses that this adjustment should not be seen as a form of subtle assimilation:

[...] a doctrine's adjusting its requirements to conditions such as these is not political compromise, or giving in to brute force or unreason on the world. It's simply adjusting to the general conditions of any normal and human social world, as any political view must do. (Rawls, 1996, p. 171).

This argument seems to be consistent with his ontological framework. As was discussed in § 3.1, he ascribes people the moral power to form and revise their own conception of the good, which allows them to adjust it to the circumstances of their society. Many religious doctrines have been adjusted over time in the same way.

A political conception of justice that provides stability in a pluralist society is of vital importance to the principle of toleration. Because people share in a public conception of justice, they may experience a sense of commonality, which makes it easier to see others as free and equal citizens. Of course, people will still be confronted with sentiments of objection in reference to other conceptions of the good than their own. Nor should we expect these sentiments to ever disappear because there is an overlapping consensus on a public conception of justice. If that were the case, then we would no longer have a need for toleration. But we do need it, Rawls would argue, because he sees no possibility of reconciling all comprehensive conceptions of the good (1996, p. 36).

the basic structure of society (Rawls, 1996, p. 11-12). This thought is important and will return in the reflection of this research.

Furthermore, toleration in an overlapping consensus is different from toleration in a *modus vivendi*. The religious toleration during the reformation was intrinsically motivated from within a particular Christian doctrine itself. It provided freedom of religion, albeit limited, to everyone, that is, freedom to choose one's own path to salvation. Hence this form of toleration was grounded in a religious doctrine. Toleration in political liberalism is motivated from a shared public conception of justice – i.e. motivated from neutral ground. The implication is that toleration in an overlapping consensus is *mutual*. The relative strength of certain comprehensive views vis-à-vis others does not affect the neutrality of the principle of toleration because it is grounded in a conception of justice that everyone shares. Of course, this does not mean that comprehensive considerations do not count as motivations for toleration, but they always do in relation to the public conception of justice as a theorem.

4.3 *Public Reason.*

The third element central to political liberalism is *public reason*. Public reason is to be contrasted to non-public reason and comprehensive reason (Freeman, 2009, p. 219). It builds on the political conception of justice and the overlapping consensus. Where the first is about definition of the principles and the second about stability⁸, public reason concerns a selection of shared reasons that guides our deliberation on actual legislation:

Public reason (as Rawls understands the idea) involves a set of shared considerations which count as good reasons in public deliberation and argument about laws and their interpretation, among

⁸ This is not to say that public reason has nothing to do with stability. But the stability of public reason is strongly dependent on the strength of the consensus. This means that it is wrong to say that there is no public reason in absence of a full overlapping consensus, but it does mean that in such a situation public reason will be less coherent and stable.

reasonable and rational democratic citizens who endorse different fundamental values (Freeman, 2009, p. 219).

In an overlapping consensus all reasonable people share in a public conception of justice, but this has no direct implications for the application in laws and specific cases. An overlapping consensus does offer a starting point from which we deduce the considerations of public reason. Charles Larmore (2003, p. 380) refers to public reason as a *common language* that is neutral in reference to our comprehensive views. So public reason is more than sharing in a public conception of justice, it is a common language of deliberation about the practical interpretation and application of this conception. It allows us to publicly justify our political actions in accordance with the principles of justice.

The idea of public reason is related to the concept of *publicity* that Rawls used in ATJ (Larmore, 2003, p. 375). Publicity concerned not only a shared knowledge of the principles of justice, but also a shared rationale on the basis of which all citizens affirm these principles. But because the conception of justice in ATJ is morally grounded, high levels of publicity are incompatible with our particular conceptions of the good. Public reason evolved out of publicity, like political liberalism evolved out of the initial justice as fairness. Public reasoning thus has to be contrasted to non-public reasoning in that it is not based on a particular doctrine, but on a freestanding conception of justice. Liberalism in Mill would, for example, not lead to public reason, but instead to comprehensive reason, for his theory is grounded in a moral theory of individual autonomy. Public reason in political liberalism is instead based on the idea of fairness; use of political power has to meet the condition of reciprocity in accordance with the political conception of justice:

Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonable be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational (Rawls, 1996, p. 217) .

In his most recent writings, Rawls seems to loosen ‘the link between the ideal of public reason and his two principle of justice’ (Larmore, 2003, p. 390). When Larmore says that the links are loosened, he means that Rawls no longer conceives public reason to be solely based on his own conception of justice. Instead, he allows for a wider range of political conceptions of justice, which he refers to as a *family* of political conceptions:

There are many liberalisms and related views, and therefore many forms of public reason specified by a family of reasonable political conceptions. Of these, justice as fairness, whatever its merits, is but one (Rawls, 1997, p. 773-774).

The reason Rawls allows for a family of political conceptions has to do with a feature of a reasonable citizen. A reasonable person is willing to participate in fair cooperation, but he is also subject to the *burdens of judgment* (Freeman, 2009, p. 227). The burdens of judgment is a concept coined by Rawls to understand reasonable disagreement (1996, p. 55- 58). He argues that there is a certain complexity to making judgments when we take into consideration the relationship between our reasonable and rational moral powers. This why there is bound to exist a difference between all political conceptions of justice. But this not necessarily a problem as long as these conceptions meet the condition of reciprocity. (Rawls, 1997, p. 774).

The central feature of public reason is the justification of political deliberation in line with the public conception of justice. The question here is of course, whether public reason can lead to justified decisions on matters that are rooted in deep moral conflict. Wendy Brown argues that

liberalism fails to address these cases (see, § 3.2). Larmore, however, argues that Rawls can be read as allowing public discussions or debate on differing views of the good, for as long as it does not partake directly in political decision-making (2003, p. 383-384). Such discussions would allow for debate on comprehensive views in reference to the public conception, which may even help to align these views to public reason, but when it concerns ‘legally binding decisions, we must take our bearings from a common point of view’ (Larmore, 2003, p. 383). This does however not mean that public reason leads to avoidance of problematic cases.

Public reason does not demand the blanket avoidance of deep-seated conflict as though its highest value were civil peace. On the contrary, public reason embodies the ideal of fairness, and so questions having to do with the fair terms of cooperation – in other words, matters of basic justice – belong on a society’s program of political deliberation, however disputed they may be. (Larmore, 2003, p. 384).

Freeman argues that public reason will always be able to resolve all essential issues, but that not everyone may accept the specific outcome (2009, p. 243-245). He uses the issue of abortion as an example to illustrate his argument. In this specific case, deliberation in public reason will always lead to legalization of abortion to some degree. The important consideration to be made is that of finding a balance between various political rights. Outlawing abortion would ascribe absolute priority to one right (respect for human life) over all others. Such a priority can only be ascribed from a comprehensive view. In the case of abortion, this concerns the claim that life is divine as it was created by God, leading it to be of paramount importance. But these values are not to be considered in public reason, which means that absolute rejection of a right to abortion is not a likely outcome (Freeman, 2009, p. 243-244). This means, however, that not all citizens can conscientiously *support* the decisions made in accordance with public reason.

But, according to Freeman, this is not a problem as long as they do not reject public reason in its totality (2009, p. 244). Or in other words, this is not a crucial problem as long as these people *accept* the decision on grounds of their affirmation of public reason in general – this implies toleration from their side. For example, in 2010 the Dutch Supreme Court ruled that the Reformed Political Party (SGP) violated the equal right and opportunity for women to be elected into political office. They may not have agreed with this ruling, but they accepted it nonetheless. As a result, the party now formally allows women to run for political office (Boon, 2013). Deliberation in public reason thus leads to the formulation of the limits of toleration in accordance with the public conception of justice. In case of the Dutch Supreme Court ruling, the violation of women rights and equality was seen as exceeding the limits of toleration.

The central idea behind public reason in Rawls is thus that people can reflect upon their actions and choices as public citizen (1996, p. 215), which is why they can accept rulings that they cannot support from within their particular beliefs. This is possible because the person comes prior to the contingencies of the empirical world, which allows for personal reflection on one's choices, actions, and ends independently from philosophical, moral, and religious doctrines (see, § 4.1). But the fact that people *can* do this, I believe, does not mean that they always do. When people reason in reference to principles of a particular doctrine, this will yield particular reasons for action. It is only when they reason in reference to the political principles of justice that this will result in public reasons. So whenever we reflect on objections we have against particular practices and convictions, it is important whether we reflect on these in reference to particular principles or the political principles of justice. In case of the latter, we so to speak, abstract ourselves from our particular conviction so that we can respect the other as a free and equal citizen. Public and particular reasoning are both a form of reflection, but in particular reasoning we do not abstract

from the particular convictions and principles that led us to have objections in the first place. If we are indeed able to abstract from our particular beliefs, then our reasons for acceptance in toleration can truly be seen as independent from our reasons for objection, meaning that the paradox of moral toleration can be avoided.

But when Rawls says that ‘in a modern society [...] citizens’ total experiences are disparate enough for their judgments to diverge, at least to some degree’ (1996, p. 57), it seems that full abstraction is after all not possible because of the burdens of judgment. The question then is whether a person truly comes prior to context, whether he has the ability to abstract himself from his particular views, whether the political conception of justice is truly not metaphysical. If the answer to these questions is no, then liberal toleration cannot be seen as a respect conception of toleration. It could then even be argued that the result will be a permission conception in which political liberalism is seen as a particular doctrine. Chantal Mouffe (1993; 2000; 2005) challenges the possibility of an impartial position from which we can reflect on our particular beliefs. Proceeding from a critique of liberal neutrality, she formulates a political theory (agonistic pluralism) that contains a respect conception of toleration.

