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Review Essay: Recent Work on Toleration

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Peter Balint: *Respecting Toleration: Traditional Liberalism and Contemporary Diversity*. (Oxford: Oxford University Press, 2017. Pp. 192.)

John Bowlin: *Tolerance among the Virtues*. (Princeton, NJ: Princeton University Press, 2016. Pp. 280.)

John William Tate: *Liberty, Toleration, and Equality: John Locke, Jonas Proast, and the "Letters Concerning Toleration."* (New York: Routledge, 2016. Pp. 298.)

Douglas Thompson: *Montaigne and the Tolerance of Politics*. (Oxford: Oxford University Press, 2018. Pp. 248.)

Not so long ago, a unified chorus of scholars, politicians, and activists declared that the time had come to move "beyond" toleration. Such an offensive orientation of *de haut en bas* indulgence towards difference may have been appropriate to warring Christian sects after the Reformation. But in this brave, new, and emphatically global world of unprecedented cultural, racial, and gender diversity, "mere" and musty toleration must give way to something more—to respect, recognition, even acceptance, or perhaps a positive conception of *tolerance* comprising the better features of all three.

In view of the rivers of ink spilled over toleration by political theorists since, one might wonder: Is there any topic more tired? Yet the four books under review suggest that much remains left to say, and that the permanent problem of unmurderous coexistence between those who differ—and really *disagree*—to which toleration is the appropriate response remains as pressing as ever.

The existing literature, against which our authors set themselves, boasts an impressive array of approaches (analytic, historical, and critical) and has sought, among other things, to differentiate toleration from tolerance.[1] Our authors, however, acknowledge this question only to set it aside. While Bowlin prefers to speak of "tolerance" as a virtuous response of "patient endurance to objectionable difference" (134), reserving "toleration" for the particular actions or policies that result from such a disposition, Thompson, Balint, and Tate notably embrace the language of "toleration" for individuals

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[1]Andrew R. Murphy, "Tolerance, Toleration, and the Liberal Tradition," *Polity* 29, no. 4 (July 1997): 593–623.

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as well as states, with its emphatically early modern, ethically minimal, and pragmatic connotations.

What might be dismissed, at first, as a matter of vocabular nicety, or worse, conceptual confusion, marks instead just one of many deliberate breaks with the relentless abstraction and "moralizing tendencies" of existing scholarship.[2] Beginning in the 1970s, a veritable cottage industry sprang up within analytic political philosophy devoted to breaking the concept of tolerance down into its constituent parts (objection, acceptance, and rejection) and exploring its apparent paradoxes.[3] While willing to engage with intellectual historians in recovering historical "justifications" for toleration,[4] these theoretical discussions remained largely divorced from the unlovely, real-world challenges and practices that provoked them, except for carefully cued cameos from stock figures of the analytic stage like the "religious citizen" or "tolerant racist" meant to test our intuitions.

As our authors note, when political theorists talk about toleration, past or present, they are usually talking about liberalism. Thus the centrality of discussions of tolerance/toleration in political philosophy in the 1980s and 90s had much to do with a corresponding certainty that these were defining characteristics of Western liberal democracies, in contrast with the intolerant and uncivil societies of the Eastern Bloc. For Rawls, political liberalism rested on a public conception of justice as fairness derived by applying "the principle of toleration to philosophy itself," a claim to which he lent historical and geographical specificity by locating its "origins in the Wars of Religion following the Reformation."[5]

While Rawls's formulation remains much maligned by historians of political thought, a similar genealogical assumption governs their work, as evidenced by the so-called "Locke Obsession" in toleration studies.[6] But even as revisionists work to puncture the Whig and Anglo-American triumphalism implicit in narratives of the "rise of religious toleration in the West,"[7] these

[2]Federico Zuolo, "Frontiers of Toleration and Respect: Non-moral Approaches and Groups' Relations," *European Journal of Political Theory* 12, no. 3 (July 2013): 219.

[3]Bernard Crick, "Toleration and Tolerance in Theory and Practice," *Government and Opposition* 6, no. 2 (1971): 143–71; Preston King, *Toleration* (Psychology Press, 1976).

[4]Susan Mendus, ed., *Justifying Toleration: Conceptual and Historical Perspectives* (Cambridge: Cambridge University Press, 1988).

[5]John Rawls, "Justice as Fairness: Political Not Metaphysical," *Philosophy & Public Affairs* 14, no. 3 (1985): 223, 225.

[6]John Laursen and Cary Nederman, introduction to *Beyond the Persecuting Society: Religious Toleration before the Enlightenment* (Philadelphia: University of Pennsylvania Press, 1998), 2.

[7]E.g., Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003).

