

Levels of Toleration

John H Dreher, Associate Professor of Philosophy, University of Southern California

Abstract

It might appear that the limits of toleration are so obvious that there is hardly a need to define them. Surely evil should not be tolerated. On the other hand, whatever is good should not only be tolerated but also encouraged. What is neither good nor evil should be tolerated; lest freedom of action and thought be impaired unnecessarily. Yet, this paper argues that these “obvious” truths are not obvious at all.

The problem is that our understanding of the limits of toleration *presupposes* the distinction between good and evil, which raises two difficulties. The first is that there is considerable difference of opinion about what makes good dispositions, actions and policies good. Beyond that, there is a problem of applying the distinction between good and evil to particular cases, which we typically find to be good in some ways and not so good, or even evil, in other ways. Distinguishing good from evil presupposes a sophisticated form of critical self-knowledge that takes care not to assume that any description of an individual case can be readily extended to all the particulars of that case. Therefore, it paradoxically seems that there are times when intolerance should be tolerated; and times when toleration should not be tolerated. The paper argues that the way to a coherent view of toleration is to distinguish various degrees and levels of toleration. The analysis presented is especially indebted to the writings of John Locke, John Stuart Mill and Jean-François Lyotard.

Introduction

It is sometimes said of moral subjectivists that the only thing they will not tolerate is intolerance. “Tolerate everything except intolerance” is an interesting admonition if only because it suggests that the language of toleration bears scrutiny. I suppose that tolerance is a virtue -- but as we shall discover, not just any virtue. If tolerance is a virtue, then, following Aristotle in the *Nicomachean Ethics*, tolerance should be a *state* or, as we might say, a disposition to act or assert. (Aristotle, ca. 350 BCE, p.953: §II,1,1103:13 – 27), If so, tolerance or the disposition to tolerate must be the mean between extremes, but what are the extremes? Immediately we find ourselves on shaky ground. Surely the disposition to condemn or to condemn eagerly or too easily is a vice, the extreme characterized by intolerance. On the other hand, *indifference* also should be contrasted with tolerance. To tolerate is not to embrace or even to accept; it is merely, well, to tolerate. Yet are we really prepared to say that accepting or embracing behavior is an *excess* of “tolerance,” or more naturally, of “toleration?” Moreover, there are “libertines” and “nihilists” who are willing to tolerate virtually any act, however sordid, or any speech, however hateful. If that is toleration, then toleration can go too far, and when it does, it can hardly be a virtue. Obviously, the family of concepts that is united and structured by “toleration” is in need of sorting-out.

An excess of “toleration” surely would include the toleration of evil. Toleration of evil is not mere indifference to evil; the “toleration of evil” seems to imply a decision to refrain from opposing evil, at least for the time being. Perhaps that level of toleration could be justified on the grounds that opposing evil would in the circumstances involve even greater evil. I suppose that is how otherwise great and worthy men like George Washington and Thomas Jefferson rationalized their participation in the practice of slavery. On the other hand, it might be argued that the toleration of evil, however costly and inconvenient the opposition to it might be, is “collaborative” or complicit or even cowardly. For example, toleration of Nazi-Germany’s designs on the *Sudetenland* were deemed to be “appeasement.” The toleration by *Vichy* France of the Nazi program of racial “purification” was not merely “appeasement” but rather “collaboration.” Perhaps it is not too great a stretch to attribute the rhetorical force of “appeasement” and “collaboration” to those World War II experiences. Indeed, there comes a time when toleration goes too far, and certainly is not virtuous. On the other hand, if toleration that is too easy is appeasement or collaboration, perhaps toleration that comes too hard, and is resentful and begrudging, is inauthentic, and is therefore phony and false -- although there doesn’t seem to be a better phrase for false toleration. than “false toleration.

“False toleration” is the sort of “toleration” granted to Huguenots by the *Edit d’Nantes* in 1585. Perhaps in 1585, as the Spanish Inquisition gained strength, the *Edit* could be counted as a tolerant gesture inasmuch as it granted French protestants relief from the “justice” of the Inquisition. On the other hand, the *Edit* virtually excluded Huguenots from public office and restricted their opportunities for economic advancement. This illustrates the point that there are different senses to be attached to “levels or degrees” of toleration. One way to compare various schemes of toleration is to sort out just what will be allowed and to what degree. In the ante-bellum South, where slaves were merely chattel, their liberties depended upon the principles (or whims) of their “owners.” Yet, “genuine” toleration cannot be a matter of whim, which is arbitrarily granted and too easily withdrawn. Even the Thirteenth, Fourteenth and Fifteenth Amendments to the *United States Constitution*, which granted slaves liberation and citizenship, hardly ushered in an age of toleration. Liberated slaves were not nearly as well off as the maligned Huguenots. *Acceptance* of former slaves and their progeny into American society was long-coming, and until recently was not even deemed to have been intended by the famous amendments. What shall we say of this dreary record of reluctant virtue? Perhaps it is right to say that for over a century the great amendments were examples of “false tolerance.”

The purpose of these introductory remarks has been to reveal the complexities involved in thinking about toleration at a very abstract level. Indeed, Aristotle, the parent of “virtue ethics,” warns us not to expect too much from ethics; not to think of it as an “exact” science, like mathematics or physics. Yet, if the concepts of virtue ethics are not to be explicated with the rigor of the likes of “mass,” “velocity,” force,” or “kinetic energy”, then perhaps we should not seek *definitions* of them at all (contrary to Aristotle), but rather should think of them differently, perhaps by reflecting upon *the ways the words are “used” in ordinary language*. That is the approach of this paper, but even so, we shall find that tolerance can be *worked into an* (if not the) Aristotelian model as a “meta-virtue,” a *virtue that enables us to keep our virtue*, much in the way that Aristotle conceives

continence in the *Nicomachean Ethics*. (Aristotle, 350 BCE, pp.1038f: §VII,7,2,1145:21-35-1146-31.)

How to Reflect Upon Ordinary Language: Wittgenstein: During his later period Wittgenstein argued that many of the concepts that concern philosophers cannot be fully or even plausibly explicated by definitions, in the ways of Socrates, Plato and Aristotle. During the 1920s philosophy itself was trying to be “scientific” even though it was obvious that ethics cannot be usefully regimented by the structures of formal logic, mathematics or the technical language of natural science. The conclusion drawn was not merely that ethics (and other values) are not “scientific” but rather that they are not even “cognitive,” which is to say that they cannot be objects of knowledge or even rational belief. Wittgenstein more or less endorsed this view – indeed he did much to initiate it. He argued that philosophers would be going badly wrong to imitate mathematicians and natural scientists when it comes to “faith and morals.”

