LUISS Guido Carli
LIBERA UNIVERSITA' INTERNAZIONALE DEGLI STUDI SOCIALI

LIBERA UNIVERSITA INTERNAZIONALE DEGLI STUDI SOCIALI GUIDO CARLI

Ph.D. Program in Political Theory

Department of History and Political Science

Cycle XXI

On the Possibility, Grounds and Limits of International Toleration

An Analysis on John Rawls and Jurgen Habermas

Ph. D. Thesis

by

Devrim Kabasakal

Thesis Advisors	**External Thesis Advisor**
Professor Sebastiano Maffettone	**Professor Peter Jones**
Dr. Gianfranco Pellegrino	

Rome October 2009

ABSTRACT

Toleration has been a topic that was widely considered as an intra-state matter rather than an international issue among the contemporary scholars. By arguing against the possible reasons for this neglect on the international aspect of toleration, this thesis claims that there is a place for toleration in our thinking on the international realm. Moreover, it is argued that various dimensions of international toleration can be conceptualized such as the characteristics of and reasons for international toleration. In line with this, the theories of John Rawls and Jurgen Habermas are analyzed as two theoretical sources for investigating the way one might think of toleration as an international issue. In this respect, a comparative and interpretive analysis is made by focusing on the grounds and characteristics of toleration in their outlooks for addressing their strong and weak points on the issue.

To argue for the possibility of international toleration, first, a conceptual map is developed which outlines the characteristics (structure) of the concept. I noted agents and objects, diversity coupled with disapproval, power, scope, demands and limits of toleration as characteristics of toleration that make toleration possible. Possible reasons that might be given for the justification of toleration are also listed: non-moral prudential reasons, moral consequentialist reasons, principled moral reasons and skepticism. Then, theories of Rawls and Habermas are analyzed in the light of this conceptual map as two supportive cases for international toleration.

It is stated that both Rawls and Habermas provide strong cases for the possibility of international toleration. They take pluralism seriously as a global condition in which the question of toleration arises, and for both of them, toleration is

a requirement of international political justice. In line with this, they provide a moral principled justification for international toleration in bringing the idea of respect to the fore as a reason for toleration in the international realm. Thus, I contend that there is a commonality concerning the grounds of toleration as an international issue between the theories of Rawls and Habermas.

I state that the differences between the outlooks of Rawls and Habermas on international toleration stems from Habermas's cosmopolitanism as opposed to Rawls's internationalism. I claim that the fact that Habermas leaves room for a variety of agents allows him to incorporate plural and diverse agents into his theory of toleration as compared to Rawls. I also mention that Habermas's insistence on both positive actions and dispositions as requirements of international toleration leads to a demanding notion of international toleration but not less realistic.

I also analyze the differences between the outlooks of Rawls and Habermas on human rights as limits of toleration. I argue that they differ in principle regarding the content and role of human rights. Nevertheless, I concede, beside their differences in principle, they not differ much in practice: Habermas is not necessarily supportive of any international intervention in the name of human rights.

Lastly, I focus on which features a theory of international toleration should have in the 21st century by way of reflecting on the strong and weak points of the outlooks of Rawls and Habermas on international toleration. In this vein, I state my concluding remarks on dimensions of international toleration for a pluralistic multicultural world-society.

ACKNOWLEDGEMENTS

provided feedback on my work during these seminars. Moreover, special thanks go to the distinguished participants of the 7th Pavia Graduate Conference in Political Philosophy which was held in northern Italy.

It would be unfair not to mention here the support and help that I received from my friends in my home country. Particularly, I owe much to Yelda Sahin Akilli and Etrit Shkreli, my two dear friends, for their kindness, generosity and willingness to help me in my difficult times for the time being. Obviously, the emotional and academic hand they gave me when I was in need was quite important during my doctoral studies.

I owe a lot to Meysam, my partner, for his continuous faith in me with my studies. Without his patience and caring attitude, I could not manage to survive the difficult times during the last two years. Both academic and psychological support he provided has been valuable to me for the time being. Lastly, I would like to thank to my family; my father, mother, brother and sister. They have always been with me with their good wishes and belief in what I do.

TABLE OF CONTENTS

7

INTRODUCTION

In the period of the Reformation, toleration emerged as both an intra-state and inter-state phenomenon. During the 16th and 17th centuries, toleration arose not only as an issue for rulers in relation to their subjects, but also in relation to one another: Catholic and Protestant rulers had to face the question of whether they should tolerate one another. *Cuius regio eius religio* came onto the agenda as a principle of toleration even though it was largely pragmatic in its basis.

We might claim that in our contemporary multicultural world, toleration still retains its significance as an international issue as well as an intra-state one. Contrary to what is envisioned by the modernization thesis, religion continues to have its impact on the political and ethical life of citizens both at the international and national level.[1] Not only the rise of religious fundamentalism but also the ongoing presence of religion in political and social life has proved that secularization is not a smooth path that has resulted in the weakening of the religion in the lives of individuals and communities of different sort. In contemporary societies, we have to live together in the same territory as people having different faiths and value systems. Moreover, issues of different faith and values, give rise to questions of tolerance/intolerance at the global level too regardless of whether we buy into the so called 'clash of civilizations' thesis. It might be claimed that "there is a sense now

---

[1] See Jurgen Habermas. "The Resurgence of Religion- A Challenge for a secular Self- interpretation of Modernity?", *Paper for the conference 'Religione e Politica nella Societa Post-secolare'* (Rome, 13/9/2007) and "Post-Secular Society? What does that mean?", paper presented at the Conference "Istanbul Seminars, East and West" (June 2-8 2008)

that we share a world where the question of toleration is posited not just as an issue for states, for their local laws and constitutions, but for humanity as a whole."[2]

With the development of globalization, conflicts have gained a more cross-boundary character given the high level of interconnectedness regarding the political, economic and social structures and the movement of people across boundaries. Globalization puts injustice on stage by dividing the world into winners, beneficiaries and losers.[3] Conflicts based on economic and social inequality as well as differences of values, beliefs, traditions and world-views have developed increasingly into global issues regardless of the nature of the causes of those conflicts. Thus, toleration and intolerance, as responses to disapproved/ disliked difference, are in need of consideration in international/global terms rather than simply as issues within state boundaries.

In focusing on toleration as an international issue, this dissertation has two justifications: one empirical, the other theoretical. As was mentioned above, the empirical justification is that conflicts that call for tolerance have emerged as global issues in contemporary times. Perhaps the most remembered and significant case was the 9/11 attacks on the Twin Towers. It was perhaps the first world historical event,

---

[2] Williams Melissa S. and Waldron Jeremy. *Toleration and Its Limits*, Nomos XLVIII. New York: New York University Press, 2008, 24.

[3] Giovanna Borradori, *Philosophy in a Time of Terror- Dialogue With Jurgen Habermas and Jacques Derrida* (The University of Chicago Press, 2004), 64

as Habermas mentioned, that occurred in front of the eyes of a global audience.[4] What we observed was an act of intolerance which had global effects both in its own consequences and in the reactions undertaken by the US government afterwards. Thus, we witnessed that terror as an act of intolerance that led to more intolerance with the actions undertaken by USA afterwards (i.e. the war against terror). These events confirmed that the questions of toleration and intolerance are indeed global issues, not only intra-state matters.

In line with the empirical motivation mentioned above, there is also a normative motive behind this dissertation in focusing on toleration as an international issue: toleration is needed as a moral attitude if we have to share the same world in peace and stability as people coming from different cultures, civilizations and societies. This means, responding with toleration to each other's differences at the global level (be they religious differences or not) seems to be significant for peace and stability. Yet, this does not mean that toleration is considered without limits. It is important to note that toleration is not addressed in absolute terms in this work. It is only to address the motivation that toleration as a moral principle is a requirement of peace and stability.

The second justification is theoretical: this dissertation aims to contribute to the contemporary literature on toleration by focusing on a rather disregarded topic; the international aspect of toleration. Toleration has been widely studied as an intra-state

---

[4] Jurgen Habermas, "Fundamentalism and Terror- A dialogue with Jurgen Habermas", *Philosophy in a Time of Terror- Dialogue with Jurgen Habermas and Jacques Derrida*, ed. Giovanna Borradori (The University of Chicago Press, 2003), 24

matter rather than an international issue. Of course there are a few exceptions such as Michael Walzer, John Rawls, Kok Chor Tan and Peter Jones. Nevertheless, toleration has received attention mainly within the context of democratic societies (as an intra-state issue). There might be reasons that explain the lack of consideration that international toleration has received and these will be addressed in this work. Nevertheless, it is claimed that these reasons for the neglect of international dimension of toleration do not justify the neglect. Based on this diagnosis, this dissertation intends to contribute to the theoretical literature on toleration by focusing on its international dimension.

I aim to answer the question of whether there is a place for toleration in our thinking on the international realm and if so, what it is. It is argued that we can think of toleration as an international issue and that we might address its dimensions by outlining its characteristics and the possible reasons that might be offered for its justification. The whole research concerns the way in which we might think of different dimensions of toleration in the international realm. Specifically, we will focus on the theories of John Rawls and Jurgen Habermas as two exemplary cases. Their theories are supportive of the argument that there is a place for toleration in our thinking on the international realm and indicate how we might outline its possible grounds and characteristics.

In arguing for the possibility of toleration as an international matter, I draw on specific theoretical sources. First of all, I start with the analysis of the concept in general and set out the characteristics of and reasons for toleration. Thus, I refer to the contemporary literature on the concept of toleration, such as the articles and texts

of Susan Mendus, Catriona MacKinnon, John Horton and Rainer Forst. This will help to develop a conceptual map that outlines the possible dimensions and grounds of toleration. Secondly, I address the relevant contributions in contemporary political theory which argue for toleration as an international issue, even though these are few, such as M. Walzer and P. Jones to demonstrate the significance of toleration in the international realm. Finally, I focus on John Rawls and Jurgen Habermas as two theoretical sources that claim the possibility of toleration as an international issue and that analyze the way one might think of its dimensions. The outlooks of Rawls and Habermas will be analyzed and interpreted in the light of the conceptual map that will be developed concerning the characteristics of and reasons for toleration as an international issue.

The theories of John Rawls and Jurgen Habermas provide the main focus of the dissertation because they provide strong cases for the possibility and significance of international toleration. First, their theories provide a detailed account of toleration and its international aspect both in their description of the concept and the reasons they give for toleration. In this respect, their account of toleration is in line with the conceptual map that is developed regarding the characteristics (conditions of possibility) of and reasons for toleration in this dissertation.

Secondly, their theories also provide a solid moral basis for toleration and its international aspect as we think of the realities of our times due to their recognition of the fact of pluralism and reciprocal democratic dimension of toleration. In the outlook of Rawls and Habermas, toleration comes to the fore as part of a democratic ideal based on the reciprocal respect of free and equal citizens in conditions of pluralism.

This gives us the chance to reflect on the meaning and dimensions of toleration for a multicultural world divided by various differences. In line with this, their emphasis on pluralism as a global condition is significant for us to think of the different dimensions of toleration such as possible reasons for toleration at the international level.

So far, I have stated the motivation and argument of the dissertation. From now on, I will mention how I will focus on the question of the research by outlining what exactly I will be doing in each chapter of the dissertation. This dissertation consists of six principal chapters. Chapter 1 will be concerned with the concept of toleration and its international aspect in order to develop a conceptual map that will be used when interpreting the theories of Rawls and Habermas. In the subsequent chapters, we will focus specifically on the outlooks of Rawls and Habermas as far as toleration and its international aspect is concerned. And, finally, in the conclusion, a summary of the analysis and conclusions that will be derived from the analysis will be outlined.

Chapter 1 consists of two parts. In the first part, I will develop a conceptual map by outlining the characteristics of and reasons for toleration. In the second part, I will pose the main question of the dissertation: Is there a place for toleration in our thinking on the international realm and if so, what is it? This part of the chapter will be concerned with developing an argument for toleration as an international issue. Hence, first, we will outline the possible reasons for the neglect of toleration as an international issue. After demonstrating the implausibility of those reasons that disregard toleration as an international issue, I will cite certain examples from contemporary international discourse to demonstrate that there is a place for

toleration in our thinking of international realm. Then, using the conceptual map that is developed in the first part of the chapter, I will consider the possible characteristics of and reasons for toleration in the international realm in order to show the way we might think of toleration as an international issue.

Chapter 2 deals with the theory of John Rawls as far as his domestic conception of toleration is concerned. I will focus on *Political Liberalism* to outline the main features of toleration in the theory of Rawls. This is significant because Rawls's conception of toleration in the context of domestic democratic societies is highly relevant to understanding and interpreting his outlook on international toleration. In this chapter, I will make conceptual references to the first part of the Chapter 1 to examine the grounds (reasons for) and structure (characteristics) of toleration in the theory of Rawls. Then in Chapter 3, I will examine his account of international toleration in *The Law of Peoples*. In this chapter, I will also refer to *Political Liberalism* to examine the parallels and differences between Rawls's thinking on domestic and international toleration. It is also significant to note that throughout the two chapters on Rawls, particular references to Habermas's outlook on toleration will be made to anticipate certain parallels and differences between the two theories.

Chapter 4 concerns the theory of Jurgen Habermas regarding his conception of toleration as an intra-state matter. I will address the features of his conception of toleration within the context of democratic societies in light of the conceptual map that is developed in the first chapter. This will give us the chance to see the parallels and discontinuities between his understanding of toleration as an intra-state matter and as an international matter. In Chapter 5, I will analyze the grounds and

characteristics of international toleration in the theory of Habermas. In addressing the way Habermas understands toleration, I will also refer back to Rawls to make a comparison between the two theories.

Chapter 6 is devoted to further reflections on the strong and weak points of the theories of Rawls and Habermas on the issue of international toleration. With the help of the critical assessment of their outlooks on the characteristics of toleration, further thought will be initiated for conceptualizing different dimensions of international toleration. This will help us to reflect more on which features a theory of international toleration should have in the 21st century.

My concluding remarks will be devoted to a brief summary of the analysis that is made in the dissertation regarding toleration and its international aspect and, the outlooks of Rawls and Habermas on toleration. I will outline the results that are reached concerning the way we could think of toleration as an international issue. I will also address the results of the interpretation of the theories of Rawls and Habermas concerning the characteristics and grounds of toleration as an international issue. The results of the comparative analysis of the theories of Rawls and Habermas will be briefly recalled because this will provide an example of the way that one could think of toleration as an international issue. In addition, addressing the strong and weak points of both theories with respect to toleration and its international aspect will give us a chance to reflect on what dimensions a theory of toleration should have in the conditions of a multicultural world society of the 21st century.

CHAPTER 1

MAPPING TOLERATION AND ITS INTERNATIONAL ASPECT

1.1. THE CONCEPT OF TOLERATION

Chapter 1 aims to point out the characteristics of toleration that will allow us to think of it as an international issue. Basically, this chapter will establish the ground concerning if there is a place for toleration in our thinking of international realm and if so, how we can think of toleration as an international issue. However, before engaging in investigating the dimensions of toleration as an international issue, it is significant to have a grasp of what the concept of toleration amounts to as the way it has been pictured in the contemporary literature so far. In this sense, first part of Chapter 1 intends to outline how toleration has been portrayed and conceived in the theoretical sources which directly address the issue. One might rightly think that this is a huge task to tackle with since there is a vast literature that point out toleration in domestic context. Nevertheless, one can still try to give a glance at the relevant undertakings for the purpose of drawing a conceptual map. In this manner, this part of the chapter is particularly significant because it will provide us the foundations regarding the concept of toleration and thus, will give us the chance to look through where the conceptual tools come from when building the argument in the second part of this chapter.

First, I intend to look at the theoretical sources to identify the basic features of the outlook on toleration. Thus, we will start with indulging in what I call the characteristics of the concept of toleration. This is the part in which I aim to draw the

boundaries of the concept (to the extent that it is possible of course). Therefore, I aim to make an analysis of the concept and its different characteristics.

The very attempt to draw a map of a concept necessarily involves the attempt to understand its meaning as well. Toleration as a term, which originates from Latin *tolerare*, means "to put up with", "countenance" or "suffer"- "generally refer to the conditional acceptance of or non-interference with beliefs, actions or practices that one considers to be wrong but still "tolerable", such that they should not be prohibited or constrained."[5] This basic definition already gives some clue to start to consider what is at stake when we talk about toleration.

As we have to get into the conceptual analysis to set up the stage for the second part of Chapter 1, the analysis will be based on two levels: Conditions of possibility of toleration (characteristics of toleration) and reasons for toleration. By conditions of possibility, I mean the conceptual tools that are helpful in indicating the characteristics of toleration. In this sense, they help to reflect on the boundaries of the concept by pointing out what makes toleration possible. On the other hand, reasons for toleration indicate why we tolerate the thing that we dislike/ disagree. A reason for toleration provides a justification for putting up with the thing that we dislike / disagree. These two levels will constitute the ground on which we move in the following pages of the first part.

---

[5] Rainer Forst, "Toleration", *The Stanford Encyclopedia of Philosophy (fall 2008 Edition)*, Edward N. Zalta (ed.), URL = http://plato.stanford.edu/archives/fall2008/entries/toleration/, (accessed February 9, 2009)

1.1. 1. Characteristics of Toleration

Perhaps the first circumstance that one must refer is the presence of a 'tolerator' and a 'tolerated'. It might be claimed that we can talk about a diversity of agents as well as objects depending on the context of toleration. In this way, one might think of 'individuals', 'groups' (in various forms such as associations), 'societies', 'states' and 'governments' as potential agents of toleration. As for the objects, we can mention 'beliefs', 'actions', 'identities' etc. Preston King makes a very helpful categorization regarding the objects of toleration: The first category consists of any human activity such as public petting, divorce, gambling, late hours, drinking, strikes, currency speculation, fast driving, and noisy parties and so on.[6] Since there is no end to the diversity of human activity, there is no end for potential tolerance of activities. The second category consists of expression of various kinds of ideas such as religious, scientific, ethical or political. This might be labeled as ideational tolerance. Third category refers to the tolerance of various kinds of organizational groups such as ethical, political, educational, and religious. This he calls organizational tolerance. Here we can talk of various types of organizational tolerance such as of political clubs and parties, religious groups, trade unions etc. And lastly, we might talk about the tolerance of certain involuntary and natural or semi-natural differences such as nationality, class, sex, race, tribe, religion and culture. This categorization of King can, at least, give us the opportunity to imagine a relation of tolerance in concrete basis in terms of thinking of possible agents and objects.

---

[6] Preston King, *Toleration* (London: Frank Cass Publishers, 1998), 63-64.

When we refer to circumstances of toleration, it is commonly accepted in the contemporary literature that we make reference to certain principle characteristics of toleration such as diversity, dislike/disapproval and power.[7] First of all, we need circumstances of diversity coupled with dislike, disapproval or disgust to be able to refer to toleration. Thus, for toleration to be possible what is needed is not sheer diversity or any diversity, it is diversity that is the source of dislike, disapproval or disgust. Otherwise, if we are happy with the plurality and nothing is bothering us, we cannot talk about toleration. This also means that if we are indifferent regarding a specific behavior/ opinion or action, then we cannot argue we tolerate it. Both indifference and approval are the conditions that eliminate the possibility of toleration.

---

[7] See Susan Mendus and John Horton, eds., *Aspects of Toleration* (London, New York: Methuen, 1985), Susan Mendus, *Toleration and the Limits of Liberalism* (London:MacMillan,1989), Susan Mendus and David Edwards eds., *On Toleration* (Oxford: Clarendon Press, 1987), Susan Mendus, ed., *Justifying Toleration- Conceptual and Historical Perspectives* (Cambridge: Cambridge University Press, 1988), John Horton, ed., *Liberalism, Multiculturalism and Toleration* (London: MacMillan Press, 1993), John Horton and Peter Nicholson, *Toleration: Philosophy and Practice* (Aldershot: Averbury, 1992), Peter Jones, "Making Sense of Political Toleration", *British Journal of Political Science*, 37.3 (July 2007),"Toleration, Recognition and Identity", *The Journal of Political Philosophy*, Vol. 14, Number 2, 2006, "International Toleration and the 'War on Terror'", *Globalizations*, Vol.6, No.1(March 2009), "Toleration and Neutrality: Compatible Ideals" in D. D. Castiglione and C. McKinnon(eds.), *Toleration, Democracy and Neutrality* (Dordrecht, Kluwer, 2003), "Toleration, Supererogation and Rights" (forthcoming) in D. Edyvane and Susan Mendus, eds., *Toleration Re-Examined* (University Park, PA, Penn State university Press), Catriona McKinnon, *Toleration: A Critical Introduction* (London, New York: Routledge, 2006), Rainer Forst, "Toleration, Justice and Reason", *The Culture of Toleration in Diverse Societies*, Catriona McKinnon and Dario Castiglione, eds. (Manchester, New York: Manchester University Press, 2003), Andrew Jason Cohen, "What Toleration is?", *Ethics*, 115, October 2004.

Secondly, to be able to talk about toleration, we also need the characteristic of power. In order for me to be in a relation of toleration to someone or something, I have to be in the position of having the power to act or not to act on my objection. Regarding this point, it is significant to point out one specific aspect concerning the characteristic of power: Is it enough for one to feel that she is in a position to act on the basis of her objection or do we need further objective evidence that there is a power dimension demonstrating that the tolerator is objectively having the capacity to act but refraining from acting on her objection for toleration reasons? [8] My contention is that one could go for both way of approaching the issue since in most cases, what we might think as being in a powerful or powerless position from an objective point of view might not match with the subjective understanding of the tolerator. To give an example, imagine that I am a person who is against the rights of gays. In my country, the Parliament is planning to issue a law that legalizes the right to marriage of gays. As an individual, I consider being gay as something against the word of god. Nevertheless, I remain without action. *Prima facie* one might think that the reason for me to refrain from action is the fact that I do not have any power to affect the situation as an individual because I lack the objective means to act on the basis of my objection. So the conclusion would be there is no relation of toleration between me as an individual and the Government. Nevertheless this is not the case. Certainly I believe that I have an option to decide if I should engage myself in a political

---

[8] In this sense, Andrew J. Cohen mentions that believing that one has the power to interfere (believed power) is a necessary and sufficient condition for toleration. See his depiction of the conditions of toleration at "What Toleration is?" *Ethics,* 115, October 2004.

movement which is acting against the rights of gays. However, I decide not to because I have a gay boss at work and I am afraid that if he finds out about my political engagement, he will fire me. In this example, I certainly consider myself tolerating the action of the Government since I refrain from acting on the basis of my objection (even if it is out of prudential reasons). This demonstrates that in most cases, the perception of the tolerator concerning her situation seems to be significant as far as the characteristic of power is concerned. It might also be suggested that it can be helpful if we distinguish between tolerant conduct and tolerant disposition or attitude. For the tolerant conduct, I definitely need the dimension of power since I behave tolerantly if only if I could prevent X but don't (think of gay rights example above). But tolerant disposition does not require actual power because I have a tolerant disposition if I disapprove of X but would not prevent it even if I could.

We can also analyze the scope, demands and limits of toleration. However, it is intended to examine these as criteria that are related to the concept of toleration in the sense that what we could tolerate or not, rather than the substance of toleration in terms of what we ought to tolerate. First I will start with what Susan Mendus calls the scope of toleration. This is a debate regarding the question if toleration needs to be defined on the basis of a morally grounded disapproval or simple dislike, or disgust.[9] It seems we might imagine sources of disagreement which are not necessarily moral such as aesthetic, artistic etc. Imagine that I do not like my boyfriend's choice of

---

[9] Susan Mendus, *Toleration and the Limits of Liberalism*,10, Mary Warnock, "The Limits of Toleration" in *On Toleration,* Susan Mendus and David Edwards, eds., Catriona McKinnon, *Toleration: A Critical Introduction*, 16.

music at all but I tolerate him listening to it because I do not want to bother him and I want him to be comfortable at home. In this case, the nature of my disagreement is aesthetic, not really moral but I do tolerate him and do not want him to change his taste of music or stop listening to it at home. Regarding this point, Mary Warnock also claims that toleration is not necessarily moral and we can have nonmoral beliefs about the thing that we tolerate.[10] From an opposite standpoint, Peter Nicholson thinks that toleration is a moral concept in the sense that it is both applicable to moral action and in the narrower sense, it is a virtue.[11] With respect to the debate on the scope of the concept, it might be the case that drawing the boundary depends on what counts moral and what counts nonmoral as well. For instance, if sentiments and judgments of different kind count as moral or not is a curious issue to think over. Nevertheless, regardless of the moral standing of judgments, it seems to me that there

---

[10] Warnock, "The Limits of Toleration", 126

[11] Peter Nicholson, "Toleration as a Moral Ideal" in *Aspects of Toleration*, ed. John Horton and Susan Mendus, 161. At this point, we could find a striking criticism of Nicholson in Warnock's article: "Often one would think oneself tolerant if one refrained from criticizing something that one disliked, hated, or regarded with varying degrees of distaste. I am tolerant if one of my daughter's boyfriends wears sandals with his suit or a stuck with his tweed coat, and I not only make mention of this outrage, but actually express myself pleased when they announce their intention getting married. I am exercising the virtue of toleration if I am still on good terms with my son, though when he stays in the house I can never clear the breakfast before lunchtime, nor be certain that there is whisky left in the bottle for when the Chancellor calls. The kinds of virtue on my part would not be recognized as toleration by Peter Nicholson on the grounds that they show restraint on my part with regard to my tastes, likes, and dislikes, not with regard to my moral principles… I simply do not believe that a distinction can be drawn, as Nicholson seeks to draw it, between the moral and nonmoral, resting on the presumption that the moral is rational, or subject to argument, the nonmoral a matter of feeling or sentiment." Warnock. "The Limits of Toleration", 125-126).

might be a plurality of sources that might trigger dislike, disgust and disagreement. In addition to this, it is also significant to mention that here the issue is not whether 'putting up with' counts as toleration only if the reason for toleration is moral. Rather, the point is whether the disapproval is a moral one or not.

Another characteristic that I would like to discuss here is what I call the demands of toleration. Demands refer to the limits of the action that can be taken with reference to toleration. Mendus calls these limits as requirements of toleration. It is significant to consider if toleration means leaving alone or refraining from persecuting or it can require more than that such as assisting, aiding and fostering.[12] This question makes even more sense when we consider the divided nature of societies which contain various types of cultural and ethnic groups and practices: Shall the state leave each group on its own and be neutral towards all the cultural differences or shall it try to foster and facilitate their way of being different with specific policies? In addition to this, demands of toleration might also be relevant when reflecting on toleration as an international issue. States and international organizations enter into relations of toleration most of the time: the issue of nonintervention, aiding and assisting comes to the fore as relevant attitudes and actions that one might imagine in the international realm. However, I will deal with this aspect in the second part of the Chapter where I will focus on specifically toleration as an international issue.

---

[12] Mendus, *Toleration and Limits of Liberalism*,15-16

The last conceptual reflection regarding the conditions of possibility of toleration (characteristics of toleration) might be considered as the limits of toleration. Toleration is possible only with certain limits. Whenever we talk about toleration, we talk about its limits indeed. By limits, we refer to what could be tolerated and what could not; what could be the object of toleration and what could not. For instance, it is sometimes mentioned that we can only tolerate what could be changed. In this sense, we cannot tolerate race because race cannot be changed. We might think of ethnicity and other characteristics of a person that are not changeable within that range as well.

When we think of the substance of toleration, rather than the concept of toleration, we need to think of its limits in terms of what we ought to tolerate. In a way, we might say that toleration must have its own domain.[13] However to define the content of this domain is always context- dependent and changeable due to the nature of the relation of toleration between the parties. This debate itself will be brought to the agenda in the second part of the Chapter since the limits of toleration seems to be

---

[13] Concerning the domain of toleration, Peter Jones makes a categorization as follows: "When we think of the proper limits of toleration, then, we might think in terms of three zones: a middle zone that is the zone of proper toleration; a lower zone that is defined by the intolerable; and an upper zone defined by conduct and conditions that are not open to reasonable objection and for which the need for toleration should not arise. Doubtless, within broadly liberal societies, there will be widespread agreement on some of what should be assigned to each zone. We should assign religious worship (in general if not in every detail) to the middle zone; murder, rape, assault and other staples of criminal law to the lower zone; and racial differences to the upper zone. But there will be many matters on which there is no such consensus. We may happily agree that there are these three zones, while disagreeing significantly on what should fall within each."(Peter Jones, "Toleration and Recognition: What Should We Teach?", Educational *Philosophy and Theory*, forthcoming).

a significant and dominant component of our imagination of toleration in the international realm.

1.1.2. Reasons for Toleration

After covering up the conditions of possibility of toleration (characteristics of toleration), I would like to turn to reasons for toleration (justifications of toleration). In the contemporary literature, we come across couple of possible justifications that have been mentioned as for reasons to tolerate such as skepticism and certain versions of it, autonomy, respect and reasonableness. Below, I will try to outline the basic possibilities as far as reasons for toleration are concerned though I prefer to categorize them as principled moral reasons, non-principled moral reasons (consequentialist reasons) and nonmoral prudential reasons. From a principled moral reason, we tolerate as a matter of principle, without the guidance of ulterior motives that might treat toleration as an instrument. On the other hand, nonprincipled moral reasons come to the scene when 'one ought to tolerate' cannot be argued in a straightforward way but it depends on different motives; i.e. consequentialism.

Firstly, one can mention non-moral (prudential) reasons for toleration. These are the reasons that are motivated by self-interest and its benefits we consider that would come with toleration. They do not provide any justification from a moral point of view; be it in the sense of a principle or consequence. I think imaging this type of reasoning is not so uncommon in daily life as well as in politics. We can either find ourselves as single individuals or political parties and associations putting up with the

things that we disliked or disapproved due to the benefit that we expect out of the non-conduct.

As for the consequentialist moral reasons, one might imagine reasons that are based on a broad range such as utilitarian considerations aiming to maximize the happiness of the greatest number and the reasons that are related to the establishment of peace and stability. Let's imagine that there is a scientist in our country who is extremely talented and even a genius. He is running a project about cloning of organs in human body which will benefit the whole population and even human race if he manages to conduct his research properly and if he is given the adequate support. In this situation, even though we do not agree with what he is doing due to our religious beliefs, we might think that we should tolerate his action because his project will serve the benefit of the sick fellow countrymen. Here, the reason for us to tolerate the scientist is from a consequentialist justification. It does not seem principled (however it is moral) because toleration is seen as an instrument to achieve the common good. Nevertheless, it still can give effective and real reasons for us to tolerate an action that we disagree from a strong point of view. Thus, one might say that we can find some place for consequentialist reasons in our consideration of toleration as well as nonconsequentialist reasons.

Another possible justification for toleration can be a principled moral way of giving reasons to why we should tolerate. In this approach, we might say that toleration is viewed as a concept which has a moral value on its own. The most commonly accepted position on this basis is what we could call 'respect for persons".

This is widely supported by contemporary philosophers as a ground which we should appeal if we want toleration to have a principled justification. According to this view which justifies toleration on the basis of respect, intolerance is morally wrong (not only imprudent) and this moral wrongness is a consequence of its failure to treat persons as worthy of respect.[14]

Generally speaking, we might argue that if we want toleration to have significance on its own, we should be able to justify it by referring to reasons that are themselves morally grounded. 'Respect for persons' might be considered as an attempt to do this with its appeal to see persons as self legislating beings that are capable to choose and follow the life they wanted for themselves. Different version of this approach might be found in contemporary theoretical sources.[15] We might say John Rawls, both in *Political Liberalism* and *The Law of Peoples* subscribes to this idea of 'respect for persons' (in *Law of Peoples*, 'respect for peoples') concerning toleration because he pictures persons as free and equal (as having a sense of justice and a capacity to follow their own conception of good). In this sense they are both rational and reasonable and for this reason, imposition of any comprehensive doctrine on the other is wrong because that would mean to treat persons without respect. This might sound a too simple and caricaturized way to explain Rawls's position however

---

[14] Mendus, *Toleration and Limits of Liberalism,* 10-11

[15] As for the idea of respect, also see Charles E. Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), T. Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991).

I will not go into the details of his conception of toleration here since there will be a whole Chapter which will be dealing with this issue separately.

For Susan Mendus, a prudential way of toleration is not enough to give principled reasons for toleration. We need a justification that considers toleration as a moral value: "if we wish to count toleration as a genuine virtue, then its justification must make reference to the value of persons as essentially autonomous, self-legislating beings who are worthy of respect."[16] She says: "A belief in persons as essentially autonomous agents, entitled to direct the course of their own lives, generates an argument for toleration as distinct from indifference or licence, since what is required by such an ethics is precisely that I act morally well in allowing others to dictate their own actions, even though I morally disapprove of such actions." [17]

Peter Jones mentions respect as a possible way for a justification to toleration too. I will not go in the details of his argument here since I will take up the issue of international toleration in the following chapter. However, it is significant to see why he endorses respect for persons as a reason for toleration. He says; "Any approach to toleration or intolerance that pays no attention to consequences should not be taken seriously…. However, while we should not disregard consequences, we may be reluctant to place the case for toleration entirely at their mercy."[18] In this way, we

---

[16] Mendus, *Toleration and Limits of Liberalism*, 19

[17] Ibid, 5

[18] Peter Jones, International Toleration and the 'War on Terror', *Globalizations*, Vol.6, Number 1 (March 2009), p 11.

might claim that, Jones also thinks that respect for persons helps us not to consider toleration in purely prudential and consequentialist terms. Therefore, he continues: "Respect, as used in 'respect for persons', invokes an idea of status rather than merit. Thus we may think that a person's beliefs and form of life are without merit, but our respect for her status as a person can provide reason why we should tolerate her beliefs and form of life in spite of our negative appraisal of them and even though our negative appraisal is soundly based." [19] We will see how this notion of personhood and status will be significant in the second part of the Chapter when we reflect on possible justifications of toleration as an international issue. We will also explicate how 'respect for persons' approach can translate to the international realm.

Rainer Forst might also be considered as subscribing to the 'respect for persons' view as a justification to toleration. He says that toleration as respect can be justified in different ways. [20] According to an ethical liberal neo-Lockean justification, respect is owed to individuals as personally and ethically autonomous beings with capacity to choose, revise and realize an individual conception of the good. However, we could also talk about an alternative neo- Baylean justification of the respect conception which is based on discourse principle of justification: "Every norm that is to be binding for a plurality of persons, esp. norms that are the basis of legal coercion, must be justifiable with reasons that are reciprocally acceptable to all affected as free and

---

[19] Peter Jones, Toleration and Recognition: What should we teach? (unpublished paper),12 Also see his "Toleration, Supererogation and Rights", 11

[20] Rainer Forst, "Toleration", *Stanford Encyclopedia of Philosophy*, Section 4.

equal persons."[21] In line with this, "persons are tolerant to the extent that, even though they disagree with others about the nature of the good and true life, they tolerate all other views within the bounds of reciprocity and generality."[22] We could possibly claim that Forst's conception of respect does not exclude what he calls the neo-Lockean conception of respect but adds another dimension such as discourse principle to the very idea of persons as autonomous beings to whom respect is owed.

We can claim that one might put McKinnon's reasonableness approach under the category of 'respect for persons' as well. Toleration from reasonableness is basically a Rawlsian account which is inspired by the argument in *Political Liberalism*. Since the first part of Chapter 3 will be devoted to Rawlsian notion of reasonableness and toleration in *Political Liberalism*, here I will not indulge in how McKinnon reads Rawls. For now, it is enough if we just state what the characteristic of McKinnon's account of justification for toleration is. McKinnon says: "Toleration is justified by the requirement that each person ought to accept that it is unreasonable for her to attempt to impose her responsibly held commitments on another person or group which generates their opposition is a reasonable one."[23] In this sense, one might say each person reasons that she should respect others as persons since she recognizes them as having a sense of justice and aware of burdens of judgment. However, McKinnon still thinks that reasonableness account also needs an account of political harm to be more acceptable as far as dealing with the hard cases we face in life

---

[21] Ibid.

[22] Rainer Forst, "Toleration, Justice and Reason" in *The Culture of Toleration in Diverse Societies*,78

[23] Catriona McKinnon, *Toleration: A Critical Introduction*, 67

concerning toleration.[24] This is specifically significant when it comes to the point that state has to protect the side which was harmed by means of legislation.

Lastly, let's mention skepticism as a controversial candidate for constituting a reason for toleration. At first we might claim that skepticism tends to justify toleration in a nonprincipled way. This means it does not offer a straightforward reason for tolerating when we ask the question 'why we ought to tolerate?' However, it gives a reason that stems from the epistemological uncertainty of the beliefs and the nature of the plurality of values. We might mention different versions of skepticism and their ways to justify toleration. Catriona McKinnon distinguishes between different skepticisms as reasons for toleration such as metaphysical skepticism, pragmatism and epistemological skepticism. Metaphysical skepticism is divided into two: subjectivism and relativism.[25] Subjectivism claims that "when we make moral judgments we do no more than express an opinion on the matter of the judgment, or emote with respect to the issue addressed by the judgment." [26] Argument for toleration from subjectivism would be following the logic that if my opinion of opposition is only one among all others regardless of how strong and how evaluated it is, then toleration should follow. This means I cannot act on the basis of my opinion intolerantly in a legitimate way. Although subjectivism offers a reason for toleration as a form of skepticism, as McKinnon puts it rightly, relativism has been more influential in philosophical circles. As for relativism, McKinnon mentions that the

---

[24] Ibid, p.81

[25] McKinnon, *Toleration: A Critical Introduction*, 35.

[26] Ibid.

form of relativism that is relevant in the discourse of toleration is: It has to reject both that there is one single morality and when two moral statements conflict as recommendations to action, only one statement can be true.[27] For McKinnon, both arguments (subjectivism and relativism) are invalid as far as toleration is concerned. She says: "If subjectivism is true then the judgment 'people ought to practice toleration' is nothing but an opinion or an emotion which is on the same footing in terms of its authority in practical reasoning as all the judgments of opposition it is supposed to rein in."[28] As for relativism, she points out that relativism as meta-ethical position could not provide any normative action guiding principles for toleration or against toleration. It lacks the normative action guiding component to give reasons for why we ought to tolerate.