5 Agonistic toleration

In the previous chapters was established that there are various and different conceptions of toleration, among which the neoliberal toleration discourse and liberal toleration in political liberalism. It was argued that the neoliberal discourse of toleration leads us to believe that toleration of minorities is inherently good and virtuous, while in truth it produces harmful side-effects. In the first place, the public invocation of toleration silences problems involving difference (of identity) because neoliberalism cannot deal with claims of difference. The result is that these problems are thus not solved, which upholds the need for toleration – i.e. the invocation reproduces the need for itself. From this follows that those who are different from the liberal norm, are continuously reiterated as different by the public invocation, leading to a reproduction of stigma. I argued that this neoliberal conception of toleration is a permission conception (see, § 2.2 and § 3.4), leading to the conclusion that such a conception is undesirable because it involves a vertical power relation between the majority and minority groups. It was also argued that political liberalism is different from neoliberalism in that it claims to be a freestanding theory, and as such it can offer a motivation for horizontal toleration. But a liberal respect conception of toleration in political liberalism rests on the ontological assumption that the persons has moral powers prior to any conception of the good. Agonistic pluralism (Mouffe, 2000) proceeds from ontological assumptions that conflict with those in political liberalism. Moreover, it contains a conception of toleration of opposition in which we respect our political opponents as legitimate adversaries.

Agonistic pluralism is relevant in this essay for three reasons. First, it looks like a viable alternative to neoliberal depoliticization because of the centrality of political struggle that counters

depoliticization. Second, agonistic pluralism for a large part proceeds from a critical assessment of deliberative democratic theory, amongst which is also political liberalism by Rawls. Third, agonistic pluralism is itself built around a conception of toleration, even though she mentions it only a couple of times, her theory stands or falls by toleration. These reasons make agonistic pluralism an ideal candidate for reflection on toleration in this thesis.

5.1 The democratic paradox.

The idea of agonistic pluralism is rooted in the work by Carl Schmitt on democracy and his conceptualization of the political (Mouffe, 2000, p. 36-59). His work has to be understood as a critique on liberalism in the early twenty-first century. He was concerned with the convergence of two principles of political theory, namely, liberal equality and democratic equality, into modern liberal democracy. In Schmitt's view, the convergence of democracy and liberalism is necessarily paradoxical. On the one hand, he sees homogeneity as a necessary condition for democracy. In his view, equality within a demos can only be understood in relation to the inequality of others (outsiders), as Mouffe cites him: 'democracy requires [...] first homogeneity and second – if the need arises – elimination or eradication of heterogeneity' (2000, p. 38). On the other hand, liberalism promotes a universal form of individual equality. In this conception 'every person is, as a person, automatically equal to every other person' (Mouffe, 2000, p. 39). As such, a liberal society can be a heterogeneous society, allowing for a plurality of conceptions of the good. But according to Schmitt, the convergence of liberalism and democracy into liberal democracy is not viable because it rests on two incompatible principles. In other words, he claims that a liberal-democratic society cannot hold because it would require it to be homogenous and heterogeneous

at the same time. Mouffe recognizes the ‘chilling effects’ that such a take on democracy may have when understood in relation to the events that followed in the thirties and forties (2000, p. 38). But nonetheless, she argues that his account is valuable in understanding a deficiency in liberalism:

By stressing that the identity of a democratic political community hinges on the possibility of drawing a frontier between ‘us’ and ‘them’, Schmitt highlights the fact that democracy always entails relations of inclusion-exclusion. [...] One of the main problems with liberalism – and one that can endanger democracy – is precisely its incapacity to conceptualize such a frontier. (Mouffe, 2000, p. 43)

Mouffe agrees with Schmitt on the point that liberalism fails to capture the constitutive function of demarcation between ‘us’ and ‘them’. But she departs from his work on the point that he claims the necessary presence of antagonism by means of a ‘friend’ and ‘enemy’ distinction, one that implies the self-destruction of liberal democracy (Mouffe, 2000, p. 44). This need for antagonism stems from his belief in the need for a given *concrete* political unity vis-à-vis an outside. According to him, internal pluralism can bring about the end of unity of the state. For Mouffe this is not necessarily the case, she understands the possible harmful implications of internal pluralism, but unlike Schmitt, she sees a challenge in finding an articulation between liberalism and democracy (2000, p. 55-57). This concerns an articulation that has to leave open the gap between democracy and liberalism indefinitely. The stability of a liberal democracy hinges on the presence of some form of unity. This is why Rawls seeks to establish an overlapping consensus on a public conception of justice. The question then is how strong unity should be for a pluralist society to be sufficiently stable. Mouffe claims that a political articulation should not be built around homogeneity but around a form of *commonality* ...

[...] strong enough to institute a ‘demos’ but nevertheless compatible with certain forms of pluralism: religious, moral and cultural pluralism, as well as a pluralism of political parties (2000, p. 55).

She argues that a frontier is still drawn, but in liberal-democratic politics this should be an internal frontier defined around a plurality of competing parties.

The argument that liberalism fails to draw this frontier is also made by Brown. She claims that liberalism cannot grasp difference because it is based on sameness, which necessitates toleration as a supplement to liberal equality: ‘tolerance arises to cope with social, cultural, and theological material that cannot be finessed by the relatively formal operations of liberal equality’ (Brown, 2008, p. 36). This means that Mouffe proceeds from the same critical assessment of liberalism as Brown does. Below, when looking at her critique of political liberalism, it will become clear that she connects the absence of political frontiers to depoliticizing patterns that strongly resemble the depoliticization of the toleration discourse (see, § 3.2).

5.2 *Political principles.*

In formulating the necessity of a commonality, Mouffe builds her own theory around a critical assessment of deliberative liberalism. She points to the new-found liberal tendency to *transcend* the political. (Mouffe, 2005, p. 2). In specific, she focuses on Rawls and Habermas whose theories are both grounded in what she calls *normative rationality* (2000, p. 83). In line with this research, I will focus on her critique of Rawls’ political liberalism. But before taking this up, it is important to understand that Rawls and Mouffe mean different things when they say ‘political’. Political in political liberalism equates with neutrality or impartiality, while political in Mouffe refers to the

opposite, namely, conflict. She makes a distinction between *politics* and *the political* based on the idea of the political by Schmitt (Mouffe, 2000, p. 101). The political concerns the dimension of antagonism inherent to human relations. This dimension is based on the ‘us and them’ distinction – inclusion and exclusion – that Schmitt described, and it is this dimension that liberalism fails to grasp. Politics, on the other hand ...

[...] indicates the ensemble of practices, discourses and institutions which seek to establish a certain order and organize human coexistence in conditions that are always potentially conflictual because they are affected by the dimension of ‘the political’ (Mouffe, 2000, p. 101).

The organization of human coexistence provided by politics is thus needed because human relations are shaped by the political, that is, human relations are conflictual in nature (Mouffe, 2005, p. 9). This distinction is for example helpful in understanding what people mean when they say that politics is dead, which means that politics is still practiced but that no true political struggle is underlying these practices. Her critique of political liberalism goes along the same lines, and is based on three arguments.

First, according to Mouffe, the political conception of justice in political liberalism is not neutral but political. Rawls justifies the neutrality of his principles by using the original position (see, §4.1). By challenging the practical and ontological possibility of the original position, Mouffe claims that justice as fairness as a result cannot be neutral (2000, p. 97-98). She questions the possibility of uninformed deliberation prior to our assumptions of the good. Inspired by the reasoning of Wittgenstein on forms of life, she argues that there cannot be such a thing as purely neutral procedures. The logic behind this is that we can agree on the definition of a term, but not on the way we use it. In other words, the interpretation of a term is embedded in our forms of life – i.e. a more substantial understanding of the world – and as such, agreement on this interpretation

can only be achieved when we share in forms of life (Mouffe, 2000, p. 70; 97). She cites Flathman to point out that the forms of life are some sort of “language”:

Our agreements in [...] judgements constitute the language of our politics. It is a language arrived at and continuously modified through no less than a history of discourse, a history in which we have thought about, as we became able to think in, that language (Mouffe, 2000, p. 66).

In essence, Rawls and Mouffe play chess on a different ontological board. For Rawls, persons are seen as having common reason prior to any knowledge of social and cultural context. This is why he claims that people can form and revise their conception of the good. For Mouffe, on the contrary, persons can only be understood in relation to their social and cultural context. The way we think, the way we speak, and our understanding of the world can only be explained in relation to our particular context. She asks how people can deliberate over a conception of justice prior to any assumptions of their position in life (Mouffe, 2000, p. 98). Her answer is that we cannot do this because we cannot have a meaningful conversation without access to particular information. From her ontological position, Rawls cannot justify his political principles of justice as neutral.

Second, she argues that Rawls’ distinction between reasonable and unreasonable persons confirms that political liberalism is not neutral (Mouffe, 2000, p. 24-26). The claim is that he draws a frontier between those conceptions of the good that are compatible with the liberal principles and those that are not. What she means by this, is that the antagonism that is embedded in this distinction makes the liberal consensus inherently political, not moral. Instead of transcending conflict between a pluralism of conceptions, the consensus implies the reduction of a pluralist society into a homogenous order, one that excludes those who do not accept the principles of liberalism: ‘political liberalism can provide a consensus among reasonable persons who, *by definition*, are persons who accept the principles of political liberalism.’ (Mouffe, 2000, p. 26).

