Toleration and Public Justification

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My aim:

- Defend a respect-based account of the ground of public justification
- Public justification: some of the rules that constitute political society should be justifiable to each subject of those rules
- Providing a ground answers the question: why should some rules be publicly justified?

Overview

1. Respect and Self-Defeat
2. The Exclusionary View of Toleration
3. The Source of Reasons to Tolerate
4. Why Toleration is not Self-Defeating
5. Toleration as a Ground of Public Justification

1. Respect and Self-Defeat

- "Respect for persons lies at the heart of political liberalism, not because looking for common ground we find it there, but because it is what impels us to look for common ground at all." *(The Autonomy of Morality*, p. 149)
- Self-defeat objection: the substantive norm of respect for persons is itself a part of a comprehensive ethical view that may be rejected
  - Estlund, "The Truth in Political Liberalism," pp. 256–60; Gaus, "Respect for Persons and Public Justification," pp. 62-6; Neufeld, *Public Reason and Political Autonomy,* pp. 73-7; Weithman, *Why Political Liberalism?,* pp. 347-53; van Wietmarchen "Political Liberalism and Respect," pp. 360-4.
- My proposal: by specifying the specific kind of respect that grounds public justification, the self-defeat challenge can be answered

2. The Exclusionary View of Toleration

- A puzzle about toleration:
  - Imagine you are a public-school administrator tasked with choosing a date for an important national exam. Some students subscribe to a religion that is different from your own. That religion requires that adherents abstain from any kind of work, including schooling, on days of rest set by the religion.

Two puzzling features of cases of this kind:

a. You ought, as a matter of toleration, to not schedule the national exam for days that the religious students in question must observe a day of rest.

b. You ought to do this just because it is the students' religion—if the students' religion were different, or identified different days as days of rest, then what you ought to do would change.

2. The Exclusionary View of Toleration

- The general form of the puzzle:
  - Person A stands in a position to affect another person(s) B's ability to act on reason R, which features centrally in B's conception of the good. So far as A is concerned, B is mistaken about the good, and R does not exist. Still, A ought to take into consideration R in her practical reasoning just because B sees R as a reason.
- How can someone be guided by "reasons" which, strictly speaking, they do not recognize as *reasons*, and how can those "reasons" have some characteristics of content-independence?
- The answer: distinguish different levels of reasons, such that reasons of toleration are a kind of second-order exclusionary reason

The exclusionary view of toleration: toleration requires that in choice context C, some person A do action F rather than an alternative when:

- A has some set of first-order reasons R that defeat or undercut some other set of reasons Q;
- the justification of F depends on Q, such that F is not justified for A strictly on the basis of A's first-order reasons;
- and, there is some set of exclusionary reasons E for A to not to treat R as reasons in C.

Exclusionary reasons E are the reasons of toleration.

3. The Source of Reasons to Tolerate

- Criteria of a successful account:
  i. Identify values that plausibly set constraints on practical reasoning
  ii. Explain what contexts reasons of toleration obtain in
  iii. Why those reasons are second-order exclusionary reasons
  iv. Why reasons of toleration have a content-independent character

- The source of reasons to tolerate is persons' *ethical authority*, the capacity to form, revise, and pursue a conception of the good

3. The Source of Reasons to Tolerate

i. Ethical authority is a source of a distinctive and profoundly important value in individuals' lives

- We use such authority to incorporate the good of others into our own good and make decisions about what values or pursuits to organize our lives around.
- My life would be worse in a significant respect, and less *my* life, if I always deferred to the judgment of others in forming my beliefs about what is worthwhile to do, practice, and think.