Pragmatism and epistemological ethical skepticism are the other two versions of skepticism McKinnon mentions. Pragmatism is "the view that social values and political principles are judged to be the right principles for any given society according to how well these values and principles enable the society in question to achieve its collective goals and realize its shared ends: crudely, for pragmatics, morality is what works."[29] On the other hand, epistemological skepticism is the view when J. S. Mill says "because we cannot be sure that we always form and hold true beliefs, we ought not to take our genuine conviction that our opinions are justified as

---

[27] Ibid, 37

[28] Ibid, 36

[29] Ibid, 43

evidence that they are true."[30] McKinnon claims that pragmatism brings a justification to toleration with a very high cost for it rules out the possibility of democratic transparency and access to the real sources of justification for the political principles enacted in policy. On the other hand, she criticizes epistemological skepticism as well because it is based on an untenable distinction between evaluative and factual beliefs.[31]

Like McKinnon, Mendus is also critical of skepticism because for her, skepticism provides a pragmatic defense of toleration; it is not offering a principled reason.[32] In this sense, for skepticism, toleration has an instrumental value because toleration is

---

[30] Ibid, 47

[31] At this point, Preston King, implicitly challenges epistemological skepticism as a reason for toleration as well: "For why should one act against an item, when- at the same time- one is not sure that one has any genuine reason or motive for so doing? We shall maintain therefore that tolerance exists only where there obtains an unequivocal objection to the item said to be tolerated; and equally that it does not exist where the 'objection' is equivocal, unsure, *uncertain* producing as a logical consequence some fundamental question or doubt as to whether the 'objection' is really in fact an objection at all" (Preston King, *Toleration* (London: Frank Cass Publishers, 1998), 25-26. It seems to me that this implies that if our toleration is stemming from our doubt and uncertainty concerning our beliefs (assumptions etc), indeed we are not tolerating the thing that we are objected to because uncertainty undermines the character of the objection to be a genuine objection. Nevertheless, for King, this way of reasoning concerning toleration is not at odds with skepticism. For him, the rationale of tolerance is the most minimal form of a doubt of a kind which might be called '*procedural skepticism*'. By referring to the example of Galileo and Church, he continues: " For it is perfectly possible to entertain with great firmness the belief that Copernican ideas are mistaken while refusing to conclude from this (a) that one who owns them should be punished (b) that the books in which they are expounded should be banned. There is a world of difference between this situation of restraint and one in which we are merely unsure whether the sun turns round the earth or the earth round the sun" (p.122).

[32] Mendus, *Toleration and Limits of Liberalism*, 108

viewed as the child of doubt "and those who doubt whether we can know moral and religious truth will tend to favor a *laissez faire* attitude towards diverse and disparate beliefs."[33] I tend to agree with Mendus and McKinnon regarding their criticisms of skepticism when they say it is not enough and valid reason for toleration on its own. It might be true that it does not provide a straightforward moral principle in favor of toleration even though I think it can still contain a certain force of justification (though limited).

In regard to the point mentioned above, one might claim that skepticism can provide some justification as long as it faces persons who hold their beliefs in moderate way in the sense that they maintain a certain level of doubt towards what they believe. Nevertheless, it might face difficulty when dealing with persons who dogmatically hold to their beliefs. For instance, let's imagine a person who thinks that her ideology is the absolute truth and for this reason, she has to convert everyone in the world either by force or by persuasion to her belief system. An argument from skepticism can tell her; "What you believe is just one set of beliefs among many in the world and there is a plurality of opinions and ideas, how come you could be that sure of what you believe is hundred percent true?" If the person is reasonable enough, she would not reply that all other people in the world who do not think like me are either deceived or ignorant. The problem starts if she replies insisting "I do not care if my truth is just one among many. Even this is the case, this does not tell me anything wrong about my belief and I do not see any reason why I should not try to convert all

---

[33] Mendus, *Justifying Toleration*, 6-7

other people to my belief system". Then, in this case, skepticism seems to lack further arguments to appeal to convince the dogmatic person about the necessity of toleration.

So far, possible ways to justify toleration (moral and prudential) have been outlined. The goal was not to make an argument in favor of one way over the other; rather I aimed to show how one can approach the issue from different angles and how has the debate been evolving in contemporary undertakings. Overall, in this part of the Chapter, we have made a brief analysis of what the concept of toleration is and what boundaries it has through reflecting on certain contemporary theories. This has been a survey of how the concept has been described so far. In the following part of the dissertation, I would like reflect on toleration as an international issue. Basically I aim to consider how toleration as an international issue can be conceived by looking through the conceptual tools that we addressed in the first part of Chapter 1.

1.2. TOLERATION AS AN INTERNATIONAL ISSUE

In this part of the chapter, the goal is to examine if there is a place for toleration in our thinking of international realm and if so, how. In the previous part, we analyzed the concept of toleration by focusing on its characteristics concerning conditions of possibility of toleration and also justification of toleration. Now, we will reflect on how toleration might be imagined as an international issue. First, we will focus on what might be the reasons for the lack of concern on toleration as an international matter. In line with this, it will be demonstrated that there is a place for toleration in the international realm. Secondly, by referring to the conceptual analysis that was made in the first part of the chapter, we will focus on what have been called the conditions of possibility of toleration and reasons for toleration with respect to its international dimension.

1.2.1. Is There a Place for Toleration in the International Realm?

As it was mentioned in the introductory chapter, toleration has always been an issue that was considered within domestic societies as far as the contemporary literature is concerned. Although various matters in international politics such as debate on humanitarian intervention and the role of human rights in international relations are related to toleration as an international issue, it is difficult to find direct reference to the concept in contemporary literature. One might identify only couple of theorists who addressed toleration directly as an international issue: Peter Jones, Michael Walzer, John Rawls and Kok Chor Tan.[34] In this chapter I will refer to Peter

---

[34] Peter Jones, "International Toleration and the 'War on Terror'", *Globalizations*, 6, No.1 (March 2009), "Toleration, Supererogation and Rights" (forthcoming) in ed. D. Edyvane and Susan Mendus,

Jones and Michael Walzer to support my argument that toleration might indeed be seen as an international issue. I will leave the discussion of Rawls and Kok Chor Tan to the following chapter in which I will specifically concentrate on the theory of Rawls despite of the fact that their theories obviously are helpful for one to understand how toleration can be an international issue.

To begin, I would like to state the argument that inspires this chapter and obviously the whole dissertation by claiming that there is a place for toleration in our thinking of international realm. We can think of toleration as an international issue. In the following parts of the chapter, we will demonstrate how toleration is an international issue by pointing out certain illustrations in global political discourse as well as conceptual references. However, first, it is significant to reflect on what might be the possible reasons for the lack of concern on toleration in the international realm. Below, I will refer to two thinkers (M. Walzer and P. Jones) who found it significant to think of toleration as an international matter. This will give us the opportunity to reflect on the possible reasons for disregarding toleration as an international matter as well as demonstrating how toleration has a place in contemporary international society in spite of this lack of interest.

Perhaps the first evident reason for disregarding toleration as an international

Toleration Re-Examined (University Park, PA, Penn State university Press), Michael Walzer, *Thick and Thin: Morality Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press,1994), *Toleration*(New Haven, London: Yale University Press, 1997), Kok Chor Tan, *Toleration, Diversity and Global Justice* (Pennsylvania State University, 2000), John Rawls**,** *The Law of Peoples* (Harvard University Press, 1999).

matter is the affect and dominance of realist paradigm which claims that international realm is anarchic and states follow their own self-interests. According to the realist paradigm, toleration does not have a place in international realm as a moral reason because states tolerate each other only when their self –interest is at the agenda. Thus, toleration is viewed only on prudential terms since what matters for a state is to act on the basis of its self-interest for its own security. In this sense, the assumption that states tolerate only when it serves their self-interest might have pre-empted the consideration of toleration as something important in the international realm.

M. Walzer, who is one of the few thinkers who explicitly addressed toleration as an international issue challenges this realist argument by stating that toleration is an essential feature of international society:

> "International society is an anomaly here because it is obviously not a domestic regime; some would say that it is not a regime at all but rather an anarchic and lawless condition. If that were true, the condition would be one of absolute toleration: anything goes, nothing is forbidden, for no one is authorized to forbid (or permit), even if many of the participants are eager to do so. In fact, international society is not anarchic; it is a very weak regime but it is tolerant as a regime despite the intolerance of some of the states that make it up. All the groups that achieve statehood and all the practices that they permit (within limits that I will come in a moment) are tolerated by the society of states. Toleration is an essential feature of sovereignty and an important reason for its desirability." [35]

Thus, for Walzer, toleration has a place in international society. States respecting the freedom of one another to be self-determining is not a mere anarchic fact; it constitutes a norm of right conduct in international society. Here one might say for

---

[35] Walzer, *On Toleration*, 19

Walzer, Westphalian model is itself a tolerant society. This is to say that, international society is not anarchic in the sense of not having common norms; rather there is a shared normative realm of conduct that states respect. It is not the only fact about international society that states do not respect any norms except for their self-interest. They do respect certain norms such as self-determination of each other which might be considered as a principle of toleration.

Peter Jones argues for the possibility of international toleration as well. In his article *International Toleration and the 'War on Terror'*, he mentions the possible reasons for why toleration has received less attention as an international than an intra-national issue. According to him, one of the explanations might be the lack of other-centered international toleration.[36] Since toleration is generally regarded as a good thing, many people might think that in the international realm, there is too much toleration rather than too little. So there may not be the same motivation for pressing the case for toleration internationally as there is intra-nationally. In addition to this, Jones also mentions the government's reluctance to take risks and to incur costs other than for the benefit of their own country as one other possible reason. State's reluctance to incur the costs of intervention might induce them to tolerate more than they should. Furthermore, like Walzer, he also points out the claim of realist tradition which argues states either will not or should not be concerned with other centered toleration, as a possible reason for disregarding toleration as an international matter.[37]

---

[36] Jones, "International Toleration and the 'War on Terror", pp. 9-10

[37] Ibid.

Moreover, for Jones, viewing the world from a simple Westphalian model in which each sovereign state is interested in its own affairs might lead one to think toleration is not necessary. Following Jones on this matter, we might say that there can be two ways to disregard the relevance of toleration at the international level: Firstly, on a Westphalian view, it might be argued that a state may lack the power to intervene in the affairs of other states so that it is incapable of tolerating or not tolerating the conduct of the other state. To answer this claim, we can simply say that states indeed do have the power to interfere in the affairs of other states. Some states have more power than others but no state is fully incapable of exerting or wholly immune from, external influence.

Secondly, on Westphalian view, it might be claimed that a state lacks the right (moral entitlement) to intervene in the affairs of other states and that pre-empts toleration. Here to counter this argument, we might say that state A's right to self-determination can be the reason for the state B's toleration, rather than something displaces toleration. The argument of Jones in *Toleration, Supererogation and Rights* is relevant to support us here. For him, it is appropriate to regard moral rights as moral reasons for toleration. He says: "If someone should ask why I tolerate A's dissolute or misguided form of life, there is nothing odd in my replying that I do so because A has a (moral and natural) right to lead that sort of life if she so chooses. My acknowledgement of A's right is consistent with my "tolerating" her conduct and with my conceiving that right as the reason for my toleration." [38] From a Westphalian

---

[38] Ibid, 11

view, people might think given that each state has a right to sovereignty, we cannot talk about state B tolerating state A in not intervening state A's affairs because state B already has a duty to not to intervene. In this way, B does not have the freedom and power to intervene. Nevertheless, we might still say that state A has a moral right to conduct its own affairs as the way she wants and state B tolerates her conduct even if she disagrees. State A's right to self-determination can be the reason for state B's toleration. In this manner, it seems to me, as Jones mentioned it rightly, we might still find a place for toleration within the realm of rights and obligations at the international level. Moreover, as we have touched upon elsewhere before, Walzer shares the same intuition that rights of the states as sovereign entities do not preclude toleration but it is the very basis of a tolerant regime.

For Jones, the possible interpretations concerning the impossibility of international toleration mentioned above are not sound. Furthermore, simple Westphalian view does not describe the world in which we live in any more.[39] He says that states and their governments intervene in each other's affairs all the time and they are not the only actors who do so. In this sense, he rightly acknowledges the interdependent nature of societies over each other's affairs in a globalizing world. Thus, for Jones, one might even say contemporary nature of the international society (post- Westphalian if I may call) makes toleration more significant as an international matter.

---

[39] Jones, "International Toleration and the 'War on Terror' ", 10

As Walzer and Jones, from different angles, showed us, reasons for the disregard of toleration as an international matter are not plausible. Toleration might be imagined as an international issue. Now I would like to carry on with the argument that toleration is an international issue by giving some examples from actual discourses that have been shaping global politics. This will give us the opportunity to see how one might think of toleration as an international matter in contemporary international society.

First, it seems significant to think of the history of toleration to understand that it has emerged as an inter-national as well as intra-national matter.[40] Toleration came to the agenda as a concern after Christianity became the official religion of the Roman Empire because that raised the question of whether state power should be used to curb 'heretics' and 'infidels'. But it is only with the Reformation that the discourse about toleration gained a significant character because thinkers such as Luther and Calvin came along with their own interpretation of Christianity which was quite different than the old doctrine. In this way, Catholicism had to face with a new challenge: Catholics, Protestants and Calvinists had to live together. It was not only a matter of religious struggle, it was political as well because rulers were involved deeply in either being supportive of or against the new challenge and in the need of making maneuvers for their interest. In this sense, in 16th and 17th centuries, toleration did not only arise as an issue for the rulers in relation to their subjects, but

---

[40] Here it is not to say that toleration is only a Christian phenomenon or we could find the genesis of toleration in the West. One could examine and mention the history of toleration in other civilizations as well.

also in relation to one another: Catholic and Protestant rulers had to face the question of whether they should tolerate one another. This political dimension was a significant part of the phenomenon at the time because it contained an international aspect. *Cuius regio eius religio* came to the agenda as a principle of toleration even though it was largely pragmatic in its basis.

In contemporary world, with the affect of globalization, it has become common to imagine issues that arise across and beyond boundaries. This might be due to the increasing level of interdependence and communication between national, international and transnational agents as well as the globalizing nature of economic, political and cultural aspects of our daily lives. Since problems of disagreement and conflict contain a global nature, toleration as a response to these disagreements might likely to have a global and international nature as well. Below, I will refer to four possible cases within contemporary global horizon that raise questions of toleration at the international level.

(1) First, one might mention the debate on intervention in international realm as one of the examples of how the issue of toleration contains an international global dimension. The conflicts between states and between groups of people with its various dimensions (ethnic, religious, political) in different parts of the world made it essential for international society to consider tackling with the unrest and establishing peace. The missions of peace keeping and debate regarding conflict prevention became the central agenda for UN and other international NGOs. In all these debates, it seems that toleration and intolerance is at stake because international society is

faced with whether putting up with the wrong conduct in certain states and societies. Therefore, it is always needed to define what is intolerable and acting with consideration of the limits of tolerance.

(2) Human rights and its role in international affairs is an example for how toleration has a place in our thinking of international realm. Possibly there are three ways in which human rights as international norms raise questions of toleration. First of all, human rights, in some respects prescribe a right to toleration, i.e. in including rights to freedom of expression and freedom of religion. Secondly, human rights set limits to what is tolerable, i.e. human rights violations ought not to be tolerated. And lastly, universalism of human rights confronts the reality of cultural diversity. This last point will be illustrated below by referring to Asian values debate in order to show how human rights raise questions of toleration.

The debate regarding the universalism of human rights has gained a new character lately: Different communities started to challenge the universality of human rights because they think that human rights do not express the peculiar nature of their value set. Asian values debate can be seen as one of those challenges since it was claimed that Asian societies have different values which are incompatible with 'western' human rights. In the 1990s, the notion of 'Asian values' was devised by several Asian officials and their supporters for the purpose of challenging Western-style civil and political freedoms. "Asians, they claim, place special emphasis upon family and social harmony, with the implication that those in the chaotic and crumbling societies of the West should think twice about intervening in Asia for the

sake of promoting human rights and democracy."[41] In this sense, we might say that communities who disagree with the universality of 'western human rights' are in a relation of toleration to the societies who think that human rights, regardless of the origin, are relevant for their societies. Here I do not mean to say anything concerning the foundations of human rights or if the claim of Asian values approach is right or wrong. It seems human rights discourse itself has created relations of toleration between different parties who disapprove of each other's culture and values, yet do not act on their objections. No country sends troops or intervenes in the affairs of another country because it questions the foundations of human rights. The reasons of toleration might be several of course such as prudential and consequentialist. Nevertheless, one can still talk about a relation of toleration with an international dimension here.

(3) Gender with its relation to cultural difference also seems to be one of the issues of toleration in the international realm. Consider the case of female genital mutilation. Should we tolerate it or not and if we should, to what extent? These are questions which are concerns of international entities such as states and international NGOs as well as domestic ones because the practice of genital mutilation might be an object of tolerance or intolerance both in a domestic society and the international society. As long as we ask the question what stand we should take towards the practice of genital mutilation in the country of its origin, it is an international

---

[41] Bell, Daniel, "Communitarianism", *The Stanford Encyclopedia of Philosophy (fall 2008 Edition)*, Edward N. Zalta (ed.), URL <http://plato.stanford.edu/archives/fall2008/entries/communitarianism, (accessed February 9, 2009)

problem. Here it is not to say we should tolerate it or not. I do not aim to give any substantive answer to the issue in terms of what we should tolerate. The point here is that the problems such as female genital mutilation which might be thought of a solely domestic matter might be an international issue and object of international toleration or intolerance.

(4) Environmental problems can be considered within the domain of toleration as an international issue as well. Imagine a government which carries out energy policies that are dangerous for the environment. It must be easy to gain information regarding what has been happening in that particular country for other people living in different parts of the world due to the speed of dissemination of information by internet and other channels. International organizations that are sensitive about environment can protest the oppressive practices and show their intolerance in several ways from running a campaign on internet to doing actual demonstrations against that particular government. Nevertheless, some organizations and governments can tolerate the practices due to some prudential reasons such as political and economic interests of their country.

1.2. 2.Characteristics of International Toleration

After stating that we can indeed think of toleration as an international issue with reference to actual discourses in the international realm, now, I would like to consider in which way one can imagine international toleration as a concept through focusing on its possible characteristics. To reflect on this issue, I will follow the schema that was put forward regarding the concept of toleration in the previous (first) part of the

chapter. Thus it will be the aim to concentrate on the characteristics of toleration by focusing on its international aspect.

In the previous part of the chapter, we started our analysis with the objects (tolerated) and subjects (tolerator) of toleration as essential components to talk about the concept itself. Here for considering toleration as an international matter, we need to reflect on this issue as too. One might say national governments, international organizations, NGOs as well as powerful groups and individuals can be considered as subjects of toleration in the international realm. It might be claimed that any agent that is capable of influencing conduct beyond national boundaries might be engaged in international toleration or intolerance. For instance, the most obvious example for an agent of toleration might be UN as an international organization which engages in relations of toleration to individual states concerning esp. matters of intervention. In this sense, when to intervene and when to tolerate is a matter that is debated among the society of states which compose UN (at least Security Council).

One might think of specific acts, practices and affairs that occurred in individual states as possible objects of toleration. However there can be cases that it might not be so easy to identify the subjects and objects clearly. As Peter Jones claims, it is easier to look at the nature of the tolerated than the tolerator.[42] Take the example of one country that made an intervention to another country by sending troops. In this case, who are the agents that tolerate or show intolerance? The government of the

---

[42] 'International Toleration and Equal Respect', 2. (Earlier version of the paper published as 'International Toleration and the 'War on Terror''.

country? The people? The leader of the country? In addition to this, given the complexity of contemporary international realm which contains entities crosscutting the boundaries of nation-states and domestic institutions, it seems likely to have puzzlement concerning agents of toleration.

In the previous section, we had examined three characteristics concerning the conditions of possibility of toleration: Circumstances, demands and scope. Just to recall, by conditions of possibility, we mean the characteristics that makes the concept possible. As for the circumstances, we mentioned that there are three commonly accepted dimensions in contemporary literature: Diversity, dislike/disapproval and power. We saw that, first of all, diversity coupled with disapproval or dislike is crucial to be able to talk about toleration (not sheer diversity or approval). In the international realm too, the significance of the dimension of diversity is quite obvious given the pluralistic nature of our world cross cut by societies and civilizations. Furthermore, one might claim that this global diversity contains the sources of disapproval and dislike as well given the conflicts that arise in different parts of the world which has a global nature, i.e. conflicts between states as well as individual groups and associations. Thus we might state that pluralism and diversity world-wide coupled with disapproval and dislike is also the characteristics of toleration in the international realm.

In the first part of this Chapter, we mentioned the characteristic of power among the conditions of possibility for toleration and made a distinction between tolerant conduct and tolerant disposition. We said: in order for me to act tolerantly, I should

have the power to act on my objection but refrain to do so. This is significant to talk about a tolerant conduct. If we consider a tolerant disposition or attitude, then we do not need the actual power but it is enough if we say we are tolerant and we would not interfere on the basis of our objection even if we had to power to do so.

I think it would not be wrong to claim we can refer to tolerant conduct and tolerant dispositions at the international level too. States and governments tolerate each other's affairs even though they have the actual power not to do so. As for the tolerant disposition, we can mention agents such as individuals and groups of people that consider themselves as tolerant of a specific action or affair which is across or beyond borders with the condition that they would refrain from acting even if they had the power. Also, we might mention those who determine the foreign policy of a state as exhibiting a commitment to toleration or not. Furthermore, we might think of a state committed to an ideology or an ambition that is consistent or inconsistent with toleration. For instance, state A might have an ideology of domination. Due to the lack of power, it might not behave intolerantly but we say it still exhibits an intolerant stance.

Perhaps we might admit that different actors have different degrees of international power and therefore they are placed differently regarding international toleration. However, it also seems to be the case that no actor is wholly immune from the power of others. For instance, US is considered to be a super power of the world but it is not the only state that acts tolerantly or intolerantly and in this sense, there are occasions that its conduct is the object of intolerance as well.

In the previous section, we also mentioned the demands, scope and limits of toleration in terms the conditions of possibility of toleration. These characteristics were mentioned with respect to what could be tolerated and what could not or what toleration could mean and what could not rather than what ought to be tolerated and what toleration should mean. Here in this section, I will try to see how one might think of toleration as an international issue regarding these characteristics.

As for the scope of toleration, one might claim that we can encounter both moral and nonmoral sources of disapproval in the international realm. We can imagine different sources of disapproval such as aesthetic, cultural, religious etc. It seems very likely that one group of people living in this part of the world might disapprove of a specific cultural ritual which is considered aesthetic and significant in another part of the world. In this case, the source of disapproval might be aesthetic rather than moral. Nevertheless, this cannot mean moral disapproval does not have a place at the global level. Certainly it does. In most cases, our disapproval of a certain practice or ritual that is essential for groups of people who are different than us might stem from a moral objection in the sense that we find the practice morally wrong.

In the first part of this chapter, it was mentioned that demands of toleration refer to the limits of action that can be taken with reference to toleration: whether toleration requires leaving alone and refraining from persecuting or more than that such as assisting, aiding and fostering. This discussion seems to be significant as far as international domain is concerned esp. if we think of the issues around humanitarian intervention and assistance. For instance, consider the example of the

UN Report called "Responsibility to protect" which was declared in 2001. As it is stated in the Report, in September 2000, the government of Canada, together with a group of major foundations announced the establishment of the International Commission on Intervention and State Sovereignty.[43] It was a response to Secretary General Kofi Annan's call for a consensus on the issue of intervention at the international level. The goal of the report was to establish a new conception of sovereignty and intervention for the time in which we are living since the conditions of Westphalian system has changed. The usage of the concept intervention is significant since it covers a broad range of conceptions such as the responsibility to prevent, the responsibility to react and responsibility to rebuilt.[44] This shows that intervention is not restricted to military intervention as such but it covers a rather broad range of possibilities for protecting the populations in need. This report might be regarded as an example for how the demands of tolerance/ intolerance might be considered at the global level. By trying to define intervention in a broader sense, UN seems to broaden the requirements of intolerance.

As far as limits of toleration are concerned, we mentioned two dimensions in the previous part of the chapter: limits of the concept (what could be tolerated and what could not) and limits in the sense of substance (what ought to be tolerated and what not). The first characteristic was analyzed in relation to the possibility of the concept of toleration whereas the second dimension was related to the substance of toleration.

---

[43] The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty. http://www.iciss.ca/report-en.asp, VII

[44] Ibid, XI

Considering limits is also an important characteristic of international toleration. In this sense, the issue of intervention and other issues such as the role of human rights in international realm necessitate the deliberation of what ought to be tolerated and what not.

In *Thick and Thin*, M. Walzer's approach might be conceived as an illustration of the significance and relevance of the limits of toleration in the sense of what ought to be tolerated in international domain. When discussing when to intervene in another state's affairs, he says:

> "Now let's consider one possible occasion very much in today's news: when the solidarity we feel with people in trouble, confronting murder and oppression, seems to require not only marching but also fighting- military intervention on their behalf. No doubt, we should never be in a hurry to fight; I have argued elsewhere for a strong presumption against intervening in other people's countries. Nor can every moral rule that we are able to describe in minimalist terms serve to justify the use of force. We are more likely to be called upon to speak up for "truth" than to fight for it. "Justice", too, is better defended with the moral support of outsiders than with their coercive intervention. We might even say that this preference is a feature of the moral minimum. Nonetheless, there are times when it is morally justified to send armed men and women across a border- and minimalism alone (ultra minimalism?) defines the time and fixes its limits."[45]

Here he refers to minimal morality in terms of when to intervene and it is an attempt to draw the limits of toleration in the international realm.[46]

---

[45] Michael Walzer, *Thick and Thin- Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press, 1994),16

[46] Moral minimalism is the core set of meanings which is derived from maximal thick moralities in which we are embedded. In this sense, minimalism refers to a common core which appears as a shared thin morality cross cutting all the traditions and cultures. Regarding moral minimalism, see his *Thick*

1.2.3. Reasons for International Toleration

So far we reflected on toleration as an international issue with reference to the characteristics (conditions of possibility) of the concept. We will examine the arguments for international toleration given by John Rawls and Jurgen Habermas in detail in the subsequent chapters. Now, the concern is to identify and distinguish a number of different kinds of reasons that might be offered in defense of international toleration.

As mentioned in the first part of the chapter, what we mean by reasons for toleration is how we justify toleration. In line with this, we saw that there can be diverse reasons such as (non-moral) prudential, consequentialist moral, principled moral and skeptic. One might say that we can observe these diverse reasons for toleration in the international realm too.

Let's begin with prudential non-moral reasons. In prudential non-moral reasons, the self-interest of the tolerator is the only reason for toleration. We might argue that this type of reason for toleration is perhaps the most common in international realm as we observe contemporary international politics. It might be the reason that, given the nature of international society, the costs of intolerance (interference) are likely to be too high: they may involve raising an army, crossing a border, killing and being killed.[47] Even if a society is hostile to the politics of a neighbor state, it might refrain

and Thin- Moral Argument at Home and Abroad (Notre Dame: University of Notre Dame Press, 1994).

[47] Walzer, *On Toleration*, 20

from acting on the basis of its objection due to the fact that it is either unprepared or unwilling to pay the costs of interference. Imagine a state, which oppresses a group of minority within its territory due their ethnic origins. A neighbor state thinks that what that particular state does is a morally wrong action towards the minority group. However, it does not criticize its neighbor because they are involved in an economic alliance and if the alliance is broken due to the intolerance, the economic costs would be very high for the community of its fellow citizens.

The second reason for toleration might be moral consequentialist reasons. We tolerate for the sake of the consequence that we expect to achieve out of the conduct of tolerance but the consequence is not calculated on the basis of merely the self-interest of the tolerator. In this sense, unlike non-moral prudential reasons, in moral consequentialism, the reason for toleration is more other-regarding: the relevant consideration is how toleration or intolerance will affect the interests of others. One might think of diverse reasons out of consequentialism. For instance, the most evident reason can be peace and stability. It seems very likely that states or international organizations tolerate each other's conduct because they do not want to risk the stability and they do not want to create a hostile environment that can risk peace. In this case, peace as a moral idea motivates the toleration.

We might also think of other consequentialist reasons. As Peter Jones mentions, one can appeal to the adverse consequences of intolerance such as human suffering it

may cause when considering the reasons to tolerate.[48] In addition to this, another appeal might be the idea of human good: It might be suggested that human well-being may be enhanced by allowing people follow their own conception of good even if we do not agree with their conception of good.[49] It might be claimed that different societies, groups of people etc. in the international realm should be able to pursue their own life path in terms of culture, tradition and politics because this will help promote and contribute to the human well-being in general.

In the first part of the chapter, we saw that there can be principled moral reasons for toleration too. In this manner, we examined 'respect for persons' which is a common appeal among contemporary thinkers. Basically, 'respect for persons' is founded on the idea which considers individuals as self-legislating beings that are capable of pursuing a way of life which they think is good for them. We saw that this way of reasoning gives principled moral reasons for toleration because toleration is not treated as a means to achieve an end.

How can we think of 'respect for persons' as a reason for toleration in the international realm? Respect for persons "points to the status and respect we should accord people as persons, which provides reason why we should allow them to take their own path even when we think it the wrong path"[50] Thus, we might assume that

---

[48] Jones, "International Toleration and Equal Respect", 4 (Earlier version of the paper published as "International Toleration and the 'War on Terror')

[49] Ibid. Jones also mentions skepticism and respect for persons as other two reasons that have been spelled out in political contexts as for justification of toleration.

[50] Ibid.

in the international realm, 'respect for persons' would treat international entities such as peoples as persons and would tolerate them in the sense of putting up with the conduct and way of life that these entities posses. Here, like Rawls, one might think of peoples as subjects - and their conduct as objects - of toleration. Nevertheless, different traditions, civilizations and cultures might be regarded as subjects of toleration too. As we saw in the first part of the chapter, 'respect for persons' is accepted as a normative reason for toleration among liberal contemporary thinkers such as Peter Jones, Rainer Forst, Susan Mendus and Catriona McKinnon. As we will see in the following chapters of the dissertation, both Rawls and Habermas can be considered as thinkers who also subscribe to 'respect for persons' approach so far as the reasons for toleration are concerned.

We also mentioned skepticism as a controversial candidate to be one of the possible justifications of toleration in the previous part of the chapter. It was stated that skepticism does not offer straightforward reasons for toleration but it can erase the ground for intolerance by referring to the epistemological uncertainty and doubt regarding beliefs. In this sense, one might claim skepticism can still play a role in the international realm due to its potentiality to challenge the ground of intolerance. From skepticism, one might argue that given the diverse and plural nature of beliefs, traditions, cultures and civilizations in the world, we cannot know if our own set of beliefs are hundred percent certain and true. Since we cannot be certain that what we hold is true, there is no point in imposing our own values on other people. In this manner, although skepticism is far from offering a direct moral reason for toleration,

it can still give some justification for why intolerance is wrong, and this seems to be significant in a world which is cross cut by pluralism and diversity if we need to live in peace.

Beside the skepticism about the truth of our own moral norms as a possible justification for the wrongness of intolerance, we might also mention the risk that one society will possess less than full information and understanding of another society as another way of skepticism concerning the wrongness of intolerance. One might say that there is a risk that intolerant interventions may be based on mistakes and misjudgments. M. Walzer seems to support some sort of skepticism on that basis as well. He distinguishes between two types of legitimacy for a state: A state could be presumptively legitimate in the international realm and actually illegitimate at home.[51] In the case of an actually illegitimate state, the addressee is only the members of the state. It is only them who should decide to rebel against government or not because the foreigners can not have a full understanding of the particular culture and the fit between government and the community in that particular state. In other words, the intervention made by foreigners into the affairs of a presumptively legitimate state

---

[51] Walzer, "The Moral Standing of States", *Philosophy and Public Affairs*, .9, No.3 (Spring 1980) For Walzer, there are two rights that foreigners should respect as far as single states are concerned: twin rights of territorial integrity and political sovereignty. Here, Walzer makes a distinction between what is called people (community) and government. This distinction is significant to understand his perspective on legitimacy. The criterion to make a judgment about the legitimacy of a state is if there exists a 'fit' between the community and its government. For him, state is a people governed according to its own traditions ("Moral Standing of States", 5) Thus, foreigners should respect to a historic community and its internal life. As long as this fit is there, the state is legitimate and this should be taken into consideration by the foreigners when decisions are on the agenda regarding intervention.

(but actually illegitimate) would be based on false or inaccurate beliefs concerning the community at question. Here the incapacity of the outsiders to have a full knowledge about the specific conditions of community seems to be a reason based on skepticism which Walzer gives for the wrongness of intolerance.

Above, we focused on if we can think of toleration as an international issue and if so how. It was claimed that certainly there is a place for toleration in our thinking of international realm and we can examine its possible characteristics. For focusing on toleration as an international issue, we followed the line of analysis that was established in the first part of the chapter concerning the concept of toleration. Thus, we analyzed conditions of possibility (characteristics) of toleration and reasons for toleration concerning international realm. In the following chapters, we will reflect on the theories of John Rawls and Jurgen Habermas for examining and interpreting their outlooks on toleration through referring to the conceptual map that was drawn in this Chapter. We will try to consider how one might evaluate their theories regarding toleration as an international issue.

CHAPTER 2

TOLERATION IN RAWLS'S *POLITICAL LIBERALISM*

In the last two chapters, we have outlined the main framework and question of the dissertation. First, we had focused on the concept of toleration and its characteristics and then, we claimed that toleration has a place in the international realm as well. In line with this, we have focused on the characteristics of toleration as an international issue. From now on, we aim to concentrate on the theories of two thinkers, John Rawls and Jurgen Habermas, with the intention of seeing to what extent one might draw conclusions regarding toleration and its international aspect from their theories. We shall reflect on their primary texts in undertaking analysis using the conceptual tools that have been outlined in the last chapter. Thus, we will analyze and interpret their outlook on toleration by referring to parallels and differences between their theories. In this chapter and the next one, the focus will be particularly on John Rawls; we will focus upon Habermas in chapters 4 and 5.

2.1. The Centrality of Toleration in *Political Liberalism*

In this chapter, first we will examine *Political Liberalism*, published in 1993, which has an utmost relevance for the issue of toleration. In this text, Rawls deals mainly with toleration in domestic democratic societies, not the law of peoples as he calls it.[52] Nevertheless, *Political Liberalism* provides the most important statement of Rawls's general thought on toleration and we shall see, that, in many ways, Rawls's thinking on international toleration consists in applying to the international world the

---

[52] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993),expanded edition (2005), 12

ideas and principles that he develops in *Political Liberalism*. Thus, considering *Political Liberalism* will help us understand the connection between Rawls's domestic and international theories of toleration. In analyzing *Political Liberalism*, I will stick to the conceptual schema of characteristics of toleration that had been laid out in the previous chapter. Here the goal is not to give a full account of what Rawls discussed in the text. What is intended is to make cross references between what was mentioned in the previous chapter concerning toleration and *Political Liberalism*. In this way, the fundamental structure and concepts will be assumed as known by the reader as constituting the background of what we will say, though it is not possible to explain every idea in *Political Liberalism*.

First of all, it is significant to understand the centrality of toleration in *Political Liberalism*. It might be said that toleration is the subject of *Political Liberalism* as an important component of the project of establishing the fundamentals of 'justice as fairness' as a political conception. The fundamental question that is addressed in *Political Liberalism* is: "How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical and moral doctrines?"[53] As the background to the question, Rawls takes the diversity among reasonable comprehensive doctrines in a constitutional democratic regime as a starting point and toleration comes as an answer which is also conceived as a foundational conception for political justice. We might say, according to Rawls, given the fact that democratic societies are divided by

---

[53] Ibid, 4

various reasonable religious, moral and philosophical comprehensive doctrines which have opposing and irreconcilable views, one has to start from toleration and its possible role in imagining a well-ordered stable democratic society. The fact of pluralism and diversity makes toleration central to the fundamentals of a political conception of justice.

For Rawls, the whole attempt to formulate a political conception of justice entails applying the principle of toleration to philosophy itself. Thus he says:

> "The aim of justice as fairness then, is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed and willing political agreement. It expresses their shared and public political reason. But to attain such a shared reason the conception of justice should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm. In formulating such a conception, political liberalism applies the principle of toleration to philosophy itself."[54]

For Rawls, political liberalism by affirming a political conception of justice is at the same time affirming toleration because the political conception of justice refers not to any comprehensive doctrine but to the shared public reason of citizens in a democratic society. Toleration means not imposing the values of any comprehensive doctrine on citizens as the source of the legitimacy for the conception of justice, since the legitimacy comes from their shared agreement which is the reflection and practice of public reason. Rawls put this in a clear way when he mentions the liberal principle of legitimacy: "our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free

---

[54] Ibid, 9-10

and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason."[55] Thus political liberalism, by being independent of reasonable comprehensive doctrines and by acknowledging the liberal principle of legitimacy, is applying the principle of toleration to philosophy.

A political conception of justice in being political is also freestanding. This means "it offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself."[56] This point of being free standing might be considered in relation to toleration as well because, if political liberalism affirms some metaphysical or epistemological assumptions, then it would impose a certain world-view which is partially or fully comprehensive on citizens who held the other comprehensive doctrines. For instance, imagine that a political conception of justice is based on an assumption that human beings are morally autonomous which is a central claim of the liberal doctrine of Kant and Mill. This would mean that the conception of justice affirmed a liberal comprehensive doctrine and it would impose this liberal assumption on citizens having the comprehensive doctrines that do not share this view of autonomy. Thus, one might say that both by being independent (as mentioned in the previous paragraph) and free standing of reasonable comprehensive doctrines, a political conception of justice is a significant principle of toleration.

2.2. Characteristics of Toleration in *Political Liberalism*

Above, we aimed to demonstrate how toleration is a central idea in *Political Liberalism* and how it is connected to the idea of a political conception of justice.

---

[55] Ibid, 137

[56] Ibid,10

Now we should look more into the characteristics of toleration to the extent that these may be drawn out of *Political Liberalism*. In doing this, I will refer back to the conceptual map that had been drawn in the previous chapter regarding the conditions of possibility and reasons for toleration. This will give us the opportunity to see to what extent and how Rawls's theory of toleration in *Political Liberalism* could match with the conceptual scheme that we had drawn. It will also help us to reflect on the international dimension of the concept of toleration in Rawls's theory in the second part of the chapter. Furthermore, it will give us the background to compare Rawls's thinking on toleration with Habermas's.

In Chapter 1, we distinguished two dimensions of toleration: characteristics (conditions of possibility) of and reasons for toleration. By conditions of possibility we mean the conceptual dimensions that make toleration possible. As for reasons for toleration, we mean the justification of toleration. We also analyzed these characteristics with respect to the international aspect of the concept in the second part of Chapter 1. Now we shall expose *Political Liberalism* to a similar analysis.