Third, as a result of the previous two arguments, Mouffe sees a moral overlapping consensus based on a liberal conception of justice as ‘a dangerous utopia of reconciliation’ (2000, p. 29). She claims that in such a consensus emotion and passion are removed from politics, leaving only political actors driven by rational self-advantage and that politics itself is reduced to a deliberation over issues in public reason, thereby practically removing politics.

Conflicts of interest about economic and social issues [...] are resolved smoothly through discussions within the framework of public reason, by invoking the principles of justice that everybody endorses. If an unreasonable or irrational person happens to be disagree with that state of affairs and intends to disrupt that nice consensus, she or he must be forced, through coercion, to submit to the principles of justice. Such coercion, however, has nothing to do with oppression, since it is justified by the exercise of reason (Mouffe, 2000, p. 29-30).

Her interpretation of Rawls seems to portray political liberalism as a holistic endeavor towards a harmonious utopia in which there is no dissent from a public rational truth. So even though political liberalism is supposedly not grounded in a search for the truth, Mouffe seems to interpret it that way. She clearly does not believe in an objective truth, and her use of sarcasm seems to confirm her skeptical stance. In her eyes, political liberalism claims to convey a rational morality, which she considers to be a liberal ethic of harmony. It is an important question whether the liberal principles of justice reflect a public morality or a particular liberal ethic.⁹ This tension is of crucial importance in this thesis and will be reflected on later on (see, § 6.2)

⁹ See the description in § 3.4 of the distinction that Rainer Forst makes between ethical and moral reasons for toleration.

5.3 *Citizenship and collective identity.*

For Mouffe, pluralism is not just a given or a simple fact, but instead, it is constitutive of liberal democracy (2000 p. 18). She argues that identity is always political, this means that it cannot be seen as rooted or having a fixed essence. Using the concept of *constitutive outside* by Jacques Derrida, she points out that identity formation is always relational and that it necessarily implies difference:

[...] the 'they' represents the condition of possibility of the 'we', its 'constitutive outside', this means that the constitution of a specific 'we' always depends on the type of 'they' from which it is differentiated (Mouffe, 2005, p. 15; 18-19).

These identities are not fixed, instead, identity formation is the result of social and cultural contingency. The idea is that 'every order is political and based on some form of exclusion. There are always other possibilities that have been repressed and that can be reactivated' (2005, p. 18). So, not all political views have equal status in a democracy because internal pluralism based on difference always implies a necessary hierarchy of inclusion and exclusion. Hence this why there will always be a possibility of pluralism turning into antagonistic confrontation.

The result is that, according to Mouffe, the plurality of political identities always implies the presence of a hegemonic power relation (2005, p. 17). By hegemony she means the convergence of objectivity and power, or in other words, the fact that one group can establish its view as true with respect to other views (Mouffe, 2000, p. 99). This does not mean that a hegemonic view is true, on the contrary, for Mouffe there is no such thing as an objective truth. It only means that there is always likely to be one dominant view. The political identities subject to this hegemony are always shaped within a relational context. To give an example of my own: what

is seen as the Moroccan identity in the Netherlands is not the same as the Moroccan identity in Morocco. It can only be understood in reference to the hegemonic or dominant Dutch identity to which it is subjected. As such, both identities may share a name, but they may very well be very different. This relation between different identities reifies their dynamic nature as well as the constitutive role they play in the articulation of the demos.

Mouffe claims that liberalism's failure to recognize the political leads to both 'extreme forms of individualism' that '[...] threaten the very social fabric [of society]', as well as deprivation of collective identification (2000, p. 96). These claims are central to the formulation of her own theory. To understand her argumentation on this, it is best to consider three dimensions of citizenship as described by Leydet (2011). In essence, Mouffe's claim here is that liberalism reduces citizenship to its first dimension, namely, the legal status of a citizen as free in accordance with the law. The second dimension of citizenship, namely, active participation by citizens, is limited in a society in which there is an overlapping consensus. All political matters are resolved through public deliberation in accordance with a public reason, which leaves no room for political struggle. This is represented in the convergence of political parties. Hence there is no need for citizens to be actively involved, for there is nothing to be gained or changed politically. At the same time, the removal of political conflict also leads to a loss of collective identification (Mouffe, 2000, p. 96). This collective identification is the third dimension of citizenship. Relating this back to Brown, toleration, as a form of depoliticization, is deeply embedded in this view of citizenship.

Tolerance as a primary civic virtue and dominant political value entails a view of citizenship as passive and of social life as reduced to relatively isolated individuals or groups barely containing their aversions toward one another (Brown, 2008, p. 88).

Citizenship can be defined along a continuum. On one end, we have citizenship defined as a form of civic republicanism (Dagger, 1997), based on a publicly spirited homogenous community. Such a community is strongly tied together by a collective form of identification, such as religion, culture or ideology. On the other end, citizenship is defined in terms of *libertas*, often identified with the formal liberal conception of the citizen. Mouffe fears that formal liberal citizenship will lead to detachment from politics and extreme individualization (2000, p. 96). This leads to low levels of social cohesion, and as a consequence, some people will feel deprived of collective identification. They will look for other forms of collective identification, bonds that are more radical and not adherent to the overlapping consensus. Mouffe attributes the recent surge in more radical moral, religious, and ethnic identities to this need for collective identification (2000, p. 96). These new forms of collective identification will lead to new conflict, and because liberalism cannot handle this, we are in need of toleration.

The thinner that public life and citizens' experience with power and difference grows, the more citizens withdraw into private identities [...] the more we appear in need of tolerance as a solution to our differences (Brown, 2008, p. 89).

The combination of these radical identities and political party convergence gives way for populism to rise (Mouffe, 2005, p. 71). When the distinction between parties in politics becomes blurred, and politics thus becomes less political, populist movements find themselves in a political momentum, in which they can seize the opportunity and provide the conflictual context or stories that people can identify with. Populist parties 'provide people with some form of hope, with the belief that things could be different' (Mouffe, 2005, p. 71). These parties or movement thrive so well in deliberative liberal-democracies because they are rooted in antagonism. Their own identification is based on the exclusion of the political elite and particular social or cultural groups:

Populists are more often sure of who they are not than of who they are. The demonization of social groups, and particularly the antipathy towards the elite, provides populists with an enemy, but it is also a crucial component of the attempt to construct an identity (Taggart, 2000, p. 94)

Hence there is certain determinism in Mouffe's argument in that we cannot bury the political dimension, it will always turn up eventually. In a liberal-democracy built around public reason, this means the emergence of radical identities and populism as an answer to rational harmony.

5.4 *Toleration in agonistic pluralism.*

Mouffe searches for a political arrangement that can articulate the problem of the liberal-democratic paradox while respecting the need for political opposition. In her view, such an arrangement should not be an overlapping consensus on principles of justice and public reason, because it would take the sting out of politics, leading to individual detachment and a shortage of collective identification. She points out, however, that she does not disagree with Rawls on the liberal principles of liberty and equality, but when articulated in an overlapping consensus, they are not universal, but instead an expression of a hegemonic position of liberalism. (Mouffe, 2000, p. 25). In other words, it is not truly a full overlapping consensus, but instead an expression of the dominant political values in a society, and this has to be accepted before formulating an alternative political model.

Once we accept the necessity of the political and the impossibility of a world without antagonism, what needs to be envisaged is how it is possible *under those conditions* to create or maintain a pluralistic democratic order (Mouffe, 1993, p. 4).

Such a political model, she argues, should not start with the abolishment of the current political system; we should not attempt to build a new political system from scratch. (Mouffe, 2005, p. 33). Instead, she argues that contemporary liberal institutions can and should facilitate the possibility of radical change from within liberalism. There should be room for counter-hegemonic strategies or discourses to unfold, in the same way that Brown asks for counter discourses that uncover the historical emergence of the liberal tolerance discourse.

For Mouffe, it is important that an alternative to neo liberalism affirms all three dimensions of citizenship, not just a form of legal citizenship.¹⁰ But, at the same time she also rejects the idea of a strong civic community:

There is [...] a danger that needs to be avoided; we cannot go back to a premodern conception and sacrifice the individual to the citizen. A modern conception of citizenship should respect pluralism and individual liberty; every attempt to reintroduce a moral community, to go back to a *universitas*, is to be resisted (Mouffe, 1993, p. 56).

A political community based on the idea of *universitas* is built around the idea of a common conception of the good. Because the emphasis is on the pursuit of this common good, the public citizen replaces the idea of the individual citizen, meaning that the common is pursued at the expense of individual liberty and equality (1993, p. 66). Mouffe would thus agree with Rawls when he says that ‘the hope of political community must indeed be abandoned, if by such a community we mean a political society united in affirming the same comprehensive doctrine’ (Rawls, 1996, p. 146). But, she also rejects the idea of a society held together by a formal relationship based on

¹⁰ In *On the Political* (2005), she argues that we have to challenge the ‘current neo-liberal mode of capitalist regulation’ (p. 32). This is the very same liberalism that Wendy Brown discusses. But unlike Brown, Mouffe *does* make a distinction between political liberalism and neo liberalism. She understands that political liberalism is an attempt to formulate an alternative to the neo-liberal incorporative model of politics, but she thinks this theory is not the right solution.

rules. Therefore she resorts to the idea of *societas*, which does not concern a relation in terms of a common purpose or formal rules, but a relation on the basis of a shared ‘acknowledgement of the authority of certain conditions in acting’ (Mouffe, 1993, p. 66).