Wittgenstein began to make his case the case during 1928- 29 in his famous “Lecture on Ethics,” which he delivered in German on the continent and in English at Cambridge University in November 1929. He argued that the concepts of ethics, like the concepts of religion, do not have referents that can be *publicly* identified. In other words, whatever we mean by “good” or “evil” or “God” cannot be explicated by referring to entities or properties that we can all examine *in common*. In this way words of religion and ethics are *unlike* our words for ordinary things like apples and pears. That “apple” refers to apples is taught simply by holding up apples. We learn to contrast pears and apples by seeing them together, and even by touching or tasting or smelling them. Wittgenstein’s main arguments, as well as reflections by like-minded philosophers of the period, like Igor Alexander Richards, gave rise to the radical subjectivism of the 1930s that was championed by A.J. Ayer and Charles Stevenson. Yet, Wittgenstein was not happy with the logical positivism of the 1930s. Wittgenstein certainly did not think that ethics could be deemed to be a science, and he concluded that knowledge, properly speaking, belongs only to mathematics, natural science and common-sense *perceptual* judgment. On the other hand, to say that ethics is “subjective” and hence “not scientific” (and therefore not the sort of thing that can be known) is *not* to say that it is *worthless*. Indeed, Wittgenstein qualifies his apparent rejection of ethics and religion in the very last lines of “Lecture on Ethics,” where he writes:

Ethics so far as it springs from the desire to say something about the ultimate meaning of life, the absolute good, the absolute valuable, can be no science. What it says does not add to our knowledge, in any sense. But it is a document of a tendency in the human mind, which I personally cannot help respecting deeply, and I would not for my life ridicule it.
(Wittgenstein, 1929, pp. 81 – 6)

Perhaps ethics cannot yield knowledge, but for Wittgenstein that does not imply that it is worthless. Anything that “we cannot help but respecting deeply” is hardly worthless, but if the study of ethics is worthwhile, then it must be important to determine how rational people think about it. Wittgenstein’s answer is not systematic, but it is clear that he thinks that reflecting upon the *use* of *ordinary* language is the key to appreciating what cannot be validated by the methods of logic, mathematics or natural science. In effect, we argue about ethics and religion by reflecting upon

the uses we make of ordinary language in constructing the arguments that are brought for and against various positions, all of which raises the crucial question: Just how can reflecting upon ordinary usage be sufficient to justify ethical beliefs? Wittgenstein's answer involves a set of interdefinable concepts including *narratives*, *language games* and their *rules*, and ultimately "*forms of life*."

For example, how shall we think about the morality of killing? The biblical commandment, "Thou shalt not kill," flatly condemns killing, but the matter is not so easy. After all, if *all* killing is evil, then it is evil to kill a mosquito. So, the biblical admonition requires interpretation. Perhaps the commandment should be read "Thou shalt not murder," but the revision would do little to help, because murder is *wrongful* killing (but of what? a human being, a rational animal, a "moral" creature?). Philosophers like to consider "puzzles" to test their philosophical intuitions. The present case about killing brings to mind the famous (or is it by now the infamous?) Trolley Problem. The engineer if a trolley sees that at the bottom of the hill there are five people who will surely be killed if the trolley continues on its course. The circumstances of the case make it obvious that there is nothing that engineer can do to avoid the tragedy, except to turn the trolley to the left onto the side rail. Unfortunately, however, there is a person standing on the side rail, as it were, the "off ramp." Once again, the circumstances of the case make it absolutely clear that the potential victim will be killed if the engineer turns the trolley onto the off-ramp. Under the circumstances, what is the right thing to do? Mowing down people by a trolley is of course absolutely intolerable. Some philosophers, particularly "deontologists," argue that the conundrum can be resolved by carefully attending to the distinction between acting and refraining. Taking the 'off ramp' is an action; whereas, staying on course is merely accepting the inevitable and therefore is not an action; it is *refraining* from taking the off ramp, which is to say an "inaction". We are responsible for our actions, but not for our "inactions." This view is unacceptable to "consequentialists" (utilitarians). They claim that *refraining* from acting is a *special sort of acting*, and therefore that we are responsible for the consequences that derive from our inactions as well as our actions. In their favor, it certainly must be granted that refraining from fulfilling obligations is generally morally culpable. A man cannot be excused from supporting his children on the grounds that not sending the monthly check is merely a "refraining." In the present case, refraining from turning onto the "off ramp" arguably amounts to the action of killing five people, and utilitarians will surely argue that five deaths are worse than one.¹ This goes to show that what really counts are *the standards or the rules* by which we make moral judgment. According to Wittgenstein, *those "rules" are imbedded in ordinary language*. Where ordinary language fails to resolve a moral question, it merely shows that its rules are incomplete. That means that they require amendment, perhaps just as the *Constitution* required amendment during the period of the Civil War. The rules by which we evaluate action and thought are not just characterizations of our tendencies or behaviors. They require some sort of justification for moral rules, which generally involves showing that the rules are at least compatible with other, *well-established* rules. The complex of rules by which we judge the morality of actions and the rationality of beliefs are justified by a "*narrative*." In the case of killing, the justification might well turn (1) to religious

¹ For a discussion of the issues concerning the distinction between acting and refraining, see (Williams, 1973, pp. 457 – 75).

authority, perhaps to *Exodus 20*, or (2) to the secular Kantian view, which rests upon the ancient the ancient “wisdom”, “*fiat justitia, ruat coelum*,” or finally (3) to the breezy, insouciant utilitarian standard, which is to maximize pleasure where the greatest pleasure is the minimization of pain. All these are different *narratives* which state the rules by which to judge moral claims. Those rules determine permissible (legitimate) “*moves*” in the “*language games*” of Western ethical discourse. A *form of life* is revealed by the narrative that somehow generates the set of rules that define its associated “language game,” whether moral or aesthetic, whether secular or temporal. Moving from one form of life to another can be uncomfortable and can even seem to be ridiculous, but following Wittgenstein, we should forbear ridicule of what seems to be ridiculous because what seems ridiculous to us may be precious to others. One really cannot effectively criticize a form of life or its characteristic language game *from the outside*; because what is from the outside is yet another language game, generated by a different narrative. Its criticism of a competing narrative is criticism that is defined within its own narrative and is therefore incommensurate with other competing narratives. We might as well criticize Euclidean Geometry from the standpoint of Riemannian Geometry. The only way to compare the two is to establish *yet another narrative that generates a further language game* with its own rules that includes reference to both geometries.

The Narrational Approach; Lyotard: It would be nice to have a more precise, settled interpretation of Wittgenstein’s insights, and this hope is not to disparage Wittgenstein as a philosopher. Indeed, the Wittgenstein of the *Tractatus Logico-Philosophicus* knew very well what it means to write precise philosophy.² Fortunately, there is a comparatively lucid theory of ordinary language that is derived from Wittgenstein. That approach, which I call the “*narrational approach*,” is indebted to the writings of Jean-François Lyotard. By the end of World War II -- which marks the beginning of the “postmodern era” -- many philosophers believed that the earlier dogmatic approaches to moral philosophy had failed. They argued that religious approaches rest upon questionable metaphysical assumptions. Secular approaches had failed to satisfy the two