2.2.1. Agents and Object of Toleration in *Political Liberalism*

The first characteristic of the conditions of possibility of toleration is the objects and subjects of toleration. Put another way, one has to talk about the 'tolerator' and the 'tolerated' to be able to refer to toleration. In *Political Liberalism*, citizens of a constitutional democratic society are the agents of toleration. Also a variety of reasonable religious, philosophical and moral comprehensive doctrines; in virtue of being the beliefs, attitudes and values of citizens; could be viewed as objects of toleration. In a well ordered democratic society, citizens are regarded as free and

equal persons. "The basic idea is that in virtue of their two moral powers (capacity for a sense of justice and for a conception of good) and the powers of reason (of judgment, thought, and inference connected with these powers), persons are free. Their having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal."[57] Thus, persons as free and equal agents engage in a relation of toleration to each other in acting through these two moral powers and powers of reason in public forum.

As stated in the last paragraph, reasonable comprehensive doctrines, as constituting belief sets, values, attitudes and the sources of action, come to the scene as objects of toleration. It is significant to understand what Rawls means by a reasonable comprehensive doctrine. Here I will refer to 'reasonable' with respect to the character of comprehensive doctrines. I will focus on reasonableness as an attitude of persons in the following parts of the chapter, when talking about the limits and reasons of toleration. This is not to say that Rawls has two conceptions of reasonable; certainly reasonable comprehensive doctrines are viewed as doctrines that are held by reasonable persons as we will observe later and in this sense there is one common definition. First we will focus on what he means by 'comprehensive'. In explaining the distinction between a political conception of justice and other moral conceptions, Rawls mentions scope in terms of generality and comprehensiveness. In this sense, he continues:

> "A moral conception is general if it applies to a wide range of subjects, and in the
> limit to all subjects universally. It is comprehensive when it includes conceptions of

---

[57] Ibid, 19

what is of value in human life, and ideals of personal character, as well as the ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, in the limit to inform our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated. Many religious and philosophical doctrines aspire to be both general and comprehensive."[58]

Concerning the nature of comprehensive doctrines, as Rawls himself puts it very clearly, we might talk about a diversity cross- cut by opposing and irreconcilable world-views that inform the life style and value set of citizens in a constitutional modern democracy.

As mentioned, Rawls specifically talks about reasonable comprehensive doctrines in terms of the character of pluralism in democratic societies. That is why we need to understand the meaning of reasonable with respect to comprehensive doctrines. As he puts it, first, we have to assume that reasonable comprehensive doctrines are the comprehensive doctrines that are affirmed by reasonable persons.[59] Concerning the features of reasonable comprehensive doctrines, he says they have three main features. One is that a reasonable doctrine is an exercise of theoretical reason in the sense that "it covers the moral, religious and philosophical aspects of human life in a more or less consistent and coherent manner".[60] Secondly, "in singling out which values to count as especially significant and how to balance them when they conflict, a reasonable comprehensive doctrine is an exercise of practical

---

[58] Ibid,13

[59] Ibid, 59

[60] Ibid.

reason".[61] And third, although stable over time, it tends to evolve slowly in time in the light of what it sees as sufficient and good reasons. Here Rawls puts it that his definition of 'reasonable comprehensive doctrine' is 'deliberately loose'[62]. As Samuel Freeman, rightly mentions, many philosophers would call unreasonable what Rawls calls reasonable: "For example most philosophers would contend that most any religious doctrine is unreasonable in so far as it believes in miracles, an afterlife, spiritual beings and so on".[63] However for Freeman, the loose and flexible character of the definition is in line with Rawls's limited purpose: He needs to avoid controversial epistemological claims in order to achieve agreement on the political principles of justice among holders of reasonable comprehensive doctrines. We might relate what Samuel Freeman suggests here to Rawls's empirical observation about the characteristic of pluralism in democratic societies. As mentioned before, since democratic societies are divided by reasonable religious, moral and philosophical comprehensive doctrines, one should begin with acknowledging this diversity in working out the possibility of stability in democratic societies. In this way, as mentioned before, citizens as holders of reasonable comprehensive doctrines constitute the subjects and their beliefs, attitudes etc. constitute the objects as far as toleration is concerned in *Political Liberalism*.

---

[61] Ibid.

[62] Ibid.

[63] Samuel Freeman, *Rawls* (London, New York: Routledge, 2007, reprinted 2008), 351

2.2.2. Reasonable Pluralism as Condition of Diversity in *Political Liberalism*

In chapter 1, we have seen one of the conditions of possibility of toleration is circumstances of diversity coupled with disapproval or dislike. We said that it is not mere diversity or a circumstance in which everyone approves of each other's differences. It is diversity with specific qualification. In this way, as we examined *Political Liberalism*, we could obviously talk about the existence of this condition. Indeed the very starting point of Rawls in this text is the fact that modern democratic societies are divided by various comprehensive doctrines. In this sense, pluralism is a fact. Here Rawls mentions reasonable pluralism as a condition of diversity in the text. Nevertheless he also addresses the fact that there could also be unreasonable comprehensive doctrines as they always might occur but it seems that what is characteristic of constitutional modern democracies is the fact that they contain a pluralism which is reasonable because in a sense Rawls considers the fact of reasonable pluralism as something that modern democracy achieved as the history evolved.

Catriona McKinnon makes a significant remark regarding the character of the pluralism that Rawls endorses. For her, Rawls conceives of the ideal character of pluralism as non-hostile due to the requirement of public reason in the form of engagement on the part of citizens separated by differences.[64] She says, hostility

---

[64] McKinnon, "Toleration and the Character of Pluralism", *The Culture of Toleration in Diverse Societies- Reasonable Tolerance* (Manchester and New York: Manchester University Press, 2003), 64. In the article, she claims that the character of the pluralism that is affirmed in a theory has a bearing on political justification. Basically she makes a contrast between the character of pluralism in Rawls's theory (constructivist political justification) and that of Joseph Raz (perfectionist political

involves a rejection of another person and citizens who are hostile towards each other cannot engage in public reason. Thus, she means that the expectation from reasonable citizens, such as a willingness to understand and interpret each other's differences in their political discourse, is at the root of a Rawlsian political justification and these specific attitudes that citizens are expected to adopt underlie the non-hostile character of pluralism in Rawls' theory. In the following parts of the chapter, we will examine this relation between the expectations from citizens and toleration better as we carry on analyzing *Political Liberalism* in Rawls's theory. Here one might interpret this non-hostile character of pluralism in Rawls's theory not as a dimension that removes the basis for disapproval or dislike. Quite the contrary: since we have the diversity, it is likely that people will disapprove of each other's values, attitudes etc even though they are reasonable. We will observe that better when we talk about 'burdens of judgment' which marks that disagreement is possible between reasonable people in the following parts of the chapter.

2.2.3. Power as a Characteristic of Toleration in *Political Liberalism*

We have mentioned about the characteristic of power as one of the conditions of possibility of toleration in Chapter 1. In order for me to be in a relation of toleration, I should have the power to act on my objection. Thus, toleration needs the agent to be in a position to be able to interfere with the situation that is the object of disapproval or dislike. Here, we made a distinction between tolerant conduct and attitude. To be

---

justification). She argues that contrary to Rawlsian account of pluralism, Raz's account is hostile and competitive in character in which citizens are viewed as adopting natural unwillingness to engagement and interpretation. This competitive character makes it necessary to appeal for perfectionist values in political justification because there are limits to the legitimate expectations from citizens. (64-65)

able to talk about a tolerant attitude, it is enough to say that the tolerant agent, regardless of having the actual power to act, would not act on behalf of her objection even if she had the power to do so. In line with this, we could say that in the democratic society of Rawls, citizens would exhibit both tolerant conduct and a tolerant disposition. They would refrain from using political power either to promote their own conception of good or to impede others' pursuit of their conceptions of good. They would do this as a matter of justice. In this manner, what Rawls calls the 'burdens of judgment' also demonstrates that reasonable persons could disagree and in these situations they certainly should tolerate each other even though they have the power not to do so. I will get into what "burdens of judgment' refer to and its place in the toleration argument in *Political Liberalism* in the following parts of the chapter.

2.2.4. Scope, Demands and Limits of Toleration in *Political Liberalism*

We have also seen in chapter 1 that we could analyze the scope, limits and demands of toleration concerning the conditions of possibility of toleration. By scope, we mean the sources of disapproval or dislike. Just to recall, the debate here concerns whether the sources of disapproval are moral or not. We said that we could refer to diverse sources such as aesthetic objections and mere dislike as well as moral disapproval. Here, concerning *Political Liberalism*, one might claim the same since we have religious, philosophical and moral reasonable comprehensive doctrines; it seems very likely that Rawls's citizens would show disapproval or dislike that falls under the category of nonmoral as well as moral. Citizens might find certain values and practices of other citizens which are informed by their particular comprehensive doctrine morally wrong as well as aesthetically ugly, or they just might not like them

for many different reasons. Here we also need to recall the meaning of 'comprehensive' in Rawls. We have seen that comprehensive doctrines could cover a broad range of aspects such as values, traditions, beliefs which could be connected to a religion, philosophical or moral doctrine. Therefore, the range of differences that might cause disapproval is broad as well. Due to the nature of this diversity, one might claim that we could have different sources of disapproval or dislike such as religious, aesthetic, cultural as well as moral.

As for the limits of toleration, I will refer to substantive limits in terms of what we should tolerate and what we should not. In this sense, in *Political liberalism*, reasonableness, which is central to the idea of toleration in Rawls's theory, seems to be significant in the sense of drawing the limits of what is tolerable and what is not in the public forum. In addition to this aspect, reasonableness also gives reasons for toleration in the theory of Rawls but I will take up this issue later. First let's see what Rawls mean by reasonableness: "Persons are reasonable in one basic aspect 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 others likewise do so. Those norms they view as reasonable for everyone to accept and therefore as justifiable to them; and they are ready to discuss the fair terms that others propose."[65] Thus, reasonableness refers to a particular public disposition which is based on an other- regarding principle of proposing principles that others would accept and being ready to abide by the principles that other people would propose in the same manner.

---

[65] Rawls, Political Liberalism, 49

Here it is also significant to note that reasonable is distinct from rational. Rawls says justice as fairness "does not try to derive the reasonable from the rational. …Rather within the idea of fair cooperation, the reasonable and the rational are complementary ideas. Each is an element in this fundamental idea and each connects with its distinctive moral power, respectively with the capacity for a sense of justice and capacity for a conception of the good." [66] Thus citizens as persons in a well-ordered democratic society behave as reasonable when they appeal to their moral capacity for a sense of justice.

How is reasonable significant in determining the limits of toleration? Here Rawls seems to propose that comprehensive doctrines that gain the status of reasonable in public realm are tolerated because by being reasonable, they already demonstrate that they move within the boundaries of the appropriate principles of justice. Citizens practice toleration when they engage in proposing principles as fair terms of cooperation given that others would do the same. We might say that, even if they do disapprove of certain aspects of a particular reasonable comprehensive doctrine, they tolerate these aspects due to the fact that this comprehensive doctrine is reasonable as well. In this sense, citizens know that disagreement or disapproval should not lead them to act intolerantly. In this manner, reasonableness comes onto the scene as a substantive limit to the toleration that citizens practice in Rawls's theory.

What about the unreasonable comprehensive doctrines? Here Rawls says:

"There is not one account of toleration for reasonable doctrines and another for unreasonable ones. Both cases are settled by the appropriate political principles of justice

---

[66] Ibid, 52

and the conduct these principles permit. Unreasonable doctrines are a threat to democratic institutions since it is impossible for them to abide by a constitutional regime except as a *modus vivendi*. Their existence sets a limit to the aim of fully realizing reasonable democratic society with its ideal of public reason and the idea of legitimate law."[67]

Here by not complying with the appropriate set of principles for a constitutional democracy, unreasonable doctrines already exclude themselves from the reciprocal toleration of democratic citizenship. Even if they could benefit from the outcomes of a modus vivendi, they would not be willing to participate as a member of a stability that is the outcome of an overlapping consensus. However this does not mean, for Rawls, to actively suppress unreasonable comprehensive doctrines and their members. As he states in *A Theory of Justice*, intolerance towards the intolerant is acceptable only in specific circumstances; when it is vital to preserve equal liberty itself.[68]

---

[67] Rawls, *Political Liberalism*, 489. Regarding this point, as Samuel Freeman puts it, some critics think that Rawls is being unfair towards unreasonable doctrines by not trying to accommodate them. Freeman replies: "But unreasonable persons, by definition, either do not want to cooperate with others on terms they can reasonably accept or they refuse to accept the inevitability of pluralism in a democratic society. As a result, they are either intolerant of other persons (i.e. racists) or doctrines (e.g. religious fundamentalists), or they do not accept the role of society to meet the basic needs of all citizens (e.g. libertarians). Hence any accommodation reached with unreasonable persons or unreasonable doctrines will be unacceptable to reasonable citizens, and results in an injustice to them (e.g. respectively to the despised racial groups, religious non-fundamentalists, and nonbelievers, and the less advantaged whose rights and interests have been compromised.) Any overlapping consensus with unreasonable persons or doctrines is itself unreasonable." (Samuel Freeman, *Rawls* (London, New York: Routledge, 2007, reprinted in 2008), 371

[68] John Rawls, *A Theory of Justice* (Revised Edition)(Cambridge, Massachusetts: Harvard University Press, 2001), 193.

As for the demands of toleration, we had seen that the debate is about what could be the appropriate limits of action that could be taken for tolerating: whether toleration means leaving alone and refraining from persecuting or it could require more than that (assisting, aiding and fostering etc). I think one has strong reasons to believe that Rawls's understanding of toleration goes beyond refraining from persecuting or leaving alone. In this way, the requirements set by public reason and reasonableness provides toleration to maintain dimensions that are related to the ideal of democratic citizenship. Rawls expresses this very explicitly when referring to the ideal of public reason and it limits:

> "I stress the limits of public reason are not, clearly the limits of law or statute but the limits we honor when we honor an ideal: the ideal of democratic citizens trying to conduct their political affairs in terms supported by public values that we might reasonably expect others to endorse. The ideal also expresses a willingness to listen to what others have to say and being ready to accept reasonable accommodations or alterations in one's own view. Public reason further asks of us that the balance of those values we hold to be reasonable in a particular case is a balance we sincerely think can be seen to be reasonable by others. Or failing this, we think the balance can be seen as at least not unreasonable in this sense: that those who oppose it can nevertheless understand how reasonable persons can affirm it. This preserves the ties of civic friendship and is consistent with the duty of civility." [69]

Here one might say that demands of toleration and the ideal of citizenship are connected to each other: Demands of toleration go far enough to cover civic duty and friendship in a democratic constitutional society. In this sense, demands could be seen as part of the requirements of public reason and acting reasonable as citizens who share the same institutional framework. We will have the chance to observe the same

---

[69] Rawls, *Political Liberalism*, 253

aspect regarding the demands of toleration when we analyze the theory of Jurgen Habermas as well in chapter 4. Also in Habermas's theory, the requirements of public discourse and public reason in respect of toleration go beyond merely refraining from persecuting or leaving alone.

2.3. Reasons for Toleration in *Political Liberalism*

We shall now aim to focus on what we call the reasons for toleration with reference to *Political Liberalism*. In the first chapter, we identified nonmoral prudential, moral (nonprincipled) consequentialist and moral principled reasons and skepticism (though not giving straightforward reasons but erasing the ground of intolerance) as possible justifications for toleration. Here it is claimed that Rawls subscribes to moral principled reasons as justification for toleration. With this in mind, below, Rawls's concept of toleration in *Political Liberalism* will be examined with respect to reasons for toleration.

As mentioned in the previous chapter briefly, it might be claimed that Rawls subscribes to the idea of 'respect for persons' as a principled moral justification for toleration. Before concentrating on Rawls's understanding of 'respect for persons' and how it fits into the argument for toleration, we will focus on what is meant by 'respect for persons' in general and what the idea of personhood implies in *Political Liberalism* to the extent that it is related to the analysis of toleration. Personhood is usually associated with being recognized as a human being who is capable of reflecting, judging and choosing for herself. As Peter Jones mentions, here it is not the merit of the choice which is respected, but it is the status of the person who is

making the choice.[70] The idea has Kantian roots in the sense of treating human beings as ends in themselves and it is shared among philosophers who have deontological theories.[71] For instance, Charles Larmore connects the idea of person to the idea of democratic legitimacy in a way echoing Kant with regard to 'respect for persons':

> "…an essential feature of persons is that they are beings capable of thinking and acting on the basis of reasons. If we try to bring about conformity to a rule of conduct solely by the threat of force, we will be treating persons merely as means, as objects of coercion, and not also as ends, engaging directly their distinctive capacity as persons…. Thus, to respect others as persons in their own right when coercion is at stake is to require that political principles be as justifiable to them as they presumably are to us."[72]

Also, in the contemporary literature on toleration, it has become common to refer to 'respect for persons' as a reason for toleration (as we observed in Part 1 of Chapter 1).

As far as *Political Liberalism* is concerned, Rawls says that he refers to a political conception of person. In this sense, persons are regarded as free and equal. He says, "The basic idea is that in virtue of their two moral powers (a capacity for a

---

[70] Jones, "International Toleration and the 'War on Terror' ", *Globalizations*, 6, No.1 (March 2009), 11.

[71] Regarding Rawls, we need two qualifications here: First, we do not mean to say Rawlsian idea of 'respect for persons' is Kantian. Rawls says Political Liberalism is not a comprehensive doctrine, so claiming that his idea is Kantian would be misinterpreting his notion of personhood. Concerning this matter, he also mentions that his theory of personhood is not metaphysical but it is political. (see Lecture 1, Part 5 "The Political Conception of the Person" in *Political Liberalism*) And, one other qualification: the idea of 'respect for persons' is likely to be associated with autonomy in relation to Kant. However, Rawls clearly mentions that he does not refer to autonomy as a moral ideal like in Kant and Mill but he talks about artificial and political autonomy (see Lecture 2, Parts 5 and 6 in *Political Liberalism)*.

[72] Charles Larmore, *The Autonomy of Morality*(Cambridge University Press, 2008),148-149

sense of justice and for a conception of the good) and the powers of reason (of judgment, thought, and inference connected with these powers), persons are free. Their having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal."[73] We might say that this idea of person is political in two aspects: First, viewing persons in this way is considered as one of the political values of a democratic political culture. That citizens are free and equal is already a political value that we find in a constitutional democratic society. Secondly, the idea of the person is connected to the idea of social cooperation. Citizens as persons are members of a society as a fair system of cooperation in which they appeal to the political principles of justice as well as follow their conceptions of good. "For purposes of social cooperation as members of a democratic society the ideal conception of free and equal moral persons captures (Rawls conjectures) how we think of ourselves and one another in our capacity as democratic citizens."[74] In our capacity as citizens, we view ourselves as well as each other as free and equal and respect this status both in our own capacity and in the capacity of other fellow citizens. Thus, we might say that Rawlsian personhood is also about the status of persons and respect owed to this status as part of the justification of toleration. Below, we will focus on how 'respect for persons' constitutes a justification for toleration in *Political Liberalism*.

To begin with, it might be argued that the idea of 'respect for persons' as a reason for toleration is embedded in the idea of 'reasonableness' together with the

---

[73] Rawls, *Political Liberalism*, 18-19

[74] Samuel Freeman, *Rawls* (London and New York, Routledge, 2007, reprinted in 2008), 335

idea of 'burdens of judgment' in Rawls's understanding of toleration. Indeed 'burdens of judgment' as Rawls says constitutes the second aspect of the reasonable: The first basic aspect of the reasonable is the willingness to propose fair terms of cooperation and to abide by them provided others do. The second basic aspect is "the willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason concerning the legitimate exercise of political power in a constitutional regime."[75] Here, both concerning the first and second aspect of the reasonable, toleration comes as a response to difference and disagreement, and it is related to our judgment and comprehension of others' status as persons.

As for the first aspect of the reasonable, citizens know the fact that they have different viewpoints and values does not necessarily mean that others' values are unreasonable. This is an outlook which allows citizens to see their fellow citizens as respectable and on an equal footing in the use of public reason for the exercise of shared political power. In this sense, seeing others as free and equal persons (just like us) who are willing to propose reasonable arguments constitutes a principled moral ground for our toleration. And in addition to this, citizens by seeing other comprehensive doctrines as reasonable would find it unreasonable to use political power to promote their own comprehensive doctrine over others.[76]

In relation to the idea of 'reasonableness', the 'burdens of judgment' constitute a significant ground for toleration. By 'burdens of judgment', Rawls says he means the

---

[75] Rawls, *Political Liberalism*, 54

[76] Ibid, 60

causes and sources of disagreement between reasonable persons.[77] He lists six possible sources of disagreement from a to f:

> "a. The evidence- empirical and scientific- bearing on the case is conflicting and complex, and thus hard to assess and evaluate.
>
> b. Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight, and so arrive at different judgments.
>
> c. To some extent all our concepts, and not only moral and political concepts, are vague and subject to hard cases; and this indeterminacy means that we must rely on judgment and interpretation (and on judgments about interpretations) within some range (not sharply specifiable) where reasonable persons may differ.
>
> d. To some extent (how great we cannot tell) the way we assess evidence and weigh moral and political values is shaped by our total experience, our whole course of life up to now; and our total experiences must always differ. Thus, in a modern society with its numerous offices and positions, its various divisions of labor, its many social groups and their ethnic variety, citizens' total experiences are disparate enough for their judgments to diverge, at least to some degree, on many if not most cases of any significant complexity.
>
> e. Often there are different kinds of normative considerations of different force on both sides of an issue and it is difficult to make an overall assessment.
>
> f. Finally, as we note in referring to Berlin's view (V: 6.2), any system of social institutions is limited in the values it can admit so that some selection must be made from the full range of moral and political values that might be realized. This is because any system of institutions has, as it were, a limited social space. In being forced to select among cherished values, or when we hold to several and must restrict each in view of the requirements of the others, we face great difficulties in setting priorities and making adjustments. Many hard decisions may seem to have no clear answer." [78]

In recognizing the burdens of judgment, citizens would grant that disagreement is possible even among reasonable persons and comprehensive doctrines. Disagreement does not mean that other comprehensive doctrines are unreasonable. That is why they

---

[77] Ibid,55

[78] Ibid, 56-57

would consider using state power or make an alliance with some citizens to impose their own view on others as unreasonable since disagreement does not give them any grounds for oppression or imposition of their own comprehensive doctrines over others. Moreover, they would consider imposition of their own conception of good by using political power to be unjust. In this sense, political toleration is a requirement of justice as well.

Since disagreement does not mean other comprehensive doctrines are unreasonable, persons who are holders of these doctrines could not be viewed as unreasonable either. In this way, 'respect for persons' seems to follow as a necessity of recognizing the burdens of judgment. We have to respect and grant equal status to others as persons in sharing the corporate political power of society even though we end up in disagreement. Moreover, if I am equal in status with all other reasonable persons with different reasonable comprehensive views, then I cannot justify others using power to impose my own view. If I were to do this, I would be in a position of not granting respect to other citizens who are also free and equal and this would definitely mean that my intolerance was unreasonable.

Before moving further with 'respect for persons' as a reason for toleration in *Political Liberalism,* I would like to touch upon some criticisms of Rawls concerning the way he acknowledges 'respect for persons'. The first criticism is based on an interpretation of the idea of reasonableness which seems to challenge the argument that was laid out above. Our argument was that 'respect for persons', which is a principled moral ground, functions in Rawls's theory, as a justification for toleration.

Susan Mendus and Matt Matravers interpret the idea of reasonableness in Rawls's theory in an interesting way. They call the illegitimacy and unreasonableness of imposing one conception of good over the others as "injustice of imposition". [79] They claim that Rawls and his followers tend to take it for granted that reasonableness of pluralism will be followed smoothly by "injustice of imposition" as far as they refer to epistemological restraint. They continue claiming, nevertheless, for this to happen, we need a moral ground that will tell us why it is wrong to impose our own conception of good on others. In this sense, for them, as an epistemological claim, reasonableness of pluralism does not provide us with a sufficient reason for acting tolerantly. That is why we need a moral component to claim for the injustice of imposition in Rawls's theory. Although Mendus says in couple of words that Rawls's later work might be considered as containing a moral component that is built into the idea of reasonableness, still for her, we could distinguish two aspects of the reasonable: epistemological and moral.

I would like to reply to this argument on three levels: First, we might say that there is a moral component in Rawls's theory concerning justification of toleration and it is already embedded in the idea of reasonableness. In this way, toleration which is grounded in the idea of reasonableness should be considered in its connection with the idea of citizenship and its requirements. This broad consideration will allow us to see the moral component which is 'respect for persons' in Rawls's understanding of

---

[79] Catriona McKinnon and Dario Castiglione (ed.), *The Culture of Toleration In Diverse Societies* (Manchester and New York: Manchester University Press, 2003), 39

toleration. Secondly, it is difficult to comprehend why it is a problem to have two aspects (one epistemological and one moral) for the idea of reasonableness in Rawls's theory. It seems that this does not make Rawls's arguments any weaker for the justification of toleration. Thirdly, I am not sure if it is correct to describe reasonableness as an epistemological idea. This is something Rawls himself denies in *Political Liberalism* together with the idea of skepticism. Regarding this issue he says: "Observe that here being reasonable is not an epistemological idea (though it has epistemological elements). Rather it is part of a political ideal of democratic citizenship that includes the ideal of public reason. The content of this reason includes what free and equal citizens as reasonable can require of each other with respect to their reasonable comprehensive views. In this case, they cannot require anything contrary to what the parties as their representatives in the original position could grant."[80] Here, it makes sense for Rawls not to describe reasonableness as an epistemological argument because reasonableness is based on a political ideal of citizenship which also has moral requirements from citizens as free and equal members of a well-ordered democratic society. And as for the skepticism charge, Rawls claims that if an overlapping consensus of reasonable doctrines is to be possible, skepticism must be avoided and the account of burdens of judgment must not proceed as a skeptical argument.[81] I think it would be more comprehensible why Rawls denies skepticism as the ground of 'burdens of judgment' if we consider the stability argument which is based on overlapping consensus as the result of

---

[80] Rawls, *Political Liberalism,* 62

[81] Ibid, 63

agreement among reasonable comprehensive doctrines. If we reason from skepticism, it is very likely that we shall not gain a stability which is different from a modus vivendi or a merely constitutional consensus. An overlapping consensus requires a moral commitment on the part of citizens as they use their public reason and affirm the appropriate conceptions of justice. Below, we will have the chance to observe it more how the idea of 'overlapping consensus' is connected to the idea of reasonableness as a ground of toleration.

In a similar fashion but for different reasons, Charles Larmore is also not happy with the way Rawls proceeds in terms of 'respect for persons'. For Larmore, Rawls should have stressed 'respect for persons' in an appropriate and open way concerning political liberalism: putting 'respect for persons' in the position of a moral basis that is prior to the will of reasonable persons. He claims that, even though Rawls's *liberal principle of legitimacy* [82] give voice to a certain degree to the abiding moral heart of liberal thought, Rawls failed in bringing up the moral content of this principle and its proper place in *Political Liberalism*.[83] For Larmore, 'respect for persons' should be acknowledged as a moral principle that is binding independently

---

[82] The liberal principle of legitimacy: "Our exercise of political power is fully proper, only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse In the light of principles and ideals acceptable to their common human reason". (Rawls, *Political Liberalism*, 137, 139-140, 143, 217, 225-226) (Cited in *The Autonomy of Morality*, 146-147)

[83] Charles Larmore, *The Autonomy of Morality* (Cambridge University Press, 2008), 147

of the democratic will of citizens.[84] He thinks that this is not to call into question the political nature of liberalism, which he claims he shares with Rawls, but to acknowledge the need to refer to a moral content over which political liberalism should stand. To reply to Larmore, we could say that, as Larmore himself acknowledged to a certain extent, 'respect for persons' is implied by conceptions of reasonableness and the idea of democratic citizenship in Rawls's later work: Citizens act on the basis of mutual respect in viewing each other as reasonable with respect to their status as being free and equal. Therefore, it seems sensible why Rawls does not give 'respect for persons' an independent moral status which is prior to all other political values and principles. If he would acknowledge that moral status, it would be difficult for Rawls to sustain the freestanding and political characteristic of liberalism he endorses. It seems that acknowledging 'respect for persons' as an independent moral principle binding for citizens would put Rawls's liberalism in the same footing with a moral comprehensive doctrine. In Rawls's view, 'respect for persons' seems to be a significant political value that is inherently connected to the

---

[84] Ibid, 164 Larmore makes the same critic to Habermas as well. He thinks that both Habermas and Rawls share the same mistake (though Rawls is doing better than Habermas). In criticizing the discourse principle of Habermas, he says;" It is crucial for Habermas' conception of radical democracy, as he makes clear (FG (*Faktizitat und Geltung*), p. 138; BFN (*Between Facts and Norms*), that principle D possesses no moral content than its own. Morality and democracy, he holds, involve distinct and equal basic applications of principle D, the difference consisting in whether the principle is to shape the interactions between human beings as such or is to take a legal form binding for a specific political community. Certainly there is a significant overlap between the norms thus generated in these two domains. But in Habermas' view, this does not change the fact that the terms of political life find their justification solely in the autonomous will of the citizens, as expressed according to principle D, and not in any moral principles that citizens must recognize as setting limits to their will." (*The Autonomy of Morality*, 160) (Italics belong to me).

values of democratic citizenship that we find in our political culture. In this sense, we might say that it informs citizens' attitude towards each other in exercising their public reason and as we argued, it provides reasons for toleration.

We have pointed out that the idea of 'reasonableness' is connected to the idea of 'respect for persons' as a ground for toleration in Rawls' theory as far as justification is concerned. Furthermore, we could point out the idea of 'overlapping consensus' and 'moral psychology of persons' as two significant conceptions which are supportive of the idea of 'respect for persons' and 'reasonableness'. First let's concentrate on the 'moral psychology of persons'. For Rawls, persons as citizens of a well-ordered democratic society act out of a certain philosophical disposition which we might call a certain moral psychology. This is related to the moral motivation of persons in the sense that they have a reasonable disposition. Thus Rawls says, "Citizens have a reasonable moral psychology. The features we have attributed to citizens- their readiness to propose and to abide by fair terms of cooperation, their recognizing burdens of judgment and affirming only reasonable comprehensive doctrines and their wanting to be full citizens- provide a basis for ascribing them a reasonable moral psychology, several aspects of which are consequences of these features." [85] In this manner, one might claim that persons as citizens acting out of a particular disposition might be considered as ascribing to a tolerant attitude towards their fellow citizens. Thus, the principle of toleration itself could be seen as

---

[85] Rawls, *Political Liberalism*,.86

embedded in the ideal of democratic citizenship which requires a reasonable moral psychology.

As for the idea of 'overlapping consensus' as supportive of 'respect for persons', we might claim that the principle of toleration which is grounded by 'respect for persons' and 'reasonableness' could be under full guarantee only with the stability which is the outcome of an overlapping consensus. In other words, stability achieved by the assent of reasonable comprehensive doctrines with respect to the appropriate principles of justice could support the principle of toleration and its realization to the fullest extent. As Rawls himself puts it, "the kind of stability required of justice as fairness is based, then, on its being a liberal political view, one that aims at being acceptable to citizens as reasonable and rational, as well as free and equal, and so addressed to their public reason." [86] In this sense, overlapping consensus as the basis of stability is different from modus vivendi which is no more than a contingent balance of forces in the society. Moreover, a constitutional consensus is also far from guaranteeing the principles of toleration to the full extent because it covers basic rights to political participation but does not address questions of the distribution of goods. However, with the overlapping consensus, the principles of a fully developed conception of justice are agreed on. It is only with overlapping consensus, that we arrive at stability in which citizen do not consider changing the stability by using political power to impose their own comprehensive doctrine over the others. Thus, the principle of toleration is secured. As McKinnon puts it, the agreement through an

---

[86] Ibid, 143

overlapping consensus demands deeper answers concerning the questions of justice from citizens who adopt different reasonable comprehensive doctrines because the level of opposition is deeper at that level due to the wide range of principles that are addressed by the appropriate conception of justice.[87] In this situation, citizens find a way to accommodate their different views in order to accept the same conception of justice and this is possible with the reasonable attitudes of the citizens who participate in overlapping consensus. Citizens, seeing themselves and others as reasonable in affirming the same conception of justice regardless of their differences grant respect to others who are as reasonable as themselves and do not consider changing the stability by using political power.

Above, we tried to outline the fundamental characteristics of toleration in *Political Liberalism* with reference to conditions of possibility and reasons for toleration. This outline will provide a basis for examining the characteristics of toleration as an international issue in *Law of Peoples* in the following chapter of the dissertation since we will have the opportunity to observe the parallels and differences between the two accounts of toleration in Rawls's theory. In addition to this, with the help of the outline we had drawn in this chapter, we shall be able to compare the theories of Rawls and Habermas with respect to the characteristics of toleration which are deployed in their theories in the following chapters of the dissertation.

---

[87] McKinnon, *Toleration- A Critical Introduction* (London, New York: Routledge, 2006), 70

CHAPTER 3

TOLERATION IN RAWLS'S *THE LAW OF PEOPLES*

In Chapter 2, we have analyzed *Political Liberalism* to outline the characteristics of the toleration Rawls endorses. This had to be an analysis in which the context of democratic societies was the addressee. Now, we will turn to the international context to examine the characteristics of toleration in Rawls's theory, that is, his *Law of Peoples*. In analyzing *Law of Peoples*, we will try to see how Rawls addresses toleration as an international issue by referring to his standpoint in *Political Liberalism* as well as to the conceptual map that has been drawn in the first two chapters of this dissertation. Since our goal is limited to making an analysis of toleration in Rawls's international theory, we will not aim to explain every idea in *Law of Peoples*. This analysis will provide us with the fundamental characteristics of Rawls' international toleration and enable us to consider what grounds he offers for international toleration. Moreover, analyzing *Law of Peoples* will provide us with the parameters that we will refer to when we discuss the theory of Jurgen Habermas in Chapters 4 and 5.

3.1. Toleration as a Requirement of Justice in *Law of Peoples*

As mentioned in previous chapters, Rawls is among the few scholars who address toleration directly as an international issue and his interest is laid out particularly in his text *Law of Peoples* published in 1999. In the text, Rawls deals with the question of peace and justice at the international level. This is where he extends the social contract idea to the level of what he calls 'peoples'. Thus, he works

out the principles and regulations of a liberal idea of justice among peoples. In this sense, the law of peoples refers to the rules of the society of reasonable peoples. Reasonable Peoples comply with and act according to the principles and rights that they established among themselves.

Rawls states in the Introduction of the book: "The basic idea is to follow Kant's lead as sketched by him in *Perpetual Peace* (1975) and his idea of *foedus pacificum.*" [88] He indicates that he interprets this idea of Kant in a particular way: we first have to begin with the social contract idea of a political conception of a democratic regime and then extend it by introducing a second original position where the representatives of liberal peoples make an agreement with other liberal peoples.[89]

Rawls distinguishes five types of societies: reasonable liberal peoples, decent nonliberal peoples, outlaw states, benevolent absolutisms and societies burdened by unfavorable conditions. In line with this, his text is composed of three main parts. The first two parts deal with ideal theory: first, he develops arguments concerning the first and second original positions and in the second part, he incorporates nonliberal decent peoples into the society of reasonable peoples. Part three concentrates on two nonideal theories: the first concerns the conditions of noncompliance in which certain societies refuse to comply with law of peoples (this is where he deals with outlaw states). The second type of nonideal theory is concerned with unfavorable conditions

---

[88] John Rawls, *the Law of Peoples-with the idea of Public Reason Revisited* (Cambridge, Massachusetts, London. England: Harvard University Press, 1999), 10

[89] Ibid.

where the historical, social and economic conditions make it impossible for a society to become a well-ordered society (either liberal or decent).

Toleration, a central theme in *Law of Peoples,* is regarded as a requirement of justice in the international realm. Our goal here is limited to identifying the grounds for and limits of toleration in Rawls' international theory. That is why we will not be addressing each idea in *Law of Peoples*. Nevertheless it is still significant to point out the relation between Rawls' understanding of toleration and the project of *Law of Peoples* in general. As we consider Rawls's attempt to outline the principles of a liberal idea of justice in the international realm, we might say that toleration comes to the fore as a requirement of international justice. It might be argued that in considering the toleration of decent hierarchical societies, Rawls thinks that this toleration is essential to the just regulation among well-ordered societies (liberal and decent). In this sense, toleration is not something at the mercy of liberal peoples that they could grant whenever they want. For Rawls, rights and obligations of a just arrangement among peoples make toleration necessary. Well-ordered (liberal and decent) societies act out of the principles that they have worked out and that gives a reason to tolerate each other as societies who recognize each other as equal members of the society of reasonable peoples.

Rawls lists eight principles of law of peoples:

> "1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples. 2. Peoples are to observe treaties and undertakings. 3. Peoples are equal and parties to the agreements that bind them. 4. Peoples are to observe a duty of non-intervention. 5. Peoples have the right of self-defense but not right to instigate war for reasons other than self-defense. 6. Peoples are to honor human rights. 7.

Peoples are to observe certain specified restrictions in the conduct of war. 8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime." [90]

These principles are reached under a veil of ignorance first by liberal peoples.[91] Here, the conditions of the second original position are similar to those of the first one that provides for domestic case: "the parties are subject to a veil of ignorance properly adjusted for the case at hand: they do not know, for example the size of their territory, or the population or the relative strength of the people whose fundamental interests they represent. Though they do know that reasonably favorable conditions obtain that make constitutional democracy possible- since they know they represent liberal societies- they do not know the extent of their natural resources, or the level of their economic development, or other such information."[92] Secondly, he extends this idea of hypothetical contract to decent hierarchical societies who are not liberal. He argues that these principles would also be agreed on by decent peoples (even though they are

[90] Ibid, 37

[91] It could be argued that there are two main criticisms directed against the way Rawls derives the principles of justice at the international realm. First it is claimed that Rawls's methodology of maintaining two original positions; one at the domestic first and then one at the international is not justified. And Secondly, it is argued that the very eight principles are too minimal and less demanding. See Charles Beitz, *International Relations and Political Theory* (New Jersey, Princeton: Princeton University Press, 1979), Thomas Pogge, *World Poverty and Human Rights*, Cambridge, 2002, "An Egalitarian Law of Peoples". *Philosophy and Public Affairs*. 23.3 (1998), Andrew Kuper. "Rawlsian Global Justice: Beyond Law of the Peoples to a Cosmopolitan Law of Persons", *Political Theory*, Vol. 28, No.5 (2000), Caney, Simon. "Survey Article: Cosmopolitanism and the Law of the Peoples", *The Journal of Political Philosophy*. Vol. 10, No.1 (2002), Kok Chor Tan, *Toleration, Diversity and Global Justice* (Pennsylvania State University, 2000)

[92] Rawls, *Law of Peoples*, 32-33

not liberal). Liberal and decent peoples, in acting in line with these principles, tolerate each other's conduct. Intolerance would be unjust because, as long as peoples comply with the rights and obligations stemming from principles of the Law of Peoples, there would be no reason to be intolerant. Therefore, we say that toleration is a requirement of international justice in Rawls's theory.