The basic idea behind *societas* is thus that a pluralist political community is not held together by either common purpose or individual interest, but by respecting the authority of the conditions of political action. These conditions are grounded in the acceptance of what she calls a ‘language of civil intercourse’, namely, the *respublica* (Mouffe, 1993, p. 67).¹¹ This is not a language in the literal sense, but concerns a set of rules that apply to civil intercourse.

The identification with those rules of civil intercourse creates a common political identity among persons otherwise engaged in many different enterprises. This modern form of political community is held together not by a substantive idea of the common good but by a common bond, a public concern. It is therefore a community without a definite shape or a definite identity and in continuous re-enactment (Mouffe, 1993, p. 67).

As will become clear below, this common concern involves the principles of liberty and equality. Furthermore, according to Mouffe, the *respublica* is not compatible with the common purpose of a premodern political community. But, she claims that liberalism is also incompatible with the *respublica* because it affirms a common purpose, albeit an instrumental promotion of self-interest, not some sort of greater good (1993, p. 67). In all honesty though, it seems to me that the *respublica* is not that different from the idea of *public reason* in the late work of Rawls. Their main difference rather lies in their idea of decision-making, but as will be discussed in chapter six, even on this point, the late Rawls allows for much more disagreement.

¹¹ I am aware that the common way of writing is *res publica*, but Mouffe herself uses *respublica* in her work. Perhaps her reason for doing so is to emphasize its contrast to the common conception (although it is not really that different either, at most, it is a specific interpretation.)

What it comes down to is the point of political stability; a modern political community should be stable despite the antagonistic sentiments in a pluralist society. In order to achieve this, Mouffe claims that we need to find a way to ventilate antagonistic sentiments before they reach boiling point (Mouffe, 2000, p. 103). When ignored or suppressed, these sentiments may become more radical, which can be expressed in the formation of radical identities. For example, Western Europe has seen a growth in sentiments against immigrants, over time these sentiments were voiced in many ways, among which the German Pegida movement that mobilizes people around fear of Islamization. Strong antagonistic opposition and confrontation like this is likely to have a destabilizing effect on society. Therefore, Mouffe introduces *agonism* as a watered-down alternative to antagonism (2000, p. 102-103). The core idea of agonism is that we see our political opponents not as enemies (like in Schmitt), but as adversaries.

Such an order [agonistic pluralism] is based on a distinction between 'enemy' and 'adversary'. It requires that, within the context of the political community, the opponent should be considered not as an enemy to be destroyed, but as an adversary whose existence is legitimate and must be tolerated (Mouffe, 1993, p. 4)

An adversary is deemed legitimate because he affirms the rules and public concern of the *respublica*. For Mouffe, it is important that the *respublica* is based on the definition of principles of liberal democracy, namely, liberty and equality (Mouffe, 2000, p. 102). The political struggle between adversaries is conditioned by these principles, and concerns their interpretation and application.

But what is important here is that the stability of agonistic pluralism stands or falls by the principle of toleration. But this is a different form of toleration than in Rawls or neoliberalism. In Rawls' conception of toleration people respect one and another as free and equal citizens in a

system of fair cooperation, and in neoliberal toleration minorities are incorporated (not assimilated) into a neoliberal hegemony. But *agonistic toleration* is toleration of political opponents on the grounds of legitimacy.

This is the real meaning of liberal-democratic tolerance, which does not entail condoning ideas that we oppose, or being indifferent to standpoints that we disagree with, but treating those who defend them as legitimate opponents (Mouffe, 2000, p. 102).

I think it is important to stress that agonistic toleration and liberal toleration have something in common setting them apart from neoliberal toleration. Both conceptions of toleration attempt to secure stability on the basis of some sort of commonality. In liberal toleration this commonality is found in an overlapping consensus on a public conception of justice, allowing for deliberation over political issues in public reason. In agonistic toleration this commonality is found in a shared adherence to the *respublica* – involving a shared concern for liberty and equality – which serves as a legitimate common ground on which political encounters can flourish. Neoliberal toleration, on the other hand, maintains stability through the regulation of difference using the tolerance discourse (see, § 3.3). This is why both agonistic and liberal toleration can offer an alternative to the neoliberal tolerance discourse in contemporary society.

The strength of agonistic pluralism as an alternative to neoliberalism resides in its political nature, which means that agonistic toleration is *not* a form of depoliticization. The reason for this is that agonistic toleration is not a supplement to agonistic pluralism, on the contrary, it is an essential condition for making it work. Agonistic toleration is toleration of opposition, it *enables* political discussion and debate on ‘inequality, subordination, marginalization, and social conflict’ (Brown, 2008, p. 15). Also, the possibility of active participation in a system of agonistic pluralism offers the opportunity of addressing the present social and cultural stigma through public

discourse. As such, it allows for the production of the counter discourses that Brown deems necessary; discourses that ‘feature power and justice where anti-political tolerance talk has displaced them’ (Brown, 2008, p. 205). Moreover, if it is true that these discourses can be articulated within the current political system, then agonistic pluralism also offers a way of *directly* challenging the dogmas of tolerance discourse in contemporary society. If we are to believe Mouffe, a political society based on agonistic pluralism has toleration at its core, but not a form that leads to depoliticization and stigma.

The weakness of her theory is clearly that her choice for liberty and equality as *the* ethico-political principles seems to appear all out of the blue. She claims that she agrees with Rawls on the importance of these values, but that they have to be seen as the expression of a liberal hegemony, not as neutral principles. Nowhere does she clearly justify *why* these values should serve as the ethico-political principles in the *respublica*. Moreover, as will become clear in chapter six, her need for the *respublica* as a shared symbolic space or language in which we can engage in political struggle seems to be inconsistent with her own ontological stance. Or put differently, she seems to undermine the possibility of a *respect* conception of toleration, while at the same time her own theory rests on a form of toleration that seems to be precisely such a conception.

Nevertheless, *prima facie*, agonistic toleration seems to be a better alternative than liberal toleration because it facilitates and moderates the political conflict needed to challenge the hegemonic dominance of neoliberalism. But, on the other hand, Rawls has changed his account of political liberalism over the years, even allowing for moderate involvement of particular views in public reason under certain conditions (1997). This could also possibly provide political liberalism with a means of challenging neoliberalism. It seems beyond dispute that the neoliberal invocation of tolerance in contemporary society comes with stigmatic side-effects, and may even be called

oppressive and intolerant itself. The question is, however, which alternative is both most desirable and most feasible: a liberal conception of toleration on the basis of mutual respect for one another as free and equal citizens *or* a conception of agonistic toleration on the basis of mutual respect for one another as legitimate adversaries who share in adherence to the liberal principles of liberty and equality, but wholeheartedly disagree on their interpretation and application.

6 Towards a conception of mutual toleration

[...] conflict cannot be settled by love; rather, the greater the love, the stronger will be the conflict. There are only two solutions; one is the use of emotion and ultimately of violence, and the other is the use of reason, of impartiality, of reasonable compromise.

– Karl Popper (2002, p. 441)

So far, two theories alternative respect conceptions of toleration have been outlined, namely, liberal toleration in Rawls and agonistic toleration in Mouffe. In the previous chapters has been argued why these two theories could potentially offer an alternative to the neoliberal tolerance discourse described by Wendy Brown. On the one hand, political liberalism is conceived as a freestanding conception of justice, meaning that it is not grounded in a particular religious, philosophical, or moral doctrine. This conception of justice can provide the shared morality need for a respect conception of toleration. On the other hand, Mouffe proposes an account of toleration that is built around the mobilization of passion in politics, which should offer the possibility of establishing counter discourses against the neoliberal discourses of tolerance. This chapter will reflect on the tensions between both theories in light of the central research question, meaning that the goal is to formulate a respect conception of toleration against the backdrop of the harmful implications of the toleration discourse. The reflection is divided across four sections. First, I will shortly recap the distinction between the permission conception and the respect conceptions of toleration, to reiterate the importance of agonistic and liberal toleration living up to the standards

of a respect conception. Second, I will discuss the ontological difference between both authors and how these affects their definition of the liberal principles. Here it will be shown that Rawls and Mouffe ascribe to a different ontology, which has implications for the possibility of a point of convergence. Third, I will assess the consistency of agonistic toleration in light of the ontological assumptions underlying agonistic pluralism. It will become clear that the conception of agonistic toleration does not hold because of the central claim in agonistic pluralism that the political is necessarily antagonistic. Last, I will reflect on the role of trust and public reason in liberal toleration. Here I will argue that a respect conception of toleration needs institutions and practices that generate trust in order to secure respect for one another as citizens.

6.1 Two types of toleration.

A multitude of different forms of toleration have been discussed over the course of this essay. The logic that liberalism is a protean concept applies to toleration as well. Of course, it always consists of reasons for disapproval and reasons for acceptance. It is a principle that always seeks to establish political stability in the form of reconciliation between former or possible enemies. Nevertheless, toleration is a versatile concept used in different situations for divergent reasons. It may be seen as a principle, an attitude, a practice, or even as a public or political discourse. Some will say that it is virtuous, while others will claim that it is harmful and oppressive. Indeed, toleration can take many forms, but a basic distinction can be made on the basis of its motivation, which says something about the nature of relations it creates.