² In the *Tractatus Logico-Philosophicus* Wittgenstein tries to conceive of *reality as a set of facts*. Those facts can be mathematical or perceptual (viz. discovered by ordinary perception) or scientific, or anything that can stand in a comprehensible relation to those fundamental facts. Facts bear *logical* relations to each other. Those relations are explicated within the structure of the mathematical logic that was published by Bertrand Russell and Alfred North Whitehead in 1910 – just five years after the publication of the “Special Theory of Relativity” and five years before the “General theory of Relativity.” In the *Tractatus Logico-Philosophicus* Wittgenstein tries to develop a *logical structure that will include all the pertinent facts that constitute reality*. (Wittgenstein, 1921, pp. 7 – 11) So, Euclidean geometry and Riemannian geometry will be competing structures that refer to different facts when it comes to parallel lines. The *Tractatus* was written by Wittgenstein in the trenches of World War I, where he served as a conscript in the Austrian army; the *Tractatus* was later accepted by Russell and G.E. Moore as Wittgenstein’s doctoral dissertation. By 1929 it became apparent to Wittgenstein that the structure that he envisaged in the *Tractatus* could not accommodate the claims of ethics or religion because those claims were not validated by the facts that they purported to state. Yet, in 1929 Wittgenstein also wrote the lines quoted above: that he could not help but respect the tendency of the mind to seek those facts (of ethics and religion) and that he would not, for his life, ridicule the tendency to seek them. Much later, Wittgenstein came to think that the vehicle by which we express truths is *richer* than what can be compressed into the structure of mathematical logic and ontology of the *Tractatus*. That, of course, made room for the idea that ethical and religious discourse can be meaningful, at least in the sense that it can be used to convey thoughts that are important, whatever ontology there might be to undergird them. I should emphasize that readings of Wittgenstein are always controversial, much in the way of biblical interpretations that are disparate and controversial. I offer my own reflections modestly and tentatively.

great requirements of secular moral philosophy, which are: To distinguish good from evil and to show that the good is normative; that is, that the goodness of an act is always a sufficient reason for choosing it rather than its evil alternative. Dealing with moral questions, according to Lyotard, is not a matter of revelation, or discovering a special sort of facts, or giving proofs, but rather is a matter of *conscientious persuasion*. Of course, conscientious persuasion does not include bullying, banal advertising or the clamorous diatribes of politicians. On the contrary, conscientious persuasion involves the development of “narratives,” which are constrained by the rules of what Wittgenstein calls “language games,” and which thereby determine and define “forms of life.” As Lyotard writes:

It is useful to make the following three observations about language games. The first is that their rules do not carry within themselves their own legitimation, but are the object of a contract, explicit or not, between players (which is not to say that the players invent the rules). The second is that if there are no rules, there is no game, that even an infinitesimal modification of one rule alters the nature of the game, that a “move” or utterance that does not satisfy the rules does not belong to the game they define. The third remark is suggested by what has just been said: every occurrence should be thought of as a “move” in the games. (Lyotard, Bennington and Massumi, trans., 1984/2017, p. 1550)

Even if the methods of logic, mathematics and natural science cannot reach into subjects that are naturally deconstructed as “narrational,” it is nonetheless true that the narrational approach can help us to illustrate and understand the methods of the precise sciences. Consider a concept like “existence” in mathematics, say, the existence of sets. It is natural to think that sets can be straightforwardly created by stipulation. For example, the set consisting of the first ten natural number is $\{1,2,3,4,5,6,7,8,9,10\}$. Despite appearances to the contrary, one *cannot simply create sets by stipulation*. For example, consider the equation: $x^2 + 1 = 0$.³ Now let S be the non-empty set of all real numbers satisfying $x^2 + 1 = 0$. Well, there are no sets of real numbers that satisfy that equation.⁴ So, S does not exist. It is a rule of the language game of mathematics that one cannot simply stipulate the existence of an entity.

Of course, the same principle about defining entities into existence applies to natural science. Imagine a laser light beam, L, that extends from Earth to the center of the sun. Now *let* L* be a laser light beam that is parallel to L and that passes through a point 100 miles from the “surface” of the sun. We may “posit” L* if we please, but what we have posited does not therefore exist. In this case, L* does not exist because space is Riemannian, which is to say that in the neighborhood of massive objects (like the sun), straight lines do not have any parallels at all. By the way, this observation, which is the foundation of Einstein’s General theory of Relativity, would have seemed inconceivable before the 19th century; yet it is true. The upshot is that we may “define” L* to be the parallel of L, but “define” it as we will, the resulting “definition” does not prove that a parallel

³ The solution to $x^2 + 1 = 0$ is $x = \sqrt{-1}$, where $\sqrt{-1}$ is an imaginary number, i .

⁴ One might say that the set satisfying $x^2 + 1 = 0$ is actually the empty set consisting of all reals that satisfy the equation, which are exiguous. That, of course, is why I stipulated above that the pertinent set is the non-empty set.

to L exists and hence does not prove that L* exists. The rules by which language games are played determine what counts as a legitimate “move” within the language game.⁵ Tolerance, as we shall see, determines legitimate moves within the language games of moral and political discourse.

So, to return to our discussion about killing as it is treated within *the biblical context*, the rules of the game require our arguments to be *grounded in biblical literature*; one cannot just import an argument from the utilitarians or Kantians and claim that they validate biblical teaching about killing. Grounding a position within a tradition or body of literature determines the forms of argument that can be adduced in support of it. Those rules *define* the language game. The same goes for ideologies in general. One cannot argue with a communist from a biblical perspective. Similarly, what counts as a persuasive argument from human rights depends upon what we count as a human right, and that is defined by a narrative. The biblical narrative or the communist narrative or the narrative of Western democracies differ radically from one another, *which raises the obvious question*: How are we to adjudicate competing narratives? How can we devise a method by which incommensurate ideologies can talk to each other? *That requires yet another narrative, one might say a “meta-narrative.” That meta-narrative, I shall argue, is the narrative of meta-toleration.*

Before launching the detailed discussion, it will be useful to lay out the general strategy underlying the argument. In saying that toleration is a meta-narrative, I am contrasting it with an ordinary narrative. Concerning toleration, a meta-narrative tells us *what is to be tolerated in ordinary schemes of toleration and what is not to be tolerated; that is, what is intolerable*. In this ordinary sense, someone may argue that abortion is intolerable (or the reverse, that it is tolerable) or that pre-emptive warfare is tolerable (or the reverse, that it is intolerable). But the deeper question is this: Just what are the standards that we are going to apply when evaluating competing schemes of *ordinary* toleration. Some discussions will tolerate appeals to religious authority; some will not. Some will focus on international agreements; others will not count prior agreements for anything. In claiming that the best meta-narrative about ordinary toleration is meta-toleration, what *I am claiming is that at the “meta-level” the only thing that cannot be tolerated is intolerance*. Or in other words, meta-toleration is a default state. This means that in discussions of ordinary toleration, anything at all may be tolerated as *a purported justification – except justifications that are by their nature intolerant*. So, the paradigm of an intolerant justification would be that of a dictator (or a tyrannical father or a tyrannical boss) who demands that something be permitted or forbidden *just because he says so*. My argument for this is hardly conclusive, but it does fall within

⁵ Vain attempts to define entities into existence do not occur only in the contexts of mathematics and physics. For example, there have been many attempts to “define” God into existence. Famously, St. Anselm argued something along these lines: We have a conception of God, which is to say a conception of an entity that is perfect (complete) in every conceivable way. An exiguous entity cannot be perfect in every conceivable way, because an exiguous entity does not exist and hence lacks a perfection. Hence, either we are mistaken in our conviction that we have a genuine conception of God, or else God exists. But we clearly do have a genuine conception of God. (After all, how can it possibly be argued that we cannot even think of God?) Therefore, God exists. The question is really whether or not we can be sure that we really do have a conception of God *if having that conception depends upon the existence of God*. The foregoing is just one of many possible readings of Anselm’s very challenging argument, which even in modern times was endorsed (notably) by Descartes but also severely criticized (notably) by Kant. Anselm’s argument is found in (Anselm, ca.1070, chapter 2.); Descartes’ version of the argument is found in (Descartes, 1641, pp. 44 - 49) and Kant’s criticism is found in (Kant, 1781, pp. 501 – 07).

the mainstream of Western thinking, as I shall demonstrate in the following two sections. These are the sections indebted principally to Locke and Mill and secondarily to Hume. One might counter that all this really doesn't constitute an argument for the meta-narrative of toleration, and in a way that is true. It only counts *as an argument from the perspective of mainstream Western thinking about toleration*, but this, it seems to me, is something worth examining in detail, because it will at least help us understand exactly which intellectual commitments we are making when we play the Western meta-language game of toleration.