3.2. Characteristics of Toleration

In line with the above-stated argument, we aim to focus on the characteristics of toleration as an international issue in Rawls' theory. To do this, we will refer to the conditions for the possibility of toleration as stated in the first part of Chapter 1. References will also be made to *Political Liberalism* when necessary to demonstrate the parallels and differences between the two texts. This analysis will demonstrate the grounds of international toleration in Rawls' theory.

3.2.1. Agents and Objects of Toleration in *Law of Peoples*

In the previous chapters, in considering the conditions for the possibility of toleration, we have seen that the first condition for toleration concerns its subjects and objects. Regarding this matter, it would be true to say that well-ordered societies (liberal and decent peoples) are the agents of toleration in *Law of Peoples*. The conduct, values and beliefs of those societies could be considered as the objects of toleration. We need to clarify what Rawls means by a people and what features it has to have so that we can gain a better picture of agents and objects of toleration in *Law of Peoples*.

As Rawls puts it, the account of the Law of Peoples conceives liberal democratic and decent peoples as the actors in the Society of peoples, just as citizens

are the actors in domestic society.[93] In this sense, we can see the parallel between *Political Liberalism* and *Law of Peoples* in considering the agents of toleration: persons in a domestic democratic society and peoples in the international realm. Rawls says "liberal peoples have three basic features: a reasonably just constitutional democratic government that serves their fundamental interests; citizens united by what Mill called "common sympathies; and finally, a moral nature."[94] By reasonably just (not necessarily fully just) democratic government, he means that people have the political and electoral control of the government and the government protects the fundamental interests of the people as stated in a written or unwritten constitution.

Rawls's conception of 'people' has often been the object of misunderstanding and criticized for its being a homogenous entity which does not fit the reality of the world. For instance, Kok Chor Tan, one of the prominent cosmopolitan critics of Rawls, thinks that Rawls subscribes to state communitarianism in his understanding of people and also in his belief that decent hierarchical societies are entitled to sovereign status.[95] For him, the basic flaw of state communitarianism is that "it takes it granted that states are homogenous ethno-cultural units, a mistake commonly committed in the normative international relations theory."[96] State communitarianism ignores the reality of states and nations in the world: "It presupposes a more neatly mapped and delineated world, a world in which each ethno-cultural unit or 'people'

---

[93] Rawls, *Law of Peoples*, 23

[94] Ibid.

[95] Kok Chor Tan, *Toleration, Diversity and Global Justice* (Pennsylvania State University, 2000), 88

[96] Ibid, 93

has its own political community. Not only is it not currently (or for much of history) the case that each people is represented by a state but it is questionable whether it is possible, geographically and physically, for there to be enough states for every people. Because of this flawed starting assumption, the state communitarian argument does not even get off the ground."[97] Although Tan has a point here in associating Rawls with a form of communitarianism, I think calling him nationalist does not do justice to Rawls's international theory. In addition, labeling his theory as statist disregards the fact that Rawls's category of 'people' is an idealization. We will see in subsequent pages that Rawls himself denies the claim that 'people' is identical to 'state'.

To consider the charge of communitarianism, what Rawls himself says about the concept of 'people' is significant. From his definition of 'people', though it is not entirely clear what he means by 'common sympathies', we can infer that he does not necessarily refer to a 'nation'. He states:

> "As for a liberal people being united by common sympathies and a desire to be under the same democratic government, if those sympathies were entirely dependent upon a common language, history, and political culture, with a shared historical consciousness, this feature would rarely, if ever, be fully satisfied. Historical conquests and immigration have caused the intermingling of groups with different cultures and historical memories who now reside within the territory of most contemporary democratic governments. Notwithstanding, the Law of Peoples starts with the need for common sympathies, no matter what their source may be. My hope is that, if we begin in this simplified way, we can work out political principles that will, in due course, enable us to deal with more difficult cases where all the citizens are not united by a common language and shared historical memories." [98]

---

[97] Ibid, 95

[98] Rawls, *Law of Peoples*,.24-25

Thus, the criticism that Rawls' definition of a 'people' is unrealistic because there are no such homogenous communities in the world as we know it, often ignores the fact that Rawls's goal is to start with a simplification in order to deal with more difficult cases. Samuel Freeman stresses this point: "although Rawls has little to say about what constitutes a people, it clearly is an idealization".[99] "A people may constitute more than one ethnic group or nation as traditionally understood. Rawls is not then a "nationalist". Certainly not in the sense which says that each nation of people, whether ethnically, culturally or linguistically constituted, has a right to political self-determination."[100] Rawls considers 'peoples' as communities in an idealized manner without ignoring the reality of the world. Nevertheless, it seems true that he considers 'people as a single moral entity rather than reducing it to the individuals who make up the people. At this point, the criticism of Kok Chor Tan seems to be relevant.

Once again the parallel Rawls draws between *Political Liberalism* and *Law of Peoples* becomes evident in his depiction of peoples having a moral character: Like citizens in a domestic society, liberal peoples are both reasonable and rational. As reasonable citizens in domestic society abide by fair terms of cooperation with other citizens, so reasonable liberal or decent peoples offer fair terms of cooperation to other peoples.[101] In this sense, the rational conduct of the peoples is constrained by their reasonable disposition in relations with each other.

---

[99] Samuel Freeman, *Rawls* (London, New York: Routledge, 2007, reprinted 2008), 424
[100] Ibid.
[101] Ibid, 25

The feature of peoples as reasonable agents also distinguishes peoples from states. States are depicted as having traditional sovereignty, right to war and unrestricted internal autonomy. For Rawls, "A difference between liberal peoples and states is that just liberal peoples limit their basic interests as required by the reasonable. In contrast, the content of the interests of states does not allow them to be stable for the right reasons: that is, from firmly accepting and acting upon a just Law of Peoples."[102] That is why peoples are the agents of toleration rather than states. We could infer that for Rawls, states could not affirm the principle of toleration for the right reasons. Possibly they could be tolerant agents participating in a modus vivendi but they could not be stable for the right reasons. We will explore the reasons for toleration in Rawls's theory under a separate title later on but the point has been to establish that peoples are counted as genuine agents as far as toleration is concerned in Rawls's international theory.

In addition to liberal peoples, Rawls also considers decent hierarchical societies as agents of toleration. As we will see better in the following parts of the chapter, Rawls includes nonliberal societies in his scheme of toleration provided that they are decent. Peoples who are not liberal but decent might not satisfy the condition of being a fully just society but they could be members of the Society of reasonable peoples in good standing. There are two criteria for a decent hierarchical society to be a member in good standing in the Society of peoples. First, the society should not have aggressive aims so that it must gain its ends through peaceful means such as

---

[102] Rawls, *Law of Peoples*, 29

trade and diplomacy.[103] The other criterion includes three parts: first, the system of law in a decent society has to secure human rights for all its members. Second, the law has to impose moral duties and obligations on all persons within the territory and lastly, there needs to be a belief on the part of judges and officials who administer the legal system that the law is guided by a common good idea of justice.[104]

Rawls means by securing human rights for all members and by being peaceful is readily intelligible, but the notion of a common good idea of justice has to be clarified. Rawls explains it first by distinguishing it from the common aim of a people and then relating it to decent consultation hierarchy. He says that the common aim is what the society tries to achieve for itself and a common good idea of justice encourages the pursuit of this aim.[105] However, the common aim is not to be maximized without any restrictions, in and for itself; rather it has to be maximized within the boundaries that are defined by a decent consultation hierarchy which provides the institutional basis for protecting the rights and duties of the members of the people.

Although persons in a decent hierarchical society are not considered as free and equal citizens, they are viewed as rational and decent. They are treated as responsible members of their society who can recognize when their moral duties are in line with the common good idea of justice.[106] "Each person belongs to a group represented by a body in the consultation hierarchy and each person engages in distinctive activities

---

[103] Ibid, 64

[104] Ibid, 65-68

[105] Ibid, 71

[106] Ibid.

and plays a certain role in the overall scheme of cooperation."[107] In political decisions, in line with the religious and philosophical values of the society, a decent consultation hierarchy allows room for hearing dissent and the opinions of persons who are members of different associations and corporations as well. Thus, we might say that, for Rawls, a decent consultation hierarchy secures a basis of social cooperation in a decent nonliberal society even though it is not democratic.

Rawls portrays a decent hierarchical people called Kazanistan who deserves to be recognized in good standing in the Society of peoples.[108] Kazanistan is an idealized Islamic society. Since the law in Kazanistan does not recognize the separation of church and the state, the higher public offices are not equally open to members from all religions, but there is a certain level of toleration towards other religions in the sense that they can freely practice their religion. Kazanistan is organized in a decent consultation hierarchy: each member belongs to a group and each group is consulted.[109]Also these groups are represented by bodies and the rulers of Kazanistan must weigh the views and opinions of all bodies when making decisions. Moreover, the judges and other officials must explain and justify their decisions when called upon. Dissent is respected in this sense. Assemblies of groups can raise their objections to government and government officials must reply in explaining how they interpret their policies according to the common good conception of justice and impose obligations and duties on all members of the

---

[107] Ibid, 71-72

[108] Ibid,75-78

[109] Ibid, 77

society. Giving this imaginary example, Rawls concedes that he does not mean that Kazanistan is perfectly just but that it is decent.[110] For him, a society like Kazanistan might exist: it seems to be the best we could realistically hope for.

As depicted above, for a people to be included in the Society of Peoples and therefore to be an agent of toleration, it has to be peaceful, respect human rights and secure them for all its members and its laws have to be guided by a common good idea of justice. Here, it is significant to note that Rawls attempts to imagine a society which is not liberal but which still might be tolerated with its own understanding of justice and way of life. It is enough for Rawls that decent societies assign obligations to its members, even though they do not have the liberal democratic conception of the person, together with their common good understanding which does not have to be similar to a liberal understanding of justice and its principles. It is also significant to note that in depicting decent hierarchical societies as having a decent consultation hierarchy, he does not say this is the only model we could have that satisfies the condition of decency. Decent hierarchical societies are only one model that we can imagine; maybe there could be other possible models whose basic structure is not based on a consultation hierarchy but which deserve to be included in the Society of Peoples.[111]

Above, we have considered the agents and objects of international toleration in Rawls' theory. We have seen that liberal and decent nonliberal peoples are viewed as the agents and their conduct and policies as the possible objects of toleration. In this

---

[110] Ibid, 78

[111] Ibid, 63

respect, we have observed that there is a parallel between *Political Liberalism* and *Law of Peoples*: Rawls conceives peoples in the international realm in the same way as persons in a domestic society. Here we might add a critical remark and say that even though one might interpret the idea of peoples in a broader manner so as to incorporate cross cultural entities of international realm, sticking to corporate entities of peoples as the sole agents of toleration might contain the risk of disregarding other possible agents of international toleration such as individuals. Below, we will touch upon the other dimensions of the conditions of possibility of toleration as far as international toleration in Rawls's theory is concerned. We will have chance to reflect on this critique later on when discussing the theory of Habermas.

3.2.2. Diversity as a Condition for Toleration in *Law of Peoples*

In the last two chapters, we have seen that diversity coupled with disapproval is one of the possibility conditions of toleration. In Chapter 2, we also observed that reasonable pluralism as a fact of the contemporary democratic societies constitutes the diversity condition in Rawls' theory. In line with this, we mentioned that given the fact that democratic societies are divided by different religious, philosophical and moral comprehensive doctrines, that pluralism provides the disapproval/ dislike component in Rawls's theory as well (since this diversity would be the source of different and even opposing worldviews and opinions).

As far as *Law of Peoples* is concerned, one might argue the same: We can see that diversity coupled with disapproval/ dislike is a condition for and characteristic of Rawls's international toleration as well. As we examined before, peoples (liberal or decent) constitute the basic agents of toleration in international realm. It seems it is

likely that liberal peoples would not approve of all the conduct and beliefs of decent nonliberal peoples and vice versa. Moreover, one might also mention disapproval both among liberal peoples themselves and among decent nonliberal peoples.

We might question whether other societies that are not liberal or decent in international realm are seen by Rawls as part of the diversity condition. We have seen that there are three more categories of societies that Rawls mentions in *Law of Peoples*: outlaw states, burdened societies and benevolent absolutisms. It seems that they fall outside the realm of toleration; at least we could say this confidently for outlaw states. Outlaw states are not regarded as reasonable or decent members of the Society of Peoples because they are not peace prone and they do not recognize human rights as principles of right conduct in international realm.

One might also point out a difference between the pluralism as a condition for toleration in *Political Liberalism* and *Law of Peoples*. In *Political Liberalism*, we have seen that reasonable pluralism is a condition for toleration. As far as *Law of Peoples* is concerned, we might say that pluralism is also a reasonable one but this time is defined by decency. Therefore, when we refer to reasonable pluralism in the international realm, we refer to the Society of Peoples which is the society composed of liberal and nonliberal decent peoples. A society does not have to be fully reasonable in order to be tolerated in the international realm. We will have chance to consider this further when we deal with the limits of toleration.

3.2.3. Power as a Condition for Toleration in *Law of Peoples*

We have seen that Rawls' international toleration satisfies the two conditions of toleration: agents and objects of toleration and diversity coupled with disapproval.

Furthermore, we need to observe in what sense we could refer to the dimension of power as a characteristic of international toleration. To recall, it was mentioned that it is often accepted that if X tolerates Y, X has to have the power to act on her objection. We also mentioned that one might make a distinction between tolerant conduct and a tolerant attitude or disposition. In order for X to act tolerantly, we might say that she has the actual power. However, in order for X to have a tolerant disposition, we do not need to refer to X having an actual power; it is enough to say that she would not act on her objection even if she had the power to do so.

Upon the above-mentioned reminder, we need to examine *Law of Peoples*. Peoples, as agents of toleration, might very likely have the power to act on their disapproval or objection to a certain conduct or type of society but they refrain from doing so due to the reasons they consider for toleration. Liberal people or a nonliberal decent people can disapprove of the conduct of any other liberal or decent people but it can refrain from action and tolerate the conduct. Most peoples are capable of interfering in the internal affairs of other peoples- particularly since Rawls would include things like offering incentives as interference- so that most peoples meet the power condition required for toleration. But since Rawls gives such prominence to recognition and respect as features of international toleration even a people that lacks real power in relation to others might engage in Rawlsian toleration simply by adopting a stance of recognition and respect towards them. Thus, the dimension of power constitutes a condition of toleration in *Law of Peoples*.

It is also significant to mention here that Power for Rawls in international realm is not limited to military power. Rather, he has a much broader understanding in the

sense that he includes all sorts of interference such as economic sanctions and offering incentives as well as military power within his definition of power in the international domain. This inclusive way of defining power leads him to define any kind of intervention as a means for intolerance. That is why he opposes offering incentives because for him this is a way of exercising power on another country.

3.2.4. The Scope, Demands and Limits of Toleration in *Law of Peoples*

We also referred to scope, demands and limits of toleration as part of the characteristics of toleration in the previous chapters of the dissertation. We have analyzed these dimensions regarding *Political Liberalism* in Chapter 2. By the scope, we mean the nature of the disapproval (whether it is moral or not) as far as the sources of disapproval are concerned. In *Political Liberalism*, we have seen that we could refer to both moral and nonmoral sources of disapproval/ dislike: citizens holding different reasonable religious, philosophical and moral comprehensive doctrines are likely to find themselves faced with various types of disapproval/ dislike such as aesthetic, religious or cultural etc. In *Law of Peoples*, it seems that we might argue the same. In the Society of Peoples, liberal and decent nonliberal peoples might have varied sources of disapproval/ dislike of one another's societies since we can assume that both liberal and nonliberal decent peoples may disapprove of each other's conduct and values etc. Furthermore, we could also say that peoples might contain diverse groups, cultures etc. inside their territories and this could also lead to disapproval/ dislike of varied sorts as we imagine that peoples have relations with each other and they have an influence over each other's conduct. Although it seems Rawls talks about a homogenous group when he talks about peoples, as we observed

elsewhere before, he accepts the fact that in reality, we are faced with a more complex and difficult situation. In this manner, we could infer that the Society of Peoples contains diverse groups as well as diverse practices and conduct, and this character of pluralism might be the basis of various sources of disapproval (be it moral or not) as far as the scope of toleration is concerned.

The demands of toleration refer to the requirements expected by way of tolerant conduct: whether toleration means only refraining from persecuting or whether it could also require positive action such as assisting, fostering etc. We have seen that in *Political Liberalism*, the demands of toleration go beyond refrain from persecuting or a negative attitude in the sense of refraining from acting on the basis of disapproval. In this sense, we observed that the idea of citizenship and its requirements together with the notion of reasonableness bring positive dimensions to Rawls' understanding of toleration such as respect, recognition and engaging in dialogue. We also mentioned that we will see the parallels between Rawls and Habermas on this point as we analyze Habermas's theory of toleration in Chapters 4 and 5.

Concerning *Law of Peoples*, one could also argue that the demands of toleration go beyond refraining from intervening. Toleration demands not only a negative attitude but it is also a positive attitude. In this manner, it is significant to note that we refer to a positive disposition in terms of demands in Rawls's international theory, not necessarily positive action. Here it is significant to examine what Rawls says about the meaning of toleration in explaining the reasons for the incorporation of decent nonliberal peoples the Society of Peoples: "Here to tolerate means not only

refrain from exercising political sanctions-military, economic, or diplomatic- to make a people change its way. To tolerate also means to recognize these nonliberal societies as equal participating members in good standing of the Society of Peoples, with certain rights and obligations, including the duty of civility requiring that they offer other peoples public reasons appropriate to the Society of Peoples for their actions."[112] Below, we will examine what Rawls means by these dimensions of toleration.

For Rawls, the most significant feature of liberal international toleration is not to impose liberal values and institutions on nonliberal peoples. Liberal peoples should not force them to change by any means. Here he explicitly refers to an analogy he makes between tolerating reasonable comprehensive doctrines and tolerating reasonable peoples:

> "We recognize that a liberal society is to respect its citizens' comprehensive doctrines – religious, philosophical and moral- provided that these doctrines are pursued in ways compatible with a reasonable political conception of justice and its public reason. Similarly we say that, provided a nonliberal society's basic institutions meet certain specified conditions of political right and justice and lead its people to honor a reasonable and just law for the Society of Peoples, a liberal people is to tolerate and accept that society."[113]

Here, just as it is not reasonable to impose one comprehensive doctrine on others in a domestic society, so liberal peoples should refrain from imposing their liberal values on nonliberal decent societies.

---

[112] Rawls, *Law of Peoples*, 59

[113] Ibid, 59-60

At this point, Kok Chor Tan raises an important criticism regarding the analogy Rawls makes between the toleration in domestic societies and toleration in international realm. Tan claims that Rawls holds that tolerating well ordered hierarchical societies (nonliberal decent) is analogous to tolerating nonliberal comprehensive doctrines in domestic societies. However this is a problematic analogy because there are important differences between domestic comprehensive doctrines and states: "In the case of comprehensive doctrines, what are permitted are moral, religious or philosophical differences, not political ones. [114] In this manner, a state cannot enforce a moral, religious or philosophical good but it can criticize comprehensive views which are politically unreasonable. According to Tan, Rawls tolerates politically unreasonable views at the international level due to this flawed analogy but does not give us any principled reason why things should be like that at the global level.

In reply Tan, we could mention that for Rawls the criterion of what is politically reasonable is set by the concept of decency at the international realm and decency is not identical with what he used to call reasonable in the case of domestic toleration. Peoples who satisfy the conditions of decency are tolerated because they are recognized as equal members of the Society of peoples in good standing. If Rawls were to advocate applying the concept of reasonableness as he did in the case of domestic toleration, then he would not have been able to argue for toleration of nonliberal peoples in the full sense. His goal in introducing the requirements of

---

[114] Kok Chor Tan, "Liberal Toleration in Rawls's Law of Peoples", *Ethics*, 108 (Jan., 1998), 283-284

politically reasonable in different ways in domestic and international realm is to work out a Society of peoples in which liberal peoples can live together with people who are not liberal but still sufficiently decent to be tolerated. In this sense, Rawls has a principled reason for tolerating decent nonliberal peoples: the respect and recognition that is owed to those peoples due to their equal status in complying with the Law of Peoples. We will observe the reasons for toleration in Rawls's international theory in more detail in a latter section but for now, we might say that Rawls has a principled reason for introducing a more flexible understanding of the politically acceptable in the international realm.

Samuel Freeman also outlines Rawls's position on the duty of non-interference clearly by pointing out two reasons why Rawls thinks liberal peoples should refrain from imposing liberal values: First, "it is not the role of a liberal society's government to establish liberal justice non-domestically in decent societies."[115] If a decent society wants to change towards a liberal direction, that has to be achieved by their own determination. That will secure the establishment of stability and justice better because the political culture and institutions of a society would be ready for that change if the change comes from within. And second, Freeman says that the duty of non-interference is not simply strategic: Rawls also thinks that it is unreasonable for a liberal society to coerce and force a well-ordered decent society to liberalize itself.[116] Thus, we might say that the both the need for stability and recognition of the

---

[115] Samuel Freeman, *Rawls* (London, New York: Routledge, 2007, reprinted 2008), 434

[116] Ibid. Here it is also significant to mention that Rawls's position does not imply political liberalism considers decent hierarchical societies as just and beyond criticism. As Samuel freeman mentions:

equal status of decent non liberal societies make it necessary for Rawls to claim that liberal peoples should refrain from interference. We will take up this point in detail when we focus on the reasons for toleration in the following section.

As far as the demands of toleration are concerned, in line with the argument that liberal peoples should not impose liberal institutions and values on nonliberal societies, Rawls puts a restriction on offering incentives as well. He claims that liberal peoples should not offer incentives for decent nonliberal peoples to develop more liberal democratic constitutions. This point has attracted certain criticisms from scholars who are supportive of a more cosmopolitan understanding of international justice and toleration. They claim that Rawls's theory of toleration "does not show why democratic states should not encourage expansion of liberty of conscience, speech and other rights in decent nonliberal societies through engagement in international fora, use of incentives or other proportionate means."[117]

Rawls offers two reasons for this prohibition: one pragmatic and one principled. The first reason for his opposition to offering incentives is that incentives might cause conflict among liberal and decent nonliberal peoples considering the rational interests of the peoples.[118] Of course private persons in civil society can raise funds for that purpose but it is not reasonable for a liberal people to offer incentives as a

"Liberal citizens and associations have full rights (perhaps even duties according to their comprehensive views) to publicly criticize the illiberal or undemocratic character of other societies, and can boycott them if they choose. But critical assessment by liberal citizens is different from their government's hostile criticisms, sanctions and other forms of coercive intervention." (Ibid, 432)

[117] Luis Cabrera, "Toleration and Tyranny in Rawls's Law of Peoples", *Polity,* Vol. XXXIV, No.2 (Winter 2001), 18

[118] Rawls, *The Law of Peoples*, 84-85.

government policy. Instead, liberal peoples should consider assisting burdened societies rather than decent ones. Secondly, decent nonliberal peoples should have the right to decide upon their own future. This second reason is related to his contention that decent nonliberal peoples deserve respect and recognition as long as they comply with the convictions of a reasonable Society of Peoples and they should be considered as equal members possessing good standing in the Society of Peoples. I think some ambiguity still remains here. One might ask why respect and recognition have to exclude offering incentives as a way of assisting nonliberal societies. However, it seems that for Rawls, trying to affect nonliberal societies so that they become liberal by any kind of means, be it offering incentives or assisting would mean an imposition of liberal set of values on nonliberal peoples and that would mean intolerance and injustice. If decent nonliberal peoples have to change, then that change has to occur from within the institutions and political culture of those societies. It might be claimed that for Rawls, offering incentives means not respecting a people's capacity and right to decide its own character. In this manner, it could be considered as bribing and manipulating or coercing a people in different ways. Rawls possibly would not object to people from different societies engaging in argument and discussion about how they ought to organize and run their societies since that sort of engagement is consistent with respect. We will examine this aspect in more detail when we talk about the reasons for toleration in the following parts of the Chapter.

As far as the demands of toleration are concerned, we might say that not imposing liberal values on decent nonliberal peoples is consistent with demands such

as recognition and respect. However, here what we mean by positive aspects of the demands of toleration is not fostering or assisting decent nonliberal peoples. Rather, the positive demands consist of according recognition to decent nonliberal peoples as equal members of the Society of Peoples (and in this sense; it is a disposition, not a requirement of positive action). Otherwise, Rawls would object to liberal peoples assisting or fostering nonliberal societies to become liberal as we have observed above. Recognition and respect requires the prohibition of imposition of liberal values on decent nonliberal peoples.

Regarding Rawls's prohibition of assisting or giving incentives to nonliberal peoples, Kok Chor Tan raises a significant worry. According to Tan, it is not clear if Rawls's theory allows any global liberalizing effect on nonliberal peoples, at least at the substantive sense. The only positive effect that can be thinkable for Tan is cultural exchange in the sense that films, books, movies and art might have an important role in educating people and raising their consciousness.[119] I think here we could imagine more than what Tan anticipates. The whole interaction between liberal and nonliberal peoples might have a liberalizing affect: trade, cultural and intellectual exchange, technological interaction. In addition to this, private associations and civil society could always make criticisms of the conduct and practices of decent hierarchical societies. There is no prohibition on criticism in Rawls's theory of toleration. What is not acceptable for Rawls is one government officially criticizing a decent nonliberal people in hostile manner. All these interactions, at the end of the day, would

---

[119] Tan, "Liberal Toleration in Rawls's Law of Peoples", 294

contribute to what Rawls calls 'moral learning' on the side of decent nonliberal peoples.[120]

3.2.4.1. Decency and Human Rights as Limits of Toleration

Having considered the scope and demands of toleration in Rawls's international theory, we will now focus on the limits of toleration in Rawls's international theory. By limits we mean what we ought to tolerate and what we ought not. Considering the substantive limits will reveal certain characteristics of toleration in Rawls's international theory.

We have observed that in *Political Liberalism*, reasonableness defines the limits of what is tolerable and what is not. The comprehensive doctrines that can claim to be reasonable fall within the boundaries of toleration. In *Law of Peoples*, we might say that decency similarly draws the boundaries of what is tolerable and what is not. What is identifiable as decent peoples and their conduct to the extent that they comply with the reasonable principles of the Society of Peoples, is considered tolerable. Thus, other societies such as outlaw states fall outside the realm of toleration because they do not consider the principles of a reasonable regulation of the international system as binding for their conduct. By being war prone and not respecting human rights, they are not only unreasonable, they also constitute a threat for peace and stability of the reasonable Society of Peoples.

Rawls's conception of decency is defined by the characteristics of what he calls decent hierarchical societies.[121] We have seen the features of these societies before:

---

[120] Rawls, *Law of Peoples*, 44

[121] Rawls, *Law of Peoples*,.67

they are peaceful; they secure human rights for all their members and have a common good conception of justice which is believed to be the source of just regulation of the institutions of their society. In this sense, as we mentioned before, Rawls tries to imagine a tolerable society which is not necessarily liberal.

It might be claimed that for Rawls, decency does not have to overlap with liberal justice: decent hierarchical societies have an understanding of justice which is different from the liberal one. Accordingly, they do not have to affirm the liberal conception of the person as well. It seems that what matters here for Rawls is that these societies can be seen as legitimate and equal members of the Society of Peoples, and in this sense, they are regarded as not unreasonable. Here the notion of decency covers less than reasonableness does in the international realm.[122] Thus, decent nonliberal peoples, even though they are not fully just, are tolerated.

One of the features of both liberal and decent nonliberal peoples is the fact that they recognize and respect human rights as far as their relations in the Society of Peoples are concerned. As Peter Jones comments, "Rawls's human rights are not part of a general moral theory of the rightful treatment of human beings. They figure only in his just law of peoples, and accordingly their role is limited to regulating relations between peoples."[123] In this sense, human rights are the rights that societies must honor if they are to be members in good standing of a reasonable society of peoples. Thus, human rights come onto the scene as an important characteristic of toleration

---

[122] Ibid.

[123] Jones, "International Human Rights: Philosophical or Political?" in *National Rights, International Obligations*, Simon Caney, David George and Peter Jones, eds. (Oxford, Westview Press, 1996), 190

as an international issue in Rawls's theory: human rights are significant criteria that define the limits of international toleration in the sense of what is tolerable and what is not.

Rawls has a minimalist conception of the content of human rights.[124] Regarding the content of human rights Rawls says: "Among the human rights are the right to life (to the means of subsistence and security); to liberty (to freedom from slavery, serfdom, and forced occupation, and to a sufficient measure of liberty of conscience to ensure freedom of religion and thought); to property (personal property); and to formal equality as expressed by the rules of natural justice (that is, that similar cases be treated similarly)".[125] In this way, he distinguishes between the rights that a democratic government endorses within its territory and human rights: human rights are a more urgent specific set of rights.[126] The violation of these rights is equally condemned by both reasonable liberal and decent nonliberal peoples.

---

[124] Rawls's minimalism has been criticized by the advocates of cosmopolitanism for the reason that his set of rights covers very less of human rights than it could do. See for further reference Charles Beitz, "Human Rights as a Common Concern", *The American Political Science Review*, 95, No.2, (Jun. 2001), 272. http://www.jstor.org/stable/3118120, Charles Beitz, *International Relations and Political Theory* (New Jersey, Princeton: Princeton University Press, 1979), Thomas Pogge, *World Poverty and Human Rights*, Cambridge, 2002, "An Egalitarian Law of Peoples". *Philosophy and Public Affairs*. 23.3 (1998), Andrew Kuper. "Rawlsian Global Justice: Beyond Law of the Peoples to a Cosmopolitan Law of Persons", *Political Theory*, Vol. 28, No.5 (2000), Caney, Simon. "Survey Article: Cosmopolitanism and the Law of the Peoples", *The Journal of Political Philosophy*, 10, No.1 (2002)

[125] Rawls, *Law of Peoples*, 65

[126] *Ibid,* 78-79. Here Samuel Freeman draws our attention to the connection between social cooperation and human rights: "The centrality of social cooperation to Rawls's account of justice is once again manifested in his definition of human rights in terms of the conditions that are necessary to engage in social cooperation of any kind. Human rights are regarded as the *minimal* freedoms, powers and

Rawls mentions that the class of human rights has three roles in the Society of Peoples:

> "1. Their fulfillment is a necessary condition of the decency of a society's political institutions and of its legal order.
> 2. Their fulfillment is sufficient to exclude justified and forceful intervention by other peoples, for example, by diplomatic and economic sanctions, or in grave cases by military force.
> 3. They set a limit to the pluralism among peoples." [127]

Given these roles, we can see that human rights constitute the limits of what is to be tolerated and what is not in the Society of Peoples. First, by being part of the political institutions of a decent society, human rights put limits on the internal autonomy of peoples. Second, in complying with human rights, peoples are exempt from forceful intervention and other intolerant sanctions. And thirdly, human rights draw the boundaries of acceptable and legitimate conduct in international society by putting limits to the pluralism. The conduct of outlaw states in violating these rights can legitimately be an object of intolerance. Thus, we can say that this list of human rights, by being accepted by liberal and decent nonliberal peoples, ensures the toleration of the conduct of those peoples. Thus, it has a practical role in drawing the boundaries of toleration.

In *Law of Peoples*, Rawls seems to be silent on the justification or foundations of his set of human rights though he mentions this set of rights could not be condemned

---

protections that any persons need for the most basic development and exercise of the moral powers that enable him or her to engage in social cooperation in any society." (Freeman, *Rawls*, 436)

[127] Rawls, *Law of Peoples,* 80

as western or liberal by other societies and is not parochial.[128] We might infer that his coming up with a minimalist set is to ensure its acceptability as legitimate both by liberal and decent nonliberal peoples. However, interestingly, he seems silent on the foundations and justification of his set of human rights. As Peter Jones claimed before, this might be related to the limited role that Rawls assigns to human rights; regulating the relations between peoples in international realm.

Joshua Cohen, who offers a minimalist set of human rights based on Rawlsian inspirations, indicates how a Rawlsian account of human rights might be justified. Considering Cohen will also help us see further how a Rawlsian account of human rights might play a role in defining the boundaries of toleration. We will consider Cohen's account of human rights as an extension of Rawls's conception of human rights and its relation to toleration as an international issue.

In his article *Minimalism about Human Rights: The Most We Can Hope For,* Cohen addresses the issue of minimalism by making a distinction between what he calls substantive and justificatory minimalism. He is critical of substantive minimalism[129], and puts his own theory of human rights in the category of

---

[128] Ibid, 65

[129] In the article, Cohen states that he aims to dispute the idea that valuing toleration and acknowledgement of pluralism directly lead us to a minimum and less ambitious set of rights. Here he criticizes mainly Michael Ignatieff's position on human rights. He says Ignatieff's limitation of human rights to "a decidedly thin theory of what is right, a definition of the minimal conditions for any life at all" supports this line of thinking which sees no other option for formulating a different conception of human rights which might value toleration and pluralism and be more ambitious at the same time. ("Minimalism About Human Rights: The Most We Can Hope For", *The Journal of Political Philosophy*, 12, Number 2(2004),193) For him, Ignatieff's position assumes a substantive minimalist

justificatory minimalism. Justificatory minimalism is a Rawlsian account which is based on the idea of global public reason and overlapping consensus. The central idea is that a conception of human rights should be presented autonomously that it should be independent of any particular philosophical or religious theories that might be used to explain and justify its content.[130] In this manner, it is the extension of Rawls's thinking about political liberalism to the global level. In other words, it is an account that considers human rights as the object of a global overlapping consensus.

In the article, Cohen makes certain distinctions to characterize better what he means by an autonomous account of human rights: He distinguishes between the *content*, *role* and *rationale* of a human right. Content refers to a specific set of rights. Their role identifies "a set of important standards that all political societies are to be held accountable in their treatment of their members".[131] On the other hand their rationale aims to explain why the rights have the content that they have and why political societies are required to ensure those rights. In the light of these distinctions, Cohen mentions that a justificatory conception of human rights claims that each of the three aspects of human rights should be autonomous/ independent so that they can be affirmed at the same time by people with different ethical outlooks.

---

approach to human rights. According to this position, human rights are confined to protections of negative liberty and ensure against restrictions on negative liberty that take the form of intrusions on bodily security. Cohen thinks that this is a less ambitious set of human rights which is formulated due to the belief that being sensitive to toleration means ending up with a very minimal list of human rights.

[130] Cohen, "Minimalism About Human Rights: The Most We Can Hope For",193

[131] Cohen, *Minimalism about Human Rights,* 194-195.

It might be claimed that Cohen's conception of human rights follows from applying political liberalism at the international level. I think we can understand Cohen's position better if we think of it together with what Rawls claimed in *Law of Peoples*: Human rights should not be seen as western, liberal or parochial by nonliberal decent societies. Cohen's way of portraying human rights through justificatory minimalism seems to be inspired by this statement as well. In this sense, we can find parallels between his standpoint and both *Political Liberalism* and *Law of Peoples*.

Cohen's approach might also be inspired by the idea of toleration in *Political Liberalism* and *Law of Peoples*. Human rights are independent of all comprehensive doctrines and they are free standing in the sense of not being derived from a particular ethical outlook. This is similar to Rawls's understanding of toleration because it is based on the idea that the imposition of one comprehensive doctrine on the other is intolerant. We find a similar way of reasoning in his theory of international toleration: Liberal peoples should not impose their liberal values on decent nonliberal peoples because that would be intolerant. In this way, Cohen seems to take this idea in Rawls's theory seriously in coming up with an account of human rights which is the object of an overlapping consensus at the global level. Possibly Rawls would have reasoned in a similar way if he had worked out a justification for his set of human rights in *Law of Peoples*.

Cohen's approach is also significant for drawing the boundaries of what is tolerable and what is not. As in the case of Rawls, the conduct of societies that

violates the human rights falls outside toleration. In this sense, human rights play an intervention- justifying role as they do for Rawls. In Rawls's theory, we have seen that outlaw states who do not comply with human rights can be the object of intolerance whereas decent nonliberal peoples are to be tolerated due to their commitment to human rights and peace.

Above, we have examined the limits of toleration in Rawls's theory and we referred to Cohen as providing a Rawlsian example of how human rights might play a role as far as the limits of toleration are concerned. This has been examined within the attempt to outline the characteristics of toleration as an international issue in Rawls's theory by reflecting on the conditions of possibility of toleration. Below, we will focus on the reasons for toleration in *Law of Peoples*.

3. 3.Reasons for Toleration and *Law of Peoples*

In chapter 1, we outlined the possible different reasons for toleration both at the domestic and international level: non-moral prudential, moral consequentialist, respect for persons and scepticism. In Chapter 2, we also observed that Rawls subscribed to 'respect for persons' as a moral principled justification for toleration in *Political Liberalism*. From here on, we will see there is a parallel between Rawls's view on toleration in *Political Liberalism* and *Law of Peoples* as far as the justification of toleration is concerned. Rawls subscribes to respect as a justification to international toleration as well. However, in the international realm, 'peoples' replaces 'persons' as the subjects of toleration and he does not treat peoples as reducible, morally, to persons.

In *Political Liberalism*, we have seen that persons, in virtue of being reasonable, grant respect to each other as citizens who are free and equal members of a society as a fair system of cooperation. By abiding by the fair terms of cooperation and recognizing the burdens of judgment, they recognize each other as free and equal. They also do not impose their own conception of good, either alone or by using political power, on others due to their acceptance that others are reasonable, and free and equal like themselves. Therefore, they respect each other's status as citizens who have different conceptions of good.

We might say that this idea of 'respect for persons' is reflected in Rawls's understanding of international toleration as well.[132] Liberal and decent nonliberal peoples, as equal members of the Society of Peoples, grant respect to each other by abiding by the principles of the Law of peoples. As we have seen before, Rawls contends that decent nonliberal peoples are not unreasonable. They are to be considered as equal members of the Society of Peoples in good standing. They accept human rights and they are peaceful. That is why; liberal peoples do not have any reason not to tolerate them. Not only should they not impose their own liberal view on them but also, they should recognize them as equal members of the Society of Peoples. In recognizing the equal standing of decent nonliberal peoples in the Society of Peoples, liberal peoples grant respect to the status of those peoples as free and equal. Here, we do not claim exactly that nonliberal decent peoples are fully

---

[132] See Peter Jones, "International Toleration and the 'War on Terror' " in *Globalizations*, Vol. 6, No. 1 (March 2009). In the article, he argues that "the idea of 'respect for persons' does not always argue for the individual and against the collective."

reasonable, but in virtue of being decent, they should receive equal recognition and respect from liberal peoples.