One distinction that can be made is that between toleration as motivated by a practical necessity or as motivated by moral principles (Afdal, 2006, p. 101). Brown describes this as

follows: ‘tolerance was initially embraced not as a moral or principled conviction but as a practical solution to an impossible impasse’ (2008, p. 32). Toleration can be thus be seen as a practical solution that prevents a conflict on principles from turning into a massacre. But considering such a form of toleration as merely practical means foregoing that considerations of life and death are considered by most to be moral. Life and death could of course be considered in terms of pure strategic rationality, but I doubt whether such a pure form of rationalism can realistically be the sole motivation behind toleration. Brown makes her statement in relation to Locke’s religious toleration during the reformation. But religious toleration in Locke was very much grounded in moral principles:

[...] if he [one] be destitute of Charity, Meekness, and Good- will in general towards all Mankind; even to those that are not Christians, he is certainly yet short of being a true Christian himself (Locke, 2010, p. 8).

Religious toleration was not merely motivated by practical necessity, on the contrary, it was morally required of a Christian to be kind towards others. Persecution of people with divergent beliefs was thus not only needless bloodshed, it also violated the moral principles of Christianity. If we accept that toleration will almost always be motivated on the basis of moral principles, a distinction between practical and principled toleration is not useful here.

But a distinction that *is* useful here is one between toleration motivated by a particular conception of morality and toleration motivated by a common conception of morality. First, toleration can be a form of *permissive* toleration in that it is motivated from within one particular ethic, which always belongs to the majority (see, § 2.2). The religious form of toleration in Locke, for example, is grounded in a Christian ethic that dictates what is considered to be right and wrong. The salvation of our souls is a personal matter because we choose our own beliefs. A Christian

may disagree with my beliefs and worry that my soul is on a highway to hell, but he may only try to persuade me with ‘Charity, Love, or Good-will’ to reconsider my beliefs, not force or compel me by ‘Fire and Sword’ (Locke, 2010, p. 10). This is why a Christian is to tolerate divergent belief. But nonetheless, this form of toleration is paternalistic and one-sided because it is grounded in a particular interpretation of Christianity that is constituted as pertaining the truth, which automatically excludes divergent beliefs as false truths. This form of toleration is only available to those who share in this particular conception of Christianity. In a similar way, toleration in neoliberalism is grounded in the idea of civility and freedom of will. Here toleration is seen as a particularly liberal virtue, as such liberalism is seen as civilized and tolerant, while all other conceptions are seen as primitive and intolerant. Just like Christianity, neoliberalism is a comprehensive doctrine built around a conception of the good. Another comprehensive theory is Kymlicka’s theory of multicultural citizenship, which is grounded in a conception of liberal autonomy, that is, ‘freedom within [minority groups]’ and ‘equality between the minority and majority groups’ (1995, p. 152). This does not mean that toleration in Kymlicka or Locke is necessarily oppressive, but it does mean that those forms of toleration are one-sided; it always concerns the toleration of minorities by a majority, not the other way around.

Second, toleration can also be motivated by mutual respect for one another because we all *share* in a public morality, which is a *respect* conception of toleration (see, § 2.2). This is not to say that all citizens are part of a communitarian political community. If that were the case, then there would be no need for toleration, for all members would then share in a common conception of the good. A common morality here refers to a publicly shared standard separate from our personal conceptions of the good, a public standard that binds people with incompatible or even incommensurable conceptions of the good. This standard can also be described as a common

language or set of rules, and is not biased towards one particular conception of the good, hence it is can be seen as neutral in reference to all particularities. Toleration motivated by such a morality is not paternalistic and one-sided but two-sided and mutual because it is available to all and can apply to all. The relative strength of particular groups should not affect this mutuality because toleration is motivated from a common, not a particular, morality (Rawls, 1996, p. 142). Toleration in Rawls' political liberalism is an example of *mutual* toleration. The public standard is set by an overlapping consensus on a family of conceptions of justice (see, § 3.2). Rawls does claim that these principles will be liberal principles in that they protect liberty and equality, but political liberalism is not grounded in these principles themselves, instead, it is grounded in the idea of fair cooperation. Liberal toleration in Rawls is thus grounded in mutual respect for each other as free and equal citizens.

In a similar fashion, agonistic toleration is a form of mutual respect on the basis of a shared concern, namely, the principles ingrained in the *respublica* (see, § 5.4). Although Mouffe rejects the possibility of purely neutral principles, she argues that opponents in agonistic confrontation all adhere to the same principles of liberty and equality, but disagree on the interpretation of these values. But to me it seems that her formulation of the *respublica* as a common ground causes an inconsistency in her theory, one that may redefine her conception of toleration (this will be discussed below). Nevertheless, the central point here is that, in contrast to a permission conception, in a respect conception toleration is available to all parties or persons.

As pointed out before, this distinction is important because a permission conception suffers from the paradox of moral toleration, while a respect conception does not (see, § 3.4). When we tolerate people from within the same particular ethic that led us to object to certain beliefs, attitudes, or practices in the first place, then our reasons for acceptance cannot be seen

independently from our reason for objection, which means toleration gets a paternalistic flavor to it. This is clearly shown in neoliberal toleration, which proceeds from the idea that autonomy and free will are symbols of civility and tolerance, leading to the belief that everyone can and should be liberated. But in a respect conception of toleration the reasons for objection and acceptance *are* motivated independently from each other (see, § 2.2). Our objections are still motivated from within a particular ethic, but our acceptance is motivated from a shared public morality on the basis of which people respect one another as citizens. This respect of the other is not present in a permission conception of toleration, which is why such a form of toleration expresses superiority over those who are tolerated. Therefore it is important that mutual respect is possible within political liberalism and agonistic pluralism. This seems possible because both theories offer a point of convergence. In political liberalism this is provided by the political conception of justice that is institutionalized in the basic structure of society, while in agonistic pluralism this convergence is based in a shared concern for the *respublica*. Both authors base this point of convergence on liberty and equality, but give a different meaning to it due to a difference in ontology. This tension and its implications will be addressed first.

6.2 *Liberty and equality: a different ontology.*

In her work, Mouffe takes an explicit stance against the alleged impartiality of justice as fairness in political liberalism. Her argument boils down to the fact that deliberative liberalism fails to capture the political dimension, effectively leading to the removal of conflict from politics. She claims that this transcendence of the political is caused by an overlapping consensus on political principles of justice; political in the Rawlsian sense, that is, free from any philosophical, religious,

or moral doctrine. She rejects the possibility of such a conception to be neutral in respect to these doctrines, claiming that each conception of justice is necessarily political – in the Mouffian sense – because it always involves a moment of exclusion. Their disagreement on the possibility of such a conception to be neutral is rooted in an ontological difference. This difference in ontology is the main determinant in their formulation of toleration. Hence it is important to discuss this difference and how this relates to the principles of justice.

Central to this discussion is Rawls' conception of the person as having two moral powers; the rational and the reasonable. The rational concerns the pursuit of personal interests in accordance with one's conception of the good, while the reasonable ascribes reciprocity to a person – i.e. the capacity to empathize with others (see, § 3.1). According to him, the person with his two moral powers comes prior to any conception of the good, that is, his identity is not defined by or rooted in any such conception. In other words, persons have the capacity to choose and revise their conception of the good. This allows for a distinction between a person's rational pursuit of the good and his reasonable attitude towards fair cooperation. The definition of the person by Mouffe is the total opposite of this. In her view, our identity is necessarily constituted in relation to others. More specifically, using the concept of the constitutive outside, she claims that we always form our identity in relation to the difference of an outside group (see, § 5.3). A person can only understand himself and the world around him in relation to an antagonistic *us* and *them* distinction. This means that for Mouffe a person is *not* prior to any conception of the good; he does not have the moral power to revise his particular ends, nor does he have the ability to empathize with outsiders. Not only does Mouffe reject the idea of *a priori* moral powers, her ontology does not allow for a distinction between rational and reasonable morality at all – what she calls the distinction between the realm of the private and the public (2000, p. 90). The reason for this is that

for her identity formation is grounded in an antagonistic relation between *us* and *them*, and as such it does not allow for reconciliation (reciprocity) between these identities. In other words, for Mouffe, there is no such thing as universal human reason; all forms of morality are particular. Therefore, she sees the attempt to achieve reconciliation in a pluralist society on the basis of a shared morality as futile.

For Rawls' conception of toleration it is important that persons have the moral power to abstract from their particular views and to be able to empathize with fellow citizens – i.e. reasonable pluralism is a condition for mutual toleration to be possible. If we accept Mouffe's ontological view, then mutual toleration in a system of fair cooperation is not possible. But there are three reasons why her ontological view is *not* acceptable in this respect. These reasons concern her use of the concept of the constitutive outside in relation to Schmitt's antagonistic friend/enemy distinction. First, Arash Abizadeh points out that difference can exist *within* collective identities (2005, p. 57). In Mouffe, group identities are presumed to have no internal difference because they are formed in relation to an outside. But identity, as Samuel Scheffler puts it, is not singular, people may have different affiliations in relation to different contexts.