Once we have an understanding of the meta-narrative of toleration, we can apply it to ordinary disputes about toleration. And what we shall learn from Mill about this is that the *principal* value of political morality (by which we judge schemes of political organization morally good or bad) is not equality or fairness or intellectual accomplishment or the preservation of heritage but rather *liberty*, especially liberty of conscience but more broadly the liberty to live according to one's own values, as long as those values are not intolerant. In this sense, the meta-narrative of toleration guides our reasoning about ordinary moral and socio-political values.

The Narrative of Toleration: Religious freedom (toleration) became *the* critical *moral* issue in the wake of the Protestant Reformation, especially after the Thirty Years War. It seemed to many thinkers that the religious differences that prompted wars were trivial compared to the human suffering engendered by those conflicts. During the latter part of the seventeenth century religious toleration and freedom of worship came to be viewed as the only reasonable alternative to the violence of the earlier era. No doubt, advocacy of freedom of religion was prompted not only by war but also by the first glimmer of the Enlightenment. How could religion be viewed as a matter of "knowledge" in a period in which Galilean and Newtonian science had shown what knowledge really is? What point could there be in arguing, *much less fighting*, over matters of faith that are fundamentally unresponsive to the methods of the new science?

It is true that John Locke argued at length in 1690 in *An Essay Concerning Human Understanding* for the existence of God. His argument essentially is based upon the idea that something must have existed from all eternity, Otherwise, we must "imagine that pure nothing, the perfect negation and absence of all beings, should ever produce real existence." (Locke, 1690, p. 312) Moreover, Locke insisted that not only must there be something that has had existence from all eternity, but that "something" must be "cogitative," because *only cogitative things could possibly produce cogitative beings* (like us). Locke concludes that this discovery of an "eternal mind" does "sufficiently lead us into the knowledge of God. (Locke, 1690, p. 316) He goes on to consider objections to his view; the most important of which is that his theory requires us to believe that a cogitative being could create matter out of nothing. How, indeed, is this possible? It is at this point that Locke dramatically qualifies his claim to have *knowledge* of God:

But you will say, Is it not impossible to admit of the making anything out of nothing, *since we cannot possibly conceive it?* I answer, *No*. Because it is not reasonable to deny the power of an infinite being, because we cannot comprehend its operation. (Locke, 1690, p. 322)

Locke goes on to argue that in other areas, including physics, we affirm powers even though we cannot conceive of the means of their operation. For example, we cannot conceive of the means by which a body is moved except by impulse of one body to another. Yet, we do not deny that we voluntarily move our bodies at will, and not by the determination of other bodies. By parity of reasoning, we ought not deny the power of God, an eternal mind, to move or to create bodies. Locke is quick to acknowledge that there will be complaints by those who insist that the idea that a mind can move a body is simply unintelligible; yet, Locke reminds us that we must not arrogantly assume that our minds are adequate to the understanding of all things.

...it is an overvaluing of ourselves to reduce all to the narrow measure of our capacities; and to conclude all things impossible to be done, whose measure of doing exceeds our comprehension. This is to make our comprehension infinite; or God finite, when what He can do is limited to what we can conceive of it.

Indeed, Locke concludes that inasmuch as we cannot understand the “operations of our own finite minds, it is not surprising that we cannot conceive the “operations of the eternal infinite Mind.” (Locke 1690, p. 323f.)

The ineluctable conclusion is that Locke proclaimed that the justification of the details of our beliefs about God are simply beyond the resources of human intelligence. They are matters of faith, and therefore intensely personal. To be sure, this line of thought has been developed to the point that some philosophers insist that any belief in God must be hopelessly irrational. Be that as it may, the wars of the seventeenth century were not fought over the existence of God but rather over the details (to some, the *minutia*) of theistic religion. How can it be rational to demand that others adhere to one or another form of religious faith when there isn't a rational way to determine which conception correct? Toleration of religion becomes the rational course if only because rationality is the disposition to proportion belief to evidence. Indeed, Aristotle remarks in the *Nicomachean Ethics* that a truthful man is “true both in word and in life, because his character is such.” He continues to argue that “to pretend to know what one does not know, is worse than the “mock” modesty that understates knowledge .” (Aristotle, ca. BCE 350, p. 999f.: IV,7,1127a 13-35; 1127b 1-22.) It is reasonable to think that Aristotle would approve of Locke's cautionary words about the religion that Aristotle himself did not know. Dogmatic religion cannot justify the beliefs and way of life that it tries to force others to endorse and to follow.

All this helps us to understand narratives and language games. For example, there is a distinction in chess between a bad move and an illegitimate move. Moving a knight from a square that exposes the king is probably a *bad* move but moving a knight three squares up and one square over is an *illegitimate* move. Locke's discussion of religion had the effect of turning religious faith into an *illegitimate* move in justifications of scientific beliefs and even of political systems. In this context, “illegitimate” means irrelevant. Religious belief simply no longer has a place in arguments that are designed to support scientific belief or political theory.⁶

⁶ Ironically followers of Locke have not always resisted the temptation to turn to God to validate their political beliefs. For example, Thomas Jefferson writes in the *Declaration of Independence* that we are “endowed by our Creator” with

Locke's views about religious toleration are explored in detail in his "Letter Concerning Toleration," which was probably written in 1685 and was published in 1689. In that letter Locke insists that both with respect to worship and to the articles of faith, persons ("each man") must decide for themselves ("for himself") which faith, if any, to embrace and how to express it. Civil government has no reason or right to prefer one faith to another. Indeed, Locke famously distinguishes between the purpose of the church and the purpose of the state. He criticizes "ministers of the state" who seek to establish an "unhappy agreement" between church and state, and thereby to increase the "dominion: of princes and authorities." Church and state must remain separate, and the use of religious doctrine to promote or validate the authority of princes is an illegitimate move in the justification of the civil law and the order that it enjoins. In fact, the "unhappy agreement" between church and state usually makes for discord between the two, which gives rise to "incendiaries and disturbances of the public peace." All that could be avoided entirely if only "each of them would contain itself within its own bounds—the one attending to the worldly welfare of the commonwealth, the other to the salvation of souls." (Locke, 1689, p. 220) The interference of clerics in the affairs of state is no more to be tolerated than the usurpation of religion for political purposes by princes and authorities. Locke concludes his letter with the line that has reverberated through the centuries:

That all ecclesiastical men, who boast themselves to be the successors of the Apostles, walking peaceably and modestly in the Apostles' steps, without intermeddling with State affairs, may apply themselves wholly to promote the salvation of souls. (Locke, 1689, p. 221)

For more than a thousand years princes and authorities would appeal to Paul's admonition to obey the commands of secular authorities, "ministers of God," who rightfully command obedience for the good of their subjects, who in their turn "must needs be subject, not only for wrath, but also for conscience sake." (*Romans*, 13: 1 – 7). One might have argued that rebellion is sometimes justified against authorities whose rules are unjust, but it seems to follow from Locke's theory that neither obedience nor resistance to secular authority can ever be justified by *appeal to religion*, even though, as we shall see, it is plain that resistance is justified when it is provoked by the abuse of the "social contract." In any case, the point about religion stands: the appeal to religion is not merely a "bad" or foolish move, as it might have been argued in justifying opposition to an egregiously self-centered, arbitrary emperor, perhaps an Elagabalus, but rather the appeal to religion is a completely *irrelevant* gesture in any attempt to justify political authority or resistance to it. On the other hand, it is crucial to keep in mind Locke's admonition that the secular authorities must tend to *their* own business and not intrude upon the "conscience" of their subjects. When it comes to conscience, each subject is always free and right to put God and salvation before the

certain inalienable rights. Natural rights are those that arise in nature (in contrast to artificial rights that rights that are conventional.) Indeed, David Hume insists that both justice and promise-keeping are "artificial" virtues. According to Hume, natural virtues arise from our nature; for example, from affection between the sexes and their progeny. We act in the interest of those we love out of love, and not out of obedience to conventions to which we must conform in order to remain in good standing within our society or country. On the other hand, justice and promise-keeping, Hume claims, do not come naturally and hence often diverge from our heart's desire. Justice is established for the maintenance of society and for the promotion of its benefits to the whole, whose interests may diverge from those of particular citizens. (Hume, 1737, pp. 307 - 22)

state. Locke concludes that “the power of civil government’ relates only to “to men’s civil interests and hath nothing to do with the world to come.” (Locke, 1689, p. 175) To summarize, we are obliged to obey magistrates so long as their commands do not violate the social contract between the governors and the governed and as long as magistrates keep to their own business, which is secular, and does concern the salvation of souls in the world to come.

If religion cannot justify political authority, what can? Locke answers that question in a yet another narrative. It is his famous doctrine of the *social contract* that naturally emerges from the *state of nature*. Imagine humans finding themselves in a quasi-society without political structure. Locke claims that even in that state individuals have rights, so-called natural rights. Those rights include life, liberty and property, and also the right to “punish” those who infringe upon natural rights. People in the state of nature quickly see that it is to their advantage to gather together and to form a union to protect their rights and to avoid the many “inconveniences” that arise within the natural state. An offense against the rights of an individual thereby becomes an offense against the right of the union of all individuals, and the right to punish infractions is therefore ceded by the individual to the union. The union establishes a government, to protect the rights of its members, and the government rules solely by the consent of the governed. (Locke, 1688, pp. 5 – 13) Henceforth the justification for political authority (that is an institution or government that wields power legitimately) depends upon whether or not the authority enjoys the continued consent of the governed. This means that the justification of the use of political (especially judicial) power *must always be validated by the consent of the governed*, which is the move required by the Lockean language game of *the legitimation of political authority*. Generally, people are *born* into states and thereby become *de facto* subject to its laws. But what about their consent? The rules of the game require that the narrative of consent be sustained. Some have suggested that those born to citizenship should be given the opportunity upon maturity to affirm or reject the social contract. Alternatively, some have argued that merely accepting the protection of the state counts as *implicit* consent to obey its laws. The important point here is that it is the *narrative* of the social contract that establishes what counts *as relevant* to justifying the demands of the state upon the individual, and what is relevant is the consent of the governed.

This brief summary of some of Locke’s main ideas illustrates the narrational approach to justification. The rules of the “language games” are essentially rules of *relevance*. So, it is easy to see that Lyotard is quite right to insist that *even a minor change in the rules changes the game entirely*. If we were to change the rules of chess so that a knight could move either two or three steps and then over one, the game would be entirely different. It would not be chess, but something akin to chess; call it chess*. Locke’s political philosophy gave rise to new political structures and doctrines of right and wrong and *thereby rules about what can, cannot and must be tolerated*. According to Locke, our freedom from arbitrary power means that we cannot “enslave” ourselves to “any one,” nor put ourselves under the absolute arbitrary power of another to take away our lives when he pleases.” Thus, the right to life is inalienable; it cannot be given away by consent. It appears that in one stroke Locke rejects slavery; moreover, he rejects its most vile form, which is “to place” an individual under the “absolute arbitrary power of another to take away his life when he pleases.” (Locke, 1689, p. 16) Unfortunately, Locke does not reject more moderate forms of servitude, as in cases where there are “lawful” conquerors and their captives.

In this form of servitude, the captive submits to the *limited* power of captor. It is revealing that here once again the narrative conforms itself to the rule that power is legitimate only by consent – in this case *implicit* consent that the captive gives by entering into the fray. Of course, even if the appeal to implicit consent is conceded to be a legitimate move, it does not follow that it is a good move. To my way of thinking, the argument that a prisoner of war has “compacted” (that is to say, has implicitly consented) to submit to a conqueror’s “limited power” stretches the principle of consent until it cannot help but to scream loudly in protest.

All this illustrates the obvious, which is that serious issues of implementation arise concerning Locke’s philosophy. If the governed are governed by common consent, mustn’t there be a procedure that is consented to by all in order to generate common consent? The *procedures* to which we consent are in fact the rules of a *meta-narrative*, which tell us how the mechanism of consent is meant to work. In the history of the United States we find that the meta-narrative is carried out by the legal system established by the *Constitution of the United States*. It defines the rules by which to determine that the governed actually have given consent to the rules by which they are governed., Most importantly, the rules of free discourse are established, particularly by the first amendment to the *Constitution*, which provides for freedom of speech and press. Here is enshrined the doctrine of toleration in its contemporary form. Informed consent presupposes free discussion, and that means that virtually all discussion must be tolerated. We may *say* or *write* whatever we please, without fear of the legal authorities, as long as we do not actually *do* anything about what we are pleased to say or write. Even when there are restrictions on free speech, for example in the prohibition of “hate speech,” the restriction is validated by appealing to the rules that guarantee toleration. Hate speech terrifies and inhibits free and open debate, and therefore terrifying and inhibiting count as *actions*. Acts of intolerance can hardly be justified by appeals to toleration.