Respect seems to be closely related to the recognition of difference as well as to equal standing in Rawls's international theory. Rawls depicts peoples as having a disposition which maintains self-respect (*amour proper*) and which recognizes this aspect in other peoples as well.[133] In this sense, we might claim that respect is granted when reasonable and decent peoples recognize each other as equal members along with their differences in good standing in the Society of Peoples. In this manner, as Peter Jones remarks, Rawls "rejects the idea that culture is good in itself and that is the reason we tolerate. Rather, he subscribes to respect for persons as bearers of cultures."[134] In a sense as long as those differences do not cause the violation of the principles of the society of Peoples, they are respected and tolerated. The imposition of the set of values of one people on another people would mean not recognizing and

---

[133] When referring to the differences between peoples and states concerning their interests, he mentions self-respect as a significant feature of a people: "These interests of liberal peoples are specified, I said (2.3), by their reasonable conception of political justice. Thus, they strive to protect their political independence and their free culture with its civil liberties, to guarantee their security, territory and the well-being of their citizens. Yet a further interest is also significant: applied to peoples, it falls under what Rousseau calls *amour proper*. This interest is a people's proper self-respect of themselves as a people, resting on their common awareness of their trials during their history and of their culture with its accomplishments. Altogether distinct from their self-concern for their security and the safety of their territory, this interest shows itself in a people's insisting on receiving from other peoples a proper respect and recognition of their equality. What distinguishes peoples from states- and this is crucial- is that just peoples are fully prepared to grant the very same proper respect and recognition to other peoples as equals." (Rawls, *Law of Peoples*, 34-35)

[134] Jones, "International Toleration and Equal Respect" (earlier version of the published article "International Toleration and the 'War on Terror' ",13

respecting the equal status of the people who suffered the imposition. This imposition would be not only intolerant; it would also be unjust since it would violate the principles of a just Law of Peoples.

We mentioned the importance of the idea of 'overlapping consensus' for Rawls's conception of toleration in *Political Liberalism*. We stated that the principle of toleration cannot be guaranteed fully under a *modus vivendi* since a *modus vivendi* is a stability that is achieved merely by a balance of forces. If the balance of forces changes, some parties to the consensus would want to impose their conception of good on others or the balance of forces itself might be changed by some act of intolerance. That is why we claimed that a *modus vivendi* is a contingent affirmation of toleration. We also mentioned that, in a *modus vivendi*, there could be reasons for toleration deriving from non-moral prudential positions as well as moral consequentialist reasons. However, it seems difficult to have moral principled reasons for toleration in a *modus vivendi*.

We observed that only an 'overlapping consensus', could secure a full guarantee and experience of toleration. Only with the stability that is achieved by an overlapping consensus, one might refer to the affirmation of the principle of toleration out of a full principled justification; i.e. respect for persons. The stability is achieved because citizens, not only view the principles of a political conception of justice as legitimate from within their own comprehensive doctrines but also, they view other citizens as free and equal in sharing the political power. They consider other citizens as reasonable and respect the status that they posses.

As for *Law of Peoples*, we could also argue that it is only with the stability secured for right reasons that we might talk of the full guarantee of the principle of toleration. In *The Law of Peoples*, Rawls mentions two conceptions of stability: stability as a balance of forces and stability for right reasons.[135] Stability for the right reasons is closely connected to peoples as entities that have moral capacities in the sense that they can act out of reasonableness, not just rationality or self interest. Here, he explicitly states that: "it is these reasonable interests that make democratic peace possible and the lack thereof causes peace between states to be at best a *modus vivendi*, a stable balance of forces only for the time being." [136] In line with this, "stability for the right reasons describes a situation in which, over the course of time, citizens acquire a sense of justice that inclines them not only to accept but to act upon the principles of justice"[137]

We might say that we achieve stability for the right reasons because people are reasonable as well as rational. By acting in a reasonable way, liberal and decent nonliberal peoples view each other as free and equal in status. They abide by the principles of the Society of Peoples and view these principles as acceptable from their own conceptions of good. In viewing each other as reasonable, they do not impose their values on others. Imposing their own values on others would not only be intolerant but also unjust because in that case, they would not respect each other as free and equal members in good standing in the Society of Peoples. That is why it is

---

[135] Rawls, *The Law of Peoples,* 44-45

[136] Ibid,.45

[137] Ibid.

only when stability is secured for the right reasons, that both liberal and decent nonliberal peoples would be giving moral principled reasons for toleration. This could be achieved by moral learning in the process of the development of stability from a *modus vivendi* towards stability for right reasons. The principle of toleration will then be guaranteed as a requirement of justice in a stability achieved for the right reasons.

Upon all said regarding toleration between liberal and nonliberal decent peoples, there seems to be one question raised by the 'intolerable' in the international realm. As we had seen, the societies other than liberal and decent seem to fall outside the realm of toleration. If we should not tolerate outlaw states, does that mean we are duty-bound to go to war against them or required actively seek to change them in other ways? In this manner, we might say that what Rawls means that intolerable states are *eligible* for active intolerance but that what we actually should *do* will depend on circumstances. It would be wrong to think that Rawls subscribes to a belligerent attitude concerning outlaw societies and other societies that fall outside the realm of toleration.

In this chapter, we have analyzed the characteristics of and reasons for toleration concerning *Law of Peoples*. Our goal was to examine the way Rawls considers toleration as an international issue. We have seen that in many respects, there are parallels between his portraying of toleration as a domestic issue and his understanding of international toleration. In Chapters 4 and 5, we will analyze the conception of toleration in Jurgen Habermas's theory for the purpose of outlining how Habermas understands the characteristics of toleration as an international issue.

Thus, in the subsequent chapters, we will have the chance to see the parallels as well as differences between Rawls's and Habermas's theories of international toleration.

CHAPTER 4

JURGEN HABERMAS AND TOLERATION AS AN INTRA-STATE ISSUE

In the previous chapters, we argued that there is a place for toleration in our thinking about the international realm and, in line with this claim, we investigated the way we could consider toleration as an international issue. Therefore, we have analyzed the characteristics of and reasons for toleration in the theory of John Rawls; first in relation to domestic democratic societies and second, as an international issue. The goal was to outline the main characteristics of and reasons for international toleration in Rawls's theory. We examined his theory with reference to the conceptual map that we developed in Chapter 1. In this way, we tried to demonstrate the different dimensions of toleration as an international issue in the theory of Rawls.

In this chapter and the next, the theory of Jurgen Habermas will be analyzed with the aim of examining the characteristics of and possible reasons for toleration as an international issue. To this end, Habermas's conception of toleration will be investigated with reference to our conceptual map that was developed in Chapter 1. In addition to this, we will also try to address the parallels and differences between the conceptions of toleration of Rawls and of Habermas. Thus, it will also be a comparative analysis as well as an interpretive one.

First, as we did with Rawls, we will start with Habermas's conception of toleration as an issue of democratic societies (domestic toleration). Understanding Habermas's conception of toleration as a domestic matter is significant for understanding his conception of toleration as an international issue since there are

parallels between both conceptions. We will see that toleration is a central and significant part of Habermas's theory as far as his analysis of contemporary democratic societies is concerned. This analysis will be helpful in reflecting on his international theory with reference to toleration because it will provide us with the fundamental features of his approach concerning toleration in general and toleration as an international issue in particular.

First of all, we need to consider the centrality of toleration in the political theory of Jurgen Habermas. In Chapter 3.1, we have seen that toleration is a central theme in Rawls's political theory in the sense that it is a requirement of justice and political liberalism. We said that for political liberalism to be possible, toleration as a principle comes to the fore as a necessity. As for Habermas, we might argue the same. We might say that toleration for him is a requirement of his understanding of political liberalism and thus, of justice.

One can claim that toleration is embedded in Habermas's political theory due to his understanding of the justification of the secular constitutional state. He says: "political liberalism (which I defend in the specific form of a Kantian republicanism) understands itself as a nonreligious and postmetaphysical justification of the normative bases of the democratic constitutional state."[138] For him, the constitution of a liberal state derives its legitimacy in a self-sufficient manner on the basis of

---

[138] Jurgen Habermas, and Joseph Cardinal Ratzinger (Pope Benedict XVI), *Dialectics of Secularization- On Reason and Religion*, Florian Schuller (ed.) (San Francisco: Ignatius Press, 2006), 24. For his defense of a Kantian Republican political liberalism, see his *Inclusion of the Other Studies in Political Theory*, Ciaran Cronin and Pablo De Greiff, eds. (MIT, 1998)

arguments that are independent of religious and metaphysical traditions. We could observe the independent legitimacy in the democratic will formation of people which gives justification to the law and authority in the political theory of Habermas. In a postmetaphysical age, the state does not have to refer to any religious and metaphysical worldview to claim its legitimate authority. Instead, the justification of political authority rests on a principle of toleration because it does not impose any religion or metaphysics on people.

In line with the above-mentioned claim, for Habermas, toleration comes to the fore as a requirement of justice as well. He says: "the theory of a discourse ethics criticizes traditional attempts to base conceptions of justice upon religious conceptions or conceptions of the good life."[139] Thus, one might infer that in Habermas's theory, one needs the concept of toleration to justify the principles of justice because justice requires its principles to be derived from an independent (autonomous) ground. Indeed it seems this is valid for any conception of justice in contemporary societies that claim legitimacy in a post-metaphysical age.

The significance and centrality of toleration becomes evident in the theory of Habermas especially if we consider that tolerance arises as a question of both enacting and applying laws as well as a question of everyday practice.[140] Since

---

[139] Francis Schussler Fiorenza, "The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction" in *Habermas, Modernity and Public Theology*, Don S. Browning and Francis Schussler Fiorenza, eds. (New York: Crossroad Publishing, 1992), 73

[140] Jurgen Habermas, , "A "post-secular" society- what does that mean?", paper presented at *Istanbul Seminars East and West* (2-8 June 2008), 6

tolerance is a principle embedded in the legitimacy of a constitutional state, no citizen should try to impose her own view on others or try to use the state power to apply her own ethos on other citizens. In this respect, he says:

> "Tolerance means that believers of one faith and another and nonbelievers must mutually concede one another the right to those convictions, practices and ways of living that they themselves reject. This concession must be supported by a shared basis of mutual recognition from which repugnant dissonances can be overcome…The basis of recognition is not the esteem for this or that property or achievement, but the awareness of the fact that the other is a member of an inclusive community of citizens with equal rights, in which each is accountable to everybody else for her political contributions".[141]

Thus, we might say that the procedural democratic will formation of citizens underlines the significance of the principle of toleration and this principle has to be respected by citizens so that they should tolerate each other's worldviews in line with the independent legitimacy they themselves give to state power. Each citizen, as a member of a democratic constitutional society, should recognize each other as free and equal and grant the right to be different to each other even though they disapprove of each others' world-views. Hence, Habermas shares a similar ground with Rawls regarding both the meaning of toleration and the central place he gives to toleration in his theory.

---

[141] Jurgen Habermas, "A "post-secular" society- what does that mean?", paper presented at *Istanbul Seminars East and West* (2-8 June 2008), 6

4.1. Characteristics of Toleration in Habermas's Theory

4.1.1. Agents and Objects of Toleration

We have analyzed characteristics of toleration as conditions of the possibility of toleration in previous chapters. For this purpose, we have distinguished agents and objects of toleration, diversity coupled with disapproval, power, scope, demands and limits of toleration. For observing the characteristics of toleration in Habermas's theory, we will examine his texts on toleration and also on religion since they are texts in which we find direct reference to toleration. His papers delivered in conferences, as well as articles that deal with the role of religion in the public realm[142] and with toleration will be addressed to investigate the grounds of toleration within the contexts of domestic democratic societies.

To begin with, we can identify citizens as the agents of toleration in Habermas's theory. They are the basic entities that enter into relations of toleration or intolerance as far as domestic toleration is concerned. In this respect, we can find a parallel between Rawls and Habermas. In Chapter 2, we have seen that also for Rawls, in *Political Liberalism* where he developed his conception of toleration as a domestic

---

[142] Habermas developed a considerable interest in the issue of religion and its role in contemporary world in his later writings, according to some scholars, especially after September 11. In this sense, he began to reflect on the public role of religion whereas before, religion seemed to be considered in private realm. For this reason, in this dissertation, the focus will be on his later texts in which he deals with the possible role and contribution of religion to the public discourse. For an account and critic of Habermas's thought on religion in his earlier writings, see *Habermas, Modernity and Public Theology*, Don. S. Browning and Francis Schussler Fiorenza, eds. (New York: Crossroad, 1992) and Michele Dillon, "The Authority of the Holy Revisited: Habermas, Religion and Emancipatory Possibilities", *Sociological Theory*, 17, No. 3 (Nov., 1999)

issue, citizens come to the fore as agents of toleration. We have observed that for Rawls, citizens as subscribing to different reasonable comprehensive doctrines tolerate each other's viewpoints reciprocally as members of a society as a fair system of cooperation. Here, in Habermas's view, in a similar vein, citizens, as holders of different worldviews -religious and secular - are candidates for tolerating each other's conduct and beliefs as members of the same political community.

As for the objects of toleration, in Chapter 2, we have seen that beliefs, values, habits and conduct of citizens as holders of different conceptions of good are possible objects of toleration in Rawls's theory. It seems we might claim the same for Habermas. The beliefs, convictions, habits and conduct of citizens having diverse worldviews are the possible objects of toleration in the theory of Habermas.

Habermas also seems to make a distinction concerning the status of possible objects of toleration in addressing their level of impact on our attitudes and practices. Thus, he says:

> "the normative expectation that we be able to live alongside those with different ethical life-styles and value orientations is of a different nature than the assumption that we must accept the difference between religious truths or between contrary world-views, in other words accept statements that contradict our own. In both cases, the competing beliefs have an existential trust, that is, an impact on attitudes and practices. However, only in the case of competing world-views does toleration mean accepting mutually exclusive validity claims. In this narrowly defined sense, toleration- as regards equal respect for everybody- means the willingness to neutralize the practical impact of a cognitive dissonance that nevertheless in its own domain demands that we resolve it."[143]

---

[143] Jurgen Habermas, "Intolerance and Discrimination", *International Journal of Constitutional Law*, Issue 1(2003), 12

We might infer that for Habermas, religious truths and worldviews, as raising mutually exclusive validity claims demand greater tolerance from citizens than life-styles and different value orientations that do not necessarily contradict each other. In saying this, Habermas does not refer to religious truths or mutually exclusive worldviews as the only possible objects of toleration but he seems to address the status they occupy concerning the ethical life of citizens. In this sense, it could be that a greater change in the perspective of citizens is needed if they are to tolerate each other's different religions and world-views.

4.1.2. Post-Metaphysical Age as the Condition of Diversity of Toleration

In Chapter 1, we have seen that, for toleration to be possible, we need the condition of diversity coupled with disapproval. This condition is present in Habermas's conception of toleration. Habermas, like Rawls, starts with the fact of pluralism when he reasons about toleration. He is very much aware of the fact that under contemporary conditions, one needs to take diversity and pluralism seriously in theorizing about political matters. In a post-secular age in which religion continues to have its significance in public life, pluralism has become a more and more pressing issue in our thinking about the public political realm.[144] We will examine in detail what Habermas means by Post-secular age in chapter 5. Nevertheless, it is significant to note here that for Habermas, like Rawls, contemporary societies are marked by a considerable level of diversity containing different worldviews, religions and

---

[144] For further information on Postsecular age, refer to Jurgen Habermas, *Paper for the Conference "Religione e politica nella societa post-secolare" (Roma, 13-9-2007),* The Resurgence of Religion- A Challenge for a Secular Self-Interpretation of Modernity? and "A "post-secular" society-what does that mean?", Paper presented at the Conference *Istanbul Seminars- East and West* (2-8 June 2008)

standpoints. This diversity is likely to exhibit opposition, disagreement and disapproval even though we share the same political culture. Hence, the condition of diversity coupled with disapproval is a characteristic of toleration in Habermas's theory.

One might refer to the notion of a "post-metaphysical age" to understand the meaning of the condition of diversity as a characteristic of toleration in the theory of Habermas. The basic features of a "post-metaphysical age" are the lack of a substantive consensus on values among citizens as well as the existing diversity regarding their ethical lives and choices.[145] Habermas puts it: "In spite of a lack of a substantive consensus on values rooted in a socially accepted worldview, they [*the members of modern societies*] continue to appeal to moral convictions and norms that each of them thinks everyone else should accept."[146] This condition makes it necessary for toleration to be accepted as a principle in order to facilitate the conditions of co-existence in a society marked by pluralism. In this sense, "post-metaphysical age", as an age marked by diversity, constitutes the possible conditions for toleration.

In addition to this, we might say that for Habermas, political liberalism is a response to this modern condition; namely "post-metaphysical age". Thus, he says, political liberalism "is primarily concerned with the possibility of achieving a

---

[145] For a detailed account of the aspects of "post-metaphysical age", refer to "Jurgen Habermas, *Postmetaphysical Thinking: Philosophical Essays* (Cambridge, Polity, 1992)

[146] Ibid. Italics are mine.

consensus on political essentials which grants equal freedoms to all citizens without regard to their cultural heritage, their religious convictions, or their individual life styles. The required consensus on issues of political justice can no longer be based on a settled traditional ethos that encompasses the whole society."[147] In this way, pluralism in ethical views as a feature of a post-metaphysical age requires toleration in order to achieve a consensus on principles of justice as well. Here, we see a commonality in the Rawlsian and Habermasian standpoints. Nevertheless, this does not mean that there is no difference between the theories of Habermas and Rawls. It seems both of them refer to diversity (pluralism) as a fact. However, we will also see later that Habermas criticizes Rawls's notion of 'reasonableness as a feature of pluralism.

In referring to disapproval, Habermas mentions a particular kind of disagreement: *cognitive disagreement.* Toleration does not come onto the scene at all if there is no disagreement as far as truth claims are concerned: everyone has their own truth claims in the sense that each believes her standpoint is the true one. In addition, the disagreement in question must also be the one that is irresolvable in the long run.[148] Therefore, for toleration to occur, we need a persistent irresolvable disagreement in which each (moral) standpoint claims that its position is the true one.

---

[147] Jurgen Habermas, "Reasonable versus "True", or the Morality of the Worldviews" in *Inclusion of the Other-Studies in Political Theory*, Ciaran Cronin and Pablo De Greiff (eds.) (MIT, 1998), 78

[148] Jurgen Habermas, "Equal Treatment of Cultures and the Limits of Postmodern Liberalism", *The Journal of Political Philosophy*, Vol.13, Number 1, 2005, 25.

Therefore, it is not sheer diversity but diversity coupled with cognitive disagreement that makes toleration possible in Habermas's eyes.

As far as the condition of diversity is concerned, one might draw parallels between Rawls's and Habermas's theories. We have seen that Rawls also refers to disapproval and disagreement when considering diversity. We will discuss the nature of what Habermas means by disagreement specifically when we consider the scope of toleration in the following parts of the Chapter. Nevertheless, we can mention for now that what Habermas calls 'irresolvable disagreement' in the long run reminds us of what Rawls calls the 'burdens of judgment'. We will consider this under the title of 'reasons for toleration' later on. Here, the claim is not that the two ideas are same but that they are similar in taking into account the inevitable nature of 'irresolvable disagreement' among the members of contemporary democratic societies. Both of them seem to acknowledge the fact that there will be enduring disagreement among citizens all of whom accept the rules of the democratic game and this will have to provide some ground to toleration as well.

4.1.3. Power as a Characteristic of Toleration

We have seen that in order for X to tolerate Y, X needs to have the power to act according to her objection. We said that this is the condition for tolerant conduct. Moreover, for X to have a tolerant attitude or disposition, we said that X does not have to have the actual power to tolerate: it is enough for X to be able to say that she would tolerate Y even if she had the power not to do so. Upon these considerations, we have concluded that one might refer to the dimension of power as a characteristic

of toleration in Rawls's theory both in *Political Liberalism* and in *Law of Peoples*. We observed that both citizens of a democratic society at the domestic level; and liberal and nonliberal decent peoples at the international level, might be viewed as potential bearers of the power to act on their objections. Furthermore, we concluded that citizens should also have tolerant dispositions concerning each other's conceptions of the good in a society as a fair system of cooperation. We added that peoples -liberal and nonliberal decent- as being different from states, might exhibit tolerant dispositions towards each other's conduct.

The power condition is also present in Habermas's conception of toleration. One might contend that citizens of democratic societies -religious and secular- as agents of toleration might have the power not to tolerate the object of their toleration. They can maintain a tolerant disposition even if they do not possess actual power. This condition seems to be valid both for relations between religious and secular citizens as well as among religious and secular citizens among themselves.

4.1.4. Scope, Demands and Limits of Toleration

In the previous chapters, we examined the scope, demands and limits of toleration with respect to both the concept in general and Rawls's conception of toleration. Now, we will analyze Habermas's conception of toleration concerning these characteristics. To recall, scope refers to the nature of the sources of disapproval: whether the sources are moral or not. We said that for Rawls, disapproval could arise from both moral and nonmoral sources. It seems concerning Habermas's theory we can say the same thing, however with some qualification.

Habermas says one needs 'subjectively good reasons' to reject the other's standpoint. [149] He distinguishes these reasons from other grounds for rejection. He claims that reasons based on prejudice cannot be legitimate grounds for rejection. In this sense for him, we do not reply to the racist or chauvinist with a call for more tolerance, but rather with the call that he should overcome his prejudice.[150] This relates to the limits of the concept: we do not enter into any relation of toleration with a racist or chauvinist. In addition, for Habermas, we need to distinguish reasons for rejection from other circumstances with which they might be confused: "We do not need to be tolerant if we are indifferent to other opinions and attitudes anyway or even appreciate the value of such 'otherness''.[151] Therefore, for him, tolerance can come to bear only if there are 'good reasons' for the rejection of competing validity claims.

What is meant by 'subjectively good reasons' is vague. Habermas does not clarify it by referring to any substantive sources of disagreement. By distinguishing 'good reasons' from 'indifference' and 'prejudice', he seems to refer to the conceptual limits of toleration. We will focus on limits of toleration in Habermas's theory later on. For now, in relation to scope, we might infer that 'subjectively good' reasons might be of both moral and nonmoral. In this regard, one might possibly argue that from a Habermasian point of view, one can have 'subjectively good

---

[149] Jurgen Habermas, "Religious Tolerance- The Pacemaker for Cultural Rights", *The Royal Institute of Philosophy*, 79 (2004), 10.

[150]Habermas, "Religious Tolerance-The Pacemaker for Cultural Rights", 10

[151]Ibid.

reasons' to disagree/dislike a specific action, belief etc. for aesthetic or cultural reasons as well as for other sorts of disapproving reason. He says: "We need tolerance only vis-à-vis worldviews that we consider wrong and vis-à-vis habits that we do not like".[152] It might be claimed that, as long as the disapproval is not based on a prejudice and qualifies as subjectively good, then it is within the scope of toleration. There is not enough evidence in Habermas's theory to claim that disapprovals should always be of moral sort.

The distinction between ethics and morality seems to be relevant in understanding the scope of toleration in the theory of Habermas.[153] Sources of disapproval could stem from ethical judgments which do not have to relate to morality. Thus, one might refer to aesthetic dislikes as well as to other sources of disapproval which might be generated by ethical considerations that are related to our upbringing, habits and traditions. Habermas seems to agree with this argument in saying:

> "We can talk of toleration only if the parties involved base their rejection on a cognitive conflict between beliefs and attitudes that persist for good reasons. It goes without saying that not every rejection can be construed as reasonable: if someone rejects people with black skin, we should not call on him to show 'toleration towards those of a

---

[152] Jurgen Habermas, "Post-Secular Society? What does that mean?", paper presented at the Conference *Istanbul Seminars, East and West* (June 2-8 2008), 6.

[153] It seems like the distinction between ethics and morality is also relevant and significant for the tolerant citizen to sustain her behavior. In this sense, Habermas considers the misconception of this difference as one of the sources of intolerant conduct on behalf of citizens. For him, intolerant actions of different religious communities are based on their failure in distinguishing "the ethical values held by a religious community from the domain in which one should apply the legal and moral principles that govern coexistence in a society as a whole." (Jurgen Habermas, "Intolerance and Discrimination" *International Journal of Constitutional Law* (2003), Issue 1, 8

different appearance' because that would be to accept his prejudice as an ethical judgment that is similar to the rejection of a different religion."[154]

Here it seems that what he means by 'cognitive disagreement' amounts to 'reasonable disapproval' and the source of this disapproval could be ethical as well as moral. Ethical stands for the judgments that are connected to our identity such as traditions, religion, life- style etc. Possibly Rawls would label the realm of ethics as the realm of morality as well. Thus, some of what Rawls describes as 'moral' seems to be 'ethical' for Habermas. That is why we say, for Habermas, one might talk of both ethical and moral disapproval as far as toleration is concerned.

In Chapters 1 and 2, we have referred to the demands of toleration which relate to the requirements of action that could be taken with regard to toleration: whether toleration entails simply refraining from persecution or whether it requires more than that such as fostering and assisting. We observed that, in Rawls's theory, one can refer to positive requirements such as recognition with respect to his toleration at the domestic level. Thus, we said that Rawls's theory supports both positive dispositions and actions of citizens toward each other concerning toleration as an intra-state matter. Here, once again, Habermas shares a similar theoretical position.

Perhaps the first demand of toleration in Habermas's theory is what we might call 'social acceptance'. Acceptance comes onto the scene at the social level, not at the cognitive level (Just to recall, we have seen there must be rejection at the

---

[154] Jurgen Habermas, "Intolerance and Discrimination", *International Journal of Constitutional Law* (2003), Issue 1, 3

cognitive level for toleration to arise). What basically comes to the fore as a demand of toleration is the acceptance of the practical consequences of being in the same political environment like all others who have different ethos/worldviews. Habermas asserts that one can only realize her ethos within the limits of what everyone is accorded.[155] Acceptance of abiding by the same rules for everyone to exist together is a demand of toleration. This acceptance at the social and practical level reminds us of Rawls's conception of reasonableness. In this manner, as we saw in Chapter 2, reasonableness stands for the idea that tolerant citizens accept other citizens who have different comprehensive doctrines as free and equal. We will also see later that this argument is connected to the notion of respect.

As we have mentioned, Habermas claims that, as tolerant citizens, what is expected from each of us is to realize our own ethos only within limits and to accept the consequences of the ethos of others.[156] For Habermas, this has asymmetrical consequences for believers and nonbelievers in the democratic society.[157] For secular citizens, it is easier to abide by this rule because of their familiarity with the embedded heritage of democratic attitude. On the other hand, the believer has a different mental set which does not easily allow her to step outside the commands of her religious ethos to see the other as equally eligible to the same set of rules. The result is that the believer might end up in the enclave of her own ethos without any means to see the other's point of view. Therefore, for Habermas, considering

---

[155]Habermas, "Equal Treatment of Cultures and the Limits of Postmodern Liberalism", 27

[156] Ibid.

[157] Ibid.

tolerance only as noninterference could possibly lead to a situation in which competing worldviews exist without understanding each other. Therefore, we need a more demanding notion of toleration which not only implies noninterference but also understanding and recognition.

In line with the above-mentioned argument, for Habermas, we might add that toleration is also a requirement of the ethics of citizenship. For this reason, toleration should not be viewed as solely noninterference. Put precisely, we should tolerate because as citizens who share the same political community, we have a responsibility and a duty to tolerate each other's viewpoints. Toleration is part of our civic duty to each other. That is why as tolerant citizens, we also need to engage in a process of dialogue in order to understand each other.

In line with the ethics of citizenship that requires toleration as recognition and understanding, Habermas also refers to two significant conceptions in terms of the relation between secular standpoint and religious one: a "complementary learning process" and a "translation requirement". We will have the chance to observe that these notions are also part of the demands of toleration in the theory of Habermas. Below I will outline what is meant by these notions and where they fit into Habermas's normative vocabulary.

For Habermas, post-secular society reflects a normative insight which has consequences for the political relation between believing and nonbeliving citizens:

"In Postsecular societies, the insight prevails that the 'modernization of public consciousness captures religious and secular mentalities in different phases and reflexively alters them. If they conceive of secularization of society in common as a complementary learning process, both sides can then reciprocally take seriously, for cognitive reasons, their contributions to controversial topics in the public sphere". [158]

Here, one might say that a learning process between religious and secular reasons is required in the post-secular age because religion is still present with its influence in the public and private life of citizens. This claim of Habermas that there needs to be a learning process might be regarded as a proposal that would allow each party -secular and religious- to open up to the other in a hermeneutical way. Put exactly, a "complementary learning process" requires a condition of awareness that is expected from secular and religious citizens to open up dialogue and interaction concerning the contributions that might come up in public debate. Here one might argue that Habermas, in assuming that religious consciousness can be open to dialogue with secularism, disregards the dogmatic aspects of religion. However, being aware of this risk, he mentions that, politically speaking, this process of self reflection from within the religious traditions might work only in favor of those religions that have learned to acknowledge democracy, religious pluralism, and the secular authority of science.[159] In this manner, we need a certain level of awareness (a consciousness acknowledges pluralism and democracy) in advance on behalf of religious standpoints in order to engage in self-reflection which is backed up by learning from

---

[158] Jurgen Habermas, "On the Relation between the Secular Liberal State and Religion", *The Frankfurt School on Religion: Key Writings by the Major Thinkers* (New York: Routledge, 2004), *344-345*

[159] Habermas, "The Resurgence of Religion- A Challenge for a Secular Self-Interpretation of Modernity?", 19

the other part. Moreover, for Habermas, a cognitive adaptation is also required from the secular citizen in the sense of a "self-reflexive overcoming of a rigid and exclusive secularist self-understanding of modernity."[160]

As mentioned before, the second significant notion Habermas refers to is the "requirement of translation". Reflecting on this notion will give us the opportunity to understand better what Habermas requires of the secular and religious parties in terms of attitudes that they should take when behaving in a tolerant way. Concerning the requirement of translation, Habermas claims that the boundaries between secular and religious reasons are fluid and deciding on those disputed boundaries should be seen as a cooperative task which requires taking the perspective of the other party.[161] Thus, translation of religious content into a publicly accessible language which would not lead religions to be excluded from public sphere is a task to be undertaken by both sides. In doing this, "secular reason should insist on the difference between certainties of faith and publicly criticizable validity claims but refrain from evaluating the rationality or irrationality of religion as such."[162] The move Habermas makes with the notions of 'complementary leaning process' and 'translation' seems to be significant

---

[160] Jurgen Habermas, "Religion in the Public Sphere: Cognitive Presuppositions for the "Public Use of Reason" by Religious and Secular Citizens" in *Between Naturalism and Religion* (Polity Press, 2008), 138

[161] Habermas, "Faith and Knowledge", 9

[162] Habermas, "The Resurgence of Religion- A Challenge for a Secular Self-Interpretation of Modernity?", 19

in thinking of a more positive and demanding toleration.[163] As Richard Wolin observes, by acknowledging religion's specific place in public political debate, Habermas also made a significant move to theorize a notion of multicultural toleration.[164] In this sense, toleration demands the capacity to take the standpoint of the other.

Before moving on, here it is significant to note that Habermas's 'translation requirement' attracted certain criticisms. We might delineate two main lines of argument: one regarding the impossibility of translation and other concerning the relevance and status of this requirement within his whole theoretical framework. Paolo Flores d'Arcais, in his *Religion and Public Sphere-Eleven Thesis Against Habermas* claims that a translation of religious demands into secular ones is impossible and "such expectation is nothing but wishful thinking".[165] Although it is not so clear why he thinks in that manner, it seems for d'Arcais, the impossibility of translation is due to the very nature of the religious demands. Hence he says: "In the name of God one can impose norms that no rational argumentation can render compatible with the values that Habermas- rightly- considers to be constitutive of a

---

[163] For further reference on 'complementary learning process' and 'translation requirement', see also Jurgen Habermas and Joseph Cardinal Ratzinger (Pope Benedict XVI), *Dialectics of Secularization-On Reason and Religion,* Florian Schuller, ed. (San Francisco: Ignatius Press, 2006).

[164] Richard Wolin, "Jurgen Habermas and Post-Secular Societies", *Chronicle of Higher Education*, 9/23/2005, 52, Issue 5, p. 5

[165] Paolo Flores d'Arcais, *Religion and Public Sphere- Eleven Thesis Against Habermas*, Giacomo Donis, trans. (February 12, 2009), p. 3

democratic constitutional State (and therefore inalienable)."[166] In his reply to d'Arcais, Habermas admits that any translation from a religious to the secular language must entail a loss of connotations, yet the core of the semantic content of religious language need not be lost.[167] He also points out the reciprocal learning process between religious and secular languages by arguing that there has been an absorption from religious content (Judeo- Christian Tradition) since the Enlightenment and we cannot know if this process has come to an end or not. Following Habermas on this point, I think we have enough reasons to think that there is an interaction between the religious and the secular demands, and in a democratic polity, religious reasons count in the process of justification with a secular appeal in the sense of generally accessible reasons. If we accept the view of d'Arcais, seeing the religious and the secular as two ontologically distinct contents that contain no relations with the other, then we would have to accept that the view of religious citizens on the question of legitimacy is totally excluded. It seems not plausible to end up with such a conclusion if we need to take pluralism seriously in contemporary constitutional democracies.

Maeve Cooke raised an objection to Habermas concerning the relevance of the 'translation requirement'. Her criticism is not about the possibility of translation from religious content to the secular content since for her, Habermas's political theory allows for such translation with its emphasis on the idea of deliberation. She claims

---

[166] Ibid.

[167] Ibid, 12

that Habermas does not need 'translation requirement' to argue for the translation from religious to the secular language because the very idea of translation is built in the process of deliberation among free and equal citizens.[168] Hence, 'translation requirement' prior to the deliberation makes no sense. Here I share the point of Cooke in addressing the capacity of Habermas's idea of deliberation to allow for translation. Citizens, when arguing in deliberative publics, they already and always have to consider if their argument is sound and acceptable by the others. This process itself brings into the fore a transformative attitude on the part of citizens, be they religious or secular. However, by maintaining a separate 'translation requirement', Habermas aims to secure the ground for the neutrality of laws and political principles. Whether this approach is right or wrong is beyond the scope of this research. Nevertheless, it is to point out here that Habermas's approach is line with his conception of toleration; the laws and principles on which the political authority is based should not be inspired by a metaphysical or religious doctrine.

After addressing certain criticisms of Habermas on the question of translation, I aim to compare the viewpoints of Habermas and Rawls on the demands of toleration. First of all, we might contend that for Habermas, toleration comes with highly positive demands. A hermeneutical self-reflexivity, together with an awareness of the possibilities of communication between secular and religious standpoints is

---

[168] Maeve Cooke, "A Secular State for a Postsecular Society? Postmetaphysical Political Theory and the Place of Religion", *Constellations*, 2007, Vol. 14, Number 2

needed.[169] In this way, we might draw certain parallels between his conception of toleration and that of Rawls. As we have seen in Chapter 2, Rawls's theory demands recognition of and respect for the equal status of citizens who maintain reasonable conceptions of good and share the principles of political justice in their society. This ground of Rawls's theory, together with the notion of 'reasonableness' and the requirements of democratic citizenship support a positive conception of the demands of toleration. Even though Rawls does not explicitly emphasize the notion of 'hermeneutical reflection' as part of his conception of toleration, it seems his theory would allow such a perspective: 'reasonableness' and the 'ethics of citizenship' would allow room for what Habermas calls the "translation requirement" and the 'complementary learning process". Moreover, what he means by 'moral learning' in *Law of Peoples* might imply a hermeneutical opening up to the other as well. Nevertheless, it is still significant to mention that Habermas's open and persistent emphasis on hermeneutical self-reflectivity and opening up to the other comes to the fore with explicitly demanding and positive actions that need to be taken according to the principle of toleration.

---

[169] Regarding the demands of toleration, echoing Habermas, Matthew Festenstein reflects on the meaning of 'deliberative toleration': "Participation in public deliberation does not only require 'toleration', in the sense of passively permitting another person her views ….It also requires civility or 'deliberative inclusion': that we make the effort to listen to and comprehend different views, with the aim not only of putting across our own reasons and arguments but of reaching an agreement. These rights and commitments are not seen as instrumental in the sense of being contingently related to public deliberation, but as constitutive of it. We would not be taking part in dialogue at all if we did not act in this manner." (Matthew Festenstein, "Toleration and Deliberative Politics" in *Toleration, Identity and Difference*, Susan Mendus and John Horton, eds. (Palgrave Macmillan: March 1999), 150

In Chapter 1, we said that the limits of toleration are concerned with what could be tolerated and what could not. We also analyzed the possible conceptual limits concerning toleration in general and as an international issue. Then in Chapters 2 and 3, we focused on the limits of toleration in Rawls's *Political Liberalism* and *Law of Peoples*. Now, we will analyze Habermas's thinking on the limits of toleration.

As we mentioned before, Habermas reckons that it is not possible to tolerate viewpoints that are based on prejudice. To recall, racist and chauvinist people should not be labeled as tolerant because race should not be the object of toleration or intolerance. Conceptually speaking, we might possibly argue the same for ethnicity and nationality. We might say that they are conceptually outside the realm of toleration because they do not offer 'good enough reasons' for toleration. That is why; he mentions that we do not reply to the racist or chauvinist with a call for more tolerance, but rather with the call that he should overcome his prejudice.[170]

It could be argued that Habermas does not refer to any specific determinate limits in the substantive sense as far as toleration is concerned. Nevertheless it is significant that the substantive limits -what should be tolerated and what should not- should be justifiable to all in a democratic constitutional regime. Citizens, by accepting that they can only realize their way of life prescribed by a particular religion or worldview only under the conditions of equal liberties to everybody, also accept that the limits of toleration should be justifiable to all. Hence, he says: "Only

---

[170] Habermas, "Religious Tolerance-The Pacemaker for Cultural Rights", 10

with a universally convincing delineation of the borderline – which requires that all those involved reciprocally take the perspective of the others- can toleration blunt the thorn of intolerance. Everyone who might be affected by the future practice must voluntarily agree on the conditions under which they wish to exercise mutual toleration."[171]   In this manner, for Habermas, the deliberative model of democratic will formation supports the claim that we need reasons that all sides can equally accept as far as the limits of toleration are concerned.[172] These should be the limits that every citizen can endorse as legitimate in a democratic society.