Most individuals in modern societies belong to groups of many different kinds; they participate in practices, customs, and traditions of very different provenance; and they have tastes, interests, and affinities in common with different sets of people (Scheffler, 2007, p. 100)

Of course, these affinities may not have the same weight to them. A person is likely to value his religious affinity more than his affinity with art house movies, but nonetheless not all people who affirm the same religious beliefs have the exact same identity. At the same time, this also means that people with different beliefs may have more in common than Mouffe's ontology allows.

Second, as Abizadeh says, this difference within ‘calls into question the sharp distinction between inside and outside’ (2005, p. 57). Mouffe’s definition of the constitutive outside as a clearly demarcated group fails to explain why there is difference found within these groups, meaning this distinction seems not to be that clear after all. Third, the outside other we need for identity formation is not necessarily an actual person or group (Fritsch, 2008, p. 184). It can as well concern historical values or events from which we like to distance ourselves, nor does it need to ‘refer to actually existing things at all’ (Abizadeh, 2005, p. 57-58). This means that people’s identities are not necessarily formed in reference to a clearly demarcated outside group, like is suggested in agonistic pluralism. The difference within these group identities and the consequential blurry definition of the outside other lead to be believe that people *do* form and revise their own particular views, albeit in reference to their social context (or imagination) – but Rawls would not deny this role of us-them distinctions in a particular context, he just claims that we have the moral power to direct our own views.

All in all, this means that our relation of difference to an outside other need not be antagonistic in nature; a friend-friend distinction is just as viable as a friend-enemy distinction (Abizadeh, 2005, p. 57; Fritsch, 2008, p. 185). The outside other that we use in self-identification may very well be an enemy or adversary, but this is probably dependent on the social context. In Orwell’s *Nineteen Eighty-four* (2003), the conception of the self can only be understood in reference to the ongoing war against either Eurasia or Eastasia.¹² But such a relation of difference in self-identification can just as well be understood in a non-antagonistic way; difference does not

¹² Oceania, the home-state of the protagonist, is believed to be at war with only one of the other two superstates at a time. Both Eurasia and Eastasia take turns in being the main antagonist for Oceania, which serves to reignite internal solidarity.

necessarily lead to friend-enemy relations. This opens up the possibility for non-antagonistic relations between different persons to concern friendship and responsibility:

If the political cannot be thought without violence, then, whether antagonistic or not, violence in turn cannot be thought other than against the background of a promise of nonviolence. As a path between bellicose antagonism and a perhaps naive liberal universalism, the political is to be seen as opened by this promise and by responsibility as much as by divided and conflictual (though not necessarily antagonistic) self- and other-relations (Fritsch, 2008, p. 194).

In other words, Mouffe is right in claiming that universal harmony is impossible, but her claim that the political is *necessarily* conflictual is wrong.

I think Mouffe does not do justice to Rawls when she claims theorists of reconciliation to be blind for antagonism, in that they have ‘an idealized view of human sociability as being essentially moved by empathy and reciprocity’ (2005, p. 2). It seems to me that, by making a distinction between the rational and the reasonable, Rawls actually manages to capture this duality of the political quite well. The rational and the reasonable are like Yin and Yang: two sides of the same coin, that is, they are different but complementary. Rawls thus sees a point of convergence in that we all share in a sense of reciprocity and empathy, but at the same time he recognizes that we also carry with us a tendency towards particularity, hence we can never really *transcend* our differences through convergence (see, § 3.1). So when Rawls says that his theory is political and not metaphysical, he means to say that a pluralist society cannot be stable when the political arrangements are grounded in the idea of difference – i.e. grounded in one particular doctrine. This does not mean that these arrangements should solely rest on the idea of reciprocity, on the contrary, he claims that a society should start from the premise of *fair cooperation*, which builds on both rationality and reasonableness.

Reasonable persons then, are those who are willing to participate in a system of cooperation. Mouffe says that reasonable persons are ‘*by definition*’ those ‘[...] who accept the principles of political liberalism’ (2000, p. 26), stressing that this always implies exclusion of the unreasonable. Indeed, Rawls does leave open the option of excluding unreasonable persons and doctrines, that is, these are excluded from the system of fair cooperation, but this does not mean that political liberalism is incompatible with doctrines often considered to be either not- or anti-liberal.

Political liberalism counts many familiar and traditional doctrines – religious, philosophical, and moral – as reasonable even though we could not seriously entertain them for ourselves, as we think they give excessive weight to some values and fail to allow for the significance of others (Rawls, 1996, p. 59-60).

The distinction between reasonable and unreasonable is not concerned with particular difference per se, but rather with the weight a person or group gives to their particular values over fair cooperation. It is not necessarily the case that these values are incompatible with justice as fairness, but because the people who hold them are not willing or able to cooperate in a pluralistic political system. For example, Islamic fundamentalists have no intention of actively taking part in our society on the basis of reciprocity. This is not because Islamic values are themselves necessarily incompatible with political liberalism, but because the interpretation and priority the fundamentalists give to these values do not allow for cooperation with unbelievers. What it means then to be reasonable is to understand that if we want to live together peacefully, we should be able to reasonably expect that we treat each other fairly (as free and equal). An unreasonable person or group does not consider others to be free and equal, as such they are unable to be tolerant to

difference. Reasonable pluralism is not a pluralism of liberal doctrines, but a pluralism in which mutual toleration is possible because citizens see each other as free and equal.

Toleration in Rawls relies on mutual respect for liberty and equality among citizens, that is, it relies on a shared adherence to justice as fairness (see, § 3.2). Rawls justifies the impartiality of the two principles of justice by using the original position, but he stresses that it should not be seen as an actual situation of deliberation, but as a theoretical model of representation. Mouffe challenges the possibility of arriving at neutral principles of justice in the original position (see, § 5.2). In her ontology it is impossible to deliberate on the content of a conception of justice in a situation prior to having assumptions of the world.

[...] the free and unconstrained public deliberation of all on matters of common concern is a conceptual impossibility, since the particular forms of life which are presented as its ‘impediments’ are its very condition of possibility (Mouffe, 2000, p. 98).

By impediments she means the assumptions that constitute our understanding of the world and the self. But Rawls points out that the parties in the original position persons *are* aware of the general conditions of society, they are just not aware of their personal position and assumptions (2001, p. 133). In his ontology it *is* possible to reason prior to knowing our personal assumptions. He does admit, however, that in practice it is not possible to fully abstract ourselves from our particular views and assumptions; our reason is subject to the *burdens of judgment* (see, § 3.3). But if we can form and revise our particular views – if we are master, not slave – we can also partially distance ourselves from our particular views; we can also reason in terms of reciprocity, not just personal interest. The idea is then, because we are morally prior to our views of the good that we as

reasonable citizens can all come to affirm a public view that falls within a family of conceptions of justice.¹³

The peculiar thing is that Mouffe herself does not deny the importance of liberty and equality, on the contrary, these values are central to agonistic toleration (see, § 5.3). She also acknowledges that ‘a pluralist democracy demands a certain amount of consensus and [...] requires allegiance to the [...] ‘ethico-political principles’ (Mouffe, 2000, p. 103). This consensus is, however, not an overlapping consensus, but a conflictual consensus. But the relation to toleration is the same: like toleration in Rawls rests on an overlapping consensus, toleration in Mouffe rests on a common ground in the form of a conflictual consensus, that is, the parties agree on the importance of liberty and equality, but their interpretation is fundamentally different. As discussed above, Mouffe seems to overstate the role of antagonism and the friend-enemy as necessarily constitutive of the political. The fact that she is somehow in need of some form of consensus seems to support this – she is clearly searching for a common ground, albeit it a minimal one, within her antagonistic theory. The question is whether this holds, and what the implications are for her using the same principles as Rawls to establish toleration. Because without a minimal shared morality, it seems problematic to achieve the mutual respect that is needed for agonistic toleration to be viable.

¹³ Mouffe is not the only critic of Rawls’ conception of the self as prior to contingency. In *Liberalism and the Limits of Justice* (1998), Michael Sandel has written extensively on the idea of the original position as the means of justification for the principles of justice as it was introduced in Rawls’ original theory of justice (p. 15-65). In the revised edition he also discusses the theory of political liberalism in an additional chapter in which he raises three objections: (1) it is not self-evident that the political values have priority over particular values; (2) he disagrees that there is a fact of reasonable pluralism with particular moralities that should not apply to questions of justice; (3) The idea that people may not engage in public reason with reference to their particular conception severely limits public deliberation (p. 195-218). These objections can also be found in Mouffe, albeit in different words, but unlike her, Sandel does not claim the necessity of antagonism that leads her to formulate an agonistic theory.

6.3 *Agonistic toleration: an inconsistency.*

In chapter 5 was established that pluralistic agonism offers an alternative that can provide the counter discourses that Brown deems necessary to challenge neoliberal toleration. For Mouffe, a well-functioning democracy should facilitate ‘a vibrant clash of democratic political positions’ (2000, p. 104), as opposed to a society in which depoliticization causes a lack of collective identification and a subsequent disaffection with politics. Her idea is that antagonistic passions have to be ventilated in the political arena in order to prevent these passions from turning into serious conflict (§ 5.3). This is why she stresses the need for the politicization of society:

Mobilization requires politicization, but politicization cannot exist without the production of a conflictual representation of the world, with opposed camps with which people can identify, thereby allowing for passions to be mobilized politically within the spectrum of the democratic process (Mouffe, 2005, p. 24-25).