To my way of thinking, the best and most subtle case for toleration is due to John Stuart Mill. In his *On*

Liberty, Mill celebrates an expansive view of toleration that originates with Locke and continues on through thinkers like Thomas Jefferson, whom Mill acknowledges. Mill’s basic idea is that it is intolerance, the suppression of thought and speech, that imprisons the ignorant and gullible within the dark dungeons of prejudice and ignorance. Mill focuses on religious intolerance. Generations may come and go without questioning the implausible tenets of dogmatic religion. The only escape routes are the free expressions of ideas and arguments, by which enforced and re-enforced dogmas can be undermined. Although Mill has religious dogmas in mind, he would unquestionably been just as harsh on the secular ideologies of totalitarians that punish all those with the temerity to defy the almighty state. (Mill, 1859, p. 61 -3; especially p. 59)

Mill’s passionate plea for tolerance of thought and speech solidified the political liberalism that began with the publication of Locke’s great emancipatory works. For Mill, tolerance is not only an intellectual virtue, but a moral virtue as well. That is because toleration acts as a restraint on those who would impose their ideas about how people *ought to live*. Mill could not have been clearer when it comes to his insistence that all people have the right to liberty. It is true that Mill

insists that human beings should support each other in the use of their “higher faculties” in order to choose the wise over the foolish; however, Mill also insists that no one is warranted *even in saying* what another human being should do with her or his life. He writes in *On Liberty*:

But neither one person, nor any number of persons, is warranted in saying to another human creature of ripe years, that he shall not do with his life for his own benefit what he chooses to do with it. (Mill, 1859, p 84.)

How we ought to live is, of course, a matter of what we believe to be of value. Intolerance, whether in the state or in a home, seeks to quash the freedom of individuals to define themselves and to seek their own destinies. In *The Subjection of Women* Mill criticizes the sorry plight of women, which is principally due to men, typically husbands and fathers. Subjection, in this context is among other things an unwillingness to allow the oppressed to exercise power over actions or ideas. Mill argues that intolerance occurs both at the individual level, within the family⁷ and at wider societal levels, including governments and churches. Typically, in Mill’s time there were laws prohibiting women from owning or managing real property and especially financial assets. Until the middle of the 19th century women were ineligible for positions in governments and even universities. The unwillingness to *tolerate the exercise of power* is invalidated by the rules that define the narrative of tolerance. The rules of the game demand that asymmetrical treatment *be justified*. As a consequence, for much of modern history those who have sought to restrict the power of women (or of other groups) have sought to justify asymmetrical treatment by *devaluing the abilities and “natures”* of those they sought to suppress. (See, for example: Mill 1869, pp. 524 – 56). One by one the aspersions have been defeated, sometimes by force, but ultimately by gathering the empirical evidence that refutes the putative justifications for unequal treatment. From Mill’s standpoint, and our own, the most important lesson is that the very institutions of intolerance that sought to suppress also give rise to acts of suppression that make it virtually impossible to gather the evidence that would ultimately undermine the false narrative that supported suppression. That is why it has been a struggle to make a case for equality.

Tolerance as a Form of Life: A life, whether of an individual or an institution, that is characterized by tolerance expresses a *form of life*. It is governed by its own narrative which is defined by the rules of its characteristic language game, which more or less define what counts as reason for or against toleration. The disposition to tolerate, is itself an intellectual and moral virtue, but what should we say of intolerance? In some cases, intolerance appears to be a vice, as it can

⁷ In *The Subjection of Women*, which Mill dedicated in a moving tribute to his late wife, he writes passionately about the plight of women. He presses a comparison of wives to slaves and insists that the oppression of women is often worse than the abuse of ordinary slaves because “she is a slave at all hours and all minutes.” Moreover, Mill insists that the degradation that many wives experience at the whim of tyrannical husbands is far worse than the treatment of most if not all slaves, because a wife sometimes “is made an instrument of an animal function contrary to her inclinations.” (Mill 1869, p. 504) It is worth noting that in the comparison between wives and slaves Mill is often thinking of domestic slavery in the households of Rome. I am certain that Mill would have carried on with even greater vigor against the treatment of slaves in the ante-bellum South and even of many “emancipated” African Americans who were tortured and hanged without any justification -- in many cases just for “fun” -- during and beyond the period of Reconstruction in the South.

function as the disposition to reject or to disregard the rules of toleration; on the other hand, it can also be the disposition to eschew and to condemn evil, which is virtuous. Sometimes intolerance is good and sometimes bad. We have concluded that toleration is a virtue, but sometimes toleration can go too far but: “Anything goes in thought or behavior” appears to be excessive toleration, in that it tolerates more than it should; in extreme cases perhaps it is right to say that excessive toleration is a perversion of toleration and therefore not really toleration at all. Although there isn’t a word for it, excessive toleration is essentially desultory and wanton, it claims that every thought or idea or word or even action is just as good as another. Taking all this into account, perhaps we should conclude that sometimes tolerance functions as a virtue and sometimes intolerance functions as a virtue. Conversely, sometimes tolerance is excessive, and therefore a vice, and most of the time intolerance is vicious, as in cases where it denies others freedom, equality or legitimate power. It is difficult to state the facts, but despite all the above worries, I continue to think that tolerance is a certain kind of virtue. We justly take pride in virtue, and exercise virtue without regret, but we should always be chary of intolerance and mindful that intolerance is usually a matter of regret. How shall we make sense of all this? In particular how are we to make sense of the relation between the ordinary virtue of tolerance and the ordinary vice of intolerance? This is another way of asking just how the language game of ordinary tolerance works when toleration seems to be wrong or when intolerance seems to be right.

As anticipated, my answer is that meta-tolerance is not just another virtue, like courage, or temperance or justice. Tolerance functions as a special sort of virtue like continence. In *Nicomachean Ethics*, Aristotle claims that the continent individual is one who successfully resists the force of desire as it attempts to supersede rational judgment and defeat the familiar virtues of courage, temperance, justice and prudence. He does not think of continence as an ordinary virtue; it is what we might call a “meta-virtue.” (Aristotle, ca. BCE 399, 1145^a 15 – 1146^b 5, pp. 1036 – 39) It is the *virtue of maintaining virtue* against forces that would undermine it. Similarly, meta-tolerance is the virtue by which we *defeat the forces that move us to judge too quickly, to criticize too harshly and to impose sanctions excessively*. Tolerance is the meta-virtue that we call upon to *defeat intolerance* when it seeks to deprive others of equality and legitimate power, but tolerance is also the meta-virtue that we call upon to *validate intolerance* of evil and to defeat the familiar tendency to accommodate evil by falling into lazy patterns of appeasement or even the easy conveniences of “collaboration.” Tolerance is the meta-virtue that we rely upon to *regulate* ordinary intolerance, which is sometimes bad and sometimes good, depending upon its object. Ordinary tolerance therefore is a matter of degree because it determines just how far we should go in restricting the behavior and thoughts of others. The most important point to recognize is that just how far we should go in restricting ordinary toleration depends upon what it is good and what is evil, which is useful to us only to the extent that we *know* just what is good and what is evil.

This understanding of toleration helps to explain why it is that in matters of government and public policy we should generally favor ordinary, tolerant policies. When we attempt to condemn or restrict the behavior of other people, groups or nations, we are assuming that *we have moral authority*, which implies that we have moral knowledge, but as we have seen, the claim to moral *knowledge* is audacious. A person who claims to have moral knowledge must also claim to know

how to play the *moral knowledge language game*, but, there are a variety of opinions about which are the *legitimate moves* in the moral language game, or even whether there is just one or even a manageable number of moral language games. In fact, it is difficult to see just how we are to adjudicate different views about how to think about right and wrong. Each religion, each form of government, each people and culture seem to have their own way of sorting out the distinction between good and evil.