In line with the justifiability of the limits of toleration to all, one might also consider the idea of 'discourse ethics' as drawing the boundaries of what is tolerable and what is not. It might be claimed that the procedural presuppositions of discourse can be regarded as the criteria for reflection on what one could tolerate and what not. Concerning how discourse operates, Habermas says:

> "Discourse ethics rests on the intuition that the application of the principle of universalization, properly understood, calls for a joint process of "ideal role taking". It interprets this idea of G.H. Mead in terms of a pragmatic theory of argumentation. Under the pragmatic presuppositions of an inclusive and noncoercive rational discourse among free and equal participants, everyone is required to take the perspective of everyone else, and thus project herself into the understandings of self and the world of others; from this interlocking of perspectives there emerges an ideally extended we perspective from which all can test in common whether they wish to make a controversial norm the basis

---

[171] Jurgen Habermas, "Intolerance and Discrimination", *International Journal of Constitutional Law* , Issue 1, 52003)

[172] "Religion in the Public Sphere", *Philosophia Africana*, 3

of their shared practice; and this should include mutual criticism of the appropriateness of the languages in terms of which situations and needs are interpreted." [173]

In this sense, we might infer that citizens in their status as free and equal decide on what is tolerable and what is not under a noncoercive and open procedure of argumentation. In other words, their open and noncoercive shared discourse defines justifiable limits for toleration.

In connection with the above, James Bohman points out a commonality between Habermas and Rawls. He says, there is a common temptation "to hold certain aspects of deliberation as fixed and thus to regard them as the necessary limits of toleration. Habermas and Rawls succumb to this temptation in different ways." [174] If Bohman means 'certain aspects of deliberation as fixed limits' are substantive limits such as moral principles that are viewed as prior to deliberation; then it seems he misinterprets the issue of limits concerning Rawls and Habermas's conceptions of toleration. Both for Rawls and Habermas, the limits might be a certain political criterion such as 'reasonableness' in Rawls's theory and 'social acceptance' and 'discourse ethics' in Habermas's theory. In this manner, we might call these criteria formal procedural measures; but certainly not substantive limits. They come to the agenda as formal criteria that enable citizens to view each other as free and equal in sharing political power.

---

[173] Jurgen Habermas, "Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism", *The Journal of Philosophy*, XCII, No.3(March 1995), 349

[174] James Bohman, "Deliberative Toleration", *Political Theory*, 31, No. 6, December 2003, 15

Bohman continues to claim that "views that set determinate limits on toleration are paradoxical from the point of view of democracy. They either subordinate democracy to some moral content of toleration and its attitudes, or they subordinate the complex possibilities of justification in democracy to one value or principle that they consider "more fundamental", "basic" or "prior" for any number of reasons." [175] Here we might say that there is a sense in which Bohman is right in raising the significance of not drawing any substantive limits in advance as prior to democratic deliberation. Acting otherwise would also be at odds with the pluralism of contemporary societies in which we have to live together having different conceptions of good. That is the reason both Rawls and Habermas try to emphasize the significance of the justifiability of the limits of toleration to all in a political community.

Having said that both Habermas and Rawls share the intuition of not setting substantive limits to toleration from the outset, it is also significant to take note of one major difference between the two theories. This difference is best explained with reference to Habermas's objection to Rawls's idea of 'reasonableness'. Habermas says that, in Rawls's theory: "Practical reason is robbed of its moral core and is deflated to a reasonableness that becomes dependent on moral truths justified otherwise. The moral validity of conceptions of justice is now no longer grounded in a universally binding practical reason but in the lucky convergence of reasonable

---

[175] Ibid,16

worldviews whose moral components overlap to a sufficient degree." [176] In a sense, Habermas in addressing the lack of moral and universal dimensions in 'reasonableness', draws attention to the difference between the presuppositions of 'discourse ethics' and the idea of 'reasonableness'. In 'discourse ethics', according to him, we could find the idea of practical reason as universally binding for all the participants who are regarded as free and equal. Here, we might infer that, what Habermas means is not that practical reason sets substantive standards for deliberation, but it is embedded in the procedure of an open and noncoercive pragmatic discourse as a universally binding idea for all. It might be also argued that from a Rawlsian standpoint, what Habermas proposes could be viewed as a liberal 'comprehensive doctrine' with its appeal to a universal ideal speech situation. Indeed Rawls himself makes this objection in his reply to Habermas's 'Reconciliation through the Public Use of Reason'.[177]

To sum up, when we reasoned about Rawlsian toleration, we saw that 'reasonableness' is significant in determining the limits of what is tolerable and what is not. For Rawls beliefs, opinions etc. which support the idea of reasonableness, in the sense of abiding by the fair terms of cooperation and recognizing the burdens of judgment are tolerated. Here in Habermas's theory, we have a similar idea. However, Habermas does not mention 'reasonableness' as defining the limits, rather for him,

---

[176] Jurgen Habermas, "Reasonable Versus True, or the Morality of the Worldviews" in *Inclusion of the Other- Studies in Political Theory* (MIT, 1998), 82-83

[177] John Rawls, "Reply to Habermas", in *Political Liberalism* (New York: Columbia University Press, 1993), expanded edition (2005) , 373

democratic deliberation and will formation itself brings justifiable limits. In this sense, the open and democratic discourse of citizens who accept the consequences of sharing the same political community with other worldviews, seem to be the defining element concerning the limits of toleration. In this manner, the rules and principles of democratic discourse puts limits to what is tolerable and what is not.

4.2. Reasons for Toleration in Habermas's Theory

Above we have outlined the characteristics of toleration in Habermas's theory. We also addressed certain parallels and differences between his and Rawls's theory of toleration concerning the characteristics of toleration. In our search for the possible dimensions of toleration as an international issue, it is significant to point out the way Habermas pictures toleration within the context of democratic societies divided by diversity. Now, we will focus on the reasons for toleration in Habermas's theory which will be helpful for understanding possible reasons for international toleration in his theory.

To recall, in Chapters 1 and 2, when we considered the reasons for toleration, we referred to the justification of toleration. Thus, we observed that a reason for toleration is an answer to the question why we should tolerate? In Habermas's theory, we encounter specific notions that seem to connect to his justification of toleration: respect, civic solidarity and the ethics of citizenship. These notions are relevant to the reasons for toleration as well as describing what is expected from a tolerant citizen in terms of attitude towards the others.

First of all, we might claim that, in Habermas's theory, 'respect' comes to the fore as a reason for toleration. He considers respect (together with the idea of civic solidarity) as the basis for justification of toleration in a pluralistic society. It is significant that citizens understand themselves to be the citizens of one and the same political community. [178] "For all their ongoing dissent on questions of worldviews and religious doctrines, citizens are meant to respect one another as free and equal members of political community."[179] Here, we might say that respect gives us the normative principle which we should appeal as citizens of a democratic community under the conditions of disagreement. Citizens, by living in the same community regardless of their dispute and difference, respect each other's status as free and equal members. Thus, respect and toleration imply each other and the former comes to the scene as a reason to be tolerant of citizens who are not like us at all, with whom we disagree but at the same time with whom we have to share the same political community.

We might argue that civic solidarity is also connected to respect as a reason for toleration:

> "In the absence of the uniting bond of a civic solidarity, which cannot be legally enforced, citizens do not perceive themselves as free and equal participants in the shared practices of democratic opinion and will formation wherein they owe one another reasons for their political statements and attitudes. This reciprocity of expectations

---

[178] Habermas, "Equal Treatment of Cultures and the Limits of Postmodern Liberalism", 26

[179] Jurgen Habermas, "Role of Religion in the Public Sphere", *Philosophia Africana*, 8, No.2, August 2005, .3.

among citizens is what distinguishes a community integrated by constitutional values from a community segmented along the dividing lines of competing worldviews." [180]

Only in the condition of civic solidarity, can citizens of a democratic pluralistic society come to see each other as equal and free participants in public deliberation. Respecting each other as free and equal members of a community is the starting point for achieving that goal. Respect (together with civic solidarity) as a reason for toleration is part of the idea of the ethics of citizenship which is significant for the democratic and deliberative will formation in a pluralistic society.

Here once again we find a parallel between the theories of Habermas and Rawls concerning the reasons for toleration. We have seen in Chapters 2 and 3 that for Rawls too, 'respect for persons' constitutes the justification of toleration both concerning his domestic and international toleration with the qualification that peoples replaces persons in the international realm. As we have observed, citizens of a constitutional democratic society, as holders of different conceptions of good, respect each other's status as free and equal. They do not impose their own conception of good on others because they are also reasonable in abiding by the fair terms of cooperation and recognizing the 'burdens of judgment'. We have also seen that the requirements of the ethics of citizenship demand that citizens show respect for each other as free and equal members. Thus, for Habermas too, 'respect for persons' is the reason for toleration. What he calls 'civic solidarity' and being citizens

---

[180] Habermas, "Role of Religion in the Public Sphere", *European Journal of Philosophy*, 14, Issue 1, Apr. 2006, 13

of the same political community (the ethics of citizenship) requires us to respect the free and equal status of each other.

Above we have reflected on the characteristics of and reasons for toleration in Habermas's theory. We were mainly concerned with toleration as an intra state matter, as a question within state boundaries. We also touched upon certain parallels and differences between the theories of Habermas and Rawls concerning toleration as a domestic matter. We have seen how Habermas pictures toleration in democratic societies. In the next Chapter, we will examine the different dimensions of toleration as an international issue in Habermas's theory.

CHAPTER 5

JURGEN HABERMAS AND TOLERATION AS AN INTERNATIONAL ISSUE

In Chapter 4, we analyzed the theory of Habermas with respect to his conception of toleration within the domestic contexts of democratic societies. In so doing, we have both outlined the basic characteristics of and reasons for toleration in the theory of Habermas. We also made references to John Rawls to observe the parallels and differences between the two theories. We saw that both Rawls and Habermas share certain aspects of toleration as an answer to the question how we could live together as citizens who have different worldviews and beliefs in a constitutional democratic regime.

As we saw in Chapter 4, toleration is a central theme in the theory of Habermas esp. in his later writings. We saw that he explicitly raised the issue of toleration within the context of contemporary societies. This was evident in his texts on religion and its role in public political life. We observed that for Habermas, toleration comes to the fore as an answer to the question how it is possible to live together as free and equal citizens of a democratic community which is divided by various worldviews and beliefs. We also argued that toleration comes onto the scene as a requirement of justice in the theory of Habermas and there is a parallel in this sense between the conceptions of toleration of Habermas and Rawls.

In addition to their commonality in viewing toleration as a requirement of justice in the domestic context, we might add that there is also a parallel between the outlook

of Habermas and Rawls in viewing toleration as a requirement of international justice. In Chapter 3, concerning the international theory of Rawls, we have seen that toleration is a principle that has to be endorsed within the context of a just agreement on the principles of the Law of Peoples. We said that liberal and decent nonliberal peoples would act unjustly as well as intolerantly if they try to impose their values on others. Thus, we concluded that international toleration is a requirement of international justice in the theory of Rawls.

Habermas does not address toleration as an international issue as explicitly as in the case of the domestic context. Nevertheless, the necessity and significance of toleration is embedded in his writings that aim to deal with the question of religion and secularism in the global realm because he still deals with the question of how it is possible to live together in peace in a world society divided by various faiths, worldviews and beliefs. As he says: "the conflict of cultures take place today in the framework of a world society in which the collective actors must, regardless of their different cultural traditions, agree for better or worse on norms of coexistence." [181] Thus his awareness of diversity in the global realm motivates him to consider the possible answers for the question at stake and he considers toleration as a normative answer which is consistent with his considerations regarding the domestic toleration.

In this manner, for Habermas, international toleration is a requirement of justice. He believes that a multicultural world society which is peaceful and just can be possible with the endorsement of the principle of toleration. For him, toleration

---

[181] Jurgen Habermas, *Postnational Constellations* (Cambridge, Massachusetts: MIT Press, 2001), 128

comes as a cognitive presupposition "which must be satisfied if intercultural discourse on principles of political justice for a multicultural world society is to be successful."[182] In line with a tolerant disposition, as a requirement of intercultural discourse, "all parties, irrespective of their cultural backgrounds, had to consider controversial issues simultaneously from their own perspective and from those of the various other participants. Moreover they had to learn to restrict themselves to arguments that could in principle convince anyone irrespective of their underlying metaphysical or religious commitments."[183] Thus, for Habermas, the principle of toleration should be reflected in the attitude of the participants of an intercultural discourse on principles of a political justice for a multicultural world-society. In this way, a Habermasian conception of international toleration might be regarded as a requirement of international justice as well.

There is then a place in the theory of Habermas to view toleration as a requirement of international justice. In this chapter, the aim is to demonstrate that one could refer to toleration as international issue in Habermas's theory even though it is not explicitly spelled out by him. Hence, it is argued that we might develop a Habermasian international toleration which would satisfy the conceptual characteristics that we mentioned in Chapter 1. For doing this, we will analyze certain texts by him with reference to our conceptual scheme regarding the characteristics of and reasons for toleration. In addition to this, as we did before, it is also the goal to

---

[182] Habermas, The Resurgence of Religion- A Challenge for a Secular Self-Interpretation of Modernity?, 10

[183] Ibid.

address the possible parallels and differences between his theory and that of John Rawls as far as international toleration is concerned. As mentioned before, Habermas's conception of toleration as a domestic matter will also help us in making inferences with regard to the way he could portray toleration as an international issue.

5.1. Characteristics of Toleration as an International Issue in the Theory of Jurgen Habermas

5.1.1. Agents and Objects of International Toleration

When analyzing the characteristics of toleration in Chapter 1, we had seen that the first characteristic that one might refer is the possible agents and objects of toleration. Also in Chapter 4, we had observed that citizens as holders of different worldviews -religious, secular etc.- are regarded as agents of toleration in the theory of Habermas as far as domestic context of modern democratic societies are concerned. In addition to this, we also said that the beliefs, habits and conduct of citizens constitute the possible objects of toleration.

As far as the international realm is concerned, Habermas's concept of 'civilization' comes to the fore as bearing an explanatory significance to reflect on the possible agents and objects of toleration in his theory. But civilizations as separate entities might not be viewed as the only possible agents of toleration *per se*. The category of civilization seems to help in reflecting on different dimensions of diversity and disapproval in relation to possible agents and objects of toleration in the international realm. Nevertheless, there still seems to be an ambiguity in Habermas's theory on which the possible agents of international toleration are. My contention is

that one might claim that states, powerful individuals, NGOs and communities of faith, as bearers of certain cultural and religious world-views, can feature as agents of international toleration in the theory of Habermas. Here it is significant to note that individuals find a place in the picture as agents of toleration but they are not the only agents that Habermas envisions. He gives room for a variety of agents which might engage in relations of toleration at the global level. States could also be agents as an actual possibility in the international realm, however this is not to say that Habermas gives moral significance to the agency of states rather than individuals. Individuals as world- citizens could be viewed as ultimate moral units that will engage in relations of toleration and intercultural dialogue in the ideal world. Civilizations might have significance in shaping the conduct and disposition of these possible agents. In line with this, one can also identify various behaviors, beliefs, and values etc. which are shaped through the world-view of different civilizations as possible objects of international toleration in the theory of Habermas.

To understand better what can be inferred from Habermas's theory for the agents and objects of international toleration, we must consider what he means by 'civilization'. It seems Habermas uses the term 'civilization' as a referential concept to present the issue of how we can live together in peace in a world which is divided by major different faiths and worldviews as well as different cultures. In his paper ", as Self-interpretation of Modernity?", by subscribing to the theory of Samuel

Eisenstadt on modernity, he advocates a plural and dynamic notion of civilizations.[184]

For him, civilizations as plural social and cultural formations crosscutting the boundaries of national territories bring their own understanding of modernity and shape the global infrastructure in culturally specific ways. In this sense, civilizations come onto the scene as categories on which we can reflect to understand the features of contemporary multicultural world society.[185] Different agents such as individuals,

---

[184] Jurgen Habermas, "The Resurgence of Religion- A Challenge for a Secular Self-interpretation of Modernity?"., Rome (13.9.2007). In this paper, Habermas combines two approaches to understand the nature of the emerging multicultural world society: Functionalism and radical culturalism. Functionalism, supported by thinkers like Niklas Luhmann, "conceives of the world society as the result of an evolutionary dynamic that drives functional differentiation beyond the boundaries of national societies, the image of functional systems expanding across national boundaries." (p.6). On the other hand, radical culturalism, an approach supported by thinkers like Samuel Huntington, opposes functionalism's singular fixation of civilization. For them, civilizations occur only in the plural. Also for Habermas, "in contrast to the sociological concept of 'societies' as territorially bounded states capable of collective action" this approach has merit in understanding civilizations " as geographically extensive historical formations that are held together by strong traditions, usually world religions". (8) In this paper, Habermas particularly advocates the approach of Samuel Eisenstadt's approach which is a combination of the both approaches (functionalist and culturalist): "Based on a globalized social infrastructure (whose primary feature is the stubborn orientation to the scientific-technological control of nature, the bureaucratic exercise of power and the capitalistic production of wealth), modernity today constitutes something like the common area in which different civilizations encounter one another as they modify this infrastructure in more or less culture specific ways. At the same time, they contend with correspondingly different versions of their self-interpretation of modernity."(9)

[185] The concept of "world society" is used by Habermas in many places to underline the effects of globalization in shaping the structure of the international realm. In this sense , he says: "I speak of a "world society" because communication systems and markets have created a global network; at the same time one must speak of a "stratified" world society because the mechanisms of the world market couples increasing productivity with growing impoverishment and, more generally, processes of economic development with processes of underdevelopment" (Jurgen Habermas, "Kant's Idea of

NGOs and communities, as the bearers of different world- views and beliefs that have their source in different civilizations, might be viewed as the agents of toleration at the global level.

In the previous chapters, we saw that for Rawls, 'peoples' are the agents of toleration. We also argued that he interpreted the category of peoples in a wide manner in order to incorporate different civilizations, cultures etc. in the international realm. In this regard, there is a commonality between Rawls and Habermas. In accepting the wide view of 'peoples' as potentially incorporating civilizations, we could say that the theories of international toleration of Rawls and Habermas both focus on the concept of civilization. This does not mean that in Rawls's theory, different peoples qualify as different civilizations. Rather, civilizations might be viewed as world- entities that bring different 'people' together in virtue of providing a shared cultural and traditional basis. Accordingly, Rawls's theory does not necessarily exclude civilizations. On the other hand, of course Habermas does not refer to 'peoples' as international agents in the way that Rawls does. Habermas's cosmopolitan stand as compared to Rawls might be a reason for this difference. However, in both of the theories; there is a way to address civilizations regardless of the differences in the way they do it. Furthermore, in Habermas's theory, we might envision a room for individuals as agents of toleration but such a view is not in the horizon in the theory of Rawls at the international level due to his strict subscription to 'peoples' as agents of toleration.

Perpetual Peace: At Two Hundred Year's Historical Remove" in *the Inclusion of the Other- Studies in Political Theory*, Ciaran Cronin and Pablo de Greiff, eds.(MIT, 1998), 183)

One might still question if it is necessary to refer to the concept of 'civilization' to understand and make sense of the diversity and pluralism in a multicultural world-society. It seems reference to civilization might lead to cultural essentialism in the sense that each culture and society might be viewed as part of a specific homogenous group subscribing to specific values, traditions and belief sets. This might lead us to disregard of the diversity that is inherent inside the societies themselves. It might be claimed that this is the risk that Habermas has to take when he envisions a 'dialogue among civilizations' at the global level. Besides, it might be contended that the conceptual limits of civilization as a category is not so easy to define on solid basis. Civilization is a very broad and inclusive concept so that we cannot talk about it without implying that they have highly uniform and unchanging characters.

5.1.2. Post-secular Age as the Condition of Diversity for Toleration as an International Issue

In Chapter 1, we have seen that the second characteristic of toleration is the condition of diversity coupled with disapproval. For toleration to be possible, it is necessary to have the condition of diversity which is the source of disapproval or dislike. We had also observed that in Chapters 2 and 3, Rawls's theory satisfies this condition in its emphasis on the fact of reasonable pluralism in contemporary societies. Regarding the domestic context of democratic societies, we also claimed that Habermas's theory also satisfies the condition of diversity. We said that this is especially evident in his emphasis on 'post-metaphysical age' as a condition of contemporary pluralist societies.

In Chapters 2 and 3, we also mentioned that diversity coupled with disapproval is a condition for and characteristic of international toleration in the theory of Rawls. In this sense, we observed that liberal and nonliberal peoples might disapprove/dislike of certain conduct and values of each other. In this way, we said that pluralism within the limits of decency constitutes the diversity condition in the international theory of Rawls. Below, we will see that pluralism at the global level which also contains disapproval/dislike constitutes the diversity condition as a characteristic of international toleration in the theory of Habermas. (There is a parallel between the theories of Rawls and Habermas in addressing pluralism together with conflict concerning toleration in the international realm).

To investigate the diversity condition at the global level in the theory of Habermas, 'post-secular age' comes to the fore as a significant notion to describe the contemporary situation. We might say that Habermas's comprehension of contemporary world society which is marked by diversity can be described with reference to notion of 'post-secular age'. In this sense, in order to understand the diversity condition regarding toleration better, we need to reflect on "post-secular society"/ "post-secular age". This reflection needs an attempt to comprehend the connection between secularization and modernization, and the dynamics of this relation itself. In the texts in which he mentions those processes, Habermas does not explain the nature of the dynamics in detail. However, he gives us the opportunity, at least to see what is peculiar to the age of postsecularism.

In the paper delivered in Rome in September 2007, *The Resurgence of Religion-A Challenge for a Secular Self-interpretation of Modernity?,* he attempts to answer what the resurgence of religion means for a largely secularized society. In this manner, he starts with the mention of the infamous secularization thesis which claims that "there is a close interrelation between the advancing modernization of society and an expanding secularization of the consciousness of the population."[186] For Habermas, this conventional reading of secularization made a mistake in considering secularization as a zero sum game between productivity of science and technology on the one hand and the ongoing powers of church and religion on the other hand.[187] Thus, for him, this image is inconsistent with a post-secular society which contends that religious communities continue to exist in the ongoing process of secularization. In this way, he also points out that: "the awareness of a living secular society is no longer bound up with the certainty that the advancing modernization of society and culture can occur only at the cost of the public influence and personal relevance of religion."[188] Therefore, the basic feature of a post-secular age is the ongoing impact of religion on individual and public life. In this sense, we might say that he considers secular and religious standpoints as two influential parties among the variety of world views under the conditions of intense pluralism.

---

[186] Jurgen Habermas, *Paper for the Conference "Religione e politica nella societa post-secolare"*, *The Resurgence of Religion- A Challenge for a Secular Self-Interpretation of Modernity?* (Roma, 13-9-2007), 1

[187]Jurgen Habermas, "Faith and Knowledge "in *The Future of Human Nature* (Cambridge: Polity Press, 2003), 104.

[188]Ibid, 106

In line with the features mentioned above regarding post-secular society, he makes a significant remark concerning what he means by describing modern societies as post-secular. In his paper *A post-secular society- What does that mean?* delivered in Istanbul 2008, he says that post-secular society refers to a change in consciousness that he attributes to three phenomena.[189] First, there is an emerging "awareness of living in a secular society is no longer bound up with the certainty that cultural and social modernization can advance only at the cost of the public influence and personal relevance of religion."[190] For him, the second indicator of a post-secular age is that religion is gaining influence not only worldwide but also in national public spheres: churches and religious communities are increasingly assuming the role of "communities of interpretation"[191] in the public realm of secular societies. And thirdly, for him, the immigration of 'guest-workers and refugees particularly from traditional communities is a stimulus for a change in consciousness in modern countries regarding religion and its role.[192]

In Habermas's eyes, post-secular society (pluralistic society) seems to be a global condition which marks an intense diversity in the global realm. In this sense, in his

---

[189] "A post-secular Society- what does that mean?", presented at the conference Istanbul seminars, East and West (2-8 June 2008),.3

[190] Ibid.

[191] For the idea of church as a community of interpretation, see Francis Schussler Fiorenza, "The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction" in *Habermas, Modernity and Public Theology*, Don S. Browning and Francis Schussler Fiorenza (eds.) (New York: Crossroad Publishing, 1992)

[192] Ibid, 3-4

view, a post-secular age requires new ways to deal with the problems arising from diversity and specifically religion. Toleration here comes to the fore as part of the response (if not the whole response) that Habermas gives to the specific problems of a post-secular age. Put precisely, we might claim that it is world society, becoming a post-secular society that, for Habermas, provides the diversity condition for toleration as an international issue.

5.1.3. Condition of Power for Toleration as an International Issue

In Chapter 1, we observed that another characteristic of toleration is the dimension of power. To recall, in order for X to tolerate Y, X should have the power to make Y act otherwise. We said this is a condition for a tolerant conduct. In addition to this, we mentioned that in order to have a tolerant disposition towards Y, X does not need to have actual power but it is enough that X would not interfere with Y even if she had the power to do so. Moreover, when analyzing Rawls's toleration with regard to both domestic and international realm, we said that we might refer to the dimension of power: citizens of a well-ordered society can have the power to influence each other's conduct as well as having tolerant dispositions towards reasonable beliefs, values etc. Also we claimed that Rawls's international theory supports the same argument in the sense that liberal and decent nonliberal peoples might have the power to influence each other's conduct as well as having tolerant dispositions. In this manner, we said that liberal and decent nonliberal peoples, by adopting a tolerant disposition, do not act on their objection even if they had the power to do so. In this sense, we also mentioned that having a tolerant disposition

seems to be more significant as a characteristic in Rawls's conceptualization of international toleration because liberal and decent nonliberal peoples should have tolerant disposition to act according to the agreement they made concerning the principles of the Law of Peoples. Below, we will see that Habermas's theory also supports the view that having tolerant dispositions and conduct is a significant characteristic of international toleration as far as the power dimension is concerned.

As far as the theory of Habermas is concerned, in Chapter 4, we mentioned that we might refer both to power regarding tolerant conduct and a tolerant disposition: citizens of a democratic community might have the power to act on their objection but they refrain from doing so for toleration reasons. Furthermore, we also mentioned that citizens might possess tolerant dispositions towards beliefs, values etc. of each other even if they do not have the actual power to interfere. Indeed it is an expectation of citizens who share the same political community that they should have tolerant dispositions.

Concerning the international theory of Habermas, we might claim the same. States, international organizations, religious communities and powerful individuals might be viewed as both bearers of the power to interfere and of tolerant dispositions. In this sense, Habermas considers the dimension of power in regard to the conditions of contemporary world society. In this manner, for him, with the affect of the transformation brought by the forces of globalization, the Westphalian model has been under transformation within several dimensions such as political, economic,

technological and social.[193] Thus, he says: "Global powers no longer operate in the state of nature envisioned by classical international law, but on the middle level of an emerging world politics. This represents a diffuse picture- not the stable picture of a multilevel politics within a world organization, but rather the dynamic picture of interferences and interactions between political processes that persist at national, international and global levels."[194] Therefore, he recognizes that the nation-state cannot be seen as the ultimate power and global actor. Rather, a dynamic and interdependent world society (if not fully cosmopolitan) has been emerging in which each actor can have an effect on the other. Hence, we might say that Habermas's theory acknowledges the characteristic of power as one of the conditions of possibility for international toleration.

5.1.4. Scope, Demands and Limits of Toleration as an International Issue

In addition to the characteristics mentioned so far, in Chapter 1, we also pointed out the scope, demands and limits of toleration. We analyzed these characteristics regarding international toleration as well. In Chapters 2 and 3, we also focused on how these characteristics as conditions of possibility of toleration could be portrayed concerning the theory of John Rawls. Here, we will refer to these characteristics in relation to the theory of Jurgen Habermas.

---

[193] For a detailed account of his views on globalization and its worldwide effects on the political and economic structures, see his *Postnational Constellations* (Cambridge, Massachusetts: MIT Press, 2001)

[194]Ibid, 109-110

To recall, the scope of toleration refers to whether the disapproval of the tolerator is moral or not. In Chapter 4, we saw that one could refer to both moral and nonmoral (ethical) sources of disapproval/ dislike in Habermas's understanding of toleration in a domestic democratic context. We also said that, nonmoral stands for 'ethical' in Habermas's conceptualization of toleration and its scope. Here, regarding toleration as an international issue, it seems we can argue the same. In this way, we might claim that one might observe both moral and ethical sources of disapproval/dislike concerning the international realm. In Habermas's view, in a world society as transforming into a post-secular society in which religion still has a place publicly and privately, it seems one might expect varied forms of disapproval and dislike such as aesthetic, cultural etc. which are part of our ethical life. In other words, it seems very likely that there will be disagreement of various sorts given the fact that the world is divided by different civilizations, cultures and worldviews. Thus, we observe a parallel in scope between Habermas's domestic toleration and international toleration.

Moreover, there is also parallel between Rawls's and Habermas's theories regarding the scope of toleration with one qualification that, what is ethical for Habermas might be viewed as moral in Rawls's comprehension. In Chapter 3, we saw that regarding Rawls's theory, one could imagine both moral and nonmoral sources of disapproval given the level of diversity among world-views and values at the global level. We mentioned that liberal and decent nonliberal peoples might disapprove of each other's traditions, habits, political values as well as moral stands

on certain issues. As addressed above, Habermas's theory supports this claim as well. Nevertheless, non-moral disapprovals are viewed as ethical disagreements in the theory of Habermas so that disapproval could be either moral or ethical.

In Chapter 1, we said that demands of toleration refer to the limits of action that could be taken with regard to toleration such as refraining from persecution, assisting or fostering. We also analyzed possible demands of toleration with regard to international realm. Then in Chapter 2, concerning Rawls's theory, we observed that one might mention both negative and positive demands of toleration such as noninterference, recognition and respect concerning his conception of toleration in *Political Liberalism*. We mentioned that the ethics of citizenship, together with the idea of reasonableness brings forth positive demands to Rawls's theory regarding domestic toleration. In this sense, we mentioned that one might talk of both positive dispositions and actions that citizens should perform towards each other. On the other hand, in Chapter 3, concerning Rawls's international toleration, we have mentioned that one can refer to positive dispositions rather than positive actions with regard to the demands of toleration. We pointed out that Rawls's international toleration seems to require positive dispositions from liberal and nonliberal decent peoples in recognizing and respecting each other as free and equal members of the Society of Peoples. But, as tolerant agents, peoples are not required to assist, foster or engage in any other action.

In Chapter 4, we also saw that Habermas's domestic account of toleration makes negative as well as positive demands for dispositions and actions. We said that the

citizens of a democratic community should not only refrain from imposing their own view on others but they should also try to engage in a reflective dialogue and to understand each other's differences. In this way, we observed that Habermas's notions of a 'complementary learning process' and a 'requirement of translation' as expected actions from secular and religious citizens brings forth positive and demanding requirements (actions as well as dispositions) from citizens as tolerant members of the democratic community. We said that as requirements of the ethics of citizenship, these requirements of toleration come to the fore as part of a demanding notion of toleration. We also said that possibly Rawls's idea of reasonableness and ethics of citizenship would allow such a hermeneutical endeavor by citizens; however this is not spelled out explicitly in Rawls's theory as it is in Habermas's. Thus, in the theory of Habermas, toleration, both domestic and international makes positive demands that require not only positive dispositions from agents but also positive actions such as the 'translation requirement'. That is the difference between the theories of Rawls and Habermas concerning the demands of toleration.

So far as toleration as an international issue is concerned, as mentioned above, we claim that within Habermas's theory one could also find positive demands as in the case of his domestic toleration. In other words, one might appeal to an idea of a hermeneutical reflection which goes beyond negative demands of toleration. In this manner, 'cosmopolitan solidarity' might play a role in generating positive demands for tolerant agents in international realm. In arguing this, here the basic problem might be that it seems difficult to observe a global democratic community analogous

to the case of a domestic democratic society in which one could find duties stemming from the ethics of citizenship and civic solidarity. In acknowledging this fact, Habermas says that: "even a world-wide consensus on human rights could not serve as the basis for a strong equivalent to the civic solidarity that emerged in the framework of the nation-state. Civic solidarity is rooted in particular collective identities; cosmopolitan solidarity has to support itself on the moral universalism of human rights alone"[195] In this sense, we might claim that the demands of toleration stemming from a cosmopolitan solidarity will be limited to those yielded by human rights in the theory of Habermas.

Nevertheless, one could also claim that in mentioning the difference between civic solidarity and cosmopolitan solidarity, Habermas is not being pessimistic about the potentials of a cosmopolitan citizenship. This is especially evident in his thoughts regarding the EU and the possibility of a political context which would allow the flourishing of a cosmopolitan solidarity with certain political and moral ties (if not ethical). In this way, he stresses that a communicative understanding of democracy cannot rely on a concretist understanding of a 'people' which is based on pre-political kinship ties.[196] For him, "Only a democratic citizenship that does not close itself off in a particularistic fashion can pave the way for a *world citizenship*, which is already

---

[195] "The Postnational Constellation and the Future of Democracy" in *Postnational Constellations*, 108

[196] Jurgen Habermas, "Does Europe Need a Constitution? Response to Dieter Grimm" in *The Inclusion of the Other* (Cambridge: Polity Press, 2005), 161

taking shape today in worldwide political communications."[197] Hence, for him, for a cosmopolitan citizenship and solidarity to emerge, it is necessary to give up the idea of a 'people' which is based on exclusionary ties such as ethnicity, nation and religion within the context of Europe as well as in the global realm.

In line with the above-mentioned remark, we might say that for Habermas, a politically constituted communicative context is necessary for the idea of cosmopolitan solidarity to flourish. In this manner, he says:

> "The initial impetus to integration in the direction of a postnational society is not provided by the substrate of a supposed "European People" but by the communicative network of a European-wide political public sphere embodied in a shared political culture. The latter is founded on a civil society composed of interest groups, nongovernmental organizations and citizen initiatives and movements and will be occupied by arenas in which the political parties can directly address the decisions of European institutions and go beyond more tactical alliance to form a European party system."[198]

Thus, we might contend that for Habermas, an emerging common political culture and civil society across and beyond national borders could foster the development of a cosmopolitan solidarity as well.

Moreover, concerning the demands of international toleration, we might also claim that from Habermas's view, one could appeal to an ideal in terms of assuming a hermeneutical opening up towards the other and taking the position of the other in the

---

[197] Jurgen Habermas, " Appendix II, Citizenship and National Identity" in *Between Facts and Norms-Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: MIT Press,1996), 514

[198] "On The Relation between the Nation, the Rule of Law and Democracy" in *The Inclusion of the Other* (Cambridge: Polity, 2005), 153

global realm which should direct the action of citizens as well as states and international communities of faith. This sort of demand might follow from Habermas's notions of a 'complementary learning process' and a 'translation requirement' that he envisioned regarding domestic societies. In other words, as tolerant agents in a post-secular age, we could appeal to a sort of cosmopolitan ethics of citizenship which might guide our action and which might allow different agents of international toleration to engage in dialogue in the sense of intercultural, inter-civilizational hermeneutical reflection. We might find the sources of such a view esp. concerning Habermas's hope for a consensus on human rights:

> "A hermeneutical reflection on the starting point of a human rights discourse among participants of different cultures draws out attention to normative contents that are present in the tacit presuppositions of any discourse whose goal is mutual understanding. That is, independently of their cultural backgrounds all the participants intuitively know quite well that a consensus based on conviction cannot come about as long as symmetrical relations do not exist among them- relations of mutual recognition, mutual role taking, a shared willingness to consider one's own tradition with the eyes of the stranger and to learn from one another, and so forth."[199]

Here, we might say that demands such as the "complementary learning" and the "translation requirement" among different communities of faith as well as secular viewpoints in the global realm might be viewed as ideals that one should aspire to just as the presuppositions of ideal discourse whose goal is mutual understanding. In this manner, they could be considered as positive demands of international toleration from a Habermasian point of view. One might not find the strong bonds of ethical

---

[199] Habermas, "Remarks on Legitimation Through Human Rights" in *Postnational Constellations*, 129

responsibility at the international realm from which the demands stem from, however the ideal of cosmopolitan solidarity might support these demands as guiding principles.

In envisioning a hermeneutical conversation between civilizations and cultures of the world, we might claim that Habermas is not being unrealistic. He is very much aware of the reality of the international realm. Nevertheless, he pictures an ideal situation concerning how we should act to tolerate in the international realm. In this manner he says:

> "To be sure the West still retains privileged access to the resources of power, wealth and knowledge in our world. But is it in our own best interest that the Western project of developing a just and peaceful global civilization should not be discredited from the outset thus the Judeo-Hellenic-Christian West must reflect on one of its greatest cultural achievements, the capacity for decentering one's own perspectives, for self-reflection, and for self-critical distancing for one's own traditions, The West must refrain from using any non-discursive means in the hermeneutical conversation between cultures and must become just one voice among others."[200]

Here Habermas points out the significance of establishing a conversation in which each party is equal for the project of a peaceful and just world-civilization. In this manner, the principle of toleration demands that each party should view each other as equal participants and respect this status of each other. We will see the significance of the idea of respect as a reason for toleration in the theory of Habermas in the following parts of the Chapter.

---

[200] Jurgen Habermas, "A Conversation About the God and the World" in *Time of Transitions*, Ciaran Cronin and Max Pensky, eds. (Cambridge: Polity, 2006), 155-156

5. 1.4.1. Limits of Toleration as an International Issue and Human Rights

In Chapter 4, regarding the limits of toleration (what could be tolerated and what could not), we said that for Habermas, conceptually speaking, one might not refer to toleration of something that is based on prejudice such as race. One needs 'subjectively good reasons' for tolerating something that she disapproves/dislikes. One might claim the same for international toleration as well. In this sense, we cannot say that we tolerate the race or ethnicity of a nation or group of people. In this case, we do not ask for the racist to be more tolerant but we do ask her to leave her prejudice.

We also observed that in terms of what is to be tolerated in the substantive sense; Habermas does not refer to any limits from the outset. We said that for him, it is significant that the limits concerning what is to be tolerated should be justifiable to all in a political community. Democratic deliberation and will formation define the justifiable limits of toleration in Habermas's theory. We also mentioned both Rawls's and Habermas's theories are similar in not defining any substantive limits for toleration in advance. We said they both set procedural limits such as reasonableness in Rawls's theory and discourse ethics in Habermas's theory. We observed that in both situations, the deliberative public forum of citizens defines what is tolerable and what is not.