At the same time, she claims that the resulting conflictual consensus is always the result of a provisional hegemony (Mouffe, 2000, p. 104). This means that people can somehow convert from one collective identity to another, otherwise the balance between all parties would remain the same, which would mean that the consensus would not be provisional. But these identities are based on affection, that is, they mobilize passions and emotions into the political arena. Which begs the question whether political confrontation on the basis of affective identities allows for a dynamic conflictual consensus – i.e. the fact that the current consensus can be and is challenged on a regular basis. John Dryzek claims that political interchange around such core identities is more likely to freeze identities:

Mouffe wants this [political] interchange to be energized by core identities, otherwise passion is missing. Yet, paradoxically, identities for Mouffe have to be fluid to the extent of enabling thorough conversion in one group's attitude to another. But if identities themselves are highlighted, exchange is more likely to freeze identities than convert them (2005, p. 221).

The idea that such conflict tends to freeze identities is supported in sociological writings. Lewis Coser, a prominent American sociologist, discusses how conflict that puts into question the basic consensus, such as the conflictual consensus in Mouffe, does not foster social integration (1964, p. 73-75) He warns that conflict based on clear cleavages 'will very probably put into question the basic consensual agreement' (ibid, p. 77). A clearly defined partisan division on the basis of an us-them distinction, such as in Mouffe, involves exactly this kind of cleavage. Hence it seems more plausible that conflict along cleavages of 'collective passions' actually reinforces or freezes antagonistic relations, than that they are, like she puts it, 'sublimated' (Mouffe, 2000, p. 103; Mouffe, 2005, p. 21), and so these passions threaten the possibility of toleration.

Now Mouffe would most likely respond that antagonistic conflict is prevented by agonistic toleration, which leads us to see our political opponents not as enemies but as adversaries (§5.3). This means that toleration in Mouffe is a crucial condition in preserving the stability of the system; if agonistic toleration does not hold, then neither does agonistic pluralism. For practical purposes, let me repeat her definition of toleration. For her, toleration concerns not 'condoning ideas that we oppose or being indifferent to standpoints that we disagree with, but treating those who defend them as legitimate opponents', and we treat our opponents as legitimate because 'we have a shared adhesion to the ethico-political principles of liberal democracy: liberty and equality' (Mouffe, 2000, p. 102). These principles are embodied in the *respublica*, just like justice as fairness is part of public reason. All parties accept the legitimacy of the *respublica*, and as such it offers a common

ground – a symbolic space conditioned by a set of rules and principles – that allows us to confront each other as adversaries (agonistic toleration). But to me it seems that such a common ground is not possible in Mouffe’s ontology. If identity formation is grounded in an antagonistic relation with a constitutive outside – the symbolic exclusion of a concrete other – then the views of antagonistic groups have to be incommensurable. And when these views are incommensurable, people cannot even partially share in an understanding of the *respublica*.

[...] hegemony presupposes that antagonistic opponents have visions of the *populus* that are “strictly incommensurable.” The idea of a common symbolic space, on the other hand, is clearly at odds with such a breach and implies that agonistic positions are situated in a continuous, instead of a ruptured, discursive field. Democratic adversaries share a common symbolic space only if their common reference to the core values of liberty and equality is indeed understood by all parties as a *common* reference. This presupposes a minimal discursive overlap between the adversarial positions in the sense of an at least partially shared and therefore debatable understanding of the meaning of these values (Rummens, 2009, p. 383).

In order to soften the antagonistic friend-enemy relation, Mouffe establishes a *commonality* that is at odds with her own representation of the political. Moreover, it is not explained why liberty and equality are specifically chosen as the basis for a common ground.

This means that *agonistic toleration* does not hold as a mutual form of toleration, because Mouffe’s ontology does not allow for a partially shared morality. In its current form, her theory is more likely to lead to either (1) *one-sided* toleration that incorporates divergent views, (2) hegemonic oppression of minorities, or (3) collapse of the system due to antagonistic conflict. In retrospect it then seems that agonistic toleration is not such a desirable alternative to neoliberal toleration as it seems at first sight. Mouffe could save the mutuality of agonistic toleration by

discarding the idea that the political is necessarily antagonistic, but this would mean rejecting her own ontology. That said, agonistic toleration would be worth considering when understanding the political not as exclusively antagonistic, but as pertaining, like Fritsch says, both conflictual and non-conflictual forms of identification (2008, p. 194). Then again, this would give a totally different meaning to agonistic pluralism, to the point that we would no longer be able to call it agonistic.

6.4 *Public reason, trust, and toleration.*

I may have argued that agonistic toleration suffers from an inconsistency in Mouffe's theory, but nevertheless, her critical assessment of Rawls is in itself valuable. Of course, her claim that deliberative politics seek to establish a harmonious utopia is overdramatic, but the fact that Rawls has changed his views over the years, especially in regard to public reason, shows that she is right in claiming that there is no such thing as absolute neutrality. Rawls admits that a single public conception of justice is not realistic because of the burdens of judgment, leading him to see it as a family of conceptions instead (see, § 3.3). Take the abortion case that Freeman (2009, p. 243-245) discusses (also see, § 4.3). Deliberation in public reason will most likely result in a decision in favor of abortion (albeit conditioned), but this does not mean that everyone will support this. This shows that it is not realistic to expect people as public citizens to fully abstract themselves from their particular views. In practice, decisions have to be made that simply not everybody can endorse. As Freeman says:

It [not supporting decisions] will be a problem only if, as a result of their inability to accept the political resolution by public reason for one or more constitutional issues (e.g., regarding abortion), they are led to reject public reason itself in all other cases (Freeman, 2009, p. 244).

Throughout his work Rawls refers to the idea that reasonable persons all affirm a familial conception of justice, and thus also public reason. But it makes me wonder how our allegiance to public reason is maintained apart from having a vague notion of fair cooperation – i.e. as if we have some passive sense of public responsibility. This allegiance is a *necessary condition* for mutual liberal toleration, but to me it does not seem to be that self-evident.

The point is that public reason in Rawls mainly belongs to ‘citizens – as voters, legislators, officials, or judges – [who] take part in political decisions (about fundamentals) having the force of law (Larmore, 2003, p. 383).¹⁴ This means that most citizens are not directly involved with public reason, and the same can probably be said of politics itself. It seems to me that Mouffe makes a fair point when she claims that mere formal citizenship will lead to detachment from politics (2000, p. 96; also see, §5.3). Formal citizenship in this case rests on our passive allegiance to public reason, from which most citizens are far removed. The main threat to this allegiance seems to be a lack of trust. As Richard Dees points out, ‘to become established, trust and toleration must feed on each other in a virtuous cycle’ (2004, p. 102). He argues that toleration is in need of two things, namely, (1) the practices that deal with the institutions that set the limits to toleration, and (2) practices that ‘generate trust between groups and create the common goals on which toleration can flourish’ (ibid, p. 102). An abstract notion of fair cooperation is thus not sufficient to produce the trust needed for a shared allegiance to a public conception of justice. Like Fukuyama

¹⁴ I think voting has to be understood here in the context of direct democracy, because Larmore explicitly connects it to legally binding political decisions.

states: ‘as a general rule, trust arises when a community shares a set of moral values in such a way as to create expectations of regular and honest behavior’ (1995, p. 153). For toleration, it is important that we trust our fellow citizens to reciprocate in fair cooperation. A lack of trust may explain the success of populism, because populism feeds on distrust of both politics and our fellow citizens. In a highly individualized society people may not experience the reciprocity needed to build up trust, or to use Rawlsian terms, people in such a society are more likely to act rational than reasonable.

So, if we want liberal toleration to be a respect conception, it has to be grounded in a shared public morality. But the stability of this shared morality is not only secured by an overlapping consensus, it is also strengthened by a relation of mutual trust. As Charles Larmore puts it: ‘the essential question is not so much the total good achieved as the relations in which people stand to one another as members of a collective undertaking’ (2003, p. 391). Rawls seeks to establish a public conception of justice through its institutionalization in the basic structure of society. The question then is how the idea of mutual respect and fair cooperation should be institutionalized in the basic structure in order to foster trust. What are the appropriate institutions and practices that generate mutual trust? A good way of building trust, I believe, is by experiencing that others affirm a similar conception of justice, which can be achieved through *public* deliberation. An interesting version of deliberative democracy is endorsed by Dryzek, who locates deliberation in the public sphere, loosely connected to the state (2005, p. 223-229). Deliberation takes place in an engagement of discourses defined by ‘assumptions, judgments, contentions, dispositions, and capabilities’ (Dryzek, 2005, p. 223). So he allows for particular views and interests to enter public deliberation, but he asserts that ‘particular needs are often amenable to expression in terms of more general principles’, continuing that ‘public reason itself can [also] be plural’ (Dryzek, 2005, p.

225). This idea of framing particular reasons in terms of public reason resembles what Rawls describes as *the proviso*:

[...] reasonable comprehensive doctrines, religious or nonreligious, may be introduced in the public political discussion at any time, provided that in due course proper political reasons – and not reasons given solely by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support. (Rawls, 1997, p. 783-784).