Each moral language game has its limits, but that does not imply that there is a limit that all language games have in common, which is precisely the problem. Keeping in mind that language games are individuated by the minutest of details, it is hard to believe that there is much that humans will ever agree that should be tolerated or suppressed. One can only hope that there are some lines that can be drawn. Perhaps all consistent moral language games will rule out killing for “fun,” or killing children. Perhaps it is not too much to hope that all will come to agree that it is absolutely intolerable to refuse to allow those who, as a matter of *conscience*, *seek to leave their own society and to join another*. There is no doubt, however, that language games about right and wrong are fragmented and contradictory. *If Lyotard is right, the sorry truth is that that every disagreement, however small, defines a new moral language game; hence the “Balkanization” of moral discourse. That explains why it is that that we divide ourselves into different religions, cultures, nations and social groups – each governed by its own language game of toleration.*

Toleration as an Ideal of Public Policy Yet the situation may not be as desperate as it seems. Earlier we agreed that the fundamental principle of the language game of meta-toleration is that the *one thing* that we cannot tolerate is *the intolerable*; in other words, we are “intolerant” of what we judge to be intolerable. But how about what we judge to be tolerable (in other words, what we judge not to be intolerable). Could we have a good reason to be intolerant of that? The answer forced upon us by the language game of meta-toleration is that we cannot have a good reason to be intolerant of what is tolerable, because what we viewed as tolerable then would necessarily be intolerable. As urged earlier, toleration is the default state; we must have a *reason* to move from a position of tolerance to intolerance, but any reason that is sufficient to move us from tolerance to intolerance implies that what we once thought we had sufficient reason to deem to be tolerable we now think is intolerable.

It follows that from the standpoint of public policy that *people should be free to do as they please as long as what they please to do is not intolerable*. This suggests, for example, that it is wrong to restrict religious freedom, unless the suppressed religion is suppressed because in its turn it seeks to suppress other religions (or indeed, to restrict the freedom of others to eschews all religion). It is wrong to impose restrictions upon the ways of living of various ethnic groups or cultural associations, unless those entities seek to impose their practices and beliefs upon others. Restrictions upon *liberty* can be justified only to the extent that they restrict the impositions of restrictions by others.

There are marks or indicators of tolerant societies or nations. As Mill insists *in On Liberty*, tolerant societies do not merely tolerate but encourage the free exchange of ideas. (Mill, 2008/1859, pp.

84f.) It is a weak, insecure, defensive society that refuses to allow its members to associate with others who challenge the dogmas of the majority or the authorities. Indeed, the ultimate act of unjustifiable intolerance is refusing to allow people to leave societies or institutions who impose restrictions that are intolerable. Perhaps it will be objected that surely those *who really know what is really intolerable should be the ones to decide how the rest of us should think or live*, which raises the big question: Just who are *they*? It is important to remember that in the history of thought many of the most “certain” doctrines have turned out to be incorrect. Even in the most certain of subjects, mathematics and physics, what have deemed to be certain truths have turned out to be false. As intimated earlier, for thousands of years the ideas that physical space is Euclidean was virtually taken for granted. Yet Einstein showed that in the neighborhood of significant masses, physical space is non-Euclidean. If we can be wrong about the Fifth Postulate of Euclidean geometry how ridiculous it is to think that we cannot be wrong about our religion, or the way we think of families or how we judge sexual practices. One of the only truths that we arguably know is the “meta-truth” (a truth about truth) that no one certainly has “*the*” incontrovertible truth about how people should think and live. What is really intolerable is the conceit that there is *real knowledge* about how to live. Indeed, tolerance, as we have earlier concluded, is the disposition to be open to new ideas and to the possibility that received certainties may be undone by new evidence. If mathematicians and physicists must be prepared to modify or give upon theories on the basis of new evidence, how can it be that moral, political and religious beliefs can be held more tenaciously? That is why it is that impositions of beliefs and ways of life upon others are unreasonable, and hence that meta-tolerance is a moral virtue. The point is that we just cannot be sure that our deepest convictions actually are true, and therefore we cannot be confident of the right to impose them upon others, Tolerance is among the most important of the meta-virtues, indeed, perhaps the most important of all the virtues, just because about the only thing that we actually do know is that it is unwise to be overly confident about what we think that we know. All this suggests that it bears repeating that beings who are more or less responsive to reason must agree that we shall do well to include in our respective narratives of tolerance the injunction to take a sympathetic view of competing views about how to think and how to live (except, of course, when the *competing view is not to allow others to take a view about how to live and how to think*). Those of us who oppose intolerance oppose it not because we know better how to think and how to live but rather because we know that neither we nor anyone else knows better about how to think and how to live.

As happy as this paper is with the conclusion that tolerance is a “meta-virtue,” the theory that has been developed so far exhibits only one form of toleration, meta-toleration. As we have emphasized earlier, there are conceptions of ordinary tolerance and intolerance that involve forms of life characterized by their respective, definitional language games. It is now time to take a look at this more familiar sense of “tolerance” and “intolerance.”

Schemes of Intolerance Perhaps it will be granted that this paper has been successful in describing the meta-virtue of tolerance and in defending the conclusion that the only thing of which meta-tolerance is intolerant is intolerance itself. Yet, it may also be justly objected that human beings are simply incapable of keeping to the ideals of tolerance. The practical limits of tolerance

that have been suggested so far allow for a wide variety of familial, religious and social structures and of widely divergent political systems and economic schemes for the distribution of burdens and benefits. The unavoidable reality, it may be objected, is that *human beings simply need structure*, and structure implies that some ways of living, forms of life, will involve restrictions on behavior and perhaps even on speech. Religions will mandate certain forms of familial relations and rule out others. Economic systems will distribute goods in divergent ways, some favoring equal distribution; others favoring hierarchical schemes in which some people are extraordinarily rich, and others are very poor or even destitute. Are we to say that these various schemes are intolerable? Might we just as well argue that societies that do not have finely defined structures are themselves intolerable because they “tolerate too much”?

As we have conjectured, the need for structure explains social “Balkanization.” Some countries allow what others prohibit, and that goes for social institutions and arrangements that exist within nation-states. At that level we might rank systems as more or less tolerant, and in at least two different senses. One ranking is determined by the *intensity* of allegiance to various social structures that involve prohibitions on behavior. Religious associations will cultivate especially intense feelings about what can and cannot be in conscience allowed. That is because religious institutions appeal to sources that have greater authority than the mere deliverances of human reason. Political, and especially military, institutions will also justify various restrictions on speech and behavior for one reason or another. In this sense we may say that tolerance is not a meta-virtue, but rather an ordinary “form of life” defined by its characteristic language game – for example by putative divine commands or by the demands of military life. These institutions will include prohibitions that go beyond the intolerance of the intolerable, and therefore the master argument of this paper will be unavailable to them. Justification for the restrictions they place on ordinary life must be justified by appeals that go beyond the toleration of everything except the intolerable; they will rely upon the need for the obedience to “orders” to prevail in the battle or to keep faith and to remain holy. Can these restrictions be tolerated, or must they be flatly condemned as intolerable? The answer is that *limitations* upon our freedom are legitimate *only as long as those limitations are freely accepted and provided that people are free to leave associations (including nation-states) that do not suit them*. Furthermore, the acceptance of certain restrictions at one point in life does not mean that they cannot reasonably and excusably be rejected at a later time. With qualifications, then, social institutions may legitimately limit what can be tolerated, as long as those limitations may be rejected by those who no longer are willing to play by the rules of those language games and therefore seek new forms of life.