As far as international aspect of toleration is concerned, the idea of human rights plays a significant role in the theory of Habermas. In the first Chapter, we have observed that human rights can raise questions of toleration in the international realm

in three possible ways: First they can ascribe a right to toleration, i.e. right to religion, right to expression. Second, they can set limits to what is tolerable and what is not. And thirdly, the universalism of human rights confronts the reality of cultural diversity. Now, we will see that Habermas mentions human rights in regard to all these three possible ways in which the question of toleration comes to the fore.

As mentioned, one of the ways human rights raise questions of toleration is that it sets limits to what is tolerable in the international realm. There is a potential in the view of Habermas to consider human rights in that manner. Habermas develops an account of human rights and we can treat his account as setting limits to international toleration even though Habermas himself does not explicitly relate his thinking on human rights to toleration in that way. Habermas is aware of the fact that it is difficult to speak of a fully developed democratic global public forum, as in the case of domestic democratic communities that could be responsible for drawing the limits of toleration. By acknowledging the difficulty of setting standards globally in a legitimate way, he recognizes human rights as the sole legitimate source of rightful conduct in international realm:

> "In the transformation from nation states to a cosmopolitan order, it is hard to say which poses the greater danger: the disappearing world of sovereign subjects of international law, who lost their innocence long ago, or the ambiguous mish-mash of supranational institutions and conferences, which can grant a dubious Legitimation but which depend as always on the good will of powerful states and alliances. In this volatile situation, human rights provide the sole recognized basis of legitimation for the politics of the international community; nearly every state has by now accepted, at least on paper, the United Nations Declaration of Human Rights."[201]

---

[201] Habermas, *Postnational Constellations*, 119

Thus, Habermas attaches a significant role to human rights as legitimate rules that have the potential to guide international politics. We might say that human rights are potentially legitimate candidates for setting the limits to what is tolerable and what is not for Habermas.

In recognizing human rights as the sole basis of legitimation, Habermas is aware of the reality that under current conditions, acting to implement human rights might bring the risk of paternalism. He says: "whoever acts with an awareness of the temporary unavoidability of paternalism also knows that the force they exercise does not yet possess the character of a legal coercion legitimated by democratic cosmopolitan order. Moral norms, which appeal to our better judgment may not be enforced like established legal norms."[202] Hence, for him, intolerance on the basis of protecting human rights can only be fully justified in a cosmopolitan democratic world order. This is because, for Habermas, basic rights as human rights are both legal and moral norms. Yet, they will be fully institutionalized only under a cosmopolitan world order that is only now beginning to shape. Without the full conditions of cosmopolitan framework that will give them legal force, human rights as only moral norms would remain too strong for misuse and too weak for protection of needy in the absence of law.[203]

---

[202] Jurgen Habermas, "From Power Politics to Cosmopolitan Society" in *Time of Transitions*, 29

[203] Jeffrey Flynn, "Habermas on Human Rights: Law, Morality and Intercultural Dialogue, *Social Theory and Practice,* 2003, Vol. 29, Number 3, p. 444

Does that mean abandoning the victims of violations of human rights to themselves? Certainly that is not the case. Habermas considers the existing regulations of international law as guidelines for intervention. Thus he points out: "When there is no other way, democratic neighboring states must be permitted to intervene in an emergency in accordance with customary international law. But in such cases, the incompleteness of the cosmopolitan condition demands exceptional sensitivity. The existing institutions and procedures are the only available controls on the fallible judgment of a partisan actor who presumes to act on behalf of all."[204] In this manner, we might say that in a world in which cosmopolitan constitutional democracy is not achieved, one has to rely on the existing international regulations as criteria for the boundaries of toleration and intolerant conduct. One might say that the international regulations are viewed as complementary to the idea of human rights in building steps towards a cosmopolitan world-order. Accordingly, in the view of Habermas, human rights still play a role in defining the boundaries regarding what is tolerable as ideal moral guidelines even though we do not yet have a cosmopolitan constitutional democracy in the global realm.

Furthermore, Habermas also acknowledges human rights as raising another question of toleration: universalism of human rights confronting the reality of cultural diversity. In this respect, he says that "the general validity, content and ranking of human rights are as contested as ever." [205] Here he refers to the challenge and

---

[204] Ibid.

[205] Habermas, *Postnational Constellations*, 119

criticism of non- Western cultures that Western human rights are too individualistic.[206] In referring specifically to the Asian Values debate, he points out that the criticism of those countries regarding individualism is based on their belief that the cultures of their societies are more communitarian than Western culture. For Habermas, the debate on 'Asian Values' has taken a false turn in focusing on individual and community in hierarchical terms. He says that "individual rights provide a kind of protective belt for the individual's private conduct of life in two ways: rights protect the conscientious pursuit of an ethical life project just as much as they secure an orientation toward personal preferences free of moral scrutiny."[207] In this sense, individual rights (human rights) secure the basis of any form of life or the pursuit of ethical project, be it communitarian or not. Thus, we might say that Habermas recognizes that human rights prescribe a right to toleration in the international realm.

In addition to the role of human rights and in relation to toleration in the theory of Habermas, we might add a further dimension which is related to the way Habermas considers the justification of those very rights. For him, human rights are based on secular foundations in which the principle of autonomy is prescribed. They do not derive their meaning from any metaphysical or religious worldview. In this respect, one might point out a parallel between Joshua Cohen's approach as a Rawlsian view

---

[206] Ibid, 123-126. Here Habermas discusses the criticism raised by certain Asian societies such as Singapore, Malaysia, Taiwan and China regarding human rights. He replies to the criticisms of the supporters of 'Asian Values' in detail.

[207] Habermas, *Postnational Constellations*, 123

on human rights and that of Habermas in seeing human rights as independent.[208] He says:

> "The European conception of human rights is open to attack by the spokespersons of other cultures not only because the concept of autonomy gives human rights an individualistic character but also because autonomy implies a secularized political authority uncoupled from religious or cosmological worldviews. In the view of Islamic, Christian, or Jewish fundamentalists, their own truth claim is absolute in the sense that it deserves to be enforced even by means of political power, if necessary. This outlook has consequences for the exclusive character of polity; legitimations based on religions or worldviews of this sort are incompatible with the inclusion of equally entitled non-believers or persons of other persuasions."[209]

Here we might claim that the secular nature of human rights in Habermas's view supports the principle of toleration as embedded in the foundation of the idea of human rights. By not having its source in any religious doctrine, the idea of human rights acknowledges the principle of toleration.

---

[208] Here I do not mean to say that Cohen and Habermas have the same way of justifying human rights. Here the goal is to point out that in the view of both philosophers; human rights are viewed as autonomous regarding the various comprehensive doctrines (in Rawlsian terms). It needs further work to analyze if Habermas's theory would support a way of justification of human rights on the basis of the idea of an "overlapping consensus" but this attempt is beyond the limits of this dissertation. One thing that we could be certain is that for Habermas, human rights would be seen as fully justified only under the conditions of a cosmopolitan constitutional democracy. In this regard, he says: "Only when human rights have found their proper "place" in a global democratic constitutional order, analogous to that of the basic rights in our national constitutions, will we be able to assume that the addressees of these rights can also regard themselves as their authors at the global level." (Jurgen Habermas, "From Power Politics to Cosmopolitan Society" in *The Time of Transitions*, Ciaran Cronin and Max Pensky ,eds. (Cambridge: Polity, 2006), 28

[209] Jurgen Habermas, "Remarks on Legitimation Through Human Rights", *Postnational Constellations* (Cambridge, Massachusetts: Polity Press, 2001), 127

Before leaving human rights as they relate to toleration, we should note certain significant differences concerning the content and role of human rights between the theories of Habermas and Rawls. Regarding the content of human rights, In Chapter 3, we observed that Rawls subscribes to a minimalist conception of human rights. He limits the content of human rights to "right to life (to the means of subsistence and security; to liberty (to freedom from slavery, serfdom, and forced occupation, and to a sufficient measure of liberty of conscious to ensure freedom of religion and thought); to property (personal property); and to formal equality as expressed by the rules of natural justice (that is, that similar cases be treated similarly)".[210] Habermas's list of human rights would demand more than that in terms of the content. This seems to be clear in his viewing human rights as 'freedom of moderns' expressed in Kant's fundamental right to equal individual liberties.[211] In other words, it seems Habermas goes for a much fuller set of basic rights and liberties.

Concerning the role of human rights, there is also a difference between the outlooks of Habermas and Rawls. We said that for Rawls, the role of human rights is limited to setting the limits to what is tolerable in the international realm. In this sense, we mentioned that Rawls limits the role of human rights to the international realm. For Habermas, unlike Rawls, human rights have both a domestic and an international role. Thus, they constitute legitimate claims and secure the basic liberties of citizens at both the national and international level. This role of human rights is valid regardless of their intervention-justifying role in the theory of

---

[210] Rawls, *Law of Peoples*, 65

[211] Habermas, *Postnational Constellations*, 116

Habermas. In line with this, Rawls and Habermas disagree on the limits of HR: Rawls does not require the existence of democratic liberal institutions for a fully legitimate and stable system of rights neither at the domestic nor at the international level, whereas for Habermas liberal democratic institutions are necessary both at the domestic and international level for realization of a fully legitimate and stable system of rights.[212]

Both regarding the content and role of human rights, the difference between Rawls and Habermas seems to be based on principle: Rawls subscribes to internationalism in recognizing the moral significance of 'peoples' whereas Habermas takes a more cosmopolitan view by mentioning world society as one community. At first sight, it might be expected that Habermas would be more intervention- supportive at the international level. However, this does not seem to be the case. In recognizing the world as it is now, Habermas considers the relevance and role of states as significant agents in international realm for thinking of matters of intervention and intolerance. This does not mean that he believes in the moral relevance and significance of borders. This is to say that even though Rawls and Habermas differ in principle, they have similar standpoints concerning practice.

5.2. Respect as a Reason for Toleration as an International Issue

In Chapter 1, we outlined possible reasons for toleration as an international issue such as prudential nonmoral, moral consequentialist, moral principled and skepticism.

---

[212] David Ingram, "Between Political Liberalism and Postnational Cosmopolitanism- Toward an Alternative Theory of Human Rights", *Political Theory*, 2003, 31; 359

And in Chapter 3, we observed that John Rawls subscribes to 'respect for persons' as a reason for toleration. We said that peoples replace persons at the international level in the international theory of Rawls. In this way, we saw that liberal and nonliberal decent peoples, by viewing each other as equal and free members of the Society of reasonable peoples, grant respect to each other as a basis for toleration.

In Habermas's theory, respect is a reason for toleration as well. We might say that different cultures, civilizations and communities of faith and persons in viewing each other as equal members of a reflective dialogue/discourse; grant respect to each other. To recall, in the part on the demands of toleration, we observed that hermeneutical conversation might be regarded as a demand of toleration in Habermas's theory. Here we will claim that the idea of respect as a reason for toleration can be considered as embedded in Habermas's notion of a 'hermeneutical self-reflective dialogue' in the global realm. In addition to this, we might also say that the idea of respect is coupled with the recognition of difference in the outlook of Habermas. Below, we will try to explain how respect comes to the fore as a reason for toleration in the theory of Habermas.

In Chapter 4, we had observed that for toleration to be possible there should be the condition of 'social acceptance'. Here concerning Habermas's international toleration, we could refer to the same condition."Social acceptance" comes to the fore as a condition for toleration and intercultural dialogue. We might say that each culture, civilization and community should accept the fact that they have to share the same world society even though they disapprove of each other's worldviews. In this

manner, 'social acceptance' seems to be a first requirement for respecting and (thus tolerating) the equal status of different cultures and civilizations in the international realm. "Social acceptance' in the international context means accepting that each culture and civilization has the equal right to be part of the same world society with their distinctiveness and difference. In this sense, no culture or society could have any claim to impose its own world-view on others by using either violence or state power since each party has to recognize the fact that each culture and civilization are equal in status in sharing the same world society.[213]

As we mentioned, in Habermas's theory, granting respect to each other means granting respect to the equal status of each culture and civilization and this is the reason why we should tolerate. In this sense, respect and so, toleration requires a reflexive consciousness in which each party views the other as equal in status. Here he thinks that this is possible on the condition that modern faith becomes reflexive. Thus, Habermas says modern faith "can only stabilize itself through self-critical awareness of the status it assumes within a universe of discourse restricted by secular knowledge and shared with other religions."[214] Becoming aware of the diversity and

---

[213] Here I do not mean that In Habermas's theory, each culture and civilization etc. should tolerate each other without limits. It has to be noted that whenever we talk about toleration, we always refer to it within certain limits. As we saw in the previous section of this part of the chapter, Human rights (and conventions of international law) might constitute the limits of toleration as far as the outlook of Habermas is concerned since they have the potential to define a common global public discourse. However, it is always difficult to address substantive limits since these have to be defined within certain contexts in the sense of what we should tolerate and what we should not.

[214] Jurgen Habermas, "A Conversation About the God and the world" in *Time of Transitions*, Ciaran Cronin and Max Pensky (eds.) (Cambridge: Polity, 2006), 152

equal status of all faiths, each culture or community grants respect to each other's status as equal and does not impose its own faith on others.

In this regard, Habermas also points out a parallel between his view and that of Rawls: "Furthermore, the reflexive consciousness which has learnt to see itself through the eyes of the others is constitutive of what John Rawls calls the reasonableness of "reasonable comprehensive doctrines". This has the important political consequence that the community of faithful can know why it must refrain from the use of violence, and especially of state- sponsored violence as a means of imposing religious truths. "[215] Here it might be claimed that what Habermas calls "self-reflective consciousnesses' is similar to Rawls's idea of "reasonableness" because both of the ideas refer to a certain type of disposition expected from the parties (be it peoples or civilizations) which would allow them to tolerate each other's worldviews and opinions.

Concerning the idea of respect as a reason for toleration, there is a significant difference between domestic and international toleration in the theory of Habermas. In the case of domestic toleration, respect comes as a requirement of ethics of citizenship in a political society in which citizens are viewed as equal and free members of that community. They are bound by solidarity towards each other as members of the same political community. On the other hand, in the case of multicultural world society, it is still not possible to find this solidarity or an ethics of

---

[215] Ibid, 153

citizenship of the sort that characterizes domestic democratic society. Thus, in the international realm, respect seems to come onto the scene as a result of the recognition of each other's difference and equal status as different communities as members of the same multicultural world society. In this manner, respect as a reason for international toleration in the theory of Habermas does not presuppose a thick ethical idea of citizenship through which one could make demands on citizens. As we observed before, cosmopolitan citizenship and solidarity as emerging ideals might support the idea of respect as a reason for toleration in its emphasis on viewing each other as equal members of the same world society.

In Chapter 3, we saw that in Rawls's theory, respect and toleration require liberal peoples to refrain from offering incentives to nonliberal decent peoples in the theory of Rawls. In this respect, we might mention a difference between the outlooks of Habermas and Rawls. We might claim that respect, for Habermas, would not necessarily exclude the offering of incentives as it does for Rawls. It seems Habermas supports certain changes that would help a society to transform in a more democratic and liberal direction and does not see incentivizing this process as something contrary to the idea of respect. This does not mean to say that Habermas does not tolerate nonliberal societies. He too believes that intervention and intolerance needs serious justification. However, it seems he does not view political power as Rawls does; in totally inclusive terms such as offering incentives means an intervention that would violate the principle of respect and toleration. In this sense, in one of his discussions on humanitarian intervention, he says: "A prescient politics of peacekeeping must

take into account the complex social and political causes of war. What is urgently needed are strategies designed to influence- where possible, in nonviolent manner- the internal order of formally sovereign states whose goal is to foster self-sustaining economies and tolerable social conditions, equal democratic participation, the rule of law, and a culture of tolerance".[216] Here Habermas does not make a distinction among sovereign states according to whether they are decent peoples or not in Rawlsian sense. It seems any state which is sovereign and willing to develop in a more democratic direction might be regarded as the target of assistance.

Above, we outlined the characteristics of and reasons for toleration as an international issue as far as the theory of Jurgen Habermas is concerned. In this manner, we made reference to our conceptual map that was developed in Chapter 1 as well as our analysis of the theory of Rawls in Chapter 3. We observed that, judged by our conceptual map on toleration, Habermas's theory exhibits an idea of international toleration. We also saw that there were certain significant parallels and differences between the theories of Rawls and Habermas concerning the characteristics and grounds of international toleration. In the subsequent concluding part of the dissertation, we will assemble the discussion we made so far regarding the grounds and limits of toleration as an international issue. We also aim to point out certain dimensions of the comparison that we made so far between the outlooks of Rawls and

---

[216] Jurgen Habermas, "On the Relation between the Nation, the Rule of Law and Democracy" in *The Inclusion of the Other* (Cambridge: Polity Press, 2005), 150

Habermas with respect to the characteristics of and reasons for toleration and its international aspect.

CHAPTER 6

FURTHER REFLECTIONS ON THE POSSIBLE DIMENSIONS OF A THEORY OF INTERNATIONAL TOLERATION FOR THE 21ST CENTURY

The detailed comparison between the theories of Rawls and Habermas on international toleration demonstrated that there are many parallels that provide a common ground for international toleration between Rawls and Habermas. After an analysis of the both outlooks with respect to the grounds and limits of toleration, we concluded that both offer an account of international toleration that is based on a principled moral justification. Moreover, we demonstrated that their theories provide the basis for deriving the characteristics of toleration as an international issue. In this way, Rawls and Habermas illustrate how we might think of toleration as an international issue. By interpreting their theories, we demonstrated that international toleration is possible. They showed us there is and there should be a place for toleration at the international level by recognizing pluralism as a global condition and providing moral principled reasons for toleration.

The comparative analysis we made between the theories of Rawls and Habermas has also given us chance to reflect on which dimensions a theory of international toleration should address and in which way it should do so. Addressing the strong and weak points of both theories in a comparative way proved significance for a further reflection on how we can consider the limits and grounds of international toleration for a multicultural world society of 21st century. Below, I will focus on each dimension of toleration that we analyzed so far for the purpose of exploring the

possibility and features of a theory of international toleration for a pluralistic multicultural world.

First of all, we began our analysis by stating that both Rawls and Habermas consider toleration as a requirement of international justice. Both Rawls and Habermas ask the question how it is possible to live together in peace and stability as people having diverse world-views in a pluralistic world- society. The answer they give is toleration. Yet, toleration comes to the fore as a necessary and significant component of the justice argument: a just world is possible with the endorsement of the principle of toleration.

I agree with both Rawls and Habermas on the close connection between toleration and justice in the international realm. Toleration, without being part of a justice argument, might still retain its significance, but it might not do any more than serving for status quo in the international realm. For sure, toleration as a moral idea has a significant role in establishing peace and stability, yet this is a minimal and necessary role that toleration can play in the international realm. As a requirement of justice and a necessity of justice, toleration bears a more significant place in the international normative theory. Like both Habermas and Rawls, I contend that we need a strong moral role for toleration in our theorizing for a pluralist world in 21st century.

On our way to lay out different dimensions of international toleration, first, we began with considering the characteristics (structure) of international toleration. In this vein, we pointed out possible agents of international toleration. We said the differences between the two theories stem mainly from Habermas's cosmopolitan

standpoint as opposed to Rawls's internationalism. As we have seen, Habermas's commitment to a cosmopolitan standpoint leads him to viewing the agents of toleration in a broader and more flexible way than Rawls, even though he does not clearly state which international agents count as agents of international toleration. It seems one might think of a variety of agents such as individuals, cultural groups and international organizations in the theory of Habermas whereas in Rawls's outlook, only people as corporate entities figure as agents. One might contend that Habermas's position is more compatible with the contemporary global pluralistic condition since it can leave room for plural and diverse agents. Treating peoples as the only agents of international toleration seems to disregard the highly pluralistic and diverse nature of the global realm. However, on the other hand, Habermas seems to overemphasize the category of civilization in the international realm. Civilizations are such broad and general categories that they may not leave enough room for the diversity inherent in each culture and society.

My contention is that a theory of international toleration must be clear on which of the international agents count as agents of international toleration. Habermas's theory seems to be vague on this point. On the other hand, Rawls's insistence on peoples seems to be too narrow as an approach when we consider the highly pluralistic world of the 21st century in which a variety of agents can enter into relations of toleration. I think we can refer to states, different international organizations, NGOs, individuals, various types of collectivities such as communities of faith, cultural groups, and organizations of different global social movements as possible agents of international toleration. Here it is important to mention that even

individuals can count as agent since they also can have some influence on the conduct of another agent in the international realm.

Secondly, condition of diversity was analyzed as one of the characteristics of international toleration. We mentioned that both theories of Rawls and Habermas recognize global pluralism and conflict as a fact. We said, in this regard, their theories satisfy the condition of diversity coupled with disapproval as a circumstance of international toleration. They prove that their theories are realistic in taking pluralism seriously. Here, I share the point that a theory of international toleration for our times must definitely start from the fact of pluralism as a global condition.

As another strong point in the outlooks of Rawls and Habermas, we stated, both of the theories recognize the role of power in issues of toleration as an international matter. In this regard, we could say that this is also an important feature of a theory of international toleration. In the international realm, different agents might have different degrees of power to influence the conduct of each other, yet no actor is wholly immune from the power of others and no actor is wholly incapable of exerting power on the others.

We noted scope, demands and limits of international toleration. We observed that both the theories of Rawls and Habermas accept that there might be both moral and nonmoral sources of conflict in the international realm. I also share this intuition: one might think of various sources and reasons for disapproval in the international realm. These sources can be cultural, aesthetic, economic etc. However, we might also contend that they are the moral reasons of disapproval which have utmost affect on our judgment in reacting in an intolerant way in the international realm. This can

be more intelligible if we consider that we are more ready to react to something we think is morally wrong than something we just think is aesthetically ugly.

In our comparison between the theories of Rawls and Habermas, we focused on demands of toleration as an international issue too. We mentioned Rawls and Habermas differ on the requirements of international toleration. While Rawls mainly gives space to positive dispositions within the realm of international toleration, Habermas requires both positive action and disposition from the agents of toleration in the international realm. He considers an attitude of hermeneutical self-reflection and engaging in dialogue for the purpose of understanding each other as necessary dimensions of an international account of toleration. Here the question to ask is perhaps, whether these dimensions bring a too demanding and unrealistic notion of toleration to the agenda. At first instance things might look that way. Nevertheless, if we think of these requirements as guiding normative principles rather than empirical possibilities, then we could have a firm understanding of Habermas's endeavor in terms of international toleration. Habermas's ideal of cosmopolitan solidarity and democratic peace gives content to his 'demanding' notion of international toleration. Toleration is a requirement of international justice and peace, and in this sense, it is part of a moral ideal.

Another significant question to ask is which of the options one must adopt for a theory of international toleration. Should we go for a Rawlsian approach which looks less demanding rather than a Habermasian approach which might seem overly demanding? Here, I will be on the side of Habermas in arguing for a more demanding notion of international toleration. The requirements such as willing to understand the

other, being open to dialogue and hermeneutical self-reflection as positive dispositions are quite important. Moreover, Habermas's notions of 'translation requirement' and 'complementary learning' seem to be quite significant as positive actions that are required for toleration. They might play a significant role as normative guidelines that can inspire our action in our interactions with the other in the international realm. In this regard, they are part of a cosmopolitan democratic ideal.

With respect to the limits of international toleration, we observed that for both Rawls and Habermas, human rights play a role. For both of the theories, human rights are candidates to draw the line of what is tolerable and what is not in the international realm. In my opinion, they are both right in considering human rights as standards for international toleration. It is significant to appeal to limits since toleration is not an absolute good; referring to toleration always means referring to its limits at the same time. In this respect, human rights, as moral and legal standards, give us chance to reflect on the tolerable conduct in the international realm. In this sense, they exhibit an intervention-justifying role. Nevertheless, we need to keep in mind that they are both legal and moral rights; appealing only to their moral dimension might lead to misuse.

Beside their common emphasis on human rights as limits of toleration, Rawls and Habermas differ on the content and role of human rights and it seems to be a difference in principle. As we stated, unlike Rawls, Habermas does not subscribe to a minimalism in terms of the content of human rights. Moreover, for him, human rights require that for a regime to have full legitimacy, it must have a liberal democratic

framework. Only with that condition, can human rights play a legitimate role regarding toleration in the international realm. For Rawls, this condition is not necessary. Despite this difference of principle, they do not differ much in practice as far as toleration is concerned. Habermas's cosmopolitanism is not necessarily more eager to justify international intervention than is Rawls's internationalism.

Having said this, we might claim both Rawls and Habermas have weak points in their usage of human rights as standards for international toleration. Habermas does not explicitly identify which rights are prior in his theory that can serve as standards for toleration. Rawls does not provide us with a justification for his minimal set of human rights. In my view, a theory of international toleration must address at least two points on the question of human rights: first, which rights are considered as standards for international toleration (question of content) and second, how these very set of rights we use as standards for tolerable conduct are justified (question of legitimacy).

On the question of content, as we mentioned before, Habermas seems to favor a full set of basic rights without appealing to any minimalism. Nevertheless, this leaves us with ambiguity on the issue of limits of toleration. Does Habermas support intolerance towards the violation of any kind of basic rights? He does not provide the answer of this question directly. My contention is that, he would not be so eager to support international intervention in any violation of human rights or even if he thinks that intervention is necessary, the type of intervention would differ on the basis of which rights are violated.

Rawls answers the question of content by appealing to a minimalist set of human rights. He lays down a list of human rights which he considers as limits to tolerable conduct in the international realm. However, he does not demonstrate how this set of rights can be justifiable to all. He does not argue for his particular set of rights over the other alternatives: how his minimalist set is superior over other alternatives in terms of justification.

In my view, although it seems difficult to come up with an easy solution, a theory of international toleration cannot do away with dealing with these two crucial questions -content and legitimacy- concerning human rights as standards to toleration. We have two options as far as the content of human rights is concerned: going for a full set of basic rights as human rights or choosing minimalism for limiting the content of human rights. If we choose the first option, then we need to identify which rights are prior that could serve as standards for toleration. (That is what Habermas needs to do too as have noted before). In both options, we have to address the question of legitimacy.

Minimalism seems to be required (either in the form of identifying which rights are prior or coming up with a minimalist set of rights) if human rights can serve as legitimate grounds for international toleration. This is because treating human rights as standards to toleration means justifying intolerance on the basis of the violation of human rights. If intervention has to be seen as justifiable to all parties in the international realm, it seems difficult to appeal to a full set of rights, particularly because there may not be a global consensus on the significance of all sorts of rights. Without demonstrating that they are justifiable from the point of view of different

cultures, civilizations and groups in the international realm, human rights would not work as legitimate candidates for justifiable intolerance\intervention.

In line with the point mentioned above, we might say that any minimal set of rights, if it has to bear some legitimacy, has to be seen as the outcome of a global overlapping consensus as a way of justification. In this respect, I find Joshua Cohen's approach quite appealing as a way to ensure the legitimacy of a possible intolerant act which is done on the basis of a violation of a human right. As we have seen in Chapter 3 when analyzing the limits of toleration in Rawls's theory, Cohen goes a step further and does what Rawls did not do, in providing us with a procedure of justification that addresses human rights as the outcome of a global overlapping consensus.[217] This means, for him, a theory of human rights should be presented as independent from any particular philosophical or religious doctrine that might be used to explain and justify its content.

Cohen's approach provides a solid base for the role of human rights as standards for toleration. Human rights set the limits of what states can be required to tolerate in other states, such that intervention would be morally justified if those limits were transgressed and morally unjustified if they were not. Moreover, Cohen's approach to human rights is tolerant in that it deals with them in a way that recognizes that there are many different comprehensive doctrines embraced by different societies and that aims not to impose any one doctrine on people who do not

---

[217] For a detailed analysis on Cohen's approach on human rights, see his *Minimalism about Human Rights: The Most We Can Hope For?* . In addition, you might find a detailed analysis on Cohen's approach on human rights as standards to toleration in part 3.2.4.1 of this thesis.

share it. It is like Rawls's political liberalism in that it does not rest on any comprehensive doctrine but is 'freestanding' and therefore does not impose any comprehensive doctrine on any person or society.

In line with the considerations on the limits of international toleration, a theory of international toleration must also be able to distinguish between various possible types of justifiable intolerance. It seems there is a general belief that intolerance necessarily means intervention by force, i.e. military intervention. Nevertheless, one can think of other types of influence on an intolerable conduct of a state such as economic sanctions, public criticism, initiating a campaign against the conduct that is disapproved etc. Intolerance is not necessarily restricted to sending troops to the territory of another country. Of course, which type of intolerance might be adopted would depend on the character of the intolerable conduct. For instance, a conduct such as genocide or mass killing that one state undergoes in its territory might necessitate intervention by force whereas other intolerant actions such as a war- prone and aggressive speech might necessitate public criticism. Here I do not mean to say that theory should provide us a detailed map on which actions are tolerable and what are the possible reactions that can be initiated. Yet, it can give us some insight on possible types of intolerance when necessary. As we have seen in the former chapters of the dissertation, Rawls is clearer than Habermas on which types of actions can be considered as forms of intolerance. For instance, offering incentives to another people, public criticism made by a government about a specific conduct of another people and waging war figure as possible intolerant actions. However, for Rawls,

these are actions that should not be appealed by peoples since there is no room for justifiable intolerance in the ideal world of the Law of Peoples.

Lastly, we said, both Rawls and Habermas subscribe to moral principled reasons for international toleration. We observed, 'respect for persons' approach translate to the international realm in their theories- though with certain modifications- as a reason for grounding international toleration. In my opinion too, we need to justify toleration in terms of principled moral grounds and 'respect for persons' with certain modifications seems to be the best candidate for that aim. We need to grant respect to the equal status of different communities, groups, and peoples etc. who share the same world-society. This provides us reasons why we should not impose our own comprehensive doctrine on others. It gives reasons for why we should react to each other's differences in a tolerant way. In addition, moral consequentialist reasons and skepticism also find a place in my conception of international toleration. Skepticism might play an important role in arguing against intolerance and moral consequentialist reasons can serve peace and stability in the world in different ways. I do not mean to say that moral consequentialist reasons and skepticism provide enough and complete reasons for international toleration. However, a theory of international toleration must recognize their relevance; at least it should not disregard them totally.

CONCLUDING REMARKS

In this dissertation, it has been argued that toleration has a place in our thinking on the international realm and that we can address the characteristics of and reasons for toleration as an international issue. We referred to the conceptions of toleration of Rawls and Habermas as two supportive theories in order to examine the dimensions of international toleration. We also addressed the parallels and differences between these two theories as far as their outlook on toleration is concerned to identify their strong and weak points as theories of toleration.

Chapter 1 was devoted to developing a conceptual map with the aim of having a theoretical tool to analyze the theories of Rawls and Habermas in the later stages of the dissertation. In the first part of Chapter 1, we laid out the characteristics (structure) of toleration and the possible reasons for toleration. We mentioned that the characteristics of toleration also stand for the conditions of the possibility of toleration. Thus, agents and objects of toleration, the condition of diversity coupled with disapproval, dimension of power, the scope, demands and limits of toleration were examined as characteristics of toleration. In addition, we analyzed the possible reasons (justifications) for toleration such as nonmoral prudential, moral consequentialist, skepticism -though controversial- and moral principled reasons.

To recall, in the first part of Chapter 1, we observed that the first characteristic of toleration to be considered is agents (tolerator) and objects (tolerated) of toleration. It was stated that we could talk about a diversity of agents as well as objects depending on the context of toleration. In this way, one might think of 'individuals',

'groups' (in various forms such as associations), 'societies', 'states' and 'governments' as potential agents of toleration. As for the objects, 'beliefs', 'actions', 'identities', habits, etc. were mentioned. Moreover, as a second characteristic of toleration, we referred to the condition of diversity coupled with disapproval. We added that for toleration to be possible we need more than diversity or any diversity; it needs to be diversity that is a source of dislike, disapproval or disgust.

Thirdly, we cited the condition of power as a characteristic of toleration. We made a distinction between tolerant conduct and a tolerant disposition. We saw that for tolerant conduct, in order for X to tolerate Y, X needs to have the actual power to act otherwise (i.e. not to tolerate). For a tolerant disposition, we mentioned that for X to tolerate Y, X does not need to have the actual power but it is necessary that X would not act on her objection even if she had the power to do so.

Finally, the scope, demands and limits of toleration as characteristics and conditions of possibility of toleration were noted. We observed that the scope of toleration relates to whether toleration needs to be defined on the basis of a morally grounded disapproval or simple dislike/disgust. In this vein, it was mentioned that we might imagine both moral and nonmoral sources of disapproval or dislike when defining toleration. Furthermore, we observed that the demands of toleration concerns whether toleration requires only refraining from persecuting or something more, such as assisting, fostering etc. Demands refer to the limits of the action that could be taken with reference to toleration. Lastly, the limits of toleration were considered. By limits, we signified what could be tolerated and what could not; what could be the

object of toleration and what could not. In addition to the conceptual limits of toleration, it was stated that we could refer to the limits in the substantive sense in terms of what ought to be tolerated and what ought not.

In the first part of Chapter 1 in which a conceptual map for toleration was developed, we also pointed out the possible reasons for toleration. By reasons for toleration, we meant the justification of toleration. We referred to four possible reasons: nonmoral prudential, moral consequentialist, skepticism and moral principled. We observed that non-moral prudential reasons are the reasons that are solely motivated by the self-interest of the tolerator. On the other hand, it was stated that in moral consequentialist reasons, we tolerate for the sake of the consequence that we expect to achieve out of the conduct of tolerance but the consequence is not calculated on the basis of merely the self-interest of the tolerator. Hence, we observed that the moral consequentialist reasons are other- regarding in taking the interests of the others into account.

Moreover, we mentioned 'respect for persons' as a moral principled reason. It was pointed out that 'respect for persons' is founded on the idea which considers individuals as self-legislating beings that are capable of pursuing a way of life which they think is good for them. We have seen that this way of reasoning gives principled moral reasons for toleration because toleration is not treated as a means to achieve an end. Lastly, skepticism was mentioned as a controversial candidate for being a reason for toleration. It was stated that skepticism does not offer straightforward reasons for

toleration but it could erase the ground for intolerance by referring to epistemological uncertainty and doubt regarding beliefs.

In the second part of Chapter 1, we developed the argument of the dissertation that there is a place for toleration in our thinking on the international realm. First, we examined the possible reasons for disregarding toleration as an international issue. It was mentioned that the Westphalian model and its influence constituted the main reason for the neglect of toleration as an international issue. We also argued that this model, in viewing states as lacking either the actual power to intervene in the affairs of other states or the right to interfere in the affairs of the other states, considers that there is no need and place for toleration in the international realm. Nevertheless, we claimed that this model and its assumptions proved to be implausible under the contemporary international conditions in which each state might have an actual influence on other states and there might also be cases in which certain international agents have the right to interfere in the affairs of states in particular situations. We observed that toleration might be regarded as a question of rightful conduct in the international realm and therefore, there is certainly a place for toleration in the international realm.

After dealing with the possible reasons for the neglect of toleration as an international issue, we turned our attention to demonstrating in which way toleration is part of our thinking on the international realm. In order to do this, we pointed out certain examples from the actual international discourse such as humanitarian intervention, human rights, gender and environmental issues. We claimed that each of

these cases raises questions of toleration in the international realm. In addition to this, we also referred to the theories of certain political theorists such as Peter Jones and Michael Walzer to support our argument that there is a place for toleration in our thinking of international realm. Furthermore, we referred to the conceptual map developed in the first part of Chapter 1 in terms of the characteristics of and reasons for toleration as an international issue. We analyzed each dimension with reference to the international aspect of toleration. This conceptual analysis demonstrated that toleration has a place in our thinking on the international realm.

After developing the argument and stating the parameters of our analysis in Chapter 1, we began our discussion of the theories of Rawls and Habermas concerning toleration. In Chapter 2, we analyzed Rawls's conception of toleration in *Political Liberalism* and, in the third Chapter, we focused on his theory of international toleration. Throughout this analysis, we made reference to our conceptual map that was developed in chapter 1. We observed that there are certain parallels and differences between the conception of toleration in *Political Liberalism* and *The Law of Peoples* both concerning the characteristics of and reasons for toleration.

First of all, we observed that in both *Political Liberalism* and *The Law of Peoples*, toleration comes to the fore as a requirement of justice. We saw that for Rawls, toleration is a principle which is necessary for establishing the fundamentals of a political conception of justice. By being freestanding and political, justice as fairness refrains from basing its principles on any specific comprehensive doctrine

and for this reason, it does not impose any comprehensive doctrine on others. Thus, toleration is central to the project of political liberalism and justice.

As far as *The Law of Peoples* is concerned, we said that international toleration might be regarded as a requirement of justice too. For Rawls, rights and obligations of a just arrangement among peoples make toleration necessary. Well-ordered -liberal and decent- societies act on the principles that they have worked out and that gives a reason to tolerate each other as societies who recognize each other as equal members of the society of reasonable peoples.

In Chapter 2, first, we focused on the agents and objects of toleration as characteristic of toleration. We observed that in *Political Liberalism,* free and equal citizens as holders of various reasonable comprehensive doctrines are considered to be the agents of toleration. In *The Law of Peoples*, we saw that liberal and decent non-liberal 'peoples' came to the fore as agents of toleration. We said that 'peoples' in *The Law of Peoples* take the place of persons in *Political Liberalism*. As for the objects of toleration in the theory of Rawls, we mentioned that in *Political Liberalism* different values, habits, traditions, beliefs as well as actions of reasonable citizens might be regarded as the objects of toleration. In a parallel vein, we observed that, in *The Law of Peoples* different traditions, belief systems, values as well as conduct of decent and liberal peoples are the possible objects of toleration.

With respect to diversity coupled with disapproval as one of the characteristics and conditions of possibility of toleration, we examined that Rawls's theory satisfies this condition both regarding his domestic and international account of toleration. We observed that in *Political Liberalism*, reasonable pluralism constitutes the condition

of diversity for toleration to be possible. Also, it was pointed out that we might think of disapproval/ dislike as a component of reasonable pluralism because it seems likely that disapproval/ dislike among citizens regarding one another's actions, beliefs etc. will be an outcome of their holding different comprehensive doctrines. Concerning Rawls's conception of toleration as an international issue, it was demonstrated similarly that we can identify a condition of diversity coupled with disapproval/dislike. We said that we might refer to pluralism between liberal and decent nonliberal peoples and it seems likely that this diversity might be the source of disapproval/ dislike. We mentioned that various kinds of disagreement and disapproval might arise between liberal and nonliberal decent peoples, and amongst different liberal peoples and different nonliberal decent peoples.