In other words, comprehensive reasons may be used in public deliberation, but in due time public reasons must be given instead. For example, in the recent vote on gay marriage in Ireland, which also included the right to having children, opponents did not provide particular reasons that claim marriage as a holy union between man and wife, but instead presented the reason that every child has a right to both a father and mother. Such an argument is conceivable from a non-Christian perspective as well, and can thus be taken in account and weighed in public deliberation.

Dryzek suggests that public deliberation should take place in both informal networks and more formal discursive designs (e.g. public forums) (2005, p. 230). However, the design, realization, and the relation to legal decision-making of public deliberation is not the concern of this research. The main point here is that public deliberation can play a major role in fostering mutual toleration. The commitment to public reason by others is confirmed in public deliberation, which in turn strengthens our own allegiance to it.

Even though citizens may understand differently the core principles of a liberal society, and even though [...] they exercise public reason by determining the fundamentals of their political life within a shared and broadly liberal framework. Their adherence to this common point of view is itself a commitment to fairness. And thus the disagreements that mark their deliberations embody at the

same time the fundamental sort of respect for one another which fairness involves (Larmore, 2003, p. 390-391).

The result is that we actually observe reciprocity in the commitment of others to public reason; the reciprocity of fair cooperation becomes tangible, instead of an abstract concept. The right form of institutionalization will, over time, strengthen both the adherence of citizens to a public morality as well as a bond of mutual trust. This leaves open the debate on what these institutions and practices should look like, but it is my contention that they should be placed in the public sphere, so that citizens may engage with one another. If the result is more trust of one another as citizens who share in fair cooperation, then these institutions and practices have succeeded in fostering the mutual respect needed for a respect conception of toleration.

7

Conclusion

The purpose of this thesis was to search for a conception of toleration that would not lead to the harmful side-effects of the toleration discourse. To search for a respect conception of toleration that avoids the paradox of moral toleration. It is important, I believe, to stress that such a conception is formulated as an ideal, that is, toleration will most likely remain to be a protean concept in the empirical world. As Forst puts it: ‘conceptions of toleration are not construed as different regimes of toleration [but they] exist *simultaneously* in present-day societies’ (2013, p. 26). The goal should be to challenge the premise of a permission conception of toleration, to challenge the idea that toleration applies only to a select group of people, and to challenge that toleration can be fostered by asking for it.

This idea is not particularly new; toleration has, historically speaking, always been concerned with the management of minorities whose values were in conflict with those of the majority. Locke argued for toleration of religious minorities by claiming that salvation of our soul cannot be accomplished through coercion, while toleration in Mill serves to facilitate progress towards well-being and happiness. What these theories have in common is that they proceed from a comprehensive doctrine, meaning that toleration is available only to those who share to the same conception of the good life. This is also where the paradox of moral toleration comes into view in that our reasons for objection and acceptance come from within the same conception of the good. For example, a Christian may object to the beliefs of the Islam, but at the same time his own beliefs preach charity and compassion, leading him to tolerate these beliefs. This does not make this form

of toleration necessarily wrong, it is preferable over coercion and violence, but when it is grounded in a particular doctrine there is a sense of paternalism hidden in the act of toleration.

This paternalism is even stronger in the contemporary liberal discourse of toleration. No doubt, the fact that liberalism emerged victorious at the end of the twentieth century has fed the belief that it is the pinnacle of civilization, or as Fukuyama claimed, the end of history (1992). Liberal people are seen as emancipated from culture and doctrines, they master it, while others are subjected to it, enslaved to it (see, § 3.3). Liberal people are also seen as tolerant people because they show restraint in the face of primitive beliefs and attitudes, which only reiterates their own emancipated status. This is the liberalism that Brown describes, an imperialistic and almost dogmatic form of neoliberalism, and one of its hallmarks is its discourse of toleration. Her claim is that this discourse depoliticizes both the *sources* and *solutions* to political problems such as discrimination by establishing these problems as rooted in race, culture, ethnicity, and sexuality (Brown, 2008, p. 16). The call for toleration is aimed at these traits, which reproduces the stigma of stereotypes of difference, thereby also reproducing the need for toleration. I argued that this is a permissive form of toleration that suffers from the paradox of moral toleration. The reasons for acceptance are motivated from the same ethic as the reasons for objection, therefore the acceptance component will not be free from a feeling of superiority.

It was argued that to avoid this paradox, toleration should be conceived of as a *respect* conception of toleration (see, § 3.4). If we want toleration not to lead to depoliticization and reproduction of stigma, it is of great importance that ‘the tolerating parties respect one another as autonomous persons or as equally entitled members of a political community constituted under the rule of law’ (Forst, 2013, p. 29). This thesis addressed two contradictory theories that both seem to support a respect conception *prima facie*, namely, political liberalism and agonistic pluralism.

Political liberalism proceeds from the idea that a public conception of justice should be free from a philosophical, moral, or religious doctrine, and should instead be grounded in the idea of fair cooperation (see, § 4.1). The idea is that an overlapping consensus on a family of conceptions of justice does not replace our particular conceptions of the good, but that we can reason from both a public and private perspective. As public citizens we share in a conception of justice, which is a public moral position that leads us to respect one another as free and equal citizens. Or in other words, the public conception of justice is a shared morality that supports a liberal respect conception of toleration.

Agonistic pluralism proceeds from the idea that human relations are necessarily antagonistic. Mouffe's claim is that the overlapping consensus on a public conception of justice cannot be impartial, which is why it should be seen as a 'dangerous utopia of reconciliation' (2000, p. 29). The opposition between political liberalism and agonistic pluralism lies in the contradictory ontological assumptions of both authors. This opposition is reflected in the conception of toleration that is used in agonistic pluralism. Agonistic toleration is a form of toleration in which we respect our opponents because we share in a common concern, namely, liberty and equality, but we disagree on the interpretation of these principles (see, § 5.4). Unlike in political liberalism, in agonistic pluralism particular conceptions are part of political struggle, and exactly because it *enables* political discussion and debate, it offers a way to challenge the neoliberal toleration discourse.

In the reflection it was argued that the ontological assumption that the human relations of identification necessarily imply an antagonistic dimension is overstated. This does not mean that these relations do not exist, but that there are also relations of identification based on friendship and reciprocity. It was also argued that an agonistic conception of toleration fails to deliver because

its need for a shared symbolic space is inconsistent with the ontological assumptions underlying agonistic pluralism. Put more elaborately, the *respublica* as a shared symbolic space shared by all parties is not possible when all collective identities are formulated in antagonistic relation to each other; there can be no horizontal common ground between vertically formulated identities. A solution would be to allow for a capacity to reciprocity *prior* to society, but that would mean rejecting her ontological view. In practice, agonistic toleration would thus turn out to be a one-sided permission conception of toleration, or worse, the political system could collapse into antagonistic conflict.

This has led me to defend a liberal respect conception of toleration, albeit it while recognizing that the priority of public reason over particular reason, and thus the condition of mutual respect, is not that self-evident. I asked how an abstract idea of fair cooperation (reciprocity) could lead to actual allegiance to a public conception of justice. An allegiance that is needed for people to respect each other as free and equal citizens. My contention is that Mouffe is right when she claims that passive formal citizenship can lead to a lack of trust in politics and a lack of identification. How can we expect people to affirm a public conception of justice when they have no trust in politics nor in their fellow citizens? One could say that such trust is built through collective identification, which is I think the right answer. But this not mean that such a collective identification has to be *particular* or *passionate*, on the contrary, when all citizens affirm a public conception of justice we can speak of collective identification, albeit a public form of collective identification.

This is why I claimed that public deliberation between citizens can foster a sense of trust, because it allows us to observe that others *also* affirm the public conception of justice; it confirms reciprocity through interaction. If we are never to engage each other as public citizens, then how

can we expect to build enough trust to respect each other as free and equal? Public reason is the “language” that allows us to deliberate among citizens, if we seek public reconciliation through toleration in a pluralist society, then we should engage in deliberation using public reason.

A desirable conception of toleration cannot and should not, I believe, be one that proceeds from an opposition between antagonistic parties that politically mobilize passions. Nor is it desirable to invoke toleration as a means to foster social cohesion, it should instead proceed from the idea of mutual trust in and respect of one another as free and equal citizens. This conception of toleration is *horizontal* in that its availability is not limited to a particular group in society, but is instead available to all because it is motivated from a shared public conception of justice. Such a conception is not based on passions or particular claims of the truth, but is instead a freestanding view based on the idea of fairness. It is a conception which allows reasonable people with different and incompatible views to live side by side free from oppression and coercion.

It is my contention that practices and institutions that generate trust can play an important role in strengthening mutual respect and a sense of public citizenship over time. We cannot expect this trust to build up overnight, it will take time. It is tempting to give in to political opportunism in times of crisis, but publicly calling for toleration is not a magic trick that makes all problems disappear, on the contrary, it will only give false comfort while the problems that call for it are reproduced. Toleration should be a state, one in which there are many and sometimes conflicting beliefs and values, but in which people nonetheless respect one another as free and equal citizens. This state cannot be called for, but is the result of a change over time in the attitude and character of public citizens who live under fair and just institutions.

But, as always, answers always lead to new questions. In this research I have not been able to address what the institutions and practices that foster trust should be look like and how they

should be realized. There are many other considerations that come with this, of which the relation between public deliberation and political parties, the limits to public reason, and the role of education are only some of these. This opens up avenues for further research on the institutionalization of mutual respect and trust in the basic structure of society.

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