In addition to the conceptual or semantical distinction between “meta-virtue” and “ordinary virtue” there is another sense in which there are levels of toleration. Here we distinguish two senses in which *ordinary tolerance* involves levels or orderings. Indeed, it is obvious that people will find some forms of behavior repugnant to an extreme degree and other forms of objectionable behavior easier to bear. Feelings that are especially *intense* involve personal relations. On the other hand, minor inequalities in the distribution of wealth may be countenanced without much effort. *Intensity* of feeling is not the only way in which ordinary schemes of tolerance and intolerance may be ordered.

A second ordering concerns *generality* and arises as restrictions are *more or less general*. There is a critical difference, for example, in restrictions upon the freedom to ridicule a head of state and restrictions merely to criticize anyone with authority. Here the generality extends to the scope of those to whom the restrictions apply (to one or to a whole class) as well as to the *degree* of the restriction (whether mere criticism or ridicule). Mere criticism is broader than ridicule, and of course whatever extends to all in authority extends far beyond the head of state. The more general restrictions on speech and thought, the less likely they are to be justified. Even so, narrower restrictions, in either sense, demand careful justification.

Summary and Conclusion The main theme of this paper is that there are two levels at which tolerance operates as a normative principle. One is at the ordinary, familiar sense in which restrictions on behavior are imposed upon individuals by institutions. The other is at the “meta-level,” the level this paper has been at pains to describe. At the ordinary level, more restrictions can be justified or at least countenanced provided that the restrictions are freely accepted on the basis of current information and can be modified as new information arises. At this level we find that restrictions may be more or less general, and the feelings associated with the intentions may be more or less intense. Social arrangements will generally be wise to minimize the intensity of negative feelings that often accompany onerous restrictions on behavior. More importantly, institutions that reasonably hope to endure are wise to emphasize malleability, which addresses the importance of modifying social arrangements as new conditions arise and as beliefs about them evolve. At the level of meta-tolerance, the only restrictions on activity that arise are acts of intolerance. At the ordinary, familiar level, restrictions on behavior and speech can be tolerated as long as those restrictions are *free*, and therefore can be modified or withdrawn entirely if conditions change and, most importantly, that people have the right of dissociation from social institutions that *they find to be contrary to their form of life and hence to be intolerable*.

Of course, it is right for this paper to qualify its own position by recognizing that there are doubtless many arguments that have gone unnoticed, or perhaps have been unintentionally mischaracterized, or perhaps have drawn upon values that are in flux or that may come to be in flux. If we criticize others for going too far on the basis of too little knowledge, we ourselves must be chary of urging new dogmas about the folly of dogmatism. Even so, it is reasonable to hope that the more expansive view of toleration urged by this paper might have a salutary effect on the human experiment by freeing people and institutions from restrictions that they find unbearable and which too often have led to conflict, destruction and death. In this age of mass destruction that threatens all life on Earth, it would appear that there is virtually no room for error. It is right to hope for public policies that tend to reduce violent conflict by *limiting intolerance*. Indeed, if anything is difficult to deny, it is that the rational language game of survival requires respect for planet Earth and avoidance of violent conflicts that could very well destroy all human life and even turn Earth into a “dead” planet that cannot support any life at all. Unfortunately, the sorry history of the human race suggests that we humans are not all that good at the rational language game of the preservation of nature or even of the survival of our species. Perhaps this is the right time to buy into the narrative of meta-toleration and the form of life it defines.

References

- Anselm, Archbishop of Canterbury, *Proslogicon*, (ca. 1070) (St. Anselm Centurarienus, M.J. Charlesworth, trans., *Opera Omnia*, Dom F.S. Schmitt O.S.B., Edinburgh, Nelson & Sons, 6 vols., 1946 – 61)
- Aristotle, W.D. Ross, trans., *Nicomachean Ethics* (NE), (ca. 340 BCE) (in McKeon, Richard, ed., *The Basic Works of Aristotle*, New York, Random House, 1941)
- Descartes, *Meditations on First Philosophy* V (1641) (Descartes, John Cottingham, *et al*, trans., *The Philosophical Writings of Descartes*, Vol. II, Cambridge, Cambridge University Press, 1984)
- Hume, David, *A Treatise of Human Nature* (1737), (Hume, D.F. Norton and M. Norton, eds., *A Treatise of Human Nature*, Oxford, at the Clarendon Press, 2007)
- Kant, *Critique of Pure Reason*, (1781) (Kant, *Immanuel Kant's Critique of Pure Reason*, trans. Norman Kemp Smith, London, MacMillan & Co. Ltd, 1963)
- Locke, John, Alexander Campbell Frasier, ed., *An Essay Concerning Human Understanding*), Vol. II, (1690) New York, Dover Publications, (published by permission of Oxford University Press as an unaltered replication of the First Edition of *An Essay Concerning Human Understanding* edited by Frasier in 1891, 1954)
- Locke, John, Charles Sherman, ed., *Treatise of Civil Government*, (TCG) (1688) (in *Treatise of Civil Government and a Letter Concerning Toleration*, Sherman, ed., New York Appleton-Century Croft, 1937)
- Locke, John, Charles Sherman, ed., *A Letter Concerning Toleration* (1689) (in *Treatise of Civil Government and a Letter Concerning Toleration*, Sherman, ed., New York Appleton-Century Croft, 1937)
- Lyotard, Jean-François, *La Condition postmodern; Rapport sur le savoir*, Bennington, Geoff, and Brian Massumi, trans, Minneapolis, University of Minnesota Press, 1984, pp. 3 – 17. (Reprinted as “The Postmodern Condition: A Report on Knowledge” (in Schacht, Richard, *The Norton Anthology of Western Philosophy: After Kant*: W.W. Norton and Company, New York and London, 2017, pp. 1542 – 57)
- Mill, John Stuart, *On Liberty*, (1859) (Mill, John Stuart, John Gray, ed., *On Liberty and Other Essays*, Oxford, Oxford University Press, 2008)
- Mill, John Stuart, *On the Subjection of Women*, 1869 (Mill, John Stuart, John Gray, ed., *On Liberty and Other Essays*, Oxford, Oxford University Press, 2008.
- Williams, Bernard, “A Critique of Utilitarianism” from *UTILITARIANISM: For and Against*, edited by J.J. Smart and Bernard Williams, New York, Cambridge University Press. (Reprinted in Cahn, Steven and Joram Haber, eds., *20th Century Ethical Theory*, Prentice-Hall, Englewood Cliffs, New Jersey, 1995, pp. 157 – 75)

Wittgenstein, "Lecture on Ethics," (in Cahn, Steven and Joram Haber, eds., *20th Century Ethical Theory*, Prentice-Hall, Englewood Cliffs, New Jersey, 1995) pp. 81 – 6.

Wittgenstein, Ludwig, *Logische-philosophische Abhandlung*, Leipzig, Annalen der Naturphilosophie, 1921 (with a companion translation on opposite sides into English by Pears, D.F., and B.F., McGuinness, *Tractatus Logico-Philosophicus*, London, Routledge & Kegan Paul and New York, The Humanities Press, 1961)