3. The Source of Reasons to Tolerate

ii. Toleration is therefore a particular kind of respect for persons, specifically, it is respect for persons in their capacity as ethical authorities

- Thus, reasons of toleration obtain in those situations where one is in a position to act in a way that might interfere or frustrate another's exercise of her ethical authority
- E.g., impeding one's pursuit of her conception of the good, or undermining one's capacities to reflect on her conception of the good

3. The Source of Reasons to Tolerate

iii. To determine whether one's behavior will interfere with another's ethical authority, one must reason from her point of view
   - This requires seeing the other's pursuit of her conception of the good as being structure by what she takes to be reasons R
   - For one to treat R as reasons despite not seeing them as such, one must temporarily set aside one's first order consideration that normally lead one to regard R as undercut or defeated

iv. Since reasons of toleration are a function of what another takes to be her reasons, if she exercises her ethical authority to change her conception of the good, what reasons you must exclude also change

4. Why Toleration is Not Self-Defeating

- Two ways of answering self-defeat:
  A. Toleration has a conception-based ground
  B. The truth about toleration

4. Why Toleration is Not Self-Defeating

A. Argument from conception-based grounds

- understands public justification to be an enterprise internal to the political life of citizens in a constitutional democracy
- Specifically, a conception-based ground takes the requirement of public justification to be contingent on having already accepted a conception of citizens as free and equal and a conception of society as a fair system of cooperation among citizens so conceived (Weithman, Neufeld, van Wietmarchen)
- The source of reasons to tolerate others, their ethical freedom, is a proper part of the conception of citizens internal to liberal democratic political life (Rawls, *Political Liberalism*, p. 19; Rawls, "Kantian Constructivism in Moral Theory," p. 330)

4. Why Toleration is Not Self-Defeating

B. The truth about toleration

- This account starts with the conviction that we sometimes owe others toleration
- This conviction takes precedence with respect to public justification; it is not an account of some freestanding or internal conception, but a view of toleration *tout court*

The structure of this account:

1. We sometimes owe toleration to others
2. Toleration requires that we exclude our first-order reasons about the good when acting from a position to interfere with another's pursuit of the good
3. Toleration so conceived requires that social structures be justified to each subject of those structures

5. Toleration as a Ground of Public Justification

1. The requirements of toleration obtain insofar as one is in a position to frustrate or interfere with another's exercise of ethical freedom (Exclusionary View)
2. The organization of social and political structures plays a profound role in shaping persons' exercise of their capacity for ethical freedom
3. Social and political structures obtain by virtue of and are reproduced by human interaction
4. So, the behavior of persons as it concerns the organization of the terms of shared social life ought to be such that it satisfies the requirements of toleration (from 1, 2, and 3)
5. In context C where toleration is owed to some person A, toleration requires that for each of A's tolerable reason R, one excludes each of one's reasons P that are not compatible with R and makes one's decision in C solely on the basis of the remaining reasons (Exclusionary View)
6. Therefore, social and political structures ought to be such that they are justified to each subject on the basis of reasons that are available from the perspective of toleration with respect to each person (from 4 and 5).

Thank you!

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Two Limits of Toleration

1. One cannot coherently tolerate others whose first-order commitments would require that we set aside the exclusionary reason constitutive of toleration itself

2. Toleration of person A's toleration of B's reason R only requires A not to interfere with or frustrate B's acting on R
   - E.g.; B's view that gay intimate relations are sinful does not entail that A ought to abstain from being in a gay relationship

Future Generations and Full Public Justification

- A potential issue: social arrangements that are justifiable to each subject of those arrangements may be unjustifiable to new participants
- Persons have no right to encroach on the ethical authority of future generations, so there is a further condition of public justification

Justification to Future Generations

- Suppose we have an initial set of all reasons of members of some society, denoted {R}.
- For each member of society A who holds tolerable reasons R, exclude from {R} those reasons Q that are incompatible with R. The resulting set is {R}- Q_A
- Call the set of reasons excluded from R after completing the previous step for each member of society {Q}.
- In a society with reasonable pluralism, {R} – {Q} is the set of reasons that are shared among persons as such. Justification on this basis is justification from the perspective of toleration as such.

No Truth-Abstinence on the Toleration View

- Truth-abstinence objection: public justification requires that persons be skeptical about their comprehensive views (E.g., Enoch)
- Excluding a reason from one's deliberation does not amount to reducing one's confidence in it or the underlying doctrine
- The reasons that are owed toleration, moreover, are the reasons arising from one's exercise of ethical authority, which does not include a prerogative to believe whatever one wishes of the world
  - So, e.g., descriptive assertions about social or economic processes, or individual psychology, are not within the scope of what we must tolerate