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attempts have stubbornly revisited the same early modern European periods, places, and personages.[8]

If just-so stories about the origins of Western-style liberal democracy explain scholarly interest in toleration as an attempt to understand "ourselves," they also explain the pushback. Ever the Owl of Minerva, Rawls's repeated claims about early modern toleration in *Political Liberalism* (1993) confirmed for many theorists that the time had come to get *over* ourselves and move "beyond" toleration, not only theoretically but legally and politically. The case for more was pressed from all directions—from those demanding multicultural recognition[9] or a neo-Kantian internationalist human rights regime enamored of the language of "respect,"[10] to secularists with an eschatological confidence in the ultimate retreat of religion from the public sphere, to be replaced by disanalogous differences more worthy of celebration.[11]

While the collective mugging by reality that was 9/11 spectacularly kicked out the third leg of this stool, the "beyond toleration" consensus remained largely intact. The field has since been divided between two camps: critics of liberalism who reject tolerance and toleration as imperial and civilizing discourses marshaled against a non-Western, religious Other,[12] and those (mainly liberal) theorists intent on redeeming tolerance *and* toleration by reimagining them as themselves forms of recognition or respect. The "*reductio ad respectum*"[13] now dominant in political philosophy reached its apotheosis in Rainer Forst's magisterial *Toleration in Conflict*, which rehabilitated Rawls's

[8]Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Belknap, 2007); Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500–1700* (Manchester: Manchester University Press, 2006); Stuart Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven, CT: Yale University Press, 2008); Scott Sowerby, *Making Toleration* (Cambridge, MA: Harvard University Press, 2013).

[9]Charles Taylor, *Multiculturalism* (Princeton, NJ: Princeton University Press, 1994).

[10]UNESCO, "Declaration of Principles on Tolerance," http://portal.unesco.org/en/ev.php-URL_ID=13175&URL_DO=DO_TOPIC&URL_SECTION=201.html. Accessed November 22, 2017.

[11]Andrew Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: Pennsylvania State University Press, 2001).

[12]See Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton, NJ: Princeton University Press, 2008) and Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton, NJ: Princeton University Press, 2015), building on Talal Asad's influential critique of secularism in Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003).

[13]Teresa M. Bejan, *Mere Civility: Disagreement and the Limits of Toleration* (Cambridge, MA: Harvard University Press, 2017), 160–61.

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genealogy of (Anglo-American) liberalism via a "respect conception" of toleration underlying European social democracy.[14]

The four works under review present themselves as pushing back against the pushback, joining a rising tide of political theorists and historians in defending the dignity and distinctiveness of "mere" toleration (or in Bowlin's case, a premodern understanding of tolerance) against its reductionist defenders and multiculturalist critics alike.[15] The increasingly practical orientation of this work signaled by its sustained engagement with social, as well as intellectual, historians is particularly welcome, as is its recognition that any presumed connection between toleration and the "liberal tradition" must be explicitly articulated, then challenged (Bowlin, Thompson) or defended (Balint, Tate). Although the "Locke Obsession" remains alive and well in these works, even the most analytic book under review shows a surprisingly sophisticated engagement with Locke's lesser-known works and other noncanonical early modern figures (e.g., Balint, 27).

Hopefully, this engagement with history signals the end of political theorists' preference for paradox over practice and a toleration literature irresponsibly distant from the matter at hand—namely, the often unpleasant, everyday business of rubbing along together with those one deems beyond the pale. All but one of our authors criticize Forst's "respect conception" directly, on normative as well as methodological grounds (Bowlin, 73n; Balint, 48–49; Thompson, 86–92). While they concede that toleration may not be a normatively desirable response to every kind of difference (e.g., Bowlin, 134), they deny that it is applicable only to religion. As Thompson in particular notes, the widening partisan and identitarian divides in liberal democracies like the United States share more salient features with early modern religious sectarianism than the "beyond tolerationists" realize.

All of these trends are to be welcomed; still, the reviewed works realize them with varying degrees of success. Bowlin's *Tolerance among the Virtues* (2016) is the most original, perhaps because Bowlin is a theologian, not a political theorist. Still, his familiarity—and frustration—with the scholarship described above convinced him of the need for "historically informed, conceptually nuanced studies of tolerance" like his own (5). As a theologian, however, Bowlin is concerned to defend tolerance as a *Christian* virtue, as well as a human one, against religious thinkers who suspect (rightly) that

[14]Rainer Forst, *Toleration in Conflict: Past and Present* (Cambridge: Cambridge University Press, 2013), first published in German as *Toleranz im Konflikt* in 2003.

[15]E.g., Andrew Sabl, "'Virtuous to Himself': Pluralistic Democracy and the Toleration of Tolerations," in *Toleration and Its Limits*, ed. M. Williams and J. Waldron (New York: New York University Press, 2008), 220–42; Lars Tønder, *Tolerance: A Sensorial Orientation to Politics* (Oxford: Oxford University Press, 2013); Bejan, *Mere Civility*.