In outlining the characteristics of toleration in the theory of Rawls, we also noted that his theory satisfies the power condition of toleration. It was pointed out that the citizens of a well-ordered society might have the actual power to act on their objections; however they would refrain from doing so for toleration reasons. In addition, we said that citizens might be considered as having tolerant dispositions since even if they had the actual power, they would not act on their objection. In this sense, good Rawlsian citizens might be regarded as having tolerant dispositions. As for *The Law of Peoples*, we argued that, although we can talk of the condition of power concerning tolerant conduct, Rawls's concern is mainly about peoples having tolerant dispositions in the international realm.

Lastly, we referred to the scope, demands and limits of toleration in Rawls's theory. We said that in both *Political Liberalism* and *The Law of Peoples*, one might

think of moral and nonmoral sources of disapproval as far as the scope of toleration is concerned. It was mentioned that citizens might find certain values and practices of other citizens which are informed by their particular comprehensive doctrine, as morally wrong or aesthetically ugly or dislikeable for many different reasons. In a similar vein, it was noted that in the Society of Peoples, liberal and decent nonliberal peoples might have quite varied (moral and nonmoral) reasons for their disapproval or dislike of one another's societies.

As for the demands of toleration, we noted that in *Political Liberalism* the ideal of citizenship together with the idea of reasonableness requires more than merely refraining from persecution. It was pointed out that one might refer to positive demands in terms of both action and disposition as far as Rawls's domestic toleration is concerned. On the other hand, we mentioned that demands require positive disposition but not necessarily positive action in Rawls's account of international toleration.

It was noted that the idea of reasonableness defines the limits of what is tolerable and what is not in *Political Liberalism.* It was conceded that Rawls seems to propose that comprehensive doctrines that gain the status of reasonableness in public realm are tolerated because, by being reasonable, they already demonstrate that they move within the boundaries of the appropriate principles of justice. Citizens tolerate each other's views and actions because they know that disagreement does not give them the right to be intolerant given the fact that all other citizens are also reasonable. As for *The Law of Peoples*, we claimed that decency draws the boundaries of what is tolerable and what is not. What is identifiable as decent peoples and their conduct to

209

the extent that they comply with the reasonable principles of the Society of Peoples, is considered tolerable. In addition, we also saw that respect for human rights, as being part of the idea of decency, constitute the limits of tolerable international conduct in Rawls's theory.

In Chapter 2, with respect to the reasons for toleration, we mentioned that in both *Political Liberalism* and *The Law of Peoples*, we might refer to 'respect for persons' as a justification for toleration. However, in the international realm, 'peoples' replaces 'persons' as the agents of toleration and he does not treat peoples as reducible, morally, to persons. In *Political Liberalism*, we have seen that persons, in virtue of being reasonable, grant respect to each other as citizens who are free and equal members of a society as a fair system of cooperation. They also do not impose their own conception of good, either alone or by using political power, on others since they accept that others are reasonable, and free and equal like themselves. In a similar vein, we noted that liberal and decent nonliberal peoples, as equal members of the Society of Peoples, grant respect to each other by abiding by the principles of the Law of peoples. It was stated that in recognizing the equal standing of decent nonliberal peoples in the Society of Peoples, liberal peoples grant respect to the status of those peoples as free and equal.

After examining the conception of toleration in the theory of Rawls, we focused on the theory of Jurgen Habermas with the aim of outlining the characteristics of and reasons for toleration as an international issue. In chapter 4, we analyzed Habermas's conception of toleration as an intra-state matter within the context of democratic societies. This analysis provided us with the main parameters of his conception of

toleration as an international issue. In examining the theory of Habermas, we tried to give attention to differences as well as parallels between his domestic and international accounts of toleration. We also made reference to Rawls's conception of toleration regarding both toleration as an intra-state and inter-state issue with the aim of outlining the parallels and differences between the two theories.

In Chapter 4, we examined Habermas's conception of toleration as an intra-state matter with reference to the context of democratic societies. First of all, we argued that toleration is a central theme in Habermas's political theory and also a requirement of his understanding of political liberalism and justice. It was mentioned that, on this point, there is a commonality between his theory and that of Rawls. We said that, in a postmetaphysical age, the state must not refer to any religious and metaphysical worldview to claim its legitimate authority. In this way, in the theory of Habermas, justification of the political authority rests on a principle of toleration because it does not impose any religion or metaphysics on people. Moreover, it was mentioned that one needs the concept of toleration to justify the principles of justice because justice requires its principles to be derived from an independent (autonomous) ground in a postmetaphysical age.

As for the characteristics of toleration, we noted that in Habermas's view, in a similar vein with Rawls, citizens, as holders of different worldviews -religious and secular-, are viewed as tolerators of each other's conduct and beliefs as members of the same political community. As for the objects of toleration, we also pointed out a parallel between the theories of Rawls and Habermas: the beliefs, convictions, habits

and conduct of citizens having diverse worldviews are the possible objects of toleration in the theory of Habermas.

Regarding the condition of diversity as a characteristic of toleration, we said that there is a similarity between the outlooks of Rawls and Habermas with respect to their perspective on pluralism. We stated that, like Rawls, Habermas acknowledges pluralism as a fact of contemporary times when theorizing about toleration. In line with this, it was noted that the 'post-metaphysical age' as an age of pluralism requires the principle of toleration for providing the conditions of coexistence of different ethical world-views. We also said that we might refer to the condition of disapproval because Habermas's individuals are likely to exhibit opposition, disagreement as well as disapproval even though they share the same political culture. In addition, we pointed out that both Rawls and Habermas seem to acknowledge the fact that there might be enduring disagreement among citizens all of whom accept the rules of the democratic game, and this will have to provide some ground to toleration as well. We mentioned that what Habermas calls 'irresolvable disagreement in the long run' seems to be similar to what Rawls calls reasonable pluralism arising from the 'burdens of judgment'. We said Habermas does not qualify clearly what exactly he means by 'irresolvable disagreement', whereas Rawls defines in a detailed way what he understands by 'burdens of judgment'.

As for the condition of power as a characteristic of toleration, a parallel is pointed out between the theories of Rawls and Habermas. We contended that for Habermas too, citizens of democratic societies -religious and secular- as agents of toleration would tolerate each other's conduct even if they had the actual power not to

212

do so. They would also act out of a tolerant disposition if they lacked actual power. We noted that good Habermasian citizens possess tolerant dispositions towards each other as members of the same political community having equal status. We said that this condition seems to be valid both for the relations between religious and secular citizens and for religious and secular citizens among themselves.

Lastly, in Chapter 4, we mentioned the scope, demands and limits of toleration as far as Habermas's outlook on toleration as an intra-state matter is concerned. With respect to the scope of toleration, we said that there is a parallel between the outlooks of Rawls and Habermas: for both of them, it seems the sources of disapproval might be both moral and non-moral. It was also stated that for Habermas, as long as the disapproval is not based on a prejudice and qualifies as 'subjectively good', then it is within the scope of toleration. We also pointed out the significance of the distinction between ethics and morality in the theory of Habermas regarding the scope of toleration: it could be argued that sources of disapproval might stem from ethical judgments which do not have to relate to morality. Thus, it was stated, that for Habermas, one might refer to aesthetic dislikes as well as other sources of disapproval which might generate out of ethical considerations that are related to our upbringing, habits and traditions.

Regarding the demands of toleration, it was mentioned that similarly to Rawls's position in *Political Liberalism*, Habermas's theory supports both positive disposition and action of citizens toward each other. We stated that in the theory of Habermas, a hermeneutical self-reflectivity, being open to dialogue with the other, and understanding the other require positive action and disposition from citizens of a

democratic community with regard to demands of toleration. We pointed out that Rawls's notion of 'reasonableness' and the ethics of citizenship would probably support such a positive disposition from citizens in the sense of hermeneutical self-reflectivity even though it is not stated explicitly. However, we added, Habermas's open and persistent emphasis on hermeneutical self-reflexivity brings explicitly positive actions to the fore as a requirement of toleration. We also pointed out the 'translation requirement' and 'complementary learning process' as two positive demands of toleration in the theory of Habermas.

With respect to the limits of toleration, we argued that Habermas does not refer to any specific substantive limits. Nevertheless, we stated, it is significant that the substantive limits (what should be tolerated and what should not) should be justifiable to all in a democratic constitutional regime. It was pointed out that citizens, in their status of being free and equal, shall decide on what is tolerable and what is not under a noncoercive and open procedure of argumentation. In other words, it was stated that their open and noncoercive shared discourse will define justifiable limits for toleration.

We also drew attention to a similarity between the positions of Rawls and Habermas concerning the limits of toleration. We argued that for both Rawls and Habermas, the limits could be assessed by a certain political criterion: 'reasonableness' in Rawls's theory and 'discourse ethics' in Habermas's theory. In Rawls's outlook on toleration, reasonableness plays a role in drawing the limits, while in Habermas's outlook it is deliberative democratic will formation of citizens. In this sense, we might call these criteria formal procedural measures rather than

substantive limits. They come onto the agenda as formal criteria that enable citizens to view each other as free and equal in sharing the political power. Nevertheless, we also took note of one major difference between the two theories: Habermas's discourse ethics relies on a universal idea of practical reason while Rawls's reasonableness does not presuppose such a moral core in the Habermasian sense of the term.

Lastly, in Chapter 4, we focused on the reasons for toleration in the theory of Habermas. We said, the idea of respect comes onto the scene as a reason for toleration in Habermas's theory and this is again a parallel between his and Rawls's outlooks on toleration. It is noted that the idea of civic solidarity as part of the ethics of citizenship is also supportive of respect as a reason for toleration. Moreover, for Habermas, being citizens of the same political community requires us to respect the free and equal status of each other.

After focusing on the outlook of Habermas on toleration as an intra-state matter (in the context of democratic societies) in Chapter 4, we turned our attention to his conception of toleration as an international issue in Chapter 5. We analyzed the characteristics of and reasons for international toleration in his theory with reference to our conceptual map developed in the first part of Chapter 1. To begin with, we argued that in a parallel vein with Rawls, toleration is a central theme and also a requirement of justice concerning Habermas's international theory. We said the question how it is possible to live together in peace in a world society divided by various faiths, worldviews and beliefs constitutes Habermas's motivation for considering international toleration as a central theme in his international theory. In

addition, we also said, there is a place in the theory of Habermas for the argument that international toleration might be viewed as a requirement of justice. We argued that, for Habermas, a multicultural world society which is peaceful and just could be possible with the endorsement of the principle of toleration. It was pointed out that for Habermas, the principle of toleration should be reflected in the attitude of the participants of an intercultural discourse on principles of a political justice for a multicultural world-society.

In Chapter 5, we stated that there is an ambiguity on which international agents count as agents of international toleration in the theory of Habermas. Nevertheless, it was contended, states, powerful individuals, NGOs and communities of faith –all of whom could be bearers of certain cultural and religious world-views- seem to figure as possible tolerators in the theory of Habermas. Individuals might also count as agents of toleration at the international level as members of different faiths and cultural communities, since Habermas gives much significance to civilizations and cultures in his considerations concerning religion in the international realm. The category of civilizations might have significance as shaping the conduct and disposition of these possible agents. We also added that mention of states as agents does not mean states have moral priority rather than individuals in the international realm.

It was mentioned that one could also identify various conduct, beliefs, and values etc. which are shaped through the world-view of different civilizations as possible objects of international toleration in the theory of Habermas. Overall, regarding the category of civilizations, we pointed out that there is a risk of falling

into cultural essentialism when considering the agents and objects of international toleration and this risk has to be taken by Habermas.

Moreover, we addressed both a parallel and a difference between the outlooks of Rawls and Habermas on toleration regarding the agents and objects of toleration. We mentioned that Habermas does not refer to peoples in the way that Rawls does in his international theory. He seems to incorporate a variety of agents into his theory as far as toleration is concerned. We also said that this might be due to the cosmopolitan stand of Habermas as compared to Rawls. Nevertheless, we said, peoples in Rawls's theory do not have to exclude the category of civilizations: civilizations might be viewed as world- entities that combine different 'peoples' in virtue of providing them with a shared cultural and traditional basis. Having said this, we also pointed out the risk of disregarding other possible agents of international toleration, such as individuals if we stick to peoples conceived as corporate entities as the agents of toleration at the international level.

As for the diversity condition as a characteristic of toleration, we pointed out another parallel between the theories of Rawls and Habermas in addressing pluralism together with conflict concerning toleration in the international realm. In Habermas's theory, we specifically referred to the 'post-secular age' as a global condition marked by an intense diversity in the global realm. We said that world society, the tendency of world society to become a post-secular society, constitutes the diversity condition that enables Habermas to refer toleration as an international issue.

With regard to the condition of power as a characteristic of toleration, we mentioned both tolerant conduct and tolerant dispositions on the part of tolerators in

217

the international realm in the theory of Habermas. We said states, international organizations, religious communities might be viewed as potential exhibitors of both tolerant conduct and tolerant dispositions. Hence, it was stated that like that of Rawls, Habermas's theory also satisfies the condition of power as a characteristic of toleration as an international issue.

Regarding the scope of international toleration, we said, in Habermas's view, one might assume varied forms of disapproval and dislike such as aesthetic, cultural etc. which could be seen as part of our ethical life. In other words, it seems very likely that there will be disagreement of various sorts given the fact that world is divided by different civilizations, cultures and worldviews. Thus, a parallel was pointed out between Habermas's domestic and international toleration concerning the question of the scope. This constitutes another similarity between Rawls's and Habermas's outlook. Nevertheless, we mentioned, what is nonmoral is ethical in the eyes of Habermas. Therefore, we said, for Habermas, disapproval is either moral or ethical in the international realm.

With respect to the demands of toleration as an international issue in Habermas's theory, we drew attention to the positive demands that require not only a positive disposition of agents but also positive action such as the 'translation requirement' and 'complementary learning'. It was also mentioned that this constitutes a difference between the international theories of Rawls and Habermas because in Rawls's international theory, we do not find requirements for positive action but rather we do find demands of positive disposition. In line with this, we mentioned that, in the view of Habermas, one could appeal to an idea of a

hermeneutical reflection which might be supported by an idea of cosmopolitan solidarity as the source of positive demands of toleration as an international issue.

In Chapter 5, we noted that human rights play a significant role in the theory of Habermas concerning the limits of toleration in the international realm. First of all, we mentioned that Habermas attaches a significant role to human rights as legitimate rules that have the potential to guide international politics. In this respect, we said, human rights might be regarded as potentially legitimate candidates for drawing the line between what is tolerable and what is not. Secondly, it was pointed out that, for Habermas, human rights raise another question of toleration: the universalism of human rights confronts the reality of cultural diversity. In this sense, we said, according to him, basic individual rights (human rights) secure the basis of any form of life or the pursuit of any ethical project, be it communitarian or not. In this regard, we noted, Habermas also recognizes that human rights prescribe a right to toleration in the international realm.

We also addressed certain significant differences between the theories of Rawls and Habermas concerning human rights. We said that Rawls subscribes to a minimal set of human rights in terms of content. On the contrary, it was claimed that Habermas's list of human rights would demand more than that. In other words, we mentioned, Habermas would go for a full set of basic rights and liberties in a non-restricted manner. We also said that the role of human rights is limited to setting the limits of what is tolerable in the international realm in the theory of Rawls. In this regard, it was claimed, unlike Rawls, human rights have both domestic and international role in the theory of Habermas. They require a liberal democratic

institutional setting for their full realization as a legitimate and stable basis both at the domestic and international level. For Rawls, there is no such necessity for human rights to have full legitimacy. In line with this, we mentioned that although Rawls and Habermas differ in principle in viewing human rights in the international realm - Rawls subscribing to internationalism whereas Habermas favors a cosmopolitan approach- they do not differ much in practice. Like Rawls, Habermas is cautious in his use of human rights as justifying international intervention.

As far as reasons for toleration as an international issue is concerned, we also pointed out 'respect' as a justification for toleration in the theory of Habermas. We said different cultures, civilizations and communities of faith and of course individuals as members of these communities, in viewing each other as equal members of a reflective dialogue/discourse, grant respect to each other. We also added that the idea of respect as a reason for international toleration does not base itself on a thick ethics of citizenship as it does in the case of the domestic context in the theory of Habermas. Thus, it was stated that in the international realm, respect seems to come to the fore as a result of the recognition of equal status of each other as different communities sharing the same multicultural world society.

We also pointed out a significant difference between the outlooks of Rawls and Habermas regarding the idea of respect as a reason for international toleration. We said that respect, for Habermas, would not necessarily prohibit the offering of incentives as it does for Rawls. It seems Habermas would support certain changes that would help a society to transform into a more democratic and liberal direction and he would not see this matter as something contrary to the idea of respect. It was

mentioned that the reason for this difference might be the fact that Habermas does not view political power in the way Rawls does. We noted Rawls considers any activity of intervention or influence that is practiced by a certain people on the other in the Society of Peoples as exercising illegitimate power such as manipulation, bribing etc.

Chapter 6, the last chapter, was devoted to further reflections on the comparison between the theories of Rawls and Habermas with the aim to address their weak and strong points as theories of international toleration. We said both of the theories demonstrated the possibility of international toleration by outlining different dimensions of toleration as an international issue. They both provided strong cases for international toleration by offering principled moral reasons and recognizing global pluralism as a fact which gives rise to the question of toleration.

We also said that, the differences between the two theories are of principle: Habermas subscribes to cosmopolitanism whereas Rawls favors internationalism. In this respect, we identified differences concerning the possible agents and demands of international toleration as well as differences on the content and role of human rights. We contended, regardless of its ambiguity on the possible agents of international toleration, Habermas's theory seems to offer room for a variety of agents which makes his outlook more compatible with the highly pluralistic nature of our multicultural world in comparison to Rawls's outlook on agents of international toleration. In addition, we said, the requirements of international toleration Habermas lays out are far from being unrealistic even though they bring a demanding notion of international toleration. On the issue of human rights, we gave credit to both theories in recognizing human rights as candidates for drawing the limits of tolerable conduct

in the international realm. Nevertheless, we mentioned, both theories suffer from certain ambiguities on the issues of content and legitimacy: Habermas does not specify clearly which rights are prior as far as international toleration is concerned and Rawls does not justify his minimalist set of human rights.

Lastly, in Chapter 6, we tried to give an account of what features a theory of international toleration should exhibit. We said that first of all, a theory of international toleration must be able to give room to all possible diverse agents in the international realm such as different international organizations, NGOs, states, communities of faith, cultural groups, various associations of different sort, individuals, organizations of social movements etc. Secondly, a theory of international toleration should recognize the highly pluralistic condition of the world and start from this fact in its conceptualization of conflict and its place. Thirdly, it must also consider the role of power in the sense that no actor is wholly immune from the power of the others and no actor is wholly incapable of exerting power on others.

Then, we claimed, as far as demands of international toleration are concerned, we can appeal to both positive dispositions and actions. We contended, we can see Habermas's proposals such as hermeneutical self-reflectivity, openness to dialogue and understanding the other as necessary positive dispositions as well as 'translation requirement' and 'complementary learning' as necessary positive actions. Regarding the limits of international toleration, we stated that a theory of international toleration must recognize that human rights play a significant role as limits to tolerable action in the international realm. Nevertheless, a sort of minimalism in terms of content seems to be necessary if intervention in the name of human rights should be justifiable

morally to others. In addition, it was concluded that seeing human rights as the outcome of an overlapping consensus in the international realm might be helpful in both justifying intervention and developing a tolerant account of human rights which does not impose any particular comprehensive doctrine on the others.

We also stated, a theory of international toleration must offer some insight on what type of actions are counted as justifiable intolerance when necessary. Thus, it was contended that one might refer to diverse actions such as intervention by force, economic sanctions, public criticism, initiating a campaign against the intolerable conduct etc.

As a last consideration, it was mentioned that a theory of international toleration must be able to provide principled moral reasons for international toleration. In this respect, we said, 'respect for persons' seems to be the best candidate. Nevertheless, it was also stated that recognizing the relevant role of moral consequentialist reasons and skepticism is also significant for a theory of international toleration.

BIBLIOGRAPHY

Afrasiabi, Kaveh L. "From "The Clash of Civilizations" to "Civilizational Parallelism", *Telos*, Issue 115 (Spring 1999)

Beitz, Charles. *International Relations and Political Theory*. New Jersey, Princeton: Princeton University Press, 1979

Beitz, Charles. "Human Rights as a Common Concern", *The American Political Science Review*, Vol. 95, No.2 (Jun. 2001), p. 272. http://www.jstor.org/stable/3118120

Beitz, Charles. "Sovereignty and Morality in International Affairs", *Political Theory Today*, David Held, ed. Stanford: Stanford University Press, 1991

Bell, Daniel, "Communitarianism", *The Stanford Encyclopedia of Philosophy (fall 2008 Edition)*, Edward N. Zalta (ed.), URL <http://plato.stanford.edu/archives/fall2008/entries/communitarianism

Blake, Michael, "Toleration and Reciprocity: Commentary on Martha Nussbaum and Henry Shue", *Politics, Philosophy and Economics,* 1 (3)

Borradori, Giovanna, *Philosophy in the Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida*. The University of Chicago Press, 2004

Bohman, James, "Deliberative Toleration", *Political Theory*, 31, No.6 (December 2003).

Cabrera, Luiss, "Toleration and Tyranny in Rawls's Law of Peoples", *Polity*, XXXIV, No.2 (Winter 2001)

Caney, Simon. "Survey Article: Cosmopolitanism and the Law of the Peoples", *The Journal of Political Philosophy,* 9, 3 (2001)

Caney, Simon. "Anti-perfectionism and Rawlsian Liberalism", *Political Studies*, XLIII (1995)

Cohen, Joshua. "Minimalism About Human Rights: The Most We Can Hope For", *The Journal of Political Philosophy*, 12, Number 2 (2004)

Cohen, Andrew Jason. "What toleration is?" *Ethics*, 115 (October 2004).

Cook, Maeve. "A Secular State for a Postsecular Society? Postmetaphysical Political Theory and the Place of Religion" *Constellations*, Volume 14, Number 2(2007)

Dallmayr, Fred. *Dialogue among Civilizations.* New York: Palgrave, 2002.

Dallmayr, Fred. *Beyond Orientalism: Essays on Cross- cultural Encounter*. Albany: State University of New York Press, 1996

Deveaux, Monique, *Cultural Pluralism and Dilemmas of Justice*. Ithaca, London: Cornell University Press, 2000

Dillon, Michele."The Authority of the Holy Revisited: Habermas, Religion and Emancipatory Possibilities", *Sociological Theory*, Vol. 17, No. 3 (Nov., 1999)

Doppelt, Gerald. "Michael Walzer's Theory of Morality in International Relations", *Philosophy and Public Affairs*, Vol. 8, No.1 (Autumn 1978)

Eisenstadt Samuel N. and Wittrock, *Axial Civilizations and the World History*. Brill, 2004

Eisenstadt, Samuel N. "The Reconstitution of Collective Identities and Intercivilizational Relations in the Age of Globalization", *Canadian Journal of Sociology*, 32.1 (2007)

Eisenstadt, Samuel N. "Multiple Modernities in the Age of Globalization", *Canadian Journal of Sociology*, Vol. 24, 2 (Spring 1999)

Eisenstadt, S. N. "Multiple Modernities" *Daedalus*, Vol. 129, No. 1, Multiple Modernities (winter, 2000)

Euben, J. Peter. "Walzer's Obligations", *Philosophy and Public Affairs*, Vol. 1, No.4 (Summer 1972)

Festenstein, Mathew, "Toleration and Deliberative Politics" *Toleration, Identity and Difference, ed. John Horton and Susan Mendus (London: Macmillan Press, 1999*

Fiorenza, Francis Schussler. "The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction" in *Habermas, Modernity and Public Theology*, Don S. Browning and Francis Schussler Fiorenza. eds. New York: Crossroad Publishing, 1992

Fitzgerald, Garrett. "Toleration or Solidarity?" in *The Politics of Toleration-Tolerance and Intolerance in Modern Life*, Susan Mendus. ed. Edinburgh University Press, 1999

Flynn, Jeffrey. "Habermas on Human Rights: Law, Morality and Intercultural Dialogue", *Social Theory and Practice,* Vol. 29, No. 3 (July 2003)

Forst, Rainer. "Toleration", *The Stanford Encyclopedia of Philosophy (fall 2008 Edition)*, Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/toleration/>.

Forst, Rainer. "Toleration, Justice and Reason", *The Culture of Toleration in Diverse Societies*, ed. Catriona McKinnon and Dario Castiglione. Manchester, New York: Manchester University Press, 2003

Freeman, Samuel. *Rawls.* London, New York: Routledge, 2007, reprinted 2008

Galeotti, Elisabetta, *Toleration as Recognition*. Cambridge University Press, 2002

Gilbert, Paul. "Toleration or Autonomy", *Journal of Applied Philosophy,* Vol.17, No. 3 (2000)

Habermas, Jurgen. Ratzinger, Joseph. *The Dialectics of Secularization: On Reason and Religion.* Ignatius Press, 2007.

Habermas, Jurgen. "From Power Politics to Cosmopolitan Society" in *Time of Transitions* Ciaran Cronin and Max Pensky. eds. Cambridge: Polity, 2006

Habermas, Jurgen. "A Conversation about the God and the world" in *Time of Transitions*, Ciaran Cronin and Max Pensky. eds. Cambridge: Polity, 2006

Habermas, Jurgen. "Remarks on Legitimation through Human Rights" in *Postnational Constellations*. Cambridge, Massachusetts: MIT Press, 2001

Habermas, Jurgen. "The Postnational Constellation and the Future of Democracy" in *Postnational Constellations*. Cambridge, Massachusetts: MIT Press, 2001)

Habermas, Jurgen, "Faith and Knowledge" in *The Future of Human Nature*. Cambridge: Polity Press, 2003

Habermas, Jurgen. *The Divided West*. Cambridge: Polity, 2006

Habermas, Jurgen. "Post-Secular Society? What does that mean?", paper presented at the Conference "Istanbul Seminars, East and West" (June 2-8 2008)

Habermas, Jurgen. "Role of Religion in the Public Sphere", *Philosophia Africana*, Vol. 8, No.2 (August 2005)

Habermas, Jurgen. "Role of Religion in the Public Sphere", *European Journal of Philosophy* Vol.14, Issue 1 (Apr. 2006)

Habermas, Jurgen. "Intolerance and Discrimination", *International Journal of Constitutional Law*, Issue 1(2003)

Habermas, Jurgen "On the Relation between the Secular Liberal State and Religion", *The Frankfurt School on Religion: Key Writings by the Major Thinkers.* New York: Routledge, 2004

Habermas, Jurgen. "Religious Tolerance- The Pacemaker for Cultural Rights", *The Royal Institute of Philosophy*, 79 (2004)

Habermas, Jurgen. "Equal Treatment of Cultures and the Limits of Postmodern Liberalism", *The Journal of Political Philosophy*, Vol.13, Number 1(2005)

Habermas, Jurgen. "Kant's Idea of Perpetual Peace: At Two Hundred Year's Historical Remove" in *the Inclusion of the Other- Studies in Political Theory*, Ciaran Cronin and Pablo de Greiff eds. MIT, 1998

Habermas, Jurgen. "Does Europe Need a Constitution? Response to Dieter Grimm" in *The Inclusion of the Other* Cambridge: Polity Press, 2005

Habermas, Jurgen. "On The Relation between the Nation, the Rule of Law and Democracy" in *The Inclusion of the Other* . Cambridge: Polity, 2005

Habermas, Jurgen. "Reasonable versus "True", or the Morality of the Worldviews" in *Inclusion of the Other-Studies in Political Theory*, Ciaran Cronin and Pablo De Greiff eds. MIT, 1998

Habermas, Jurgen. "The Resurgence of Religion- A Challenge for a secular Self-interpretation of Modernity?", *Paper for the conference 'Religione e Politica nella Societa Post-secolare'* (Rome, 13/9/2007)

Habermas, Jurgen. " Appendix II, Citizenship and National Identity" in *Between Facts and Norms-Contributions to a Discourse Theory of Law and Democracy.* Cambridge, Massachusetts: MIT Press,1996

Habermas, Jurgen. "Beyond the Nation-State?", *Peace Review*,Vol.10, Issue 2 (Jun 98)

Habermas, Jurgen. "Toward a European Political Community", *Society Abroad* (July-August 2002)

Habermas, Jurgen. *Postmetaphysical Thinking: Philosophical Essays*. Cambridge: Polity Press, 1992

Habermas, Jurgen. *Between Naturalism and Religion*. Cambridge: Polity Press, 2008.

Hartogh, Govert Den, "The Architectonic of Michael Walzer's Theory of Justice", *Political Theory*, Vol. 27, No.4 (Aug., 1999)

Hersch, Jeanne. "Tolerance: Between Liberty and Truth", *Diogenes*, No.176, Vol. 44/4 (Winter 1996)

Horton, John, "Toleration as a Virtue", *Toleration: An Elusive Virtue*, ed. David Heyd (Princeton University Press, 1996).

Horton, John ed., *Liberalism, Multiculturalism and Toleration*. London: MacMillan Press, 1993

Horton, John and Nicholson, Peter. *Toleration: Philosophy and Practice*. Aldershot: Averbury, 1992

Ingram, David. "Between Political Liberalism and Postnational Cosmopolitanism: Toward an Alternative Theory of Human Rights", *Political Theory*, 31 (2003)

Jones, Peter. "Toleration, Recognition, and Identity", *The Journal of Political Philosophy*, Vol. 14 (November 2 2006)

Jones, Peter. 'Toleration and recognition: what should we teach?', *Educational Philosophy and Theory*, forthcoming

Jones, Peter. "Making Sense of Political Toleration", *British Journal of Political Science*, 37.3 (July 2007).

Jones, Peter. "International Human Rights: Philosophical or Political?" in *National Rights, International Obligations,* Simon Caney, David George and Peter Jones eds. Oxford, Westview Press, 1996

Jones, Peter. "Toleration, Recognition and Identity", *The Journal of Political Philosophy*, Vol. 14, Number 2 (2006)

Jones, Peter. "International Toleration and the 'War on Terror' ", *Globalizations*, Vol.6, No.1 (March 2009)

Jones, Peter. "International Toleration and Equal Respect", unpublished earlier version of the paper "International Toleration and the 'War on Terror' "

Jones, Peter. "Toleration and Neutrality: Compatible Ideals" in D. D. Castiglione and C. McKinnon eds. *Toleration, Democracy and Neutrality*. Dordrecht, Kluwer, 2003

Jones, Peter. "Toleration, Supererogation and Rights" (forthcoming) in D. Edyvane and Susan Mendus eds., *Toleration Re-Examined*. University Park, PA, Penn State University Press

Jones, Charles. "Global Liberalism- Political or Comprehensive", *University of Toronto Law Journal* 54.2 (2004) 227-248

Johnson, Pauline, "Discourse Ethics and the Normative Justification of Tolerance", *Critical Horizons*, 1: 2 (2000)

Kautz, Steven, "Liberalism and the Idea of Toleration", *American Journal of Political Science*, Vol.37, No.2 (May 1993)

King, Preston. *Toleration*. London: Frank Cass Publishers, 1998

Kuper, Andrew. "Rawlsian Global Justice: Beyond Law of the Peoples to a Cosmopolitan Law of Persons", *Political Theory*, Vol. 28, No.5 (2000)

Larmore, Charles E. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press, 1987

Larmore, Charles E. *The Morals of Modernity*. Cambridge: Cambridge University Press, 1996

Larmore, Charles. *The Autonomy of Morality*. Cambridge University Press, 2008

Larmore, Charles. "The Moral Basis of Political Liberalism", *The Journal of Philosophy*, Vol. XCVI, No.12 (December 1999)

Locke, John. *A letter Concerning Toleration*. Amherst, New York: Prometheus Press, 1990

McKinnon, Catriona. *Toleration: A Critical Introduction*. London, New York: Routledge, 2006

McKinnon, Catriona. "Toleration and the Character of Pluralism", *The Culture of Toleration in Diverse Societies- Reasonable Tolerance*. Manchester and New York: Manchester University Press, 2003

McKinnon, Catriona and Castiglione, Dario eds., *The Culture of Toleration In Diverse Societies.* Manchester and New York: Manchester University Press, 2003

McClure, Kristie. "Difference, Diversity, and the Limits of Toleration", *Political Theory*, Vol. 18, No.3 (August 1990).

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

Mendus, Susan ed., *Toleration and the Limits of Liberalism*. USA: Humanities Press International, Inc. 1989

Mendus, Susan and Horton, John eds., *Aspects of Toleration*. London, New York: Methuen, 1985

Mendus, Susan and Edwards, David eds. *On Toleration*. Oxford: Clarendon Press, 1987

Moore, Margaret, "On Reasonableness", *Journal of Applied Philosophy*, Vol. 13, No.2 (1996)

Murphy, Andrew, "Tolerance, Toleration and the Liberal Tradition" *Polity*, Vol. 29, No.4 (Summer 1997)

Nagel, Thomas. *Equality and Partiality*. New York: Oxford University Press, 1991

Neufeld, Blain. "Civic Respect, Political liberalism and nonliberal Societies", *Politics, Philosophy and Economics* (2005), (4), 3

Nicholson, Peter. "Toleration as a Moral Ideal" in John Horton, Susan Mendus eds., *Aspects of Toleration*. London, New York, 1985

Paetzold, Heinz. "Review Essay- Respect and Toleration Reconsidered", *Philosophy and Social Criticism* (2008), 34, 8

Pogge, Thomas. *World Poverty and Human Rights*, Cambridge, 2002

Pogge, Thomas. "An Egalitarian Law of Peoples". *Philosophy and Public Affairs*. 23.3 (1998)

Pogge, Thomas. "Cosmopolitanism: A Defence", *Crissp*, Vol.5, No.3 (Autumn 2002)

Postema, Gerald, "Public Practical Reason: An Archeology in *Contemporary Political and Social Philosophy*, Ellen Frankel Paul, Fred D. Miller, Jeffrey Paul eds. Cambridge Univeristy Press, 1995

Rawls, John. *The Law of Peoples-with the idea of Public Reason Revisited*. Cambridge, Massachusetts, London. England: Harvard University Press. 1999

Rawls, John, *A Theory of Justice*. Harvard University Press. 1971

Rawls, John, *Political Liberalism.* Columbia University Press. 2005

Rawls, John. "Reply to Habermas", in *Political Liberalism*. New York: Columbia University Press. 1993, expanded edition 2005

Raz, Joseph, "Autonomy, Toleration and the Harm Principle", *Justifying Toleration: Conceptual and Historical Perspectives*. Cambridge University Press, 1988.

Ricoeur, Paul. "Obstacles and Limits to Tolerance", *Diogenes*, No. 176, Vol.44/4 (Winter 1996)

Schwartzman, Micah, "The Relevance of Locke's Religious Arguments for Toleration", *Political Theory*, Vol.33, No. 5 (October 2005)

Schwarzenbach, Sibyl. "Rawls, Hegel and Communitarianism", *Political Theory*, Vol. 19, No. 4 (1991)

Seligman, Adam B. "Tolerance, Liberalism and the Problem of Boundaries", *Symposium: Religious Tolerance and Human Rights, Common Knowledge* (Duke University Press, 2005).

Seligman, Adam B. "Particularist Universalism- A response to Abdullahi An- Naim", *Symposium: Talking Peace with Gods, Part 2, Society* (January, February, 2004).

Tan, Kok Chor. "Liberal Toleration in Rawls's Law of Peoples", *Ethics,* Vol. 108 (Jan., 1998)

Tan, Kok Chor. "The Problem of Decent Peoples" in *Rawls's Law of Peoples: A Realistic Utopia*, ed. David Reidy and Rex Martin. USA: Blackwell Publishing, May 2006.

Tan, Kok Chor. *Toleration, Diversity and Global Justice*. Pennsylvania State University, 2000

Tan, Kok Chor. "International Toleration: Rawlsian versus Cosmopolitan", *Leiden Journal of International Law*, 18 (2005)

Taylor, Charles. *Modern Social Imaginaries*. Durham, London: Duke University Press, 2004

Taylor, Charles. *A Secular Age*. Belknap Press, September 2007

Taylor, Charles. *Varieties of Religion: William James Revisited*. Harvard University Press, 2003)

Taylor, Charles. "Two theories of Modernity", *The Hastings Center Report*, Vol. 25, No.2 (Mar-Apr., 1995)

Taylor, Charles, *Sources of the Self- The Making of the Modern Identity*. Cambridge, Massachusetts: Harvard University Press, 1989

Taylor, Charles ed., *Multiculturalism: Examining the Politics of Recognition*. New Jersey: Princeton, 1992

Thomassen, Lasse. "The Inclusion of the Other?: Habermas and the Paradox of Tolerance", *Political Theory*, 34, 4(2006)

Voltaire, *A Treatise on Toleration and Other Essays*, trans. Joseph Mc Cabe. Amherst, New York: Prometheus Books, 19994

Wallace, Andy. "Reason, society and Religion: Reflections on 11 September from a Habermasian Perspective", *Philosophy and Social Criticism*, Vol. 29 no 5 (2003)

Walzer, Michael. *On Toleration*. New Haven and London: Yale University Press, 1997

Walzer, Michael."The Moral Standing of States", *Philosophy and Public Affairs*, Vol.9, No.3 (Spring 1980)

Walzer, Michael. *Thick and Thin- Moral Argument at Home and Abroad*. Notre Dame: University of Notre Dame Press, 1994

Wierzbicka, Anna. "The Concept of Dialogue in Cross-Linguistic and Cross-cultural Perspective", *Discourse Studies*, Vol. 8(5) (2006)

Williams, Melissa S. and Waldron Jeremy. *Toleration and Its Limits*, Nomos XLVIII, New York: New York University Press, 2008.

Wolin, Richard. "Jurgen Habermas and Post-Secular Societies", *Chronicle of Higher Education*, 9/23/2005, Vol. 52, Issue 5

Williams, Bernard. "Toleration: An Impossible Virtue?" *Toleration: An Elusive Virtue* ed. David Heyd. Princeton University Press, 1996

Wolin, Richard, "Jurgen Habermas, and Post secular Societies", *Chronicle of Higher Education,* Vol.52, Issue 5 (9/23/2005).

Yates, Melissa. "Rawls and Habermas on Religion in Public Sphere", *Philosophy and Social Criticism,* Vol.33. No.7(2007)

Documents:

The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty. http://www.iciss.ca/report-en.asp, p.VII