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tolerance talk has often been used by secular theorists as an excuse for the intolerant exclusion of them and their concerns from public life.[16]

While Bowlin argues that these concerns are justified, he insists that critics are wrong to conflate the concept of tolerance with its abuses. In combating "the current climate of resentment towards tolerance" (31), Bowlin takes aim at two assumptions: (i) that tolerance is not a virtue, and (ii) that tolerance is a historical achievement of early modernity exclusive to modern liberalism. In arguing that there is nothing exclusively modern or liberal about tolerance, Bowlin comes close to denying that anything changed with the Reformation, but contents himself with chastening liberal conceit (50–51) and expanding our historical sources accordingly. But here, his choice of Augustine and Aquinas may raise an eyebrow, and Bowlin says surprisingly little about their *actual* careers as practitioners and theorists of religious persecution for the significance he attributes to their scattered comments on tolerance. Still, his point that "no discovery" was made in early modern theories of toleration beyond updating a medieval tradition of ethical reflection on tolerance as constituent of harmonious community is productively provocative (209), and his demolition of a neo-Kantian resort to respect that sublimates the need for tolerance altogether is persuasive (75–76).

If the notable weakness in Bowlin's book is that, for all his insistence on tolerance as a virtue, he offers no ethical exemplars, Douglas Thompson's *Montaigne and the Tolerance of Politics* (2018) more than makes up for it. With one important caveat, this work is a testament to what historically informed political theory can achieve when it takes a historical author seriously on his own terms rather than forcing him into the Procrustean bed of secular liberalism, as so often happens when theorists turn to the past with contemporary questions in mind.

Like Bowlin, Thompson is concerned to call out liberal (and Anglophone) special pleading when it comes to toleration, while radically revising our understanding of Montaigne himself. Rather than the inventor of a "private" sphere of the modern self, Thompson's Montaigne is a public man of action who went out into the world and dealt daily with difference as an ambassador during the very wars of religion that were so central for Rawls. Thompson's recovery of this neglected political context of the *Essais* makes a strong case for Montaigne's inclusion in the tolerationist canon—not as a *politique* caricature or philosophic skeptic, but as a principled and persistent Catholic with a fittingly *catholic* approach to living with those differences that even he could not celebrate or respect.

When it comes to normative theory, Thompson would have his colleagues realize that "there is nothing 'mere' about a 'mere *modus vivendi*'" and revive

[16]A move analyzed by Stanley Fish, "Mission Impossible: Settling the Just Bounds between Church and State," *Columbia Law Review* 97 (1997) and memorably sent up by *South Park* in the 2002 episode "Death Camp of Tolerance."

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Montaigne's "political conception of tolerance" as the ability "to tal[k] productively to the 'other side,' regardless of whatever moral or legal principles might or might not arise in such a dialogue" (2). Thompson's pragmatic alternative takes aim squarely at Forst, whom he faults for a "legalism" that privileges the perspective of democratic citizens qua legislators over the political and practical challenges toleration actually involves (86–87). In this, Thompson's own method of "shuttling back and forth" between Montaigne and modern theorists—not only Forst, but Judith Shklar, Bernard Williams, and William Connolly—deliberately echoes Montaigne's own "shuttling forth" between the different factions during the French civil wars (11), and he explores the salience of such practical toleration for contemporary politics in an inventive epilogue.

The sole, but significant, misstep in Thompson's otherwise compelling case for reviving Montaigne comes in chapter 3, "The Power of Uncivil Conversation." Here Thompson's Anglophone (and implicitly Calvinist) conceptual frame comes entirely unmoored from Montaigne's texts, making him sound implausibly like my own uncivil evangelical Christian, Roger Williams.[17] *Pace* Thompson, the English "civil" and French "*civilisée*" were not one-for-one in this period, and understanding why requires a lot more etymological and theological unpacking than he offers.[18]

Compared with Bowlin and Thompson's creative engagement with unexpected sources, Balint's *Respecting Toleration* (2017) is a less ambitious but still sensible corrective to the recent excesses of his analytic brethren. He Balint sets out to refute what he identifies as the three main challenges to toleration as a desirable response to difference from individuals or states: (i) *the Multicultural Challenge*, that "fair accommodation requires some sort of positive respect or recognition"; (ii) *the Despotism Challenge*, which sees objectionable asymmetrical power relations as intrinsic to toleration, thus again calling for something more like respect; and (iii) *the Neutrality Challenge*, which argues that the liberal state should be indifferent to its citizens' differences, hence "toleration has been superseded by neutrality" (3–5).

For Balint, all of these objections rest on the overly "narrow and much more moralized view [of toleration] that has come to dominate recent political philosophy" (5). His alternative, "permissive" conception of toleration is so permissive as to jettison the objection component (and so dissolve the neutrality objection) entirely, and one worries that at points he makes a virtue of conceptual confusion. While he sees the dangers of *mis*-recognition as militating against the multiculturalism objection (70), Balint defends indifference as a form of toleration, and indeed as the most appropriate and attractive one for liberal citizens and states (52). While Balint is unabashed in asserting a

[17]Teresa M. Bejan, "'The Bond of Civility': Roger Williams on Toleration and Its Limits," *History of European Ideas* 37 (2011): 409–20.

[18]See Bejan, *Mere Civility*, chap. 1.

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tight conceptual and historical connection between toleration and (classical) liberalism—for him, a tolerant society is one committed above all to the "the freedom to be left alone" (13)—he joins with Bowlin and Thompson in criticizing Forst and the *reductio ad respectum* as artificially excluding "forbearance toleration" and so encouraging a covert disrespect—and *intolerance*—of citizens' objections. "It seems entirely disrespecting of one citizen's difference," writes Balint, "to ask them to respect another's difference which they may find deeply objectionable. … We may wish that [they] did not have [these] negative views … but they do, and the question is how to manage these. … Telling people they cannot have such views … on its own grounds fails to take people's differences seriously" (17).

If Balint's book offers a modest corrective to analytic excess, the final work under review represents a cautionary tale. As its double-barreled title suggests, Tate's *Liberty, Toleration and Equality: John Locke, Jonas Proast, and the "Letters Concerning Toleration"* (2016) has two aims. First, it seeks to bring analytical clarity to what political theorists know as the "Lockean" argument for toleration, thus reaffirming its status as *the* decisive and influential break with earlier theological arguments that launched the "liberal tradition." Second, it seeks to situate this argument historically as the product of John Locke's iterative exchanges with his most inveterate critic, the Anglican clergyman Jonas Proast.

An authentic marriage between analytic and contextualist approaches in reassessing Locke's original *Epistola de Tolerantia*—written in Latin in the Netherlands in 1685 in the wake of the Revocation of the Edict of Nantes and translated into English in 1689 by William Popple—and its sequels would be something to celebrate. Unfortunately, Tate's book is something else entirely. From his appeal on the first page to the 2015 *Charlie Hebdo* massacre to the concluding section entitled "Locke's Legacy: John Rawls and *Political Liberalism*," Tate makes clear that, for him, reading Locke historically simply confirms the most teleological, Whig, and secularizing stories Western liberals have told themselves for decades, and so steels our nerve against "the certitudes … and violent dogmatism of religion" (xiii). For Tate, a contextual reading of Locke reveals him to be a (neo-)Kantian *avant la lettre* (25), and while he concedes it would be "anachronistic" to call Locke himself a liberal (3), he has no qualms about repeatedly asserting the "seminal" and "influential" nature of Locke's contribution to the "tradition" that followed. (Interestingly, Rawls himself never identified Locke on toleration as seminal for his own thinking, preferring Jean Bodin's esoteric *Colloquium of the Seven on the Secrets of the Sublime*).[19]

Which raises the question, Who is this book for? Tate's scene-setting, potted histories are cribbed from other sources and unintegrated with his analysis,

[19]John Rawls, "On My Religion," in *A Brief Inquiry into the Meaning of Sin and Faith: With "On My Religion"* (Cambridge, MA: Harvard University Press, 2009), 266–67.

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and so will not placate intellectual historians, while analytic philosophers might wonder why they should care what Locke said in the darkest recesses of the interminable *Third Letter for Toleration* (1692) if all we need is Rawls. Tate's motivation is clearly personal, fueled by his frustration with what he sees as the "dominant interpretations of Locke within the existing literature" (10), by which he means the historicist challenge to secular liberal readings inaugurated by John Dunn in 1969, which insisted on the theological underpinnings of Locke's arguments. Dunn's implausibly Puritan Locke has since given way to more subtle ecclesiological and natural law readings by Mark Goldie and Tim Stanton, respectively. Yet in discussing these scholars, Tate's already pugnacious tone becomes bizarrely ad hominem, even when the (false) antipathy between a "religious" Locke and a "secular" one appears to be Tate's own. While I agree that the time has come to vindicate the "Locke Obsession" in toleration studies by uniting historical and theoretical approaches to his thought (beginning with a critical edition aimed at both audiences that publishes all of the *Letters* together), this book reads instead like the final nail in its coffin.

One laments the tragedies that have made past and present thinking about the suffering and sufferance we associate with toleration as timely as ever. Still, the fine scholarship, historical sensitivity, and theoretical acumen on display in these and other recent works suggest that political theory, at least, is no longer holding itself at an unhelpful distance from the practical challenges we